SEWER USE RULES & REGULATIONS

Rules & Regulations regulating the use of public and private sewers and drains, private wastewater disposal, the installation and connection of building sewers, and the discharge of waters and waste into the public sewer system: and providing penalities for violations thereof: In the Town of Clarksburg, County of Berkshire, Commonwealth of Massachusetts.

Be it ordained and enacted by the Board of Selectmen of the Town of Clarksburg, Commonwealth of Massachusetts, acting as its Board of Sewer Commissioners, as follows:

ARTICLE I

Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in these Rules & Regulations shall be as follows:

Sec. 1 "The Applicant" Shall mean any person requesting approval to discharge wastewater to wastewater works or requesting approval to construct a new connection to the public sewer system.

Sec. 2 "The Board" shall mean the Board of Sewer Commissioners consisting of the three members of the Board of Selectmen.

Sec. 3 "Biochemical oxygen demand" (BOD) shall mean the quanity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.

Sec. 4 "Building drain" shall mean 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 buildings and conveys it to the building sewer, beginning five (5) feet (1.5 meters)outside the inner face of the building wall.

Sec. 5 "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal (including the required septic tank), also called house connection.

Sec. 6 "Combined Sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.

Sec. 7 "Domestic Wastewater" or Sanitary Sewage shall mean normal water-carried household and toilet wastes or waste from sanitary conveniences, excluding ground, surface or storm water.

Sec. 8 "Easement" shall mean an acquired legal right for the specific use of land owned by others.

Sec. 9 "EPA" shall mean the United States Environmental Protection Agency.

Sec. 10 "Excessive" shall mean amounts or concentrations of a constituent of a wastewater which, in the judgment of the Board (a) will cause damage to any town facility; (b) will be harmful to a wastewater treatment process; (c) cannot be removed in the treatment works to the degree required to meet the limiting stream classification standards and/or EPA and State effluent standards; (d) can otherwise endanger life, limb, or public property; and (e) can constitute a nuisance.

Sec. 11 "Facilities" shall include structures and conduits for the purpose of collecting, treating, neutralizing, stabilizing, or disposal of domestic wastewater and/or industrial or other wastewaters as are disposed of by means of such structures and conduits including treatment and disposal works, necessary intercepting, outfall, and outlet sewers, and pumping stations, intergral to such facilities with sewers, equipment and furnishings and other connecting appurtenances.

Sec. 12 "Floatable oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment

facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

Sec. 13 "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

Sec. 14 "Industrial wastes" shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

Sec. 15 "Interference" shall mean a Discharge by an Industrial User which, alone or in conjunction with discharges by other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal and which is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the POTW in accordance with groundwater protection rules, Ws 410, solid waste rules, He-P 1901.05, hazardous waste rules, He-P 1905.03 and Appendix III, the Clean Air Act, the Toxic Substance Control Act, and the Marine Protection Research and Sanctuaries Act.

Sec. 16 "National Categorical Pretreatment Standard" or "Categorical Pretreatment Standard" shall mean any regulations containing pollutant discharge limits promulgated by United States Environmental Protection Agency (USEPA) in accordance with Section 307(b) and (c) of the Clean Water Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

Sec. 17 "Natural outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Sec. 18 "May" is permissive (see "shall," Sec. 29).

Sec. 19 "Pass through" shall mean the Discharge of Pollutants through the Publicly Owned Treatment Works (POTW) into receiving waters in quantities or concentrations, which, alone or in conjunction with Discharges from other sources, is a cause of a violation of any requirements of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of applicable water quality criteria.

Sec. 20 "Person" shall mean any individual, firm, company, association, society, corporation, or group.

Sec. 21 "pH" shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7}.

Sec. 22 "Properly shredded garbage" shall mean 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 1/2-inch (1.27 centimeters) in any dimension.

Sec. 23 "Public Sewer" shall mean a common sewer controlled by a governmental agency or public utility.

Sec. 24 "Receiving Waters" shall mean any watercourse, river, pond, ditch, lake, aquifer, or other body of surface or groundwater receiving wastewater discharges.

Sec. 25 "Sanitary sewer" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

Sec. 26 "Sewage" is the spent water of a community. The preferred term is "wastewater", Sec. 37.

Sec. 27 "Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.

Sec. 28 "Sewer Service Area" shall mean that area of Town's Sanitary Sewers and Collection System Plan as being contained within the Plan I Sewer Servcie Area as indicated on Sewer System Map I and as amended by the Board.

Sec. 29 "Shall" is mandatory (see "may", Sec. 18).

Sec. 30 "Slug" shall mean any discharge of water or wastewater which is concentration of any given constituent or in quanity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

Sec. 31 "State" shall mean the Massachusetts Division of Water Pollution Control

Sec. 32 "Storm Drain" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

Sec. 33 "Suspended solids" shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater: and referred to as nonfilterable residue.

Sec. 34 "Town" Shall mean the Town of Clarksburg

Sec. 35 "User" shall mean any building whose building sewer is connected to the public sewer system or <u>is required to connect</u>.

Sec. 36 "Unpolluted water" is 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.

Sec. 37 "Wastewater" shall mean 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.

Sec. 38 "Wastewater facilities" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

Sec. 39 "Wastewater treatment works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."

Sec. 40 "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

ARTICLE II

Use of Public Sewers Required

Sec. 1 It shall be unlawful to discharge to any natural outlet within the sewer service area, or in any area under the jurisdiction of said Board, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this regulations.

Sec. 2 Except as hereinafter provided, it shall be unlawful to construct or repair any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater within the sewer service area.

Sec. 3 The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town's sewer service area and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the town, is hereby required at the owner(s) expense to install suitable domestic waste water and toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of these Rules & Regulations within a reasonable period of time but no more than a maximum of one (1) year after date of official notice to do so.

Sec. 4 All owner(s) of buildings located within the Town's sewer service area in which is located a town public sanitary sewer and who are required to connect are deemed users and are hereby subject to all sewer users charges whether or not they have connected to the public sewer.

Sec. 5 All owner(s) of houses and buildings with a connection to the public sewer shall at their own expense cause the closure of their septic or other sub-surface sewer system in accordance with the requirements of the Board of Health. Subject closure shall be inspected and approved by the Board of Health in which an inspection fee shall be charged.

ARTICLE III

Building Sewers and Connections

Sec. 1 No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Board.

Sec. 2 There shall be two (2) classes of building sewer permits: Residential and Commercial Service. In either case, the owner(s) or his agent shall make application on a speical permit form furnished by the Board. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Board. A permit fee of Twenty Five ($25) dollars for a residential dwelling unit, Fifty ($50) dollard for general business and multable dwelling buildings, Seventy Five ($75) dollars for a commerical/ industrial building shall be paid to the town at the time the application is filed. The cost for the Board's representative to review proposed sewer designs and inspect the installation of the sewer shall be paid by the permit application fee. The permit application fee shall be paid at the time of the filing.

Sec. 3 Private Contractors contracted for installing and connecting building's sewer to the Town's public sanitary sewer by building's owner must make application for Permit to Perform Sewer Installation for each installation and connection. The application requires either proof of current liability insurance, including complete operations coverage or a signed waiver from the building's owner. The permit fee is Ten ($10) dollars paid at the Administration Office upon taking out the application. Private Contractors shall familiarize themselves with Sewer Rules & Regualtions including Appendix A - Specifications.

Sec. 4 All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 5 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 adjourning alley, court, yard, or driveway, the front building may be extended to the rear building and the whole considered as one building sewer, but the town does not and will not assume any obligation or responsiblity for damage caused by or resulting from any such single connection aforementioned.

Sec. 6 Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Board or its duly authorized representative, to meet all requirements of this regulation.

Sec. 7 The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the attached Appendix A Town of Clarksburg's Specifications for Laying Public Sewers, Building Sewers, and Building Drains, the building and plumbing codes and other applicable rules and regulations of the town. In the absence of code provisions or in amplificationthereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and Water Pollution Control Federation (WPCF) Manual of Practice No. 9 shall apply. If deemed necessary by the Board, the plans and specifications

Sec. 8 Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Sec. 9 No person(s) shall make connection of roof downspouts, foundation drains, areasway 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 sanitary sewer.

Sec. 10 The connection of the building sewer into the public sewer shall conform to the requirements of the attached Appendix A "Town of Clarksburg's specifications for Laying Public Sewers, Building Sewers, and Building Drains", the building and plumbing code or other applicable rules and regulations of the town or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gas tight and watertight and verified by proper testing. Any diviation from the prescribed procedures and materials must be approved by the Board before installation.

Sec. 11 The applicant for the building sewer permit shall notify the Board or its duly authorized representative when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Board's duly authorized representative.

Sec. 12 Prior to construction of any wastewater facility on public property, the applicant or his private contractor shall furnish the Board with a performance bond equal of 100 percent of construction and acceptance by the Board, the performance bond shall be released to the applicant.

Sec. 13 All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

Sec. 14 Any person proposing a new discharge into the system or a substantial change (1.5 times the average daily discharge for that specific user) in the volume or character of pollutants that are discharged into the system shall notify the Board at least 60 days prior to the proposed change or connection by means of a sewer discharge permit application. Proposed new discharges from residential or commercial sources involving loading exceeding 2,000 gallons per day must be approved by the State. The Board is authorized to reject any sewer discharge request which is found to be detrimental to the Wastewater Facilities as defined in Article I Section 38.

ARTICLE IV

Use of Public Sewers

Sec. 1 No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer.

Sec. 2 Stormwater and unpolluted drainage shall be dischagred to such sewers as are specifically designated as storm sewers, or a natural outlet approved by the Board. Industrial cooling water or process waters require an NPDES permit prior to discharge to a storm sewer or natural outlet.

Sec. 3 No person(s) shall discharge or cause to be discharged any of the following described waters or waste to any public sewers:

(a) Any industrial waste, gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid or gas.

(b) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interface with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.

(c) Any waters or wastes having ph lower than 5.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewaters works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow of sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to , ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar plastics, wood, underground garbage, whole blood, paunch manure, hair, and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(e) Wastewater sufficiently hot to cause the influent at the wastewater treatment facilities to exceed 104°F (40°C) or cause inhabition of biological activity in the POTW.

Sec. 4 The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Board may set limitations lower than the limitations established in the regulations below if in their opinion such more severe limitations are necessary to meet the above objectives. In forming their opinion as to the acceptability, the Board will give consideration to such factors as the quantity of subject waste in

relation to flows and velocities in the sewers, materials of construction of the sewers, the waste-water treatment process employed, capacity of the waste-water treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors, The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Board are as follows:

(a) Any liquid or vapor having a temperature higher than one hundred fifty (150) °F (65°C).

(b) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.

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

(d) Any garbage that has not been properly shredded (see Article I, Section 17). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage orignates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.

(e) Any waters or wastes containing heavy metals, solvents, or similar objectionable or toxic substances or wastes exerting an excessive chloring demand to such degree that any such material discharged to the public sewer exceeds the limits established by the Board, the State or the EPA for such materials.

(f) Any waters or wastes containing order-producing substances exceeding limits which may be established by the Board.

(g) Any radioactive wastes or isotopes of such half-life on concentration as may exceed limits established by the Board in compliance with applicable state or federal regulations.

(h) Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.

(i) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment precess employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(j) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deliterious to sturctures and treatment process.

(k) Wastewater with any of the following constituents (without the prior approval of the Board):

(1) Strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(2) Phenols or other taste or odor producing substances.

(3) Concentrations of suspended solids greater than 300 mg/l, by weight.

(4) Materials which may cause excessive discoloration (such as, but not limited to. dye wastes and vegatable tanning-solutions).

(5) Concentrations of BOD greater than 300 mg/l, by weight.

(6) Concentrations of total kjeldahl nitrogen greater than 85 mg/l, by weight.

(7) Concentrations of phosphorous greater than 10 mg/l, by weight.

(8) Waters which have a high chlorine demand.

(9) Waters which have an average daily flow rate which will cause the receiving treatment facility to exceed

it's design average daily flow rate.

(10) Materials which are not amenable to treatment or reduction by the wastewater treatment process employed.

Sec. 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 Section 4 of this Article, and which in the judgement of the Board, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Board may:

(a) Reject the wastes,

(b) Require pretreatment to an acceptable condition for discharge to the public sewers.

(c) Require control over the quantities and rates of discharge, and/or

(d) Require payment to cover added cost of handling and treating the wastes.

If the Board permits the pretreatment or equalization of waste flows, the design and installation of the pretreatment facilities shall be subject to the review and approval of the town and the State, and subject to the requirements of all applicable codes, ordinances and laws. Such facilities shall not be connected until said approval is obtained in writing. Plans and specifications for a proposed treatment facility shall be the result of the design of the professional engineer. Such approval shall not relieve the owner of the responsibility of discharging treated waste meeting the requirements of these Rules and Regulations.

Sec. 6 Grease, oil, and sand interceptors shall be provided when, in the opinion of the Board, they are for the proper handling of liquid wastes containing floatable oil or grease in excessive amounts, as specified in Section 4(c), or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall be a type and capacity approved by the Board, and

shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Board. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licenses waste disposal firms.

Sec. 7 All industrial waste shall be pretreated in accordance with federal and state regulations and this ordinance to the extent required by applicable National Catergorical Pretreatment Standards, state pretreatment standards or standards established by the Board, whichever is more stringent. Where pretreatment or flow-equlalizing facilities are provided or required for any waters or wastes, they shall be maintained continously in satisfactory and effective operation by the owner(s) at his expense.

Sec. 8 The Board may require a user of sewer services to provide information needed to determine compliance with these Rules & Regulations. These requirements may include:

(a) Wastewater discharge peak rate and volume over a specified time period.

(b) Chemical analyses of wastewaters.

(c) Information on raw materials, processes, and products affecting wastewater volume and quality.

(d) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.

(e) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.

(f) Details of wastewater pretreatment facilities.

(g) Details of systems to prevent and control the losses of materials through spills to the municipal sewer

Sec. 9 All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in these Regulations 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, or with the EPA-approved methods published in the Code of Federal Regulations, Title 40, Part 136 (40 CFR 136) 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 to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.

Sec. 10 Septic tank waste (septage) will not be accepted into the wastewater facilities.

Sec. 11 It shall be illegal to meet requirements of these Sewer Regulations by diluting wastes in lieu of proper pretreatment.

ARTICLE V

Sec. 1 No person(s) shall malicioulsy, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE VI

Powers and Authority of Inspectors

Sec. 1 The Board or its duly authorized representatives bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this Regulation.

Sec. 2 The Board or its duly authorized representatives are authorized to obtain information concerning industrial processes which have a bearing on the kind and source of discharge to the public sewer. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

Sec. 3 While performing the necessary work on private properties referred to in Artilce VI, Section 1, the Board or its duly authorized representative shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the members of the Board or its duly authorized representative, and the Board shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V, Section 8.

Sec. 4 The Board and its duly authorized representatives 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 wastewater facilities laying 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.

Sec. 5 Building sewer line (lines from building drains to the public sewer) shall be maintained in a satisfactory and continous effectual operational condition by building owner(s). Blockage or other impedments within the building sewer line shall be corrected and or repaired by building owner(s). All costs and expenses incidential to building line maintenance and repairs shall be borne by the owner(s).

ARTICLE VII

Penalties

Sec. 1 Any person found to be violating any provision of these Rules & Regulations except Article V shall be served by the Board 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. The Board may, after informal notice to the person discharging wastewater to the public sewer, immediately halt or prevent any such discharge reasonable appearing to present an imminent endangerment to the health and welfare of persons, or any discharge presenting, or which may present, an endangerment to the environment, or which threatens to interfere with the operation of the public sewer or wastewater treatment facilities.

Actions which may be taken by the town include ex party temporary judicial injunctive relief, entry on private property to halt such discharge, or demand of specific action by the person.

Sec. 2 Any person who shall continue any violation beyond the time limit provided for in Article VII, Section 1 shall be fined in the amount not exceeding $500 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. Ref: RSA7:17 (Supp.), RSA 149-1.6, RSA 31:39 (Supp.).

ARTICLE VIII
Validity

Sec. 1 All Rules & Regulations or parts of Rules & Regulations in conflict herewith are hereby repealed.

Sec. 2 The invalidity of any section, clause, sentence, or provision of these Rules & Regulations shall not affect the validity of any other part of these Rules & Regulations can be given effect without such invalid part or parts.

Sec. 3 These rules may be amended at any time by the Board of Selectmen acting as the Board of Sewer Commissioners as provided by law.

ARTICLE IX
Rules & Regulations in Force

Sec. 1 These Rules & Regulations shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

Sec. 2 Passed unanimously and adopted by the Board of Selectmen acting as the Board of Sewer Commissioners of the Town of Clarksburg, State of Massachusetts, at a duly authorized Board of Sewer Commissioners meeting held on the 27th day of June, 1990.

BOARD OF SELECTMEN
ACTING AS BOARD OF SEWER
COMMISSIONERS

Michael J. Wood, Chairman

Edward J. Denault

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