

CHAPTER 30. SEWER

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This is an Ordinance, pursuant to Title 30-A, Chapter 161, and other applicable law, as amended, regulating the use of public and private sewers and drains, private sewage disposal, the installation and connecting of building sewers, and the discharge of waters and wastes into the public sewer system; and providing penalties for violations thereof; in the Town of Rangeley, County of Franklin, State of Maine.

The purpose of this Ordinance is to promote the health and general welfare of the citizens of the Town of Rangeley by regulating and restricting the construction and use of sewerage systems and the accumulation, transportation, treatment and disposal of sewage in such a manner that the creation of any sewerage system, whether public, private, or commercial, shall not result in pollution, health hazards, or other nuisance. Hereafter, any person owning any building or structure within the Town of Rangeley which is the source of sewage and/or commercial wastes, or who proposes to erect such building or structure, shall conform to the requirements of this Ordinance.

Article 30.1 Definitions

Section 30.1.1 Language and terminology used in this Ordinance shall have the meanings commonly used and recognized in the wastewater collection and treatment field by professionals familiar with that field.

Section 30.1.2 Specific definitions of some frequently used and referenced terms can be found in Appendix A of this Ordinance.

Section 30.1.3 “Wastewater Treatment Facility” is also known as the Sewer Department consisting of all public sewer treatment facilities including interceptor piping and connections, force main piping and connections, pump stations, treatment plant and facilities, treatment processes, and other assets along with personnel and vehicles of the Town of Rangeley utilized for the purpose of collecting, conveying, and treating sewage. The Wastewater Treatment Facilities exist as a Division of Rangeley Public Works Department operated by the Town of Rangeley.

Article 30.2 Use of Public Sewers Required

Section 30.2.1 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 lake, pond, stream or harbor or in any area under the jurisdiction of said Town, any human excrement, garbage, or other objectionable waste. The term "unsanitary manner" shall not include reasonable spreading of animal excrement or other fertilizer in farming or animal husbandry operations.

Section 30.2.2 It shall be unlawful to discharge to any natural outlet within the Town of Rangeley, or in any area under the jurisdiction of said Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance and the requirements of State, Federal and local laws and regulations.

Section 30.2.3 Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, leachfield, cesspool, or other facility intended or used for the disposal of sewage except where no public sewer is available and where such private facilities are constructed or maintained in conformance with all State and municipal laws, ordinances, or regulations.

Section 30.2.4 The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes requiring the disposal of sewage, situated within the Town and abutting on any street, alley, or right-of-way in which there is located a public sanitary sewer of the Town, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within ninety (90) days after receipt of official notice to do so, provided that said public sewer is within two hundred (200) feet of the property line, unless prevented by topographical or other reasons. The Sewer Commission may, after receiving the recommendation of the Code Enforcement Officer, Town Engineer, and/or Superintendent, grant exceptions to residential housing units for newly installed private septic systems determined to be less than five (5) years old or where excavation of the public highway is prohibited by State law or regulation, or where unusual circumstances exist due to the presence of ledge, or financial hardship. In the event that an exception is granted under this section, a connection must be made within ten (10) years of the date such exception was granted. In cases where a building sewer stub has been provided, yet the property is not connected to the sewer system for any reason, the Town may assess a "Ready to Serve" fee as defined in Article 30.11.

Article 30.3 Private Sewage Disposal

Section 30.3.1 Where a public sewer is not available under the provisions of Article 30.2, the building sewer shall be connected to a private sewage disposal system complying with the requirements of the State Plumbing Code Part II, Maine Subsurface Wastewater Disposal Rules, 10-144 CMR 241 and/or Town Ordinances as may be amended from time to time.

Section 30.3.2 Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written plumbing permit signed by the Local Plumbing Inspector (LPI). The application for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Local Plumbing Inspector. A permit and inspection fee shall be paid at the time the application is filed. The amount of this fee shall be as set by the Town and/or by the State of Maine.

Section 30.3.3 A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Local Plumbing Inspector (LPI). The LPI shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall give the Local Plumbing Inspector at least twenty-four (24) hours prior notice of when the work is ready for final inspection, and before any underground portions are covered.

Section 30.3.4 The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.

Section 30.3.5 No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Town.

Section 30.3.6 When a public sewer become available, the building sewer shall be connected to said sewer within ninety (90) days after the date of official notice and the private septic tank or cesspool shall be cleaned of sludge and filled with clean bankrun gravel or dirt or removed. Upon inspection and to the satisfaction of the Local Plumbing Inspector (LPI), the Sewer Commission may allow the continued use of a private wastewater disposal system for the duration of its useful life up to a period not exceeding ten (10) years from the date a public sewer became available and in accordance with Article 30.2 of the Ordinance.

Article 30.4 Building Sewers and Connections

Section 30.4.1 No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a sewer connection permit from the Commission. All the work related to the installation of building sewers, and the connection to the public sewers shall be performed by persons licensed by the Sewer Commission. Requirements to obtain licensure shall be as indicated on standard application for licensure as issued by Commission.

Section 30.4.2 For all connections onto the sewer system, there will be both a connection fee and an inspection fee. The connection fee shall be paid at the time that the applicant files a permit for the connection. The inspection fee shall be paid at the time that the connection to the sewer is physically made. The amount of these fees shall be set annually by the Sewer Commission.

Section 30.4.3 There shall be two (2) classes of building sewer connection permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special 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 Commission.

Section 30.4.4 One copy of the permit shall be available for inspection at all times at the site of the work.

Section 30.4.5 In the case of multiple building units or connections, connections involving sewer extensions, or industrial discharge or pretreatment applications, the Town may require a monetary deposit sufficient to cover the cost of review of the application, including any expert advice deemed necessary by the Sewer Commission. The applicant may be required to pay an initial deposit. The amount of deposit shall be estimated by the Town and upon payment by the applicant, kept in a non-interest bearing account. Upon completion of the review process, the unused portion, if any, will be refunded. If the initial deposit is not sufficient to pay for the costs incurred by the Town, a second deposit shall be made and handled in the same manner as the first.

Section 30.4.6 All costs and expenses, incidental to the installation and connection 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.

Section 30.4.7 A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases, the front building sewer may be extended to the rear building, if approved by the Commission.

Section 30.4.8 Existing building sewers or portions thereof may be used in connection with new buildings only when they are found, on examination and test by the Commission, to meet all requirements of this Ordinance.

Section 30.4.9 Building sewer cleanouts shall be installed at intervals not to exceed 100 feet in straight lines and at all bends greater than 22 ½ degrees. The cleanouts shall consist of wyes and 45 degree elbows. Cleanouts shall be installed vertically to within 6 inches of the surface. A stainless steel strap shall be installed around the top of cleanouts constructed of nonmetallic pipe to allow their detection with a metal detector.

Section 30.4.10 Where possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building

sewer. Plans and details of the proposed lifting method shall be submitted to the Sewer Commission for review.

Section 30.4.11 No person shall make connections of roof drains, downspouts, foundation drains, areaway drains, basement drains, sump pumps, or other sources of surface runoff or groundwater, to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer without specific written permission from the Sewer Commission.

Section 30.4.12 The applicant for the building sewer permit shall notify the Wastewater Department at least forty-eight (48) hours before beginning the work and also when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Wastewater Department or its representative. This requirement shall also apply to repairs or alterations to building connections, drains, or pipes thereto.

Section 30.4.13 When trenches are opened for the laying of building sewer pipes, such trenches shall be inspected by the Superintendent before the trenches are filled, and the person performing such work shall notify the Superintendent when the installation of the building sewer is completed. If the trench is filled before inspection, the Superintendent may require it to be reexcavated for inspection.

Section 30.4.14 All excavations for a building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town at the expense of the owner.

Section 30.4.15 Main sewer collector lines which are constructed within subdivisions, condominiums and other developments, and which eventually discharge or connect into the public sewer system shall not be accepted by the Town of Rangeley for ownership and maintenance; but remain privately owned and privately maintained unless within a public right-of-way. The engineering design for the construction of sewer lines within subdivisions, condominiums and other developments shall comply with this Ordinance and shall be submitted to the Commission for written approval. The Commission and Superintendent may require that the engineering design plans be submitted to the Town's Consulting Engineer for their evaluation and approval prior to final approval by the Commission. Cost of the Town's Consulting Engineers to review, comment, recommend and approve the engineering design plans and the cost of on-site inspection during construction, shall be borne by the applicant, subdivider, developer or builder who shall agree in writing when the sewer plans are submitted to the Commission that he/she will pay for all review, approval and inspection costs. Private individual connections into private sewer lines shall also conform to this Ordinance.

Section 30.4.16 No connection of any kind shall be made directly from any private property to a Town pressurized force main sewer.

Section 30.4.17 The connection of the building sewer into an existing public sewer shall be made at the existing public sewer. All costs and expense incidental to the installation and connection of the entire length of 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. The method of connection of the building sewer to the public sewer will be dependent upon the type of pipe material used and in all cases shall be approved by the Town. The connection of the building sewer into the public sewer shall be made with a wye or tee branch. If none is available, a connection may be made by tapping the existing sewer with a saddle by a method approved by the Town.

Section 30.4.18 When any building sewer is to serve a school, hospital, or similar institution, or is to serve a complex of industrial or commercial buildings, or which, in the opinion of the Sewer Commission, will receive sewage or industrial wastes of such rate, volume, or character that frequent maintenance of said building sewer is anticipated, then such building sewer shall be connected to the public sewer through a manhole. The Sewer Commission shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the Sewer Commission or its representative. If required, a new manhole shall be installed in the public sewer pursuant to Appendix B, and the building sewer connection made thereto as directed by the Town or its representatives.

Section 30.4.19 All parts of new building drains and sewers shall withstand, under test without observable leakage, a ten foot head of water for a minimum period of fifteen minutes at a temperature above the freezing point of water. Alternately, the line may be air tested as defined in Appendix B.

Section 30.4.20 The building drain system shall be so vented that under no circumstances will the seal of any appliance be subjected to a pressure differential in excess of one inch of water. All appliances connected directly or indirectly to the building drain shall have traps with a liquid seal not less than two inches in depth.

Section 30.4.21 Sewer design including building services, sewer collectors and interceptors shall conform to the State Plumbing Code and to the specifications set forth in the Guidelines for Design and Construction of Sewers which is found in Appendix B. Any deviation from the prescribed procedures and materials must be approved by the Superintendent as being equivalent of, or superior to, those specified before installation.

Article 30.5 Licensing of Persons Authorized to Make Connections to the Public Sewers

Section 30.5.1 Plumbers and drain layers of established reputation and experience will be licensed by the Commission as Master Drain Layers authorized to perform work, subject to compliance with the following requirements.

- .1 Applicants for licenses are required to pay a filing fee established annually by the Commission as Master Drain Layer, payable to the Town, all of which will be refunded to the applicant if his application is rejected.

- .2 If required by the Commission, applicants for licenses shall file with the Commission a proper and acceptable Performance and Guarantee Bond in an amount established annually by the Commission which shall remain in full force and effect for a period of one year from the date of application.
- .3 Applicants for licenses, after approval by the Commission, shall file with the Commission, a Certificate of Insurance with minimum limits of liability established annually by the Town Manager to cover Public Liability and a Certificate of Insurance covering Property Damage that meets limits established annually by the Town Manager. In addition, a Certificate of Insurance covering Workmen's Compensation at statutory limits shall be filed, all of which shall remain in full force and effect for a period of at least one year from the date of approval. Said Insurance shall indemnify the Commission and the Town of Rangeley against any and all claims, liability, or action for damages, incurred in or in any way connected with, the performance of the work by a Master Drain Layer, and for or by reason of any acts or omission of said Master Drain Layer in the performance of his work.
- .4 Applicants for licenses will be approved or disapproved within a period of thirty-one (31) days after filing the application.
- .5 The application fee for licensing may be waived in the case of Master Plumbers.

Section 30.5.2 Other than licensed Master plumbers, the Commission will license Journeymen Plumbers and Drain Layers, who are personally engaged in making physical installation of sewer and drain connections upon payment of a license fee to be established annually by the Commission. If acting in the capacity of a Contractor, all provisions of Section 30.5.1 shall apply to this category.

Section 30.5.3 All licenses expire one year from the date of issuance thereof and no licenses are transferable. The fee for each renewal thereof shall be as established annually by the Commission which shall be due and payable on or before the anniversary date of issue.

Section 30.5.4 The Commission reserves the right to revoke any license if any provision of said license is violated.

Section 30.5.5 All licensees are required to give personal attention to all installations and shall employ only competent workers.

Section 30.5.6 All licensees are required to give a full written report to the Commission within twenty-four (24) hours in the event that prohibited substances are found in a sewer or house drain during the course of the work.

Section 30.5.7 Notification of the completion of the work with certification that all conditions of the Sewer Ordinance have been completed shall be filed in writing by the Superintendent with the Code Enforcement Officer and the Commission after the completion of the work covered in each permit.

Article 30.6 Sewer Extensions

Section 30.6.1 Sewer extensions, including individual building sewers from the sewer to the property line, may be constructed by the Town under public contract if, in the opinion of the Commission, the number of properties to be served by such extension warrants its cost and if the treatment plant has the capacity to handle said extension. Under this arrangement, the property owner shall pay for and install the building sewer from the public sewer to his residence or place of business in accordance with the requirements of Article 30.4. Property owners may propose sewer extensions within the incorporated Town by drafting a written petition, signed by a majority of the benefiting property owners, and filing it with the Town. The cost of such extensions may be assessed to the benefited property owners by the Town in any manner recommended by the Sewer Commission.

Section 30.6.2 If the Town does not elect to construct a sewer extension under public contract, the property owner, builder or developer may construct the necessary sewer extension, if such extension is approved by the Sewer Commission in accordance with the requirements of this Article. They must pay for the entire extension, including all expenses incidental thereto. Each building sewer must be installed and inspected as previously required and the inspection fee shall be paid. Design of sewers shall be as specified in this Article and the specifications set forth in the Guidelines for Design and Construction of Sewers which is found in Appendix B. The installation of the sewer extension must be subject to periodic inspection by the Town or Town's Engineer and the expenses for this inspection shall be paid for by the owner, builder or developer. The Commission's decisions shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass the leakage test required in Appendix B before it is to be used. The cost of sewer extensions thus made shall be absorbed by the developers or the property owners, including the costs of all building sewers.

Section 30.6.3 All extensions to the sanitary sewer system shall be designed by a Professional Engineer registered in the State of Maine. Plans and specifications for sewer extensions shall be submitted to the Sewer Commission at least forty-five (45) days before the regularly scheduled Sewer Commission meeting at which Sewer Commission approval of the plans and specifications will be evaluated. The expenses incurred by the Town in reviewing the plans and specifications shall be paid from a deposit made by the owner, builder, or developer at the time of application. The design of sewers and pump stations that may be needed to the Town shall anticipate and allow for flows from possible future system extensions or developments within the future drainage areas.

Section 30.6.4 All testing of sewers shall be conducted in the presence of a designee of the Sewer Commission. If the installation fails any test, the source of leakage shall be found and repaired and all defective materials shall be replaced.

Section 30.6.5 All sewer extensions constructed at the property owner's, builder's or developer's expense in which installation follows the specifications set forth in this Ordinance, after formal written final approval by the Sewer Commission and acceptance by the Town, may become the property of the Town, at the Town's sole discretion, and shall thereafter be maintained by the Town. Said sewers, after their acceptance by the Town, shall be guaranteed by the owner, builder, or developer against defects in materials or workmanship for twelve (12) months. The guarantee shall be in the form of a maintenance guarantee bond in an amount not less than 100% of the Engineer's estimate of the cost of the extension. The Town is under no obligation to accept any new sewer extension. Extensions that remain privately owned shall be maintained by their owners.

Section 30.6.6 No builder or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities within the Town, unless a suitable and approved method of sewage disposal is proposed.

Section 30.6.7 Connection of the sewer extension to the Town's facilities shall not be permitted until, 1) the completed sewer has been tested and passed to the satisfaction of the Superintendent, 2) all fees have been paid to the Town for the approved lots to be connected, 3) the one year maintenance guarantee bond in a form acceptable to the Town has been delivered, and 4) a formal decision has been made by the Town to retain the line as private and to allow its connection to the public sewer or to allow it to be connected for later consideration for acceptance as a Town sewer.

Section 30.6.8 Should the Town, at its sole discretion, elect to accept the connected sewer as a public sewer to be owned by the Town, no such acceptance may be made until 1) reproducible record drawings of the completed sewer have been provided to the Town, 2) an offer has been made from the owner(s), builder(s) or developer(s), in a form acceptable to the Town, to transfer ownership and maintenance responsibilities and property and easement rights to the Town, and 3) the Town has formally agreed to accept the sewer line.

Article 30.7 Use of the Public Sewers

Section 30.7.1 No stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters shall be discharged or caused to be discharged to any sanitary sewer. No direct connection shall be made from a public or private water supply to a building drain discharging to any sanitary sewer without specific permission from the Sewer Commission.

Section 30.7.2 Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Town. Industrial cooling water or unpolluted process waters may be

discharged, on approval of the Town, to a storm sewer or natural outlet if in accordance with regulations of the Maine Department of Environmental Protection

Section 30.7.3 None of the following described waters or wastes shall be discharged or caused to be discharged to any public sewers:

- .1 Pollutants which create a fire or explosive hazard, gasoline, benzene, naphtha, fuel oil, mineral oil or other flammable or explosive liquid, solid, or gas, or any substance that may generate or form any flammable, combustible or explosive liquid, solid, or gas when combined with air, water or other substances present in the sewers.
- .2 Waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantify, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
- .3 Cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
- .4 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 sewerage works.
- .5 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 sewage works, such as, but not limited to, stone, gravel, ashes, cinders, sand, concrete, paving materials, mud, straw, sticks, plaster, cement, mortar, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, cardboard, lime slurry, lime residues, beer or distillery slops, whey, paint, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- .6 Liquids or vapor having a temperature higher than one hundred-fifty (150) degrees Fahrenheit or 65 degrees Celsius.
- .7 Water or waste containing fats, soluble fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/L or containing substances, which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (and 0 to 65 degrees Celsius) which, in the sole opinion of the Superintendent, may overload or inhibit or otherwise cause adverse impacts on the treatment plant and its processes or on the sewerage collection system or its pump stations.

- .8 Garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths ($\frac{3}{4}$) horsepower or greater shall be subject to the review and approval of the Superintendent.
- .9 Waters or wastes containing strong acid iron-pickling wastes, or concentrated plating solutions whether neutralized or not.
- .10 Waters or wastes containing iron, chromium, copper, zinc, and similar objectionable, or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Commission for such materials.
- .11 Waters or wastes containing phenols or other taste or odor-producing substances in such concentration exceeding limits, which may be established by the Commission as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- .12 Radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by the Commission in compliance with applicable State or Federal regulations.
- .13 Waters or wastes having a pH in excess of 9.5.
- .14 Material which exert or cause unusual concentrations of inert suspended solids such as, but not limited to, Fullers earth, lime, slurries and lime residues, or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.
- .15 Material which exert or cause excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.
- .16 Material which exert or cause unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
- .17 Material which exert or cause unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- .18 Overflowing by draining from cesspools or other receptacles storing organic wastes.
- .19 Steam exhausts, boiler blow-off, sediment traps, or pipes carrying hot circulating water.

- .20 Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, which may inhibit treatment plant processes or sludge quality or disposal, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the groundwater receiving waters of the Town's wastewater treatment system.
- .21 Any noxious or malodorous gas such as hydrogen sulfide, sulfur dioxide or nitrous oxide or other substance, which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
- .22 Any stormwater, roof drains, spring water, cistern or tank overflow, footing drains, discharge from any vehicle wash rack or water motor, or the contents of any privy vault, septic tank or cesspool, or the discharge of effluent from any air conditioning machine or refrigeration unit.
- .23 No person shall discharge or cause to be discharged any waters or wastes containing a toxic or poisonous substance, a high chlorine or oxygen demand, or suspended solids in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard or violation in the groundwater receiving waters or effluent of the Town's sewage treatment plant, or contaminate or restrict the final end use of the treatment plant's sludge residuals.
- .24 Any heated waters or pollutants in amounts which will inhibit or interfere with biological activity in the wastewater treatment facilities, but in no case heated waters or pollutants in such quantities that the temperature at the treatment plant's influent exceeds 105 degrees Fahrenheit.
- .25 Any waters or wastes containing color, dissolved solids, or dye which would cause a visible discoloration of the treatment's plant's effluent.
- .26 Any waters or wastes containing suspended solids, whether inert or organic, which would cause visible turbidity of the treatment plant's effluent.
- .27 Any waters, wastes or substance which would cause the treatment plant's effluent to exceed whole effluent toxicity testing limits and priority pollutant limits as may be required by applicable State or Federal law.
- .28 Any septage or septic process discharges without the express written approval of the Superintendent.

Section 30.7.4 Any discharge of waters or wastes having a) a five (5) day Biochemical Oxygen Demand (BOD) greater than 300 parts per million; or b) containing more than 350 parts per million of suspended solids, or c) containing more than 15 parts per million of chlorine demand, or d) containing any quantity of substances having the characteristics described in this Article or e) having an average daily flow or pollutant mass greater than two (2) percent of the average daily sewage flow of the Town, shall be subject to the review and approval of the Commission. Where necessary, in the opinion of the Commission, the owner shall provide, at his expense, such pretreatment as may be necessary to, 1) reduce the Biochemical Oxygen Demand to 300 parts per million and the suspended solids to 350 parts per million by weight, or 2) reduce the chlorine demand to 15 parts per million, or 3) reduce objectionable characteristics or constituents to within the maximum limits provided for in this Article, or 4) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed pretreatment facilities shall be submitted for the approval of the Town, and no construction of such facilities shall be commenced until said approvals are obtained in writing. Failure to comply with one or more of the remedial procedures as required by the Town shall constitute a violation of this Ordinance.

Section 30.7.5 If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in this Article, and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Commission may:

- .1 Reject the wastes.
- .2 Require pretreatment to an acceptable condition for discharge to the public sewer.
- .3 Require control over the quantities and rates of discharge; and/or
- .4 Require payment to cover the added cost or sewer charges for the handling and treatment of such wastes under the provisions of this Ordinance.
- .5 If the Commission permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Commission, and subject to the requirements of all applicable codes, ordinances, and laws including Federal pretreatment standards.

Section 30.7.6 External grease, oil and sand interceptors shall be provided by the producer when the Ordinance limits for those substances are exceeded or when, in the opinion of the Commission, they are necessary for the proper handling of wastes containing grease in excessive amounts, or any flammable wastes, and, or other

harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity required by Maine Subsurface Wastewater Disposal Rules, 10-144 CMR 241 and shall be approved by the Town prior to installation, and shall be located as to be readily and easily accessible for cleaning and inspection. Although the Maine Internal Plumbing Code Rules may permit smaller trap sizes, the provisions of the Maine Subsurface Wastewater Rules, 10-144 CMR 241, shall prevail. External grease and oil receptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. Where installed, all grease, oil and sand interceptors shall be maintained and paid for by the owner in continuously efficient operation at all times and shall be readily accessible and open to inspection by the Town at any time. A maintenance record shall be maintained by the owner for the Town's periodic review.

Section 30.7.7 Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Section 30.7.8 When required by the Commission, the owner of any property serviced by a building sewer carrying industrial or unusual wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Commission. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

Section 30.7.9 All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property.

Section 30.7.10 No statement contained in this Article shall be construed as preventing any special agreement or arrangements between the Town and any discharger whereby a waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the discharger of concern.

Article 30.8 Pretreatment and Permitting of Industrial or Unusual Wastes

Section 30.8.1 The Town, at its discretion, may elect to allow an industrial or commercial or unusual waste producer to utilize the sewage works provided that it can be demonstrated that acceptance of the waste will result in:

- a. No violation of applicable Federal or State regulations, including DEP/EPA pretreatment requirements.
- b. No inhibition of, or damage to, the treatment plant's processes or equipment and no upsets of the plant's processes which lead to nuisance conditions, operational problems, or discharge license non-compliance.
- c. No pass through of any waste material not treatable in the Town's treatment plant.
- d. No contamination of the Town's sewage sludge with toxic or undesirable waste constituents and no impairment of the Town's ability to dispose of the treatment plant's sludge residuals.
- e. No creation of hazardous or unsafe conditions in the sewer system or treatment plant which might jeopardize the health and welfare of the general public or the Town's staff.
- f. Equitable allocation of sewer user fees such that the true cost of treating the industrial or unusual waste is fully borne by the sewer user that generated the wastes.

Section 30.8.2 Prior to accepting the waste, the Town may require that appropriate industrial or unusual wastes undergo pretreatment or flow equalization prior to its discharge into the Town's sewer system.

Section 30.8.3 When required by the Commission, the owner of any property served by a building sewer carrying industrial or unusual wastes shall install a suitable control manhole or other acceptable sampling location in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, or sample location, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Commission. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Section 30.8.4 No discharger or user shall increase the use of potable or process water, in any way, for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Ordinance. Pollutants, substances or wastewater prohibited by this Ordinance shall

not be processed or stored in a manner that would allow them to be discharged to the treatment plant.

Section 30.8.5 The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 and as from time to time amended are incorporated herein by reference. These standards must be adhered to by dischargers to, or users of, the Town's Publicly Owned Treatment Works.

Section 30.8.6 Local limits for certain pollutants may be established by the Town to protect against pass through, interference, process inhibition and damage, safety concerns, and sludge residual contamination. No person shall discharge wastewater containing in excess of the instantaneous maximum allowable discharge limits as identified in this Ordinance or on the user's wastewater discharge permit. All discharge limits shall be technically based and approved by the appropriate regulatory agencies.

Section 30.8.7 When requested by the Commission or Superintendent, users must complete a wastewater survey form, on a form supplied by the Commission, which contains information on the nature and characteristics of their wastes. This form must be submitted to the Commission prior to the discharge of the user's wastewater into the Town's sewage works. The Commission is authorized to prepare a form for this purpose and may periodically require users to update the survey. Failure to complete this wastewater survey form shall be reasonable grounds for terminating service to the user and shall be considered a violation of this Ordinance. Existing industrial dischargers or any other commercial establishment shall file wastewater survey forms within thirty (30) days after being notified by the Town, and proposed new dischargers shall file such forms at least ninety (90) days prior to connecting to the sewage works. The form shall include, but not be limited to, the following information:

- a. The name, address, and location of the user and the number of employees.
- b. The Standard Industrial Classification (SIC) Code of the user if applicable.
- c. The known, or suspected to be present, wastewater constituents and characteristics, including, but not limited to, those listed in this Ordinance. Any sampling and analysis that is required by the Town shall be performed in accordance with Standard Methods. The costs of all such sampling, analysis, and reporting shall be fully borne by the user.
- d. The time and duration of discharges.
- e. The average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be as actually measured unless other verifiable measurement techniques are approved by the Town.

- f. The site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location, and elevation adjacent to, or at, the user's premises.
- g. The activities, facilities, and plant processes on the premises, including all materials which are, or may be, discharged to the sewage works.
- h. The nature and concentration of any known or suspected pollutants or materials prohibited by this Ordinance from being included in the discharge, together with a statement regarding whether or not compliance is being, or will be, achieved with this Ordinance on a consistent basis and if not, whether additional operations and maintenance activities and/or additional pretreatment is required for the user to comply with this Ordinance.
- i. The identification of each product produced by the user by type, amount, process or processes, and rate of production.
- j. The type and amount of raw materials utilized, average and maximum per day, by the user.

Section 30.8.8 All disclosure forms and any periodic reports submitted by a user shall be signed by the principal executive officer of the user and shall contain the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations".

Section 30.8.9 The Commission will evaluate the completed wastewater survey forms and material safety data furnished by the user and may require the user to furnish additional information within fifteen (15) days after receiving notification from the Commission that additional information is required. After full evaluation and acceptance of all submitted data, the Superintendent shall make the determination as to whether the user is subject to pretreatment requirements based upon applicable Federal and/or State pretreatment regulations. If the Superintendent determines that the user is subject to pretreatment requirements, the Commission shall require the user to apply for a Wastewater Discharge Permit as required by this Article. The user shall make application for a Wastewater Discharge Permit, on a form provided by the Commission, within thirty (30) days after having received notification from the Commission to do so. The user shall provide with the permit application, at the user's own expense, the results of all sampling and analysis of the user's wastewater effluent as the Commission may

require to accompany the permit application. If so requested by the Commission, the user shall collect all required samples in the presence of the Superintendent.

Section 30.8.10 Every new or existing user of the Town's sewage works who is determined to be a categorical user or significant industrial user as defined in this Ordinance is required to obtain a wastewater discharge permit from the Commission.

Section 30.8.11 Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Commission to prevent waste pass-through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the sewage works. Wastewater discharge permits may impose effluent restrictions or limits on the user if the Superintendent determines that such limits are necessary to protect the quality of the treatment plant influent, effluent, or sludge, or to maintain compliance with any applicable Federal or State law, including requirements under the Town's DEP or NPDES permit and national categorical pretreatment standards for new and existing sources set forth in 40 CFR Chapter I, Subchapter N Parts 401-471.

Section 30.8.12 Wastewater discharge permits shall be issued for a specified time period not to exceed five (5) years. A wastewater discharge permit may be issued for a period of less than five (5) years. Each wastewater discharge permit shall indicate a specific date upon which it will expire.

Section 30.8.13 Wastewater discharge permits shall be issued to a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner or a new user, different premises, or a new or changed operation. To facilitate the issuance of new, separate permits, the Commission may allow new owners or individuals to operate under an existing wastewater discharge permit for a period not to exceed ninety (90) days.

Section 30.8.14 Wastewater discharge permits may contain requirements and compliance schedules for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, any of which would be designed to reduce, eliminate, or prevent the introduction of pollutants into the Town's sewerage works.

Section 30.8.15 Wastewater discharge permits may contain requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges to the Town's sewerage works.

Section 30.8.16 Wastewater discharge permits may contain requirements for the installation and maintenance of inspection and sampling facilities and equipment and for the reporting of all results to the Town.

Section 30.8.17 The Sewer Commission may modify, at any time, the wastewater discharge permit with good cause.

Section 30.8.18 Any user who violates any condition of its permit, or of this Ordinance, or of applicable State and Federal statutes and regulations, may have its permit revoked by the Sewer Commission.

Section 30.8.19 The Sewer Commission may require any user to develop and implement an accidental discharge/slug control plan. At least once every two (2) years, the Commission shall evaluate whether each significant industrial user needs such a plan. Any user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:

- a. Description of discharge practices, including nonroutine batch discharges;
- b. Description of stored chemicals;
- c. Procedures for immediately notifying the Town of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in this Ordinance; and
- d. Procedures to prevent adverse sewage works impacts from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

Section 30.8.20 Where additional pretreatment and/or operations or maintenance activities will be required to comply with this Ordinance, the user shall provide a declaration of the shortest schedule by which the user will provide such additional pretreatment and/or implementation of additional operations and maintenance activities. The Town reserves the right to determine the reasonableness of the proposed schedule, to modify the proposed schedule, or to reject the schedule. The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional treatment required for the user to comply with the requirements of this Ordinance, including, but not limited to, dates relating to hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with this Ordinance. No later than fourteen (14) days following each milestone date in the schedule and the final date for compliance, the user shall submit a progress report to the Commission including, at a minimum, a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return to the approved schedule.

Section 30.8.21 All significant industrial user(s) shall, at a frequency stated in their wastewater permit or as determined by the Sewer Commission, but in no case less than once per year, submit a report to the Sewer Commission indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment permit criteria or Ordinance standards and the measured or estimated average and maximum daily flows and loadings for the reporting period. All periodic compliance reports must be signed and certified in accordance with this Ordinance. All wastewater samples collected must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge. If a user subject to the reporting requirement in this Ordinance or its permit monitors any pollutant more frequently than required, the results of this additional monitoring shall be included in the report.

Section 30.8.22 Each user must notify the Sewer Commission in writing of any planned significant changes to its operations or process systems which might alter the nature, quality or volume of its wastewater at least sixty (60) days before the change. No user shall implement the planned changed condition(s) until and unless the Commission has responded in writing to the user's notice. Significant changes include, but are not limited to, flow or pollutant load increases of ten percent (10%) or greater, and the discharge of any previously unreported pollutants.

Section 30.8.23 If sampling performed by a user indicates a violation of their permit or this Ordinance, the user must notify the Commission within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Commission within thirty (30) days after becoming aware of the violation. In the case of any discharge, including, but not limited to, hazardous waste discharges, accidental discharges, discharges of a nonroutine or episodic nature, a noncustomary batch discharge, or a slug load that may cause potential problems for the sewage works, the user shall immediately telephone and notify the Superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user. Within five (5) days following such a discharge, the user shall submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the 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 sewage works, natural resources or other damage to persons or property; nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this Ordinance. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

Article 30.9 Protection from Damage

Section 30.9.1 No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment, which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Section 30.9.2 A contractor must present a certificate of insurance showing minimum liability coverage in an amount established annually by the Town for bodily injury and a limit for property damage including collapse and underground coverage in an amount established annually by the Town before a permit will be issued for construction of building sewers or sewer extensions. Sewer extensions may require higher coverage if so recommended by the Commission.

Article 30.10 Power and Authority of Inspectors

Section 30.10.1 The Commission, the Superintendent, and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance.

Section 30.10.2 The Commission, the Superintendent, and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Section 30.10.3 All installations shall be inspected before burying by a duly authorized inspector employed by the Town.

Section 30.10.4 The Commission shall have the authority to set up, on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's waste discharges. The user shall bear the costs of such setup or installation.

Section 30.10.5 The Commission may require the user to install monitoring equipment as the Superintendent deems necessary. The user's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least quarterly to ensure their accuracy.

Section 30.10.6 Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records or information obtained pursuant to any monitoring activities required by this Ordinance and any

additional records or information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include, but are not limited to, the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall be retained by the user for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the Town, or where the user has been specifically notified of a longer retention period by the Commission.

Section 30.10.7 Information and data on a user obtained from reports, surveys, wastewater discharge permits and monitoring programs, and from the Town's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Town, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information on the user under applicable State or Federal law. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose such confidential information shall not be made available for inspection by the public, but shall be made available immediately, upon request, to State and Federal governmental agencies for users related to the NPDES 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 Part 2.302 will not be recognized as confidential information and will be available to the public without restriction.

Section 30.10.8 If the Superintendent or designee has been refused access to any building, structure or property, or any part thereof, for the purpose of inspecting, sampling or otherwise monitoring compliance with this Ordinance, the Sewer Commission shall seek to secure an Administrative Inspection Warrant from the District Court pursuant to Rule 80E of Maine Rules of Civil Procedure. The warrant, if issued by the District Court, shall be executed pursuant to Rule 80E of Maine Rules of Civil Procedure by a uniformed Town or County police officer.

Article 30.11 Sewer Service Charges

Section 30.11.1 The Sewer Commission shall establish equitable and just sewer charges for the use of the sewerage facilities to be paid by every owner of an establishment whose building sewer connects directly or indirectly into public sewers. Such quarterly sewer charges shall be in proportion to the quantity of water supplied to every such establishment, subject to just and equitable discounts and abatements in exceptional cases, or in the case of private water supply, a fair estimate shall be used or reading from an installed water meter shall be made. The Commission may also assess capacity consumption fees and impact fees, as applicable, for new or modified sewer connections.

Section 30.11.2 The Sewer Commission reserves the right to change sewer service charges originally or previously assigned to any property owner.

Section 30.11.3 The owner of the property connected to the municipal sewer will be charged for the use of sewer service. The Commission will commit these charges each quarter to the Town Treasurer for collection. The Town shall bill sewer users each quarter per Town policy. In collecting these charges, the Town may place a lien against any property on which there are unpaid charges, fees, fines, or any other costs related to the enforcement of this Ordinance in accordance with 30-A M.R.S.A. 3406(2). Delinquent sewer use accounts shall automatically be assessed the costs incidental to filing the appropriate lien certificates in the registry of deeds, as well as any attorneys' fees, expenses, or costs associated with collection. The lien provisions of Title 30-A, Section 3406 of the Maine Revised Statutes Annotated shall be applicable. The Town's Treasurer has the same power and may use the same process set forth in 30-A M.R.S.A. Sec. 3406(3) and 38 M.R.S.A., Sec. 1208.

Section 30.11.4 An interest charge at the same rate as established by the Town for uncollected taxes will be made on all sewer bills not paid within thirty (30) days after the due date.

Section 30.11.5 A special sewer service charge shall be established for any industrial firm, commercial user, or organization who, by virtue of the volume, strength or unusual characteristic of their waste alone, would overload or upset the capacity or efficiency of the sewerage works or any part thereof if such waste entered the public sewer, if the cost to treat that wastewater is higher than that of typical domestic sanitary sewage, or whose waste disposal situation is such that it would be in the public interest to waive the basic requirements. The Town, after appropriate study, shall establish a Special Sewer Service Charge to the industrial firm commercial user, or organization by separate agreement with said firm. The appropriate portions of the proceeding sections, as well as the equitable rights of the public, shall be the basis for such an arrangement.

Section 30.11.6 The Town may assess a "Ready-to-Serve" fee to be paid by any property owner that has public sewer service available within two-hundred feet (200') of their lot but who, for any reason, has yet to connect to the sewer, provided that a building sewer stub has been installed and is ready for connection. If no building sewer stub is in-place, no Ready-to-Serve fee will be assessed. This fee is intended to offset the cost of making sewer service available to the property in the future even though there is not a current physical connection. This fee will be billed quarterly at the same time as connected sewer users receive their sewer bills and it shall be applicable to both improved lots and vacant lots for which public sewer service and a sewer stub is available within two hundred feet (200').

Section 30.11.7 Before the issuance of a connection permit for any activity requiring a connection permit under this Ordinance, the applicant shall pay to the Town a sanitary sewer capacity consumption fee in accordance with a fee schedule established by order of the Commission. The purpose of this fee is to allow the Town to recover the costs of the wastewater infrastructure capacity which will be consumed by a new sewer user or

by the modified use of an existing sewer user. The capacity consumption fee shall be calculated by multiplying the capacity consumption fee rate as established in the fee schedule by the daily design flow of the proposed activity as determined by the Commission. In determining the daily design flow, the Commission shall rely on the Maine Subsurface Wastewater Disposal Rules in effect at the time of application for a permit. In cases where the proposed activity is not listed in the Rules, the Commission shall make the determination of a reasonable daily design flow after consultation with the Maine Department of Human Services or any other appropriate authorities or references. For connection permit applications made on or after July 1, 2011 involving the expansion of an existing facility or use, an increase of sewage discharge, or the change of use of a property connected to the public sewer as of July 1, 2011 (and not involving a new building or structure), the Superintendent shall determine whether the daily design flow for the proposed activity will increase over the current flow from the property, the current flow being the highest daily design flow based on the actual use of the property in the two years immediately preceding the date of application. The Commission shall first calculate the proposed daily design flow, and then subtract therefrom the current daily design flow. If there will be an increase in the daily design flow, the resulting number shall be the daily design flow on which the capacity consumption fee shall be calculated. If there will be no increase in the daily design flow, no capacity consumption fee will be charged. All capacity consumption fees shall be deposited into a special interest-bearing reserve fund, and the monies in the fund shall be used to pay any capital costs related to: (1) enlargement or reconstruction of existing sewer lines, (2) construction of new sanitary sewers to replace existing lines, (3) construction of or modifications to pumping stations, (4) enlargement or upgrading of the sewage treatment plant, or (5) such other capital improvements to the system that the Town determines to be necessary or appropriate. The funds may not be used to finance routine maintenance and repair activities or other expenses solely related to the operation of the system. If the activity authorized by the connection permit is not commenced within one year from the date of issuance of the permit, the permit shall become null and void and the capacity consumption fee shall be retained by the Town, unless the Commission and the person enter into a written renewal agreement extending the term of the permit. Provided, however, that if Town has incurred costs or entered into obligations in reliance on the issuance of the connection permit and the payment of the capacity consumption fee, Town may retain so much of the capacity consumption fee as may be reasonably necessary and appropriate to cover those costs or obligations.

Section 30.11.8 In instances where any proposed development or use of any parcel of land in the Town results in the need to construct, replace, upgrade, reconstruct, enlarge, expand, or repair any essential infrastructure of the sanitary sewer system in order to accommodate the wastewater attributable to the proposed development or use, the Town may require the payment of an impact fee to cover the costs of the required improvements. The amount of the impact fee shall be determined by the Commission based on the portion of the improvements that will be utilized by the development or use. All impact fees shall be deposited into a special interest-bearing reserve fund, and any impact fee may only be expended for the purpose for which it was collected. If the Town does not use any impact fee within ten years from the date of payment, Town

shall refund that impact fee, with interest, to the person who paid the fee, or that person's successor or assignee. In addition, Town shall refund any portion of the impact fee that exceeds the development's share of the Town's actual costs for the improvements associated with that impact fee. If the development or use for which an impact fee was paid is not commenced within two years from the date of payment of the fee, the Town shall refund the impact fee, with interest, to the person who paid the fee, or that person's successor or assignee, unless the Commission and the person enter into a written agreement extending the time for the commencement of the development or use. Provided, however, that if Town has incurred costs or entered into obligations in reliance on the proposed development and the payment of the impact fee, Town may retain so much of the impact fee as may be reasonably necessary and appropriate to cover those costs or obligations.

Section 30.11.9 Town may elect, at its sole discretion, to construct excess capacity in a service area in conjunction with a project requiring the assessment of an impact fee. For example, a new sewer line upgrade or a pump station upgrade may be constructed with capacity beyond that needed for the current project since the sizing of such projects is not exact. Should a developer pay the full cost of a project through impact fees, the Town shall collect proportionate impact fees from future connections that benefit from the added capacity and shall refund the newly collected fees to the previous developer or their assignees. Should the Town elect to pay a portion of the initial capital costs for which impact fees are assessed, it may recover proportionate future impact fees from future connected sewer users that benefit from the added incremental capacity that was provided.

Section 30.11.10 Abatements of sewer use charges may be granted by the Sewer Commission upon application of a ratepayer where the ratepayer can demonstrate that a "loss" of water that did not enter the sewer occurred due to no fault of the ratepayer, his or her agents, or employees. Ratepayers are responsible for exercising due care in the maintenance of their water and sewer systems to prevent water losses for purposes of abatement. "Due care" shall be defined as the normal and reasonable steps which would be taken by a prudent individual in operating and maintaining their water and sewer systems. Abatements may also be granted if an applicant can demonstrate that an error in billing occurred, that a water meter reading was defective, or that significant volumes of water did not enter the sewer. Additionally, abatements may be granted due to extreme hardship with documented lack of ability to pay.

Section 30.11.11 The Commission shall be responsible for reviewing the basis for the requested abatement in light of the "due care" standard established in Section 30.11.10 above. The plant operator shall make a record of the results of the investigation which shall include an estimate of the amount of water lost. The estimate of water loss shall be based on a minimum of the previous four quarters of water consumption, if available, and consideration of seasonal water use patterns. This estimate of water loss shall be used to calculate the amount of the abatement should one be granted.

Section 30.11.12 When an abatement is granted, the amount of the abatement shall be calculated based on the total sewer use charge for the estimated amount of water

lost less the cost to convey and pump the estimated amount of water lost through the sewer system and treatment plant. The Superintendent shall be responsible for calculating, on an annual basis, the cost to convey and pump uncontaminated water through the sewer system and treatment plant. The basis for this calculation shall be the prior fiscal year's operation and maintenance costs of the system and plant.

Section 30.11.13 When an abatement is granted, the Town Treasurer shall be responsible for taking the necessary steps to correct the appropriate billing records to reflect the abatement or to process a credit where the sewer use charge in question has been paid.

Section 30.11.14 All requests for sewer abatements shall be forwarded to the Commission for their decision. Approved abatements shall be forwarded to the Town Treasurer for processing.

Section 30.11.15 Abatements shall not be granted for water used for watering lawns, gardens, filling swimming pools, or other outside water uses, unless ratepayers, at their own cost, install a secondary water meter that will measure only water used for these water use purposes. Installation of the secondary meter must be by secondary meter permit granted by the Commission or their designee. The installation must also be permitted by appropriate Town staff to ensure that the meter meets all requirements of the plumbing and building codes and is used only to measure water actually used for these water use purposes. The installation of the meter shall be inspected by the Plant Operator and must have an outside reader. The Plant Operator will read the meter quarterly in order to allow abatements, if applicable, to quarterly sewer bills. The Superintendent reserves the right to periodically inspect such meters to ensure continued compliance with the requirements of this subsection. Where a secondary meter is installed, the ratepayer may be granted an abatement which will be calculated in the same manner as outlined in Section 30.11.13 above for lost water.

Section 30.11.16 An abatement request shall only be considered for a maximum three (3) year period including the current year and the previous two (2) years and only to the extent that the applicant can conclusively demonstrate that the conditions causing the current abatement request can be proven to have existed during the prior two years. If such conclusive proof cannot be demonstrated to the satisfaction of the Commission, the abatement may be denied for all or part of the maximum three year period.

Section 30.11.17 In order for an abatement to be considered for any previous billing quarters, the applicant must demonstrate, with receipts marked "Paid", that full payment has been made for those sewer billing quarters. No abatement request will be reviewed for any previous billing quarter in which outstanding sewer bills, interest or penalties remain unpaid. Abatement requests for the current billing quarter will be considered even though the current bill is unpaid; however, the applicant shall remain responsible for all interest and penalties that may accrue during the current period while the abatement request is under review, providing for Sewer Commission approval to waive such fees.

Section 30.11.18 Any ratepayer who uses water in its end manufactured product which is shipped from the ratepayer's facility or in the process of manufacturing a product or providing a service and where such water does not enter into the sewer system, either in whole or in part, may apply for consideration of an adjustment to their sewer use fee determination to offset that portion of the water which does not reach the Town's sewer system. The applicant shall bear the burden of providing the necessary proof and documentation which must accompany the request for adjustment and must clearly demonstrate the quantity of water used which does not enter into the sewer system. All such requests for adjustment shall be made to the Superintendent who shall be responsible for reviewing the basis for the adjustment as well as the adequacy of the information provided. The Superintendent shall provide to the Sewer Commission his or her recommendation as to whether the adjustment should or should not be granted. The Sewer Commission shall make the final determination as to whether the sewer rate adjustment request shall or shall not be granted. The applicant should make this request at the time that they first connect their manufacturing process to the Town's sewer. During the period in which an adjustment is in effect, the Superintendent reserves the right to periodically inspect the ratepayer's premises and records to ensure that the ratepayer is in compliance with the terms and basis by which the adjustment was considered and granted. Should it be determined that the information provided by the ratepayer is invalid, that changes have occurred in the ratepayer's processes which have the effect of increasing the amount of water reaching the sewer system, or that more water is reaching the sewer system than reported by the ratepayer, the Sewer Commission may revoke the adjustment and the ratepayer shall be subject to a revised user charge equal to the full value of the adjustment for the period in which a current or prior adjustment was in effect.

Article 30.12 Intermunicipal Sewer Service

Section 30.12.1 The Commission may agree to accept wastewater flows generated by users served by sewer extensions into neighboring jurisdictions beyond the corporate boundaries of the Town of Rangeley.

Section 30.12.2 Prior to connecting to the Rangeley sewer system, the party requesting connection shall enter into a written Agreement with the Sewer Commission which must be voted on by the Town of Rangeley, and said Agreement shall be recorded in the Franklin County Registry of Deeds. Said agreement shall, as a minimum, stipulate the following:

- .1 That all connected sewer users shall be forever bound by the provisions of this Ordinance at the time of connection and as it may be amended in the future.
- .2 That all connected sewer users shall record said Agreement in the Registry of Deeds as an attachment to their property Deed.
- .3 That provisions of said Agreement shall be extended to all future successors, heirs, assigns, and users of the connected properties.

- .4 That all sewer use charges established by the Commission shall be assessed to and paid by, sewer users that connect beyond the Rangeley corporate boundary.
- .5 That the Commission shall set a different sewer user fee structure to users beyond the Town's corporate boundary that reflects the fact that Rangeley citizens pay for a portion of their sewer user costs through general taxation. Connected sewer users that do not pay property taxes in Rangeley shall be assessed a higher sewer user fee to equitably reflect the portion of any sewer charges that Rangeley residents pay through general taxation.

Section 30.12.3 The Town, upon a recommendation by the Commission, may cease to provide sewer service to any user beyond the Town's corporate boundaries, that is in violation of this Ordinance or delinquent by greater than ninety (90) days in any sewer use fees due. Such cessation of service shall occur after providing written notice to said user and may include physical disconnection of user's sewer service from Rangeley sewer system.

Section 30.12.4 In lieu of an Agreement with a connected sewer user beyond the Town's corporate boundary, the Town may alternately require that said Agreement be executed between the Town of Rangeley and the Town in which the sewer user is physically located. Provisions of such Agreement shall include the same requirements as stipulated above in Section 30.12.2.

Article 30.13 Penalty

Section 30.13.1 Any person found to be violating any provision of this Ordinance shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 30.13.2 Any person, individual, firm, corporation or partnership who fails to comply with the provisions of this Ordinance, other than those provisions pertaining to the payment of charges for services established herein, shall be subject to a fine not to exceed \$10,000 per offense. The amount of the fine will be determined based on a consideration of the type and severity of the violation, the number of violations, the duration of noncompliance, the impact of the violation on receiving water quality, sludge quality, operations, or the environment, the threat to human health, the existence of economic benefits or savings from noncompliance, compliance history, and good faith and timely efforts to restore compliance. The continued violation of any provision of any section of this Ordinance, other than those pertaining to the payment of charges for services established herein, shall constitute a separate offense for each and every day in which such violation of any provision hereof shall continue.

Section 30.13.3 The proper authorities of the Town, in addition to other remedies, may institute any appropriate action or proceedings including an injunction to prevent such unlawful use, to correct or abate such violation, to conduct appropriate environmental clean-up, and to prevent the occupancy or use of any building structure or land where said violations of this Ordinance are found.

Section 30.13.4 Any person violating any of the provisions of this Ordinance shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation. In addition, the Town of Rangeley shall be entitled to all relief, including its costs and legal fees as allowed by law. Notwithstanding any provision to the contrary, including the provision of 30-A M.R.S.A. Sec. 4452, as now existing or amended in the future, the Town of Rangeley shall be allowed to seek reasonable attorney fees, court costs, expert witness fees and costs and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Town.

Section 30.13.5 The Town may enter into Consent Order(s), Administrative Consent Agreements approved by the Board of Selectmen, or similar documents establishing an agreement with any person, individual, firm, corporation or partnership who fails to comply with the provisions of this Ordinance. Such document shall include specific action to be taken to correct the noncompliance within a specific time period. Such document may also contain other requirements as might be reasonably necessary and appropriate to address the noncompliance, including installation of pretreatment systems, additional monitoring, and management practices.

Section 30.13.6. The Town may immediately issue a Suspension Order to suspend a discharge, subsequent to actual notice or best efforts to achieve actual notice, whenever necessary to terminate an actual or threatened discharge that reasonably appears to threaten or cause an imminent or substantial endangerment to human health or welfare.

Section 30.13.7 The penalties provided by the Ordinance are non-exclusive of any and all other rights, causes, and claims that the Town may have under applicable state law.

Article 30.14 Interpretation of Requirements and Appeals

Section 30.14.1 The Sewer Commission may provide advisory interpretations of the meaning of technical terms and phrases in the Ordinance and otherwise respond to requests for clarification. An advisory interpretation or response to a request for clarification will not be subject to appeal.

Section 30.14.2 Any party aggrieved by any final determination under this Ordinance, as amended, from time to time, shall have the right of appeal within thirty (30) calendar days of said determination to the Board of Selectmen. The Board of Selectmen shall issue a final decision on appeal within thirty (30) calendar days. The Board of Selectmen's decision may be appealed by an aggrieved party to Maine Superior Court pursuant to Maine Rule of Civil Procedure 80B, provided that such

appeal is timely filed. An appeal to the Board of Selectmen or to Superior Court shall not act as a stay.

Article 30.15 Repeal of Conflicting Ordinances

Section 30.15.1 All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Article 30.16 Severability

Section 30.16.1 The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Article 30.17 Effective Date

This Ordinance shall be in full force and effect on Town Meeting, 2011, at which time, it was adopted by the Town of Rangeley.

Amended 9/13/2012 Special Town Meeting