



AGENDA
TOWN COUNCIL
WORKSHOP
FEBRUARY 13, 2018
LISBON TOWN OFFICE
6:00 P.M.

Town Council
Allen Ward, Chairman
Chris Brunelle, Vice Chairman
Norm Albert
Dale James Crafts
Kris Crawford
Kasie Kolbe
Mark Lunt

1. CALL TO ORDER & PLEDGE TO FLAG

2. ROLL CALL

___ Councilor Albert ___ Councilor Brunelle ___ Councilor Crawford ___ Councilor Kolbe
___ Councilor Larochelle ___ Councilor Lunt ___ Councilor Ward

Town Clerk reading of meeting rules

3. SEWER ORDINANCE & MS4 DISCUSSION

4. ADJOURNMENT

SUMMARY OF LISBON COUNCIL MEETING RULES

This summary is provided for guidance only. The complete council working rules may be found on the town website www.lisbonme.org on the Town Officials, Town Council page.

The meeting agenda is available from the town website under Council Agendas and Minutes.

1. Please note the order that agenda items may be acted upon by the Council, however, if necessary, the Council may elect to change the order of the agenda.
2. The Council Chairman presides over the meeting. When the Chairman is not present, the Vice Chairman serves that function. The chair shall preserve decorum and decide all questions of order and procedure subject to appeal to the town council.
3. Public comment is not typically allowed during Council workshops. There may be occasions where public comment may be recruited, but normally, workshops are reserved for Council members to discuss and educate themselves on a variety of issues facing the Town. Prior to the conclusion of a workshop, if time permits, the chair may allow questions from the public.
4. During audience participation, anyone wishing to address council will wait to be recognized by the chair before beginning any remarks. Audience members will move to the lectern to address council, and shall provide name and address prior to addressing the council.
5. Note that "Consent Agenda" items (if there are any) are acted upon first, voted upon as a group, and will most often be voted on without discussion as these items often involve "housekeeping" issues (such as minor parking changes). On occasion "Consent Agenda" items are separated out as stand-alone action items by the Council to allow for more discussion.
6. Public comment on agenda items. General comments on agenda items should be made during audience participation. After introduction of an agenda item, appropriate motions, and time for explanation and council questions, the public may be allowed to comment on that agenda item at the discretion of the chair. During that period of time, the public comment shall address only the agenda item before council.
7. Action on agenda items. As each item on the agenda for any meeting is brought to the floor for discussion:
 - a. The town clerk reads the agenda item and the action being requested of council.
 - b. The sponsor of each item or, if there is no council sponsor, the town manager, or town staff, shall first be allowed to present their initial comments for consideration by the public and councilors.
 - c. Following this introduction of the issue, there will be time devoted to any questions of the sponsor or the town manager or staff regarding the agenda item which any councilor may have which would help to clarify the question presented by the agenda item. The chair may allow questions from the public during this time however; no debate or discussion of collateral issues shall be permitted.
 - d. When authorized by the chair, any additional public comment shall be no longer than two minutes per person and must be to request or furnish new or undisclosed information or viewpoints only.
 - e. Once an agenda item has been explained and clarified by any questioning, the discussion on the specific agenda item will remain with the council. Additional public comment, prior to final council vote; will only be allowed at the chairman's discretion.
8. New business is for the council to receive input on town matters not on the agenda for that meeting. It is not intended, nor shall it be construed as an opportunity for debate of previous agenda items or reinforcement of a point made by another speaker. Comments shall be to furnish new or undisclosed information or viewpoints and limited to a time period of two minutes or less and shall be directed through the chair.
9. If an "Executive Session" is conducted by the Council, State Statute prohibits public attendance for any discussion of the action to be addressed by the Council. Any action taken by the Council on any "Executive Session" matter must be acted upon in a public meeting, and may occur at the end of the "Executive Session" (which has no time element relative to the length of the discussion involved in the "session").

SEWER USE ORDINANCE
FOR
TOWN OF LISBON, MAINE

FEBRUARY, 2018

REVISION NO. 2

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CHAPTER 34. SEWER USE ORDINANCE

(January, 2018 - Revision 2)

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CHAPTER 34 - SEWER USE ORDINANCE

Article 34.0 - General

An Ordinance regulating the use of public and private sewers and drains, private sewage disposal, the installation and connection 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 Lisbon, County of Androscoggin, State of Maine.

Ordinance Scope and Purpose. The purpose of this Ordinance is to promote the health and general welfare of the citizens of the Town of Lisbon 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, commercial or industrial, shall not result in pollution, health hazards, or other nuisance. Hereafter, Any-any person owning any building or structure within the Town which is the source of sewage and/or commercial or industrial wastes, or who proposes to erect such building or structure shall conform to the requirements of this articleOrdinance.

Article 34.1 Reference to Definitions

Section 34.1.1 - Definitions. 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 34.1.2 - Appendix A. Specific definitions of some frequently used and referenced terms can be found in Appendix A of this Ordinance.

Section 34.1.3 - "Wastewater Treatment Facility or Sewer Works" 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 Lisbon utilized for the purpose of collecting, conveying, and treating sewage. The Wastewater Treatment Facilities exist as a Division of Lisbon's Public Works Department operated by the Town of Lisbon.

Article 34.2 Use of Public Sewers Required

Section 34.2.1 - General Restrictions. It shall be unlawful for any person to place, deposit or permit to be placed or 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 the Town, any human or animal 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 34.2.2 - Unlawful Discharge. It shall be unlawful to discharge to any natural outlet within the Town or in any area under the jurisdiction of the Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article and the requirements of ~~state~~State, Federal and local laws.

Section 34.2.3 - Individual Wastewater Disposal. - Except as hereinafter provided, ~~in this article~~, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater except 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 34.2.4 - Requirements to Connect to the Public Sewer System. The owners of all buildings, or other properties used for human occupancy, employment, recreation or other purposes situated within the Town 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 required at the owner's expense to install suitable toilet facilities in such places and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article within 90 days after date of official notice to do so, provided that said public sewer is within 200 feet of the structure to be served unless undue hardship would result, in which case the property owner should request in writing a deferral of this property; and the owner shall be required to demonstrate the nature and degree of hardship. (Refer to Section 34.14.2(b) of this Ordinance for definition of "Undue Hardship".) Readiness-to-serve charges will be made on unimproved lots if they are buildable within the terms of ~~chapter~~Chapter 70 of ~~this the Town's~~ Codes upon issuance of a building permit.

Article 34.3 Private Disposal Systems

Section 34.3.1 - Private Disposal Systems. Where a public sewer is not available under the provisions of Article ~~34-196~~34.2.4, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article and the State of Maine Plumbing Code, Part II, Subsurface Wastewater Disposal Regulations 144A CMR 241, the Minimum Lot Size Law (12 M.R.S.A. § 4807 et seq.) ~~and Town Ordinances as may be amended from time-to-time.~~ No private wastewater disposal system shall be permitted to discharge to any natural outlet.

Section 34.3.2 - Plumbing Permits Required. Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the licensed ~~Code Enforcement Officer~~Code Enforcement Officer/Plumbing Inspector. The application for such permit shall be made on a form furnished by the ~~Town obtained from the~~ division of health engineering, state department of human services, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the ~~plumbing inspector~~Code Enforcement Officer/Plumbing Inspector. A permit and inspection fee, as specified ~~by the Town in Appendix B in the State of Maine Plumbing Code, Part II - Subsurface Wastewater Disposal Regulations,~~ shall be paid to the plumbing inspector at the time the application is filed.

Section 34.3.3 - Inspection of Private Disposal System Required. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the ~~Code Enforcement Officer~~/Plumbing Inspector. The ~~Code Enforcement Officer~~/Plumbing Inspector shall be allowed to inspect the work at any stage of construction. The applicant for the permit shall give the ~~Code Enforcement Officer~~/Plumbing Inspector at least ~~twenty-four (24)~~fourty eight (48) hours before the work is ready for final inspection and before any underground portions are covered.

Section 34.3.4 - Maintenance of Private Sewage Facilities. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town.

Section 34.3.5 - Conflicts of Ordinance. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the ~~town's health officer or building inspector~~Town.

Section 34.3.6 - Use of Private Disposal Systems Following Availability of Public Sewer. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Section ~~34-196~~34.2.4, a direct connection from the building sewer to the public sewer shall be made within 90 days after the date of official notice; and any septic tanks, cesspools, and similar private wastewater disposal facilities shall no longer be used and shall be cleaned of sludge and filled with suitable material, such as clean bank run gravel, or completely removed. Upon inspection, and to the satisfaction of the Code Enforcement Officer/Plumbing Inspector, the Superintendent may allow the continued use of a private wastewater disposal system for the duration of its useful life and in accordance with Article 34.2.4 of this Ordinance.

Article 34.4 Building Sewers and Connections

Section 34.4.1 - Sewer Connection Permit. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb the public sewer or appurtenance of the sewer without first obtaining a ~~written sewer connection~~ permit from the Superintendent. All work related to the installation of building sewers and the connection to the public sewer shall be performed by persons qualified on this class of work and acceptable to the Superintendent.

Section 34.4.2 - Notification of New Discharge or Change. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Superintendent at least 45 days prior to the proposed change or connection, and shall comply with 38 M.R.S.A. § 361 et seq.

Section 34.4.3 - Classes of Building Sewer Permits. There shall be two (2) classes of building sewer permits, one for residential and commercial service and one 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 Superintendent. A permit and inspection fee ~~of \$25.00~~ for ~~a~~-residential or commercial building sewer permits and ~~\$50.00- a separate fee~~ plus all costs for the review and analysis of the waste for ~~an~~ commercial or industrial building sewer permit shall be paid to the Town at the time the application is filed. (Appendix B contains the most recent fees set by the Town Council).

Section 34.4.4 - Sewer Connection Fees. For all connections into the sewer system, there will be both a permit connection fee and an inspection fee. Both the connection fee and the inspection fee shall be paid at the time that the applicant files a permit for the connection. The applicant is also required to obtain the sewer connection permit at the time the building permit is applied for. The amount of these fees shall be set annually by the Town Council. (Appendix B contains the sewer connection fees set by the Town Council). A connection fee shall be charged for each new connection to the public sewer. (See Appendix B)~~For residential customers, the connection fee shall be \$1,000.00 for the first dwelling unit and \$750.00 for each subsequent dwelling unit connected to the public sewer through the same building sewer or private sewer. For non-residential customers discharging typical domestic-strength wastewater (no more than 300 mg/l BOD5 or 300-350 mg/l total suspended solids and no contaminants not expected to be found in typical domestic wastewater), the connection fee shall be based on a cost/gallon factor multiplied by equal \$0.20 times the estimated flow in gallons per month. (See Appendix B), but no less than \$1,000.00 and no more than \$10,000.00.~~ For non-residential customers with estimated flows greater than 50,000 gallons per month or with wastes exceeding domestic-strength, the fee shall be negotiated with the Superintendent, taking into consideration the quantity and character of the wastewater and approved by the Town Council.

Section 34.4.5 - Monetary Deposit for Certain Discharges Required. In the case of multiple building units or connections, connections involving sewer extensions, or industrial discharges or pretreatment applications, the Town may require a monetary deposit sufficient to cover the cost to review the application, including any expert advice deemed necessary by the Superintendent. The applicant may also 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 34.4.6 - Permit Availability. One copy of the permit shall be available for inspection at all times at the site of the work.

Section 34.4.7 - Separate and Independent Sewer Required, Exceptions. A separate and independent building sewer shall be provided for every building requiring a sewer connection; 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 ~~galley~~alley, ~~court~~courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, except for the purposes of ~~sections 34-101 and 34-102~~Article 34.9 and if approved by the Superintendent. In such instance, the owner or user shall provide to the

Superintendent proof of a recorded easement giving the right to cross the other property ~~shall be furnished to the satisfaction of the Superintendent.~~ Where building sewers are to serve multiple dwelling structures, there shall be provided at least one (1) separate building sewer to each group of four (4) structures.

Section 34.4.8 - Building Pipe Used. The new building sewer shall ~~be tar-coated extra-heavy cast iron soil pipe and fittings conforming to ASTM A 74, cast iron NO-HUB, CISPI standard 301 (bituminous coated); or polyvinyl chloride (PVC pipe) conforming to the requirements of ASTM D 3034 SDR 35, or other material approved by the superintendent~~Superintendent. ~~(See Construction Requirements in Appendix C.)~~

Section 34.4.9 - Connection to Existing Building Sewers. ~~Old-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 Superintendent, to meet all requirements of this ~~division~~Ordinance and Appendix C.

Section 34.4.10 - Sewer Cleanouts. - 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 six (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. (See Appendix C for specific requirements.)

Section 34.4.11 - Building Sewer Depth and Elevations. The diameter of the building sewer shall not be less than four (4) inches nor shall the slope of the pipe be less than one-eighth inch per foot. ~~(In some cases, the building sewer may be required to be larger - refer to Appendix C.)~~ Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost, but in no event, shall the depth be less than three feet. The building sewer shall be laid at a uniform grade and in straight alignment insofar as possible as described in Section 34.4.11. ~~Changes in direction shall be made only with properly curved pipe and fittings.~~ The ends of building sewers which are not connected to the building drain of the structure for any reason shall be sealed against infiltration by a suitable ~~stopper, plug, mechanical, watertight cap~~ or other means approved by the ~~superintendent~~Superintendent.

Section 34.4.12 - Mechanical Lift Where Gravity Flow is not Possible. 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 mechanical means and discharged to the building sewer at the expense of the building owner. ~~Plans and details of the proposed lifting method shall be submitted to the Superintendent for review.~~ (See Appendix C for specific requirements.)

Section 34.4.13 - Connections to Forcemains Not Permitted. No connection of any kind shall be made directly from any private property to a Town pressurized force main sewer.

Section 34.4.14 - Excavations and Backfill. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the ~~superintendent~~Superintendent. Pipe laying and backfill shall be performed in accordance with ~~sections 3 through 6 of ASTM specification C12~~Appendix C except and ~~that~~ no backfill shall be placed until the work has been inspected, ~~and the trench width measured at the top of the installed pipe shall not exceed 36 inches.~~

Section 34.4.15 - Sewer Joints. All joints and connections shall be made gastight and watertight. The transition joint between pipes of different materials shall be made with adaptors and joint materials approved by the Superintendent. Pre-molded gasket joints shall be used and shall be neoprene compression type gaskets which provide a positive double seal in the assembled joint. The gasket shall be a pre-molded, one-piece unit designed for joining the pipe material used. The assembled joint shall be sealed by compression of the gasket between the exterior surface of the spigot and the interior surface of the hub. The joint shall be assembled following the manufacturer's recommendation using acceptable lubricant and special pipe coupling tools designed for that purpose. The lubricant shall be a bland, fat based, nontoxic material, and shall not chemically attack the gasket material. (See Appendix C).

Section 34.4.16 - Pipe Inspection. The applicant for the building sewer permit shall notify the Superintendent 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 Superintendent or his representative.

Section 34.4.17 - ~~Trenches; Inspection~~Inspection of Trenches. 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 re-excavated for inspection.

Section 34.4.18- Leakage Testing. 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. (Alternatively, the line may be air tested as defined in Appendix C.)

Section 34.4.19 - ~~Excavation barricades; restoration~~Protection of the Public from Excavations. 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.

Section 34.4.20 - ~~Costs, Method and Indemnification; Connection to Existing Public Sewer; Costs and Method~~. The connection of the building sewer into an existing public sewer shall be made at the existing public sewer. All costs and expenses incident 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 Superintendent. The connection of the building sewer into the public sewer shall be made with a ~~Y~~ Wye or ~~T~~ Tee branch. If none is available, a connection may be made by tapping the existing sewer with a saddle or other method approved by the Superintendent. All connections shall be made gastight and watertight and verified by proper testing. ~~The Town is responsible for all maintenance and repairs of the public sewer only. The method of connection of the building sewer to the public sewer shall be dependent upon the type of pipe material used and in all cases, shall be approved by the Superintendent. (Refer to Appendix C).~~

Section 34.4.21 - Manhole Required for Certain Sewers. When any building sewer is to serve a school, hospital, or similar institution, public building, or is to serve a complex of industrial or commercial buildings, or will, in the opinion of the Superintendent, receive sewage or industrial wastes of such volume or character that frequent maintenance of the building sewer is anticipated, such building sewer shall be connected to the public sewer through a manhole. The Superintendent 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 Superintendent or his representative. If required, a new manhole shall be installed in the public sewer pursuant to Section ~~34-343(15)~~ 34.7.7 or Appendix C, and the building sewer connection made to the sewer as directed by the Superintendent.

~~Section 34.4.22- Privately Owned Sewer Lines. 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 Lisbon 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 Town for written approval. The Town 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 Town. 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 Town 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 34.4.23 - Stormwater and Surface Water Prohibited in Public Sewer. - No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.~~

~~Section 34.4.24 - Storm Sewers and Outlets. - 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 director of public works. Unpolluted~~

~~industrial cooling water or unpolluted process waters maybe discharged, on approval of the superintendent, to a storm sewer or natural outlet and the discharge shall comply with 30 M.R.S.A. § 413.~~

Section 34.4.23 - Building Drain System Venting. 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 34.4.24 - References for Sewer System Design. Sewer design, including building services, sewer collectors and interceptors shall conform to the State Plumbing Code and to the specific specifications set forth in the Town's Guidelines for Design and Construction of Sewers which is found in Appendix C. 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 34.5 Sewer Extensions

Section 34.5.1 - Town Construction of Sewer Extension. 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 Town Council and approved at Town Referendum, if applicable, 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 34.4. 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 Council. The cost of such extensions may be assessed to the benefited property owners by the Town in any manner recommended by the Town Council and the Town.

Section 34.5.2 - Property Owner Construction of Sewer Extension. 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 Town Council in accordance with the requirements of Section ~~34-341~~34.5.1. ~~He~~ The property owner, builder or developer must pay for the entire installation, including all expenses incidental thereto. Each building sewer must be installed and inspected as previously required, and the inspection fees shall be paid. ~~Design of sewers shall be as specified in Section 34-343.~~ 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 included in Appendix C. The installation of the sewer extension must be subject to periodic inspection by the Superintendent or the Town's Engineer and the expenses for this inspection shall be paid for by the owner, builder or developer. The Superintendent's decisions shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass the exfiltration or leakage test required in ~~section 34-344~~ Appendix C 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 cost of all building sewers.

Section 34.5.3 - State Law Adopted. The Town adopts, for the purpose of implementation of this Article involving sewer extensions and the construction of new sanitary sewers, the procedures, assessment of betterment fees, and the collection of those fees as set forth in 30-A M.R.S.A. Subpart 3442-3445. (See Appendix E)

Section 34.5.4 - Sewer Extension Design Requirements. 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 Superintendent at least forty-five (45) days before the regularly scheduled Planning Board meeting at which approval of the plans and specifications will be evaluated based on recommendation by the Superintendent or Town Engineer. 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 deeded to the Town shall anticipate and allow for flows from possible future system extensions or developments within the future drainage areas.

Section 34.5.5 - Sewer Testing. All testing of sewers shall be conducted in the presence of a designee of the Superintendent or Town. If the installation fails any test, the source of leakage shall be found and repaired and all defective materials shall be replaced. (See specific Construction and testing requirements in Appendix C.)

Section 34.5.6 - Sewer Extension Ownership/Bond. All sewer extensions constructed at the property owner's, builder's or developer's expense after final approval and letter of acceptance by the Town Council, shall become the property of the Town and at the Town's sole discretion shall thereafter be maintained by the Town. The sewers after their acceptance by the Town shall be guaranteed against defects in materials and workmanship for twelve (12) months. The guarantee shall be in the form of a maintenance guarantee bond in an amount not less than ten-100 percent of the engineer's-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 34.5.7 - Suitable Sewage Disposal Required. No builder or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities within the Town, unless a sewer permit has been obtained for a suitable and approved method of sewage disposal.

Section 34.5.8 - Connection of Sewer Extension to Public Sewer. 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 building permits have been obtained and 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 34.5.9 - Requirements for Acceptance of Sewer as Public. 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 34.6 Use of the Public Sewers

Section 34.6.1 - Discharge of Unpolluted Waters. 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 Superintendent.

Section 34.6.2 - Discharge of Unpolluted Drainage to Natural Outlet. 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 Superintendent. Unpolluted industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer or natural outlet if in accordance with regulations of the Maine Department of Environmental Protection or 38 M.R.S.A. § 413 or other applicable standards.

Section 34.6.3 General Discharge Prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW or collection system whether or not the user is subject to National Categorical Pretreatment Standards, or any other national, state or local pretreatment standards or requirements. ~~A user shall not contribute the following substances to any POTW. The following described waters or wastes shall not be discharged or caused to be discharged to any public sewers:~~

- (a.) Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system be more than five (5) percent nor any single reading over ten (10) percent of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohol, ketones, aldehydes, peroxides, chlorates, percolates, bromates, carbides, hydrides, and sulfides and other substances which the Town, state- DEP or EPA has notified the user is a fire hazard or a hazard to the system.

- (i.) No person shall discharge wastewater containing in excess of the following standards:

| Parameter | Maximum (mg/l) | Daily Average (mg/l) |
|--------------------|--------------------|-------------------------|
| Arsenic | 4.0 | 1.0 |
| Cadmium | 0.5 0.6 | 0.5 |
| Chlorine | 15.0 | 15.0 |
| Chromium | 3.0 5.0 | 2.75 |
| Copper | 1.0 8.0 | 8.0 |
| Iron | 5.0 | 5.0 |
| Lead | 4.0 | 2.0 |
| Mercury | 0.2 | 0.1 |
| Nickel | 1.0 5.0 | 2.5 |
| Phenolic Compounds | 10 | 10 |
| Silver | 3.0 | 1.0 |
| Zinc | 0.5 10 | 5.0 |
| Cyanide | 0.5 3.0 | 2.0 |

- (b.) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the act.
- (c.) The standards or subsection (a) above shall apply unless a more stringent National Pretreatment Standard has been promulgated by EPA, or as further regulated by the Town's Wastewater Discharge Permit ~~or by the Town's Superintendent in setting Local Limits to protect the treatment plant.~~ State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this article. The Town reserves the right to establish by Ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section ~~34-19~~ 34.0.
- (d.) ~~Any wastewater having a pH less than 6.0 or greater than 9.5, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW. Waters or wastes having a single grab pH sample lower than 5.0 s.u. or having a composite of less than 5.5 s.u., or any other corrosive property capable of causing damage or hazard to structure or waters or wastes having a single pH result of greater than 12.0 s.u. or a composite sample in excess of 9.5 s.u.~~

- (e.) Solid or viscous substances in quantities or of such size which may cause obstruction to the flow in a sewer, or other interference with the operation of the wastewater treatment facilities or collection system, such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshing's, entrails, whole blood, feathers, ashes cinders sand spent lime, stone or marble dust, metal , glass, straw, shavings, grass clippings, rags, spent grains, spent hops, beer or distillery slops, wastepaper, cardboard, paper dishes, disposable wipes, cups, milk containers, wood, plastics, gravel, ashes, cinders, sand, concrete, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes, etc.
- (f.) Garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the Superintendent.
- (g.) Any wastewater having a temperature which would inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40 degrees Celsius (104 degrees Fahrenheit).
- (h.) 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 66 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.
- (i.) Waters or wastes containing strong acid, iron-pickling wastes, or concentrated plating solutions whether neutralized or not.
- (j.) 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 Superintendent for such materials.
- (k.) Waters or wastes containing phenols or other taste or odor-producing substances in such concentration not to exceed 10 mg/l or any other more stringent limits, which may be established by the Superintendent 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.

- (l.) Any wastewater containing radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- (m.) Materials which exert or cause unusual concentrations of inert suspended solids such as, but not limited to, Fullers earth, lime slurries and lime residues, or dissolved solids such as; but not limited to, sodium chloride and sodium sulfate.
- (n.) Material which exert or cause excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.
- (o.) Any pollutants, including oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or quantities of pollutants that exceed for any time period longer than 15 minutes more than five times the average 24-hour concentration, quantities or flow during normal operation. In no case shall a peak day discharge have a flow rate or contain pollutant loadings of any controlled substance in excess of twice the 30-day, 24-hour average flow, concentration or quantity.
- (p.) Materials which exert or cause unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (q.) Overflowing by draining from cesspools or other receptacles storing organic wastes.
- (r.) Steam exhausts, boiler blow-off, sediment traps, or pipes carrying hot circulating water.
- (s.) A substance discharged to the POTW that will cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act or state criteria applicable to the sludge management method being used. 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 use, disposal criteria, guidelines or regulations developed under Section 405 of the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act or any state criteria applicable to the Sludge Management Method used, 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.

- (t.) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into sewers for maintenance and repair.
- (u.) Any stormwater, roof drains, spring water, cistern or tank overflow, footing drains, discharge from any non-approved car wash, non-approved floor drains or the contents of any privy vault, septic tank or cesspool. (The Town's goal is to review the discharge to the sewer system of certain discharges such as car wash systems and commercial drain systems - additional controls may be required by the Superintendent. Refer to Section 34.6.5).
- (v.) Any wastewater which causes a hazard to human life or creates a public nuisance. 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.
- (w.) Any wastewater with objectionable color not removed in the treatment process, such as but not limited to dye wastes and vegetable tanning solutions which could cause a visible discoloration of the treatment's plant's effluent.
- (x.) Any waters or wastes containing suspended solids, whether inert or organic, which would cause visible turbidity of the treatment plant's effluent.
- (y.) Any substance which will cause the POTW to violate its NPDES or/or state disposal system permits or the receiving water quality standards.
- (z.) Any septage or septic process discharges without the express written approval of the Superintendent.

Section 34.6.4 - Pretreatment of High Strength Wastes. 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 300-350 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 Superintendent. Where necessary, in the opinion of the Superintendent, 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 ~~300~~ 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 34.6.5 - Grease, Oil and Sand Interceptors. 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 Superintendent or Code Enforcement Officer, they are necessary for the proper handling of liquid wastes containing grease in excess amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living units.

All interceptors shall be of a minimum type and capacity permitted by Maine Subsurface Wastewater Disposal Rules, 144A CMR 241 and shall be approved by the Superintendent 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, 144A 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. In the maintenance of these interceptors, the owner 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 Superintendent. A maintenance record shall be maintained by the owner for the Town's periodic review for any removal and hauling of the collected materials. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by licensed waste disposal firms.

Section 34.6.6 - Treatment of Unusual Wastes. 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 by the discharger of concern, provided that such agreements do not contravene any requirements of existing federal or state laws and/or regulations promulgated under such laws, and are compatible with any user charge in effect.

Article 34.7 Pretreatment and Permitting of Industrial, Commercial or Unusual Wastes

Section 34.7.1 - Pretreatment, General. Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations specified by the pretreatment regulations. Any facilities required to pretreat wastewater to a level

acceptable to the Town shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Town for review and shall be acceptable to the Town before construction of the facility. The review of such plans and operational procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Town under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Town prior to the user's initial initiation of the changes.

Section 34.7.2 - Town's Right to Require Pretreatment. 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 ~~34-293~~34.6.3, 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 Town may:

- (a.) Reject the wastes.
- (b.) Advise the user of the impact of the contribution to the collection system or POTW.
- (c.) Develop effluent limitations for such user to correct the interference with the POTW and require pretreatment to an acceptable condition for discharge to the public sewer.
- (d.) Require control over the quantities and rates of discharge.
- (e.) Require payment to cover the added cost or sewer charges for the handling and treatment of such wastes under the provisions of this Ordinance.
- (f.) If the Superintendent 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 Superintendent and the Town, and subject to the requirements of all applicable codes, ordinances, and laws and Discharge Permit. Under no circumstances will the National Categorical Pretreatment Standards or Federal Prohibited Discharges be contravened.

Section 34.7.3 - Approval Process for Industrial, Commercial or Unusual Wastes. 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 34.7.4 - Flow Equalization. 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 34.7.5 - Pretreatment Operation and Maintenance. 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 34.7.6 - Monitoring Facilities. The Town shall require to be provided and operated at the user's own expense monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises; but the Town may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such ~~sampling manhole~~ or ~~facility facilities~~ to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Town's requirements and applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Town.

Section 34.7.7 - Sampling Manholes. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes or other discharges of concern 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 ~~superintendent~~Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him to be safe and accessible to the ~~superintendent~~Superintendent at all times.

Section 34.7.8 - Sampling and Analysis Procedures. All industries discharging in to a public sewer shall permit such monitoring of their discharges as the ~~s~~Superintendent may reasonably require, including installation, use and maintenance of monitoring equipment and keeping records and reporting the results of such monitoring to the ~~superintendent~~Superintendent. Such records shall be made available upon request by the ~~superintendent~~Superintendent to other agencies having jurisdiction over discharges to the receiving waters. ~~All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with procedures established by the administrator of the EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR 136, or with any other test procedures approved by the administrator. Sampling shall be at the control manhole or other designated sampling location approved by the Superintendent.~~

Section 34.7.9 - Dilution is not Permitted. No ~~discharger or~~ user shall ever increase the use of ~~potable or~~ process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the National Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the Town or State.

Section 34.7.10 - Requirements for Wastewater Discharge Permit for Categorical Pretreatment Standards. Upon the promulgation of the National Categorical Pretreatment Standards for a particular industrial subcategory, the national standard, if more stringent than the limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.

Section 34.7.11 - Modification of National Categorical Pretreatment Standards. Within nine months of the promulgation of a National Categorical Pretreatment Standard, the wastewater discharge permit of user's subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user subject to a National Categorical Pretreatment Standard has not previously submitted an application for a wastewater discharge permit as required by Section ~~34-153~~34.7.10, the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing wastewater discharge permit shall submit to the Superintendent within 180 days after the promulgation of an applicable National Categorical Pretreatment Standard the information required by ~~section—Section 34.153(a)(8),(a)(9)~~34.7.13 (a) through (o).

Where the Town's wastewater treatment system achieves consistent removal of pollutants limited by national pretreatment standards, the Town may apply to the approval authority for the modification of specific limits in the national pretreatment standards. The term "consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in 40 CFR 403.7(c)(2), General Pretreatment Regulations for Existing and New Sources of Pollution promulgated pursuant the act. The Town may then modify pollutant discharge limits in the national pretreatment standards if the requirements contained in 40 CFR 403.7 are fulfilled and prior approval from the approval authority is obtained.

Section 34.7.12 - Development of Local Limits. Local limits for certain pollutants may also be established by the Town to protect against passthrough, interference, process inhibition and damage, safety concerns, and sludge residual contamination or any other regulatory or operational concern. 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 agency.

Section 34.7.13-~~Permit Application~~ Wastewater Application Form and Requirements. ~~Users required to obtain a wastewater discharge permit shall complete and file with the Town an application in the format prescribed by the town, and accompanied by a fee of \$100.00. Existing users shall apply for a wastewater discharge permit within 30 days after the effective date of the ordinance from which this section is derived, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the publicly owned treatment works. In support of the application the user shall submit, in units and terms appropriate for evaluation the following information: When required by the Superintendent or Town, users must complete a wastewater application form, on a form supplied by the Superintendent, which contains information on the nature and characteristics of their wastes. This application must be submitted to the Superintendent prior to the discharge of the user's wastewater into the Town's sewage works. All new applications shall be accompanied by a fee as established in Appendix B. The Superintendent is authorized to prepare a form for this purpose and may periodically require existing users to update the information provided to determine compliance with this article. Failure to complete the submission of updated information shall be reasonable grounds for terminating service to the user and shall be considered a violation of this Ordinance. The superintendent may require a user of sewer services to provide information needed to determine compliance with this article. These requirements may include: Existing industrial dischargers or any other commercial establishment shall file wastewater application forms or provide updated information within thirty (30) days after being notified by the Superintendent or 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 as applicable, but not be limited to, the following information:~~

- (a.) The name, address, and location ~~if different than the address of the user.~~

- (b.) The SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget 1972, as amended and as applicable.
- (c.) Chemical analysis of wastewaters - Wastewater constituents and characteristics including but not limited to those listed in division 4 of article 3 of this chapter this Ordinance as determined by a reliable analytical laboratory. Any sampling and analysis that is required by the Town shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Clean Water Act (33 USC 1201 et seq.) and contained in 40 CFR 136, as amended or the latest edition of Standard Methods. The costs of all such sampling, analysis, and reporting shall be fully borne by the user.
- (d.) The time and duration of discharge or contribution.
- (e.) Wastewaters discharge peak rate and volume over a specified time period. The average daily, instantaneous peak and 30-minute 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.) A plot plan of sewers of the user's property showing sewer an pretreatment facility location - The site plans, floor plans, pretreatment facility location and details, 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.) Description of the activities, facilities, and plant processes on the premises, including all materials which are, or could be, discharged.
- (h.) Where known, the nature and concentration of any pollutants in the discharge which are limited by any Town, State or Federal pretreatment standards, and a statement regarding whether or not compliance is being, or will be, achieved with this Ordinance or pretreatment regulations on a consistent basis, and if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the user to comply with this Ordinance and applicable pretreatment standards.
- (i.) The identification of Eeach product produced by the user by type, amount, process or processes, and rate of production.
- (j.) Information on raw materials, processes and products affecting wastewater volume and quality. The type and amount of raw materials processed, average and maximum per day, by the user.
- (k.) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system.

- (l.) Quantity and disposition of specific liquids, sludges, oils, solvents, or other materials important for sewer use control.
- (m.) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.
- (n.) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. (See Section 34.7.26).
- (o.) Any other information as may be deemed by the Town to be necessary to evaluate the permit application.

Section 34.7.14 - Required Signatory. All disclosure forms, applications 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 34.7.15 - Evaluation of Application Forms. The ~~town~~ Superintendent or designee will evaluate the ~~data furnished by the user~~ completed wastewater permit application forms furnished by the user and may require the user to furnish additional information. The User shall submit within fifteen (15) days, after receiving notification from the Superintendent, that the additional information is required. After full evaluation and acceptance of all of the data furnished, the ~~town~~ Superintendent or Town may issue a wastewater discharge permit subject to terms and conditions provided in this ~~division~~ Section.

Section 34.7.16 - Requirements of Categorical Users. 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 Superintendent.

Section 34.7.17 - Prevention of Pass-through and Interference. Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Superintendent 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 34.7.18 - Permit Conditions. Wastewater discharge permits shall be expressly subject to all provisions of this Article and all other applicable regulations, user charges and fees established by the Town. Permits may contain the following:

- (a.) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer.
- (b.) Limits on the average and maximum wastewater constituents and characteristics.
- (c.) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
- (d.) Requirements for installation and maintenance of inspection and sampling facilities.
- (e.) Specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
- (f.) Compliance schedules.
- (g.) Requirements for submission of technical reports or discharge compliance reports (See Sections ~~s 34-158 and 34-159~~ 34.7.27).
- (h.) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Town and affording town access to such records.
- (i.) Requirements for notification of the Town of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
- (j.) Requirements for notification of slug discharges as per Section ~~34.293(a)(10)~~ 34.7.23.
- (k.) Other conditions as deemed appropriate by the Town to ensure compliance with this ~~Chapter~~ Section.

Section 34.7.19 - Permit Duration. Wastewater discharge permits shall be issued for a specified time period not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Town during the term of the permit as limitations or requirements as identified in ~~Sections 34.291—34.309~~ this Ordinance are modified or other just cause exists. Each wastewater discharge permit shall indicate a specific date upon which it will expire. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Section 34.7.20 - Permit Modifications. The Superintendent may modify, at any time, the wastewater discharge permit with good cause. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Section 34.7.21 - Transfer of Ownership. Wastewater discharge permits are issued to a specific user for 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 without the approval of the Town. To facilitate the issuance of new, separate permits, the Superintendent may allow new owners or individuals to operate under an existing wastewater discharge permit for a period not to exceed ninety (90) days. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

Section 34.7.22 - Requirement for Pretreatment Devices. 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 sewage system.

Section 34.7.23 - Accidental Discharges/Slug Control Plan. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. The Superintendent may require any user to develop and implement an accidental discharge/slug control plan. At least once every five (5) years, the Superintendent shall evaluate whether each significant industrial user needs such a plan. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Town for review, and shall be approved by the Town before construction of the facility. ~~No user who commences contribution to the POTW after the effective date of the ordinance from which this article was derived shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Town.~~ Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this article. In the case of an accidental discharge, it is the

responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions. Any user required to develop and implement an accidental discharge/slugs 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 system 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 34.7.24 - Written Notice of Accidental Discharge - Within five (5) days following an accidental discharge, the user shall submit to the superintendent a detailed written report describing the cause 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 expenses, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article or other applicable law.

Section 34.7.25 - Notice to Employees - A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge. Employers shall ensure that all employees who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedure.

Section 34.7.26 - Pretreatment Compliance Schedule. 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.

- (a.) The schedule shall contain increments of progress in the form of milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the

user to meet the applicable pretreatment standards, **including, but not limited to**, 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.**

- (b.) No later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return to the established schedule.
- (c.) In no event shall more than nine months elapse between such progress reports to the Superintendent.

Section 34.7.27 - Compliance Reports. Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the publicly owned treatment works, any user subject to pretreatment standards and requirements shall submit to the Superintendent a report. **All significant industrial user(s) shall, at a frequency stated in their wastewater permit or as determined by the Superintendent, but in no case less than twice per year, submit a report to the Superintendent.** The report shall indicate the nature and concentration of pollutants in the discharge from the regulated processes which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. **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 also be included in the report.** The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional Operation and Maintenance (O&M) and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified by a qualified professional engineer.

- (a.) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the publicly owned treatment works, shall submit to the Superintendent during the months of June and December, unless required

more frequently in the pretreatment standard or by the Superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow ~~reported in section 34-155(3)~~. At the discretion of the Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which these reports are to be submitted.

- (b.) The Superintendent may impose mass limitations on users. In such cases, the report required by subsection (a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow, nature, concentration and mass where requested by the Superintendent, of pollutants contained in the discharge which are limited by the applicable pretreatment standard. All analyses shall be performed in accordance with procedures established by the administrator pursuant to section 304(g) of the clean water act and contained in 40 CFR 136 as amended or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator.

(Note: Where 40CFR does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, as amended, or with any other sampling and analytical procedures approved by the administrator.)

Section 34.7.28 - Planned Significant Changes. Each user must notify the Superintendent 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 (45) days before the change. ~~No user shall implement the planned changed condition(s) until and unless the Superintendent 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 34.7.29 - Sampling Violations. If sampling performed by a user indicates a violation of their permit or this Ordinance, the user must notify the Superintendent within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within thirty (30) days 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. 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 or suffer such a discharge to occur, are advised of the emergency notification procedure. (See Reporting Requirements included in Section 34.7.24 and Notice Requirements in Section 34.7.25.)~~

Article 34.8 Power and Authority of Inspectors

Section 34.8.1 - Private Property. The Superintendent, the Town Engineer, and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter upon all industrial and commercial properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this chapter. Persons or occupants of premises shall allow the Town or its representative ready access to all locations where wastewater is created or discharged at all reasonable times for the purposes of inspection, sampling, records examination or copying, or in the performance of any of their duties. ~~The Town and approval authority shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.~~ Where a user has security measures in force which would require proper identification and clearance before entry into his premises, the user shall make necessary arrangements with his security guards so that upon presentation of suitable identification, personnel from the town and the approval authority will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Inspection of private residences, upon complaint, will be completed after 24-hour notice by the Superintendent.

Section 34.8.2 - Public Easement. The Superintendent, and other duly authorized employees of the Town bearing proper credentials and identifications 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 sewer works lying within the 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 34.8.3 - Inspection of Installations. All installations shall be inspected before burying by a duly authorized inspector employed by the Town.

Section 34.8.4 - Sampling and Metering Authority. The Superintendent 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. (Also see Section 34.7.6)

Section 34.8.5 - Sampling and Monitoring Equipment Required. The Town 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 annually to ensure their accuracy. (Also see Section 34.7.6 and 34.7.7).

Section 34.8.6 - Availability of Records. 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 Superintendent.

Section 34.8.7 - Confidential Information. Information and data on a user obtained from reports, questionnaires, permit applications, and monitoring programs, and from ~~the Superintendent's~~ inspections and sampling activities, shall be available to the public or other governmental agency without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the ~~Town Superintendent~~, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the user under applicable State or Federal law. Effluent data shall be considered a matter of public information at all times, however.

When requested by ~~the person furnishing a report, and demonstrated by the user~~ furnishing a report, that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately, upon request, to State and Federal governmental agencies for users related to this ~~chapter~~Section, the National Pollutant Discharge Elimination System (NPDES) permit, state disposal system permit and/or the pretreatment programs; ~~however, and~~ such portions of a report shall also be available for use by the state of any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the Town as confidential shall not be transmitted to ~~any governmental agency or to the general public by the Town, until and unless a ten-day notification is given to the user.~~

Section 34.8.8 - Access Refused. 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 Town Council 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 and the Superintendent shall be accompanied by a uniformed Town police officer during said execution.

Article 34.9 Sewer Service Fees, Rates and Charges

Section 34.9.1 - General - The Town may change and adopt charges and fees included in Appendix B which may include:

- a. Fees for reimbursement of costs of setting up and operating the Town's pretreatment program;
- b. Fees for monitoring, inspections and surveillance procedures;
- c. Fees for reviewing accidental discharge procedures and construction;
- d. Fees for permit applications;
- e. Fees for filing appeals;
- f. Fees for consistent removal by the Town of pollutants otherwise subject to federal pretreatment standards; and
- g. Other fees as the Town may deem necessary to carry out the requirements contained in this chapterOrdinance.

- 2) These fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable by the Town.

Section 34.9.2 - Source of Revenues. The source of the revenues needed for retiring debt services, capital expenditures, operation and maintenance of the public sewer system shall be a sewer service charge assigned to Owners of property located within the limits of the Town whose ~~residence~~residency, property or place of business is connected within the boundaries of~~to~~ the public sewer system.

Section 34.9.3 - Establishment of Rates. Sewer service charge rates, including "Ready-to-Serve" charges shall be determined by the Town Council after notice and hearing. This charge will be computed and billed on a quarterly basis throughout each calendar year and will be based on the volume of water consumed, as determined by records of the Water Department. In the event, the water supply is not metered, the customer shall be billed at a flat rate determined by multiplying together the number of bedrooms in the dwelling unit, 1,100 cubic feet per quarter per bedroom, and the prevailing user charge per cubic foot. ~~Each dwelling unit shall be deemed to have at least two bedrooms. The number of units will be determined by assessment records or an assessor's review. Alternatively, a customer at his own expense can purchase a meter and outside reader from the Water Department in order to obtain a metered rate. Each customer shall be required to install the meter and outside reader utilizing a licensed plumber at their own expense.~~

Section 34.9.4 - Billing Abatements. All billing shall also be subject to just and equitable discounts and abatements in exceptional cases (Refer to Section 34.11), or in the case of private water supply, a fair estimate shall be used or reading from an installed water meter shall be made. (Refer to Section 34.11.4). The Town may also assess capacity

consumption fees and impact fees, as applicable, for new or modified sewer connections. (Refer to Sections 34.9.9).

Section 34.9.5 - Summer Usage Policy. To allow for the correction for the excessive summer usage due to irrigation and filling pools, billing for the two summer quarters will be based on the average of the two winter quarters or consumption reported by the Lisbon Water Department, whichever is less.

Section 34.9.6 - Changes in Rates. The Town Council reserves the right to change the rates of sewer service charges originally or previously assigned to any property owner.

Section 34.9.7 - Collection of Unpaid Rates. The owner of the property connected to the municipal sewer will be charged for the use of sewer service. Each sewer charge levied pursuant to this division which remains unpaid shall be collected as provided in 30-A M.R.S. A. § 3406(3). (See Article 34.10)

Section 34.9.8 - Interest Charges. 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 34.9.9 - Special Industrial or Commercial Rates. A special sewer service charge shall be established for any industrial firm, commercial user, or organization which discharges industrial wastes to the POTW. who, by virtue of the volume, strength or unusual characteristic of their waste alone, would overload or upset the capacity of 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 34.9.10 - "Ready-to-Serve" Fee. The Town may assess a "Ready-to-Serve" fee to be paid by any property owner (with an improved lot or vacant lot) that has an active Building Permit and Sewer Application Permit or if the lot was previously billed, unless the stub has been capped as approved by the Superintendent. This only applies when the public sewer service is available within two-hundred feet (200') of the structure to be served, but 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.

Section 34.9.11 - Sanitary Sewer Connection Fee - 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 connection fee in accordance with a fee schedule

established by order of the Town Council as shown in Appendix B. The purpose of this fee is to allow the Town to recover a portion of 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.

Section 34.9.12 - Impact Fee for Existing Infrastructure. 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 Town Council 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 Town 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 34.9.13 - Construction of Excess Capacity. The 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.

Article 34.10 Liens for Non-Payment

Section 34.10.1 Each sewer charge levied pursuant to the ordinance is hereby made a lien on the premises and if the same is not paid within 30 days after it shall be due and payable, it shall be certified to the Treasurer of the Town who shall place the same on the real property tax bill for that year with interest and penalties allowed by law, and be collected as other Town taxes are collected.

Section 34.10.2 There shall be a lien placed on real estate served or benefited by a municipal sewer to secure the payment of sewer service charges duly established hereunder which shall take precedence over all other claims on such real estate excepting only claims for taxes. The Town shall have the same authority and power to collect such sewer service charges as are granted in 38 M.R.S.A. § 3406 as amended. In addition to the lien established hereby, the Town may bring a civil action against the party so charged for the amount of said sewer service charges in any court competent to try the same, and in such action, may recover the amount of such charges with legal interest on the same from the date of said charge plus costs.

Article 34.11 Abatements

Section 34.11.1 - Abatement Recommendation and Due Care. All requests for sewer abatements shall be forwarded to the Superintendent for his recommendation and then shall be forwarded to the Town Manager for decision. Abatements of sewer use charges may be granted by the Town Manager based on recommendation by the Superintendent 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 or that significant volumes of water did not enter the sewer.

Section 34.11.2 - One-Time Sewer Usage Abatement. A One-time sewer abatement will be assessed at the request of the property owner for consumption calculated to be above four times the average water use for the previous year. This abatement can only be used once per each property owner.

Section 34.11.3 - Abatement Review. The Town Manager shall be responsible for reviewing the basis for the requested abatement in light of the "due care" standard established in Section 34.11.1 above. The Superintendent or his designee 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 the previous four quarters of water consumption, if available, and consideration of seasonal water use patterns. If not available, the abatement shall be based on the current flat rate billing procedure until such time there are two (2) quarters available. This estimate of water loss shall be used to calculate the amount of the abatement should one be granted.

Section 34.11.4- Billing Records. 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. Any abatement provided, will only apply to the specific account being abated. For abatements involved in real-estate transactions, the abatement will

only be granted after the final meter readings. If no prior history is available on which to base an abatement, an excessive first bill will receive an abatement based on what the non-metered rate would be for a similar building. After the property has been billed for consumption for the first year, the abatement shall be reassessed and appropriate charges made.

Section 34.11.5 - Requirement for Secondary Meter. Abatements shall not be granted for water used for watering lawns, gardens, filling swimming pools, or other outside water uses outside their summer average quarters, unless ratepayers, at their own cost, install a secondary water meter that will measure only water used for these water use purposes. The installation of the meter shall be inspected by the Superintendent or his designee and must have an outside reader. The ratepayer 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. The Town Manager shall have the ability to prorate and abate the first bill of a non-metered flat rate account based on the date of the sewer entrance permit.

Section 34.11.6 - Abatement Period. An abatement request shall only be considered for a maximum six month (two quarter period). If such conclusive proof cannot be demonstrated to the satisfaction of the Superintendent, the abatement may be denied for all or part of the maximum period. The Town Manager can approve an abatement request outside this timeframe but no longer than a one-year period for due cause.

Section 34.11.7 - Payment Receipts. 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 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. Abatement will not be applied to any billing in the years.

Section 34.11.8- Water Used in Manufacturing. 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 Town Manager his or her recommendation as to whether the adjustment should or should not be granted. The Town Manager 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 Town Manager 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 34.12 Protection from Damage

Section 34.12.1 - Damage to Public Sewer Prohibited. No ~~unauthorized~~ 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 sewer works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Section 34.12.2 - Evidence of Insurance by Contractor. A contractor must present a certificate of insurance showing minimum liability coverage ~~of \$100,000/\$300,000~~ for bodily injury and a ~~\$25,000~~ 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 Town Council, Town Manager or Town Engineer. Minimum insurance coverage shall be liability coverage of ~~\$1,000,000/\$2,000,000~~ for bodily injury and a ~~\$300,000~~ limit for property damage including collapse and underground coverage.)

Article 34.13 Enforcement and Penalty

Sec. 34.13.1. - Notice of violation. Any person found to be violating any provision of this ~~Chapter Ordinance~~ shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for its satisfactory correction. The offender shall, within the period of time stated in such notice, permanently cease all violations. Any person found in violation of section ~~34.2 34.12.134.12.1~~ shall be prosecuted and punished under relevant sections of 17-A M.R.S.A. § 1 et seq. (Maine Criminal Code).

Sec. 34.13.2 - Harmful contributions; suspension of service.

- (a.) The Town may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the town, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of

persons or to the environment, causes interference to the publicly owned treatment works, or causes the town to violate any condition of its National Pollution Discharge Elimination System permit.

- (b.) Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. If the person fails to comply voluntarily with the suspension order, the Town shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Town shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the town within 15 days of the date of occurrence.

Sec. 34.13.3. - Revocation of permit. Any user who violates the following conditions of this section, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of this section:

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

Sec. 34.13.4. - Notification of violation. Whenever the ~~town~~-Town finds that any user has violated or is violating this chapter, wastewater contribution permit, or any prohibition, limitation or requirements contained in this chapter, the Town may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction of the violation shall be submitted to the Town by the user. The Town may also suspend service as described in Section ~~34-122~~-34.13.2 (a).

Sec. 34.13.5. - Show-cause hearing.

- (a.) The Town may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the Town Council why the proposed enforcement action should not be taken. A notice shall be served on the user, specifying the time and place of a hearing to be held by the town council regarding the violation, the reasons why the action is to be taken, the

proposed enforcement action, and directing the user to show cause before the Town Council as to why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

- (b.) The Town Council may conduct the hearing and take the evidence, or may designate any of its members or any officer or employee to:
 - (i) Issue in the name of the Town Council notices of hearings, requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
 - (ii) Take the evidence.
 - (iii) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Town Council for action.
- (c.) At any hearing held pursuant to this section, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges.
- (d.) After the Town ~~Selectmen~~ Council have reviewed the evidence, they may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed and are properly operated. Further orders and directives as are necessary and appropriate may be issued.

Sec. 34.13.6. - Legal action. If any person discharges sewage, industrial wastes or other wastes into the Town's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the Town, the Town may commence an action for appropriate legal and/or equitable relief in the circuit court of this county, including suspension of service as described in ~~section~~ Section 34.122 34.13.2 (a).

Sec. 34.13.7. - Civil penalties. Any user who is found to have violated an order of the Town or who willfully or negligently failed to comply with any provision of this chapter and the orders, rules, regulations and permits issued under this chapter shall be fined ~~not less than \$100.00 nor more than \$1,000.00 as defined in Appendix B~~ for each offense, plus reimbursement of all costs incurred as a result of each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided in this section, the Town may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of

litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations and permits issued under this chapter.

Sec. 34.13.8 - Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater contribution permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be punished by a fine ~~of not more than \$1,000.00 as established in Appendix B~~ or by imprisonment for not more than six months, or by both.

Section 34.13.9 - Advertisement of Significant Noncompliance. The Town shall annually publish in the Lewiston Daily Sun newspaper a list of the users which were in significant noncompliance with any pretreatment requirements or standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the users during the same twelve (12) months. For this provision, significant noncompliance shall mean a violation which:

- (a.) Remains uncorrected 45 days after notification;
- (b.) Is part of a pattern of noncompliance over a 12-month period;
- (c.) Involves a failure to accurately report noncompliance; or
- (d.) Resulted in the POTW exercising its emergency authority under clean water act, § 403.8(f)(1)(iv)(B).
- (e.) All records relating to compliance with pretreatment standards shall be made available to officials of the Environmental Protection Agency or approval authority upon request.

Sec. 34.14 Board of Sewer Appeals

Sec. 34.14.1. - Creation and appointment. The establishment of a board of sewer appeals is authorized. The members of the board shall be appointed by the Town Council and be the same board as hears the appeals of zoning. ~~They shall be residents of the town and shall serve without compensation.~~ In accordance with the laws of the state, the following provisions shall apply:

- (a.) Composition. The board shall consist of five members and one associate member.
- (b.) Municipal officers prohibited. No municipal officer shall be a member or associate member of the board of sewer appeals.
- (c.) Associate members to act. When a member is unable to act because of conflict of interest, physical incapacity or absence from the state, the associate member shall act in his stead.
- (d.) Vacancy. When there is a permanent vacancy, the Town Council shall appoint a person to serve for the unexpired term.

- (e.) Officers. The board of sewer appeals shall elect a chairman and a secretary from its own membership annually in the month of April.

Sec. 34.14.2. - Powers and duties. The Board of Sewer Appeals shall have the following powers and duties, to be exercised only upon written appeal by a person aggrieved by a decision of the Superintendent, the Town Health Officer, and/or Code Enforcement Officer the Town ~~Engineer~~ Manager, or the plumbing inspector insofar as each decision arises from requirements of this chapter:

- (a.) Review decisions; chapter interpretation. To determine whether the decisions of the officers are in conformity with the provisions of this chapter, and to interpret the meaning of this chapter in cases of uncertainty.
- (b.) Variances. To grant variances from the terms of this chapter where necessary to avoid undue hardship, provided there is no substantial departure from the intent of this chapter. The Board of Sewer Appeals shall determine, in specific cases, where a relaxation of the terms of this ordinance would not be contrary to the public interest and where, owing to the conditions peculiar to the property and not to the results of the actions by the applicant, a literal enforcement of the requirements would result in an "undue hardship" as indicated in Division 5 - Variances. The term "Undue Hardship" shall mean:
- i) That the land in question cannot yield a reasonable return unless a variance is granted.
 - ii) That the need for a variance is due to the unique circumstances of the property and not the general condition of the neighborhood'
 - iii) That the granting of a variance will not alter the essential character of the locality; and
 - iv) That the hardship is not the result of an action taken by the applicant of a prior owner.

~~(c.) Exceptions.~~ To permit an exception to this chapter only when the terms of the exception have been specifically set forth by the Town.

~~(d.)~~ Federal categorical standards and prohibited discharges. The Board of Sewer Appeals shall have no jurisdiction over imposition of either federal categorical standards or prohibited discharges. The discharge requirements of the Clean Water Act and the Town's National Pollution Discharge Elimination System permit may not be contravened by local initiative.

Sec. 34.14.3. - Hearings. The Board of Sewer Appeals shall meet the third Monday of the month at 7:00 PM as necessary. ~~annually determine a regular monthly meeting date.~~ All appeals or other matters to come before the Board requiring a notice shall be filed with the Town Clerk at least 15 days prior to the next monthly meeting ~~daydate~~. The Town Clerk shall cause to be advertised in a newspaper of general circulation in the

town a notice of such appeal, identifying the property involved, the nature of the appeal and stating the time and place of a public hearing of such appeal. The public hearing shall not be earlier than ten days after the date of such publications. Owners of properties within 300 feet of the property for which the appeal is made shall be notified by registered mail. Failure of any such owner to receive this notice shall not invalidate the proceedings prescribed in this division.

- (a.) The Superintendent shall attend all hearings pertaining to the public sewer system. The Health Officer and/or Code Enforcement officer shall attend all hearings pertaining to the private sewer systems. The plumbing inspector shall attend such hearings as he may be involved in.
- (b.) The officer concerned shall present to the board of sewer appeals all plans, photographs or other factual material which is appropriate to an understanding of the appeal.
- (c.) The Board of Sewer Appeals shall not continue hearings on an appeal to a future date except for good cause. Written notice of the decision of the Board shall be sent to the appellant and to the officer concerned, forthwith. Failure of the board to issue such notice within 30 days of the date of the hearing shall constitute a denial of the appeal.

Sec. 34.14.4 - Appeal procedure. Any person and any municipal department aggrieved by the decision of the Superintendent, the Town Health Officer, Town Manager, and/or the Code Enforcement Officer/Plumbing Inspector, which decisions arise from provisions of this chapter, may appeal such decision to the Board of Sewer appeals.

- (a) Appeal deadline. Within 30 days of the date of the decisions of the Superintendent, Health Officer and/or Code Enforcement Officer/Plumbing Inspector, Town Manager, the appeal shall be entered at the office of the Town Clerk upon forms to be approved by the board of appeals. The appellant shall set forth in the form the grounds of his appeal and shall refer to the specific provisions of this chapter that are involved. Following the receipt of any appeal, the Town Clerk shall notify forthwith the officer concerned and the chairman of the board of appeals. The appellant shall pay to the Town Treasurer a fee of \$25.00 as defined in Appendix B.
- (b) Appeal to superior court. An aggrieved person may appeal from the decision of the Board of Sewer Appeals to the superior court as provided by the laws of the State.

Sec. 34.14.5. - Successive appeals. After a decision has been made by the board of sewer appeals, a new appeal of similar nature by the same appellant shall not be entertained by the board until one year shall have elapsed from the date of the decision; except that the board may entertain a new appeal if the chairman believes that, owing to a mistake of law or misunderstanding of fact, an injustice was done, or if he believes that a change has taken place in some essential aspect of the appeal.

Article 34.15 Repeal of Conflicting Ordinances

Section 34.15.1 - All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Article 34.16 Severability

Section 34.16.1 - 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 34.17 Effective Date

Article 34.17.1 - This Ordinance shall be in full force and effect on Town Council Meeting, dated _____, at which time, it was adopted by the Town of Lisbon.

APPENDIX A

Typical Sewer Ordinance Definitions

APPENDIX A
TOWN OF LISBON
TYPICAL SEWER ORDINANCE DEFINITIONS

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

1. “Act or the Act” shall means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et seq.
2. “Administrative Inspection Warrant” shall mean a written order issued by the Maine District Court to require sewer user to allow access to their property for purpose of inspection by Town representatives to ensure compliance with Town’s Sewer Ordinance.
3. “Appeals Board” shall means that board appointed according to the provisions of Section ~~34.64~~34.14.
4. “Approval Authority” shall means the director in an NPDES state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.
5. “ASCE” shall means the American Society of Civil Engineers.
6. “ASTM” shall means the American Society for Testing and Materials.
7. “Authorized Representative of Industrial User” shall means one of the following:
 - a) A principal executive officer of at least the level of vice-president if the industrial user is a corporation;
 - b) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
 - c) A duly authorized representative of the individual designated in subsection (1) or (2) of this definition if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
8. “Biochemical Oxygen Demand” (BOD) shall means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard

laboratory procedure (five (5) days at 20 degrees Celsius) expressed in milligrams per liter (mg/l).

9. "Building" shall means a structure built, erected and framed of component structural parts designed for the housing, shelter, enclosure or support of persons, animals or property of any kind.
10. "Building Drain" shall means that part of the lowest horizontal piping of a drain system, which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer. The building drain extends eight (8) feet (2.44 meters) outside the inner face of the building wall.
11. "Building Sewer" shall means the extension from the premises of a user to the POTW-public sewer or other place of disposal.
12. "Building Sewer Connection Permit" shall mean document issued by Town to authorize and allow physical connection of building sewer pipe to Town's municipal sewer system subject to the requirements of Town's Sewer Ordinance.
13. "Categorical Standards" shall means National Categorical Pretreatment Standards or pretreatment standard, as defined in 40 CFR 403.
14. "Categorical User" shall mean any user of the Town's wastewater treatment system whose discharges are regulated under 40 CFR Part 403 and 40 CFR Parts 405-471, or who is otherwise subject to U.S. EPA pretreatment requirements.
15. "Chlorine Demand" shall mean the amount of chlorine required to destroy all pathogenic organisms present and oxidize all organic, inorganic, and ammonia-based compounds in a sewage stream.
16. "Code Enforcement Officer" shall mean the Code Enforcement Officer of the Town of Lisbon.
17. "Combined Sewer" shall means a sewer intended to receive both wastewater and stormwater or surface water.
18. "Control Authority" shall means the approval authority or the Superintendent if the Town has an approved pretreatment program under the provisions of 40 CFR 403.11.
19. "Cooling Water" shall means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

20. "DEP" shall mean the Maine Department of Environmental Protection.
21. "Developer" shall means any person or persons who undertakes to construct simultaneously, or in planned sequence, more than one housing unit on a given tract or land, subdivision or any other commercial project involving the municipal sewer.
22. "Direct Discharge" shall means the discharge of treated or untreated wastewater directly to the waters of the state.
23. "Easement" shall means an acquired legal right for the specific use of land owned by others.
24. "Engineer" shall means a certified professional—Professional engineer Engineer retained as town—Town engineer—Engineer or Consulting Engineer by the tTown.
25. "Environmental Protection Agency" or EPA means the U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of the agencyAgency.
26. "Excessive" shall mean masses or concentrations of a constituent in a sanitary or commercial wastewater which, in the judgment of the Town: (a) will cause damage to any facility, (b) will be harmful to any wastewater treatment process, (c) cannot be properly removed in the Town's treatment facilities, (d) may inhibit the final disposal or reuse of the treatment plant's sludge residuals, (e) can otherwise endanger life or property, or (f) can constitute a nuisance.
27. "Floatable Oil" shall means oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.
28. "Garbage" shall means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and the animal and vegetable waste resulting from the handling, preparation, cooking and serving of food-storage and sale of food products or produce.
29. "Grab Sample" shall means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

30. "Holding Tank Waste" shall means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.
31. "Indirect Discharge" shall means the discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the act (33 USC 1317), into the POTW (including holding tank waste discharged into the system).
32. "Industrial User" shall means a source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to section 402 of the act (33 USC 1342).
33. "Industrial Wastes" shall means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from domestic or sanitary wastes or sewage.
34. "Interference" shall means 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 the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA, the Clean Water Act, the Toxic Substances Control Act, and the Marine Protection Research and Sanctuaries Act.
35. "Kg" shall means kilograms.
36. "L" shall means liters.
37. "Living unit" shall means one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit with cooking, living, sanitary and sleeping facilities.
38. "Mg" shall means milligrams.
39. "National Categorical Pretreatment Standard" or pretreatment standard shall means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the act (33 USC 1347) which applies to a specific category of industrial users.

40. "National Pollution Discharge Elimination System (NPDES)" permit shall means a permit issued pursuant to section 402 of the act (33 USC 1342).
41. "National Prohibitive Discharge Standard" or prohibitive discharge standard shall means any regulation developed under the authority of section 307(b) of the act and 40 CFR 403.5.
42. "Natural Outlet" shall means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
43. "New Source" shall means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the act, which will be applicable to such source if such standards are thereafter promulgated in accordance with that section.
44. "Owner" shall means any individual, firm, company, association, society, person, municipal or quasi-municipal agency, state agency, federal agency, or other legal entity having title to real property.
45. "Pass Through" shall means the discharge of pollutants through the POTW into navigable waters in quantities or concentrations which, alone or in conjunction with discharges from other sources, are 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).
46. "Person" shall means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, institution, society, group, governmental entity, or any other legal entity, or their legal representatives, agents or assigns.
47. "pH" shall means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
48. "Plant Operator" shall mean the Superintendent, Operations Manager, or designated person designated by the Superintendent or Town to operate the Town's wastewater treatment facilities, or their authorized deputy, agent, or representative. (See also "Superintendent")
49. "Plumbing Inspector" (Local Plumbing Inspector (LPI) or Code Enforcement Officer) shall means the person or persons duly appointed by the ~~town~~ Town Manager who is responsible to perform duties as outlined in 30-A M.R.S.A Subpart 4221.

50. "Pollutant" shall means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water.
51. "Pollution" shall means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.
52. "Pretreatment or Treatment" shall means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR 403.6(d).
53. "Pretreatment Requirements" shall means any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.
54. "Properly Shredded Garbage" shall means the wastes from the preparation, handling, cooking, and serving of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
55. "Property Line" shall mean the edge of a road right-of-way in those instances where the building sewers connect to the public sewer in a right-of-way.
56. "Public Sewer" shall means a common sewer owned, operated and maintained by the public authority, or governmental agency.
57. "Publicly Owned Treatment Works (POTW)" shall means a treatment works or treatment plant as defined by ~~section~~ Section 212 of the act (33 USC 1292), which is owned in this instance by the ~~town~~ Town. This definition includes any sewers that convey wastewater to the POTW or treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this article, POTW shall also include any sewers that convey wastewaters to the POTW from persons outside the ~~town~~ Town who are, by contract or agreement with the ~~town~~ Town, users of the ~~town's~~ Town's POTW.
58. "Sanitary Sewer" shall means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and

institutions, together with minor quantities of groundwaters, stormwaters and surface waters that are not admitted intentionally.

59. "Septage" shall mean the mixture of liquids and solid matters removed from septic tanks during normal cleaning.
60. "Sanitary Wastewater" shall mean the liquid waste discharged from a building's or structure's sanitary fixtures, such as toilets, washrooms, urinals, sinks, showers, small laundries, and from kitchens and cafeterias essentially free of industrial wastes or toxic materials. Sanitary wastewater may or may not be discharged separately from industrial or commercial wastewater. For a combined discharge, the Town shall determine if a wastewater discharge meets the definition "sanitary wastewater".
61. "Sewage" shall mean a combination of the water-carried wastes from residences, business dwellings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.
62. "Sewer" shall means a pipe or conduit that carries wastewater or drainage water.
63. "Sewer Connection Permit" - See "Building Sewer Connection Permit"
64. "Shall" is mandatory; "May" is permissive.
65. "Significant Industrial User" shall means any ~~industrial user~~ subject to Federal categorical pretreatment standards; or a user of the town's Town's wastewater disposal system ~~whothat~~ :
 - a) Has a discharge flow of ~~2510,000 gallons or more per average workday~~GPD or more of process wastewater to the sewage works, excluding sanitary, noncontact cooling and boiler blowdown wastewater; or
 - b) ~~Has a flow greater than five percent of the flow in the town's wastewater treatment system~~Contributes a process waste stream which makes up two percent (2%) or more of the average dry weather dry weather hydraulic or organic capacity of the sewage works; or
 - c) Has in its wastes toxic pollutants as defined pursuant to ~~section~~ Section 307 of the act or state statues and rules; or
 - d) Is designated as such by the Town on the basis that it has a reasonable potential for adversely affecting the seage work's operation or for violating nay local limit, pretreatment or effluent standard or requirement; or

e) Is found by the town, state DEP or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

66. "Slug" shall means any discharge of water or wastewater which the rate of discharge, or the mass or concentration of any given constituent exceeds, in the opinion of the Town, adversely affects the collection system and/or performance of the wastewater treatment plant. ~~in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration, quantities or flows during normal operation and adversely affects the collection system and/or performance of the wastewater treatment works.~~
67. "Special Sewer Service Charge" shall mean an additional sewer user charge, above and beyond the standard sewer user charges, assessed to specific sewer users that discharge wastewater of unusual volume, strength, or pollutant characteristics that are significantly greater than similar characteristics of normal domestic sewage. The purpose of these added charges is to allow the Town to recover the added costs that it may incur to treat wastes with unusual characteristics.
68. "Standard Industrial Classification (SIC)" shall means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
69. "State DEP" shall means the ~~state~~ Department of Environmental Protection.
70. "Storm drain (sometimes termed "storm sewer")" shall means a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.
71. "Standard Methods" shall mean "Standard Methods for Examination or Water and Wastewater", published by the American Public Health Association, latest edition approved for use by DEP.
72. "Stormwater" shall means any flow occurring during or following any form of natural precipitation and resulting from such precipitation.
73. "Superintendent" shall means the Superintendent or Operations Manager of wastewater facilities, and/or of wastewater treatment works, and/or of

water pollution control of the ~~town~~Town or his authorized deputy, agent or representative.

74. “Suspended Solids” shall means 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, published by the American Public Health Association and referred to as nonfilterable residue.

75. “Town” shall mean the Town of Lisbon, Maine.

76. “Toxic pollutant” shall means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other acts.

77. “Unpolluted water and unpolluted industrial process waters” shall means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

78. “User” shall means any person who contributes, causes or permits the contribution of wastewater into the ~~town's~~Town's POTW.

79. “Wastewater” shall means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with such groundwaters, surface waters and stormwaters which may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

80. “Wastewater Discharge Permit” shall means a permit as set forth in ~~Section 34.151~~this Ordinance.

81. “Wastewater Facilities” shall means the structures, equipment and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

82. “Wastewater Treatment Works” shall means an arrangement of devices and structures for treating wastewater, industrial waste and sludge.

83. “Watercourse” shall means a natural or artificial channel for the passage of water either continuously or intermittently.

84. “Waters of the State” shall means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation

systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion of the state.

| 85. "WPCF" shall means the Water Pollution Control Federation.

APPENDIX B

Sanitary Sewer Ordinance Fee Schedule

APPENDIX B
TOWN OF LISBON
SANITARY SEWER ORDINANCE FEE SCHEDULE

| Code Section | Description | Fee/Rate |
|--|--|--|
| SANITARY SEWERS | | |
| <u>BUILDING SEWER PERMIT AND INSPECTION FEE</u> | | |
| 34.4.3 | Residential and commercial service | \$25.00 |
| 34.4.3 | Industrial, plus all costs for review and analysis of the waste | \$50.00 |
| <u>FEE FOR NEW CONNECTION TO PUBLIC SEWER</u> | | |
| 34.4.4/34.9.1 | Residential customers, for the first dwelling unit | \$1,000.00 |
| 34.4.4/34.9.1 | Each subsequent dwelling unit connected through the same building sewer or private sewer | \$750.00 |
| 34.4.4/34.9.1 | <u>Multifamily residential units:</u> For the first unit Each additional unit <u>Mobile home parks:</u> For the first unit Each additional unit | \$1,000.00 \$750.00 \$1,000.00 \$750.00 |
| 34.4.4/34.9.1 | Non-residential customers discharging typical domestic-strength wastewater (no more than 300 mg/l BOD ₅ or 350 mg/l Total Suspended Solids) (Strength of discharge expected to be as found in typical domestic wastewater) | \$0.20 times the estimated flow in gallons per month, but no less than \$1,000.00 and no more than \$10,000.00 |

| | | |
|---------------|---|--|
| 34.4.4/34.9.1 | <p>Non-residential customers with estimated flows greater than 50,000 gallons per month or with wastes exceeding domestic-strength, the fee shall be negotiated with the Superintendent, taking into consideration the quantity and character of the wastewater and approved by the Town Council.</p> <p>(Strength of discharge expected to exceed that of typical domestic wastewater.)</p> <p>Nonresidential/commercial/industrial: \$1,000.00 minimum with a cost added in relation to a single family residence flow (\$18.70 per 1,000 cubic feet) to a ceiling of \$10,000.00. Thereafter the fee for hookup will be negotiated based on examples such as flow, BOD, TSS and industrial pretreatment regulations.</p> <p>Note: The impact of commercial/nonresidential uses will be considered.</p> | <p>The fee shall be negotiated with the Superintendent, taking into consideration the quantity and character of the wastewater and approved by the Town Council.</p> |
| 34.7.13 | Wastewater discharge permit application fee - (Industrial, Commercial or Unusual Wastewaters) | \$100.00 |
| 34.13.7 | <u>Civil Penalties</u> - Violations of order of Town and permit Limitations | \$100-\$1,000/ each offense |
| 34.13.8 | Falsification of Information | \$1,000 |
| 34.14.4(a) | Appeals to the Board of Sewer Appeals | \$25.00 |

APPENDIX C

Guidelines for Design and Construction of Sewers

APPENDIX C

TOWN OF LISBON GUIDELINES FOR DESIGN AND CONSTRUCTION OF SEWERS

Sewer design including sewer collectors, interceptors, and building services shall be in accordance with the following minimum provisions guidelines:

- 1) Pipe Material Shall be:
 - a) PVC made from virgin plastic conforming to ASTM D 1784, Type 1, Grade 1, and manufactured in accordance with ASTM D 3034, SDR 35;
 - b) Ductile iron conforming to ANSI Specification A21.51, with iron grade 60-42-10, and cement lining meeting ANSI Specification A21.4, but twice the thickness specified;
 - c) Reinforced concrete conforming to ASTM C 76, with a maximum absorption of 5.5 percent of the dry weight; or
 - d) Other material approved by the Town Council Superintendent.
- 2) All joints shall be prepared and installed in accordance with the manufacturer's recommendations, and shall be gastight and watertight. Joint materials shall be as follows:
 - a) PVC - ASTM D 1869.
 - b) Ductile iron - ANSI Specification A21.11.
 - c) Reinforced concrete - ASTM C 443.
- 3) Minimum internal pipe diameter for gravity collectors and interceptors shall be eight (8) inches and shall be four (4) inches for building sewers that serve a single residence or housing unit. Pipe sizes for building sewers that serve multiple housing units, residences or industrial or commercial concerns shall be determined by Engineer based upon connected fixture unit or design flow analysis as defined under Maine State Plumbing Code or other applicable standards.
- 4) Wye-bBranch fittings for house services shall be PVC wyes or tees, or PVC or ductile iron saddles, as appropriate, with stainless steel straps and "O-ring" seal set in mastic to affect a watertight connection. Fittings shall be of a style and material designed specifically for connection to sewer material that exists in public way. If, in the

opinion of the Superintendent, an appropriate fitting is not available to properly connect the building sewer material to the public sewer material, the Superintendent may require an approved section of suitable sewer material to be spliced into the public sewer. Appropriate splicing connections, Fernco or equal, shall be used to connect the new fitting to either end of the existing public sewer which shall first be cut evenly and smoothly prior to installation of the spliced section. In no case will connection by hole cutting, pipe protrusion, and mortaring be allowed.

- 5) ~~Maximum width of the trench at a point six inches above the top of the sewer pipe and m~~Minimum slope of sewer pipe shall be as given in the following table:

| | <u>Pipe Diameter</u> | <u>Minimum Slope in Feet Per 100 Feet</u> |
|-------------------|----------------------|---|
| Building services | 4" | 2.08 (1/4" per foot) |
| | 6" | 1.04 (1/8" per foot) |
| Sewer lines | 8" | 0.40 |
| | 10" | 0.28 |
| | 12" | 0.22 |
| | 14" | 0.17 |
| | 15" | 0.15 |
| | 16" | 0.14 |

- 6) ~~PVC and reinforced concrete~~Sewer pipe shall be laid on six (6) inches of screened gravel or crushed stone bedding material, and the ~~screened gravel bedding material~~ shall be shaped to a height of one-fourth the pipe diameter so as to give uniform circumferential support to the pipe. Unless bedding material is required for ductile iron pipe due to unsuitable conditions, the existing excavated bottom shall be shaped to a height of one-eighth of the pipe diameter so as to give uniform circumferential support to the pipe.

- a) Screened gravel shall have the following gradation:

| <u>Sieve Size</u> | <u>% By Weight Passing</u> |
|-------------------|----------------------------|
| 1 inch | 100 |
| 3/4 inch | 90 - 100 |
| 3/8 inch | 20 - 55 |
| #4 mesh | 0 - 10 |
| #8 mesh | 0 - 5 |

- b) 3/4" Crushed Stone shall have the following characteristics: Durable, clean angular rock fragments obtained by breaking and crushing rock material. Sieve analysis by weight:

| <u>Sieve Size</u> | <u>% Passing by Weight</u> |
|-------------------|----------------------------|
| 1" | 100 |
| 3/4" | 95 - 100 |
| 1/2" | 35 - 70 |
| 3/8" | 0 - 25 |
| No. 200 | 0 - 2 |

- 7) The ~~screened gravel bedding material~~ shall be brought to ~~the pipe mid-diameter~~ at least twelve (12) inches over the top of the pipe.
- 8) Trench sand shall be placed over PVC and reinforced concrete pipe to a height of one foot over the top of the pipe. Trench sand shall be hard, durable particles or granular material with 100 percent passing the half-inch sieve and zero-15 percent passing the #200 sieve. (Percentages are by weight).
- 9) Backfill material shall be placed and compacted. Suitable backfill material shall be the following or a combination of the following:
 - a) Excavated material that will compact to the compaction requirements.
 - b) ~~Native M~~material that does not contain rocks larger than ~~six-three (3)~~ inches in any dimension.
 - c) Dry clay backfill free of clods or lumps.
 - d) Wet clay that alone would unstable, but when mixed with sand and/or gravel will be stable and will compact.
- 10) Compaction densities specified herein shall be the percentage of the maximum density obtainable at optimum moisture content as determined and controlled in accordance with T-180, Method C, depending upon the material size. Field density tests shall be made in accordance with AASHTO T-191. (Other methods may be required by the Town's Engineer when appropriate.) Each layer of backfill shall be moistened or dried as required, and shall be compacted to the following densities:
 - a) Pipe bedding material and trench sand ~~95~~92%
 - b) Suitable backfill under paved or shoulder areas ~~90~~95%
 - c) Gravel base:
 - (a) Under paved areas 95%
 - (b) In shoulder areas ~~90~~95%
 - d) Loam or unpaved areas ~~95~~90%
 - e) Beside structures: foundation walls, retaining walls, and tank walls 95%
 - f) All other areas 85%

- 11) If the trench widths are found to exceed the limits specified, the sewer pipe shall be encased in a minimum of six inches of concrete or high-strength pipe used as determined by the engineer.
- 12) A minimum pipe wall thickness of SDR 35 shall be used for all sewer lines and services. Minimum pipe thickness for deep burial or special applications shall be determined by methods outlined in ASCE Manuals and Reports on Engineering Practice - No. 60/WPCF Manual of Practice - No. FD-5 "Gravity Sanitary Sewer Design and Construction", latest edition. Pipe classes ~~shall~~ can also be determined according to W.P.C.F. Manual of Practice No. 9. Pipe thickness shall be calculated using the following criteria:
- Safety Factor - 2.0
 - Load Factor - 1.7
 - Weight of soil, per cubic foot in pounds - 120
 - Wheel loading, in pounds - 16,000
- 13) All excavations required for the installation of sewers ~~extensions~~ shall be open trench work unless approved otherwise by the ~~superintendent~~ Superintendent. No backfill shall be placed until the work has been inspected by the Superintendent or authorized representative.
- 14) The depth of new sewer collectors, interceptors and building services sewers shall be sufficient as determined by the Superintendent to afford protection from frost, but in no event, shall be less than five (5) feet to the crown of the pipe. The building sewer shall be laid at uniform grade and in straight alignment to the extent that is possible. Changes in direction shall be made only at a manhole in the public way or with pipe and fittings with a vertical cleanout to grade on private building sewers. The ends of building sewers, which are not connected to the building drain of the structure for any reason, shall be sealed against groundwater infiltration by a suitable stopper, plug, or other approved means.
- 15) Manholes shall be constructed at all changes in slope or alignment or at intervals not exceeding 300 +/- 50 linear feet, unless an alternative distance is approved by the Superintendent, and shall be precast concrete.
- a) Precast manhole sections shall conform to ASTM C 478 and be asphalt coated; cement shall be Type III with a minimum compressive strength of 4,000 psi.
 - b) Precast base and barrel sections shall have tongue and groove joints, with two strips ~~with round rubber gaskets set in specially provided indentations conforming to ASTM C 443, or of~~ butyl base joint sealant that permits installation in temperatures from minus 20 degrees

Fahrenheit to 120 degrees Fahrenheit, and meets Federal Specification SS-S-00210.

- c) Each section of the precast manhole shall have two (2) holes for the purpose of handling and setting. These holes shall be tapered and shall be plugged with nonshrink mortar or grout in combination with concrete plugs after installation.
- d) Pipe to manhole joints shall be Interpace CP Series, lock-joint flexible ~~manhole-sleeve~~ Kor-N-Seal joint sleeve manufactured to fit diameter and size of pipe without the use of gaskets, Link-seal Century Line" Model CS100 by Thunderline Corporation with sleeve seal equal to "Link-Seal" Kor-N-Seal joint sleeve, or equivalent.
- e) All manholes shall be wrapped in a minimum of four (4) layers of high grade polyethylene frost wrap six (6) mils thick to a minimum depth of seven (7) feet.
- ~~Manhole invert bricks shall conform to ASTM C 32, grade SS, hard brick (made from clay or shale).~~
- f) Dampproofing for concrete shall be ~~semimastics~~semi-mastic type Horn "Dehydratine #4," "RIW Marine Emulsified Liquid" by Toch Bros., Inc., "Hydrocide 600" by Sonneborn, or equivalent.
- g) Manhole rungs, when required, shall be Aluminum alloy 6061-T6, reinforced plastic rungs, or copolymer polypropylene reinforced with 3/8" grade 60 steel rebar throughout and of five-eighths-inch diameter, aluminum safety type steps. Rungs shall be placed, with a minimum width of 12 inches on center in concrete. Rungs and shall not be subjected to any loads for a minimum of seven days. Copolymer polypropylene steps reinforced with three-eighths-inch grade 60 steel rebar throughout may be used in place of aluminum. Aluminum to be cast into concrete must be coated with bituminous paint.
- h) After the excavation has been done and leveled, one (1) foot of ¾ inch crushed stone bedding material screened gravel shall be placed in the bottom of the excavation, leveled and thoroughly compacted.
- i) Precast concrete manhole sections shall be set so as to be vertical and with sections in true alignment, one-fourth-inch maximum tolerance to be allowed.
- j) The top of the precast reinforced concrete unit shall be set at a grade that will allow a minimum of one and a maximum of three precast concrete risers before setting the cast iron frame and cover. If brick

risers are permitted by the Superintendent, the top of the precast reinforced concrete unit shall be set at grade that will allow a ~~two courses and~~ a minimum of two courses and a maximum of five courses of brick and mortar before setting the cast iron frame and cover. Mortar for brick masonry shall be type II Portland cement mixed in the proportion of ~~one part~~one-part cement to two parts sand, worked to the proper consistency. (Manhole bricks shall conform to ASTM C 32, Grade SS, hard brick (made from clay or shale).

- k) The inside and outside of the masonry work of all manholes shall be plastered with a 1:2 Portland cement mortar. The thickness of the mortar shall be one-half (1/2) inch, and the mortar shall be carefully spread and thoroughly troweled, leaving a smooth, substantially waterproof surface. The mortar shall be extended to completely cover the outside and inside surfaces of all masonry work.
- l) The concrete manholes shall have a channel passing through the bottom which corresponds in shape with the lower two-thirds of the pipe. Inverts shall be cast in place or precast concrete, 3000 psi minimum strength. Side inverts shall be curved and main inverts (where direction changes) shall be laid out in smooth curves of the longest possible radius. The top of the shelf shall slope to drain towards the flow-through or main channel.
- m) Manholes shall be constructed as the sections of the pipelines between them are completed, and unless this is done, the Superintendent or Town's eEngineer shall have the authority to stop trenching and pipe laying until manhole construction is brought up properly. All groundwater shall be kept away from any newly placed concrete or freshly laid masonry work until newly placed concrete or freshly laid masonry work has properly set and a watertight job is obtained.
- n) All surfaces to be dampproofed shall be clean, smooth, dry and free from loose material. The ~~dampproofing~~damp proofing shall be brushed onto the outside concrete manhole surface and fill all voids. Two coats shall be required that conform to the covering capacity of the material used in strict accordance with the manufacturer's recommendations. The first coat shall be applied by the manufacturer of the manholes and the second coat shall be field applied by the contractor. DampproofingDamp proofing shall not be applied in freezing or wet weather.
- i) Iron castings for manhole frames and covers shall conform to ASTM A 48 and shall be ~~class~~Class 30. and as approved by the Superintendent can be the same as used on the Town's existing sewer system or equivalent.

- ii) Manhole frames and covers shall be tough gray iron free from cracks, holes, swells, and cold shuts. The quality shall be such that a blow from a hammer will produce an indentation on an edge of the casting without flaking the metal. Frames and covers shall be machine seated and provided with a gasket so as to provide a tight, even fit.
- iii) Manhole frames shall be six to eight inches high and shall be approximately 35-30 inches in diameter with a minimum opening of 22 inches and a maximum opening of 24 inches. Manhole covers shall be 24 inches to 26 inches in diameter. Covers shall be solid and shall have the word "SEWER" (three inches high) cast on the top. Frames and covers shall be certified as meeting H-20 loading and shall be compatible with existing frames and covers if required by the Superintendent. The approximate total weight of frame and cover shall be 395 pounds. Covers shall have two concealed pickholes
- iv) Casting shall be given one (1) coat of cold-tar pitch varnish at the factory before shipment, and this coating shall be smooth and tough and not brittle.
- v) Frames shall be set concentric with the top of the masonry and in full bed of mortar so that the space between the top of the manhole masonry and the bottom flange of the frame shall be completely filled and made watertight. A thick ring of mortar extending to the outer edge of the masonry shall be placed all around and on top of the bottom flange. Mortar shall be smoothly finished and have a slight slope to shed water away from the frame.

16) All sewers shall satisfy requirements of a leakage test before they are accepted by the Superintendent. The leakage test shall be as follows:

- a) For each size of pipeline, an initial leakage test shall be made on the first section of the pipeline complete between two adjacent manholes. Thereafter, the leakage tests shall be made on sections of approved lengths of completed pipeline which in no case shall exceed 1,000 feet.
- b) Each section shall be tested upon its completion.
- c) Air checking of sewer lines shall be as follows:
 - i) After backfilling sewer line from manhole to manhole, the Contractor shall conduct an air leakage test in the presence of the Superintendent or Engineer, using low-pressure air.

- ii) The equipment used shall meet the following minimum requirements:
 - (a) Pneumatic plugs shall have a sealing length equal to or greater than the diameter of the pipe to be inspected.
 - (b) Pneumatic plugs shall resist internal test pressures without requiring external bracing or blocking.
 - (c) All air used shall pass through a single control panel.
 - (d) Three individual hoses shall be used for the following connections:
 - (i) From control panel to pneumatic plugs for inflation.
 - (ii) From control panel to sealed line for introducing the low-pressure air.
 - (iii) From sealed line to control panel for continually monitoring air pressure rise in the sealed line.
- (iii) Procedures shall be as follows:
 - (a) All pneumatic plugs shall be seal tested before being used in the actual test installation. One length of pipe shall be laid on the ground and sealed at both ends with the pneumatic plugs to be checked. Air shall be introduced into the plugs to 25 psig. The sealed pipe shall be pressurized to 5 psig. The plugs must hold against this pressure without having to be braced.
 - (b) After a manhole-to-manhole reach of pipe has been backfilled and cleaned, and the pneumatic plugs are checked by the above procedure, the plugs shall be placed in the line at each manhole and inflated to 25 psig. Low-pressure air shall be introduced into this sealed line until the internal air pressure reaches four (4) psig greater than the average backpressure of any groundwater that may be over the pipe. At least two minutes shall be allowed for the air pressure to stabilize.
 - (c) After the stabilization period (3.5 psig minimum pressure in the pipe), the air hose from the control panel to the air supply shall be disconnected. The portion of line being tested shall be termed "Acceptable" if the time required in

minutes for the pressure to decrease from 3.5 to ~~3.0~~2.5 psig (greater than the average backpressure of any groundwater that may be over the pipe) shall not be less than:

$$T = \frac{0.085 (DK)}{(Q)}$$

Where: T = Shortest time, in seconds, allowed for the air pressure to drop 1.0 psig,
 K = 0.000419 DL, but not less than 1.0,
 Q = 0.0015 cubic feet/minute/square feet of internal surface,
 D = Nominal pipe diameter in inches, and
 L = Length of pipe being tested in feet.

Table 1 indicates the time required for various lengths and pipe sizes.

TABLE 1

**SPECIFICATION TIME REQUIRED FOR A 1.0 PSIG PRESSURE DROP
 FOR SIZE AND LENGTH OF PIPE INDICATED FOR Q = 0.0015**

| 1 Pipe Diameter (in) | 2 Minimum Time (min- sec) | 3 Length for Minimum Time (ft) | 4 Time for Longer Length (sec) | Specification Time for Length (L) Shown (min-sec) | | | | | | | |
|-------------------------------|---------------------------------------|---|--|---|--------|--------|--------|--------|--------|--------|--------|
| | | | | 100 ft | 150 ft | 200 ft | 250 ft | 300 ft | 350 ft | 400 ft | 450 ft |
| 4 | 3:46 | 397 | 380 L | 3:46 | 3:46 | 3:46 | 3:46 | 3:46 | 3:46 | 3:46 | 3:46 |
| 6 | 5:40 | 398 | 854 L | 5:40 | 5:40 | 5:40 | 5:40 | 5:40 | 5:40 | 5:42 | 6:24 |
| 8 | 7:34 | 298 | 1,520 L | 7:34 | 7:34 | 7:34 | 7:34 | 7:36 | 8:52 | 10:08 | 11:24 |
| 10 | 9:26 | 239 | 2,374 L | 9:26 | 9:26 | 9:26 | 9:53 | 11:52 | 13:51 | 15:49 | 17:48 |
| 12 | 11:20 | 199 | 3,418 L | 11:20 | 11:20 | 11:24 | 14:15 | 17:05 | 19:56 | 22:47 | 25:38 |
| 15 | 14:10 | 159 | 5,342 L | 14:10 | 14:10 | 17:48 | 22:15 | 26:42 | 31:09 | 35:36 | 40:04 |
| 18 | 17:00 | 133 | 7,692 L | 17:00 | 19:13 | 25:38 | 32:03 | 38:27 | 44:52 | 51:16 | 57:41 |
| 21 | 19:50 | 114 | 10,470 L | 19:50 | 26:10 | 34:54 | 43:37 | 52:21 | 61:00 | 69:48 | 78:31 |
| 24 | 22:40 | 99 | 13,674 L | 22:47 | 34:11 | 45:34 | 56:58 | 68:22 | 79:46 | 91:10 | 102:33 |
| 27 | 25:30 | 88 | 17,306 L | 28:51 | 43:16 | 57:41 | 72:07 | 86:32 | 100:57 | 115:22 | 129:48 |
| 30 | 28:20 | 80 | 21,366 L | 38:37 | 53:25 | 71:13 | 89:02 | 106:50 | 124:38 | 142:26 | 160:15 |
| 33 | 31:10 | 72 | 25,852 L | 43:05 | 64:38 | 86:10 | 107:43 | 129:16 | 150:43 | 172:21 | 193:53 |
| 36 | 34:00 | 66 | 30,768 L | 51:17 | 76:55 | 102:34 | 128:12 | 153:50 | 179:29 | 205:07 | 230:46 |

- (d) In areas where groundwater is known to exist, the contractor shall install a half-inch diameter capped pipe nipple, approximately ten inches long, through the manhole wall on top of one of the sewer lines entering the manhole. This shall be done at the time the sewer line is installed. Immediately prior to the performance of the leakage test, the groundwater shall be determined by removing the pipe cap, blowing air through the pipe nipple into the ground so as to clear it, and then connecting a clear plastic tube to the nipple. The plastic tube shall be held vertically, and a measurement of the height in feet of water over the invert of the pipe shall be taken after the water has stopped rising in this plastic tube. The height in feet shall be divided by 2.3 to establish the pounds of pressure that will be added to all readings. (For example, if the height of water is 11½ feet, the added pressure will be five psig. This increases the 3.5 psig to 8.5 psig, and the 3.0 psig to 8.0 psig. The allowable drop of one-half pound and the timing remain the same.)
- (e) If the installation fails to meet this requirement, the Contractor shall determine the source of the leakage and repair or replace all defective materials at his own expense.

17) Manholes shall be tested by plugging the pipes and filling the manholes with water for an exfiltration test or by an air vacuum test.

a) Water exfiltration test:

- (a) The manhole shall be filled to allow for concrete absorption and left overnight.
- (b) The following morning, the manhole shall be filled to a level no less than one foot above the beginning of the manhole taper, and shall be tested for 8 hours.
- (c) The water level shall be carefully marked, and at end of following eight (8) hour period, sufficient water shall be added to bring water level back to mark. Water added shall be supplied from a metered source and quantity so added water shall be converted to gallons per day lost through manhole leakage.
- (d) The loss of water shall be less than one gallon per day per foot of depth of manhole.

- (e) If the measured exfiltration exceeds the allowable rate, the necessary repairs shall be made by the Contractor at his expense to reduce the leakage.
- (f) In areas with a high groundwater table, the Superintendent or engineer-Engineer may require a visual infiltration test rather than an exfiltration test. In this case, all leaks or weepings visible from the inside of the manhole shall be repaired, and the manhole made watertight.

b) Air vacuum test:

- (a) Manholes shall be tested by a vacuum test immediately after assembly of the manholes and connecting pipes and before any backfill is placed around the manholes, and again after backfilling.
- (b) All lift holes shall be plugged with nonshrink grout and all pipes entering the manhole shall be plugged, taking care to securely brace the plugs and pipe.
- (c) The test shall be made using an inflatable compression band, vacuum pump and appurtenances specifically designed for vacuum testing manholes. Test procedures shall be in accordance with the equipment manufacturer's recommendations.
- (d) After the testing equipment is in place, a vacuum of 10" of Hg shall be drawn on the manhole. The manhole will be considered to have passed the test if the vacuum does not drop more than 1" of Hg in one minute.
- (e) If the manhole fails the initial test, the Contractor shall locate the source of leakage and make proper repairs as directed by the Superintendent, and re-tested until a satisfactory test result is obtained.

APPENDIX D

Calculating the “One Time” Sewer Credit

CALCULATING THE "ONE TIME" ONE TIME SEWER CREDIT

1. ADD LAST 4 QUARTERS CONSUMPTION AND DIVIDE BY 4. This is the average usage

2. MULTIPLY AVERAGE USAGE x 400 PERCENT. Billed consumption in question must be greater than the 400 percent of average

3. IF BILLED CONSUMPTION IN QUESTION IS LESS THAN 400 PERCENT OF AVERAGE, ACCOUNT DOES NOT QUALIFY FOR CREDIT

4. IF BILLED CONSUMPTION IS GREATER THAN 400 PERCENT OF AVERAGE, SUBTRACT AVERAGE FROM BILLED CONSUMPTION TO GIVE YOU THE OVERAGE BILLED.

MULTIPLY AVERAGE USAGE x \$51.50 FOR THE AMOUNT SHOULD HAVE BEEN BILLED **PLUS** THE OVERAGE BILLED x \$1.00. ADD THIS AMOUNT TO WHAT SHOULD HAVE BEEN BILLED. THIS IS THE AMOUNT TO SUBTRACT FROM THE ACTUAL BILL, AND THE BALANCE IS THE AMOUNT TO BE CREDITED.

EXAMPLE: CUSTOMER BILLED FOR 10,000 CU. FT. (10,000 x \$51.50 = \$515.00)

LAST 4 BILLING QUARTERS CONSUMPTION:

2000

2100

1800

1500 = 7400 divisible by 4 = 1850 average usage

Billed usage: 10,000 cu. ft. (\$515.00) – average usage: 1850 (\$95.28) = 8150 excess x \$1.00 = \$81.50

\$95.28

\$515.00

\$81.50

(\$176.78)

\$176.78

\$338.22 credit to account

APPENDIX E

Applicable Municipal References

Maine Revised Statutes

Title 30-A: MUNICIPALITIES AND COUNTIES

Part 2: MUNICIPALITIES

Subpart 5: HEALTH, WELFARE AND IMPROVEMENTS

Chapter 161: SEWERS AND DRAINS

Subchapter 1: GENERAL PROVISIONS

§3406. Service charges for sewage or storm water disposal

The municipal officers may establish a schedule of service charges from time to time upon improved real estate connected with a municipal sewer or sewer system or storm water disposal system for the use of the system. These service charges must include reserve fund contributions. For purposes of this section, "storm water disposal system" means storm water and flood control devices, structures, conveyances, facilities or systems, including natural streams and rivers and other water bodies used wholly or partly to convey or control storm water or floodwater. [2013, c. 197, §1 (AMD).]

1. Interest. The municipal officers may charge interest on delinquent accounts at a rate not to exceed the highest lawful rate set by the Treasurer of State for municipal taxes.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

2. Lien. There is a lien on real estate served or benefited by a municipal sewer or sewer system or storm water disposal system to secure the payment of service charges and interest on delinquent accounts established under this chapter. This lien arises and is perfected as services are provided and takes precedence over all other claims on the real estate, excepting only claims for taxes.

[2015, c. 174, §1 (AMD) .]

3. Collection. The treasurer of the municipality may collect the service charges and interest on delinquent accounts in the same manner as granted by Title 38, section 1208, to treasurers of sanitary sewer districts with reference to rates established and due under Title 38, section 1202.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

SECTION HISTORY

1987, c. 737, §§A2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,10 (AMD). 2013, c. 197, §1 (AMD). 2015, c. 174, §1 (AMD).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.

If you need legal advice, please consult a qualified attorney.

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State House Room 108 • Augusta, Maine 04333-0007

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Maine Revised Statutes

Title 30-A: MUNICIPALITIES AND COUNTIES

Part 2: MUNICIPALITIES

Subpart 5: HEALTH, WELFARE AND IMPROVEMENTS

Chapter 161: SEWERS AND DRAINS

Subchapter 3: ASSESSMENTS AND FEES

§3442. Expense of construction

1. Sewer district defined. As used in this section, sewer district means a quasi-municipal corporation, as defined in section 2604, subsection 3, established to construct and operate sewer systems to assist in the abatement of the pollution of public streams, lakes and inland and ocean waters.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

2. Estimate and assessment of costs; notice. When any municipality or sewer district has constructed and completed a public drain or common sewer, the municipal officers or sewer district trustees shall determine what lots or parcels of land are benefited by the drain or sewer, and shall estimate and assess upon the lots and parcels of land and against the owner of the land or person in possession, or against whom the taxes on the land are assessed, whether the person to whom the assessment is so made is the owner, tenant, lessee or agent and whether the land is occupied or not, the sum not exceeding the benefit they consider just and equitable towards defraying the expenses of constructing and completing the drain or sewer, together with any sewage disposal units and appurtenances that are necessary and in operation after May 31, 1979. The whole of the assessments may not exceed 1/2 the cost of the drain or sewer and sewage disposal units unless 75% or more of the landowners that will be benefited by the expansion petition the municipal officers to construct the drain or sewer and sewage disposal unit and agree to pay a higher assessment that must be identified in the petition. The municipality or sewer district shall maintain and keep the drain or sewer in repair.

A. Farmland, as defined by Title 36, section 1102, subsection 4, is exempt from assessment under this subsection when no benefits are derived from the common sewer or drain. The owner of the farmland must notify the municipal officers or sewer district trustees that farmland property may qualify for this exception. The municipal officers or sewer district trustees shall revise the assessments against qualified farmland to exempt it from

assessment. Any revision of assessment provided by this paragraph must be in writing and recorded by the clerk or sewer district trustees.

When the use of the land is changed from farmland, the owner shall within 60 days notify the municipal officers or sewer district trustees in writing of the change. The municipal officers or sewer district trustees shall assess this land in an amount equal to the assessment which would have been due but for this subsection. The municipal officers or sewer district trustees shall notify the owner of the assessment due which the owner shall pay within 60 days of notice or as provided by the municipal officers under their authority in section 3444. [1991, c. 236, §1 (AMD).]

[1991, c. 236, §1 (AMD) .]

3. Filing of assessments. The municipal officers or sewer district trustees shall file with the municipal clerk:

A. The location of the drain or sewer and sewage disposal unit, with a profile description of the same; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

B. A statement of the amount assessed upon each lot or parcel of land assessed under this section; and [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

C. The name of the owner of the lots or parcels of land or persons against whom the assessment is made. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

The municipal clerk and the sewer district trustees shall record the assessment in a book kept for that purpose.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

4. Notice of assessment. Within 10 days after filing occurs under subsection 3, each person so assessed shall have notice of the assessment given to that person or left at that person's usual place of abode in the municipality.

A. If the person has no place of abode in the municipality, then the notice shall be given or left at the abode of the tenant or lessee, if any. If there is no tenant or lessee in the municipality, then the notice shall be given by:

(1) Posting it in some conspicuous place in the vicinity of the lot or parcel of land so assessed at least 30 days before the hearing; or

(2) Publishing it for 3 successive weeks in any newspaper of general circulation in the municipality. The first publication must be at least 30 days before the hearing. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. The notice must contain an authentic copy of the assessment, and an order of notice signed by the municipal clerk or the chairman of the sewer district trustees stating the time and place for a hearing upon the subject matter of the assessments. A return made upon a copy of the notice by any constable in the municipality or the production of the paper containing the notice is conclusive evidence that the notice was given. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

5. Hearing; revision of assessments. When the hearing is held, the municipal officers or sewer district trustees may revise, increase or diminish any of these assessments. Any revision, increase or diminution must be in writing and recorded by the municipal clerk and the sewer district trustees.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

SECTION HISTORY

1987, c. 737, §A2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,10 (AMD). 1991, c. 236, §1 (AMD).

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Subchapter 3: ASSESSMENTS AND FEES

§3443. Arbitration of assessment

Any person who is dissatisfied with the amount assessed under section 3442 may, within 10 days after hearing under section 3442, subsection 5, make a written request to the municipal clerk to have the assessment upon the lot or parcel of land determined by arbitration. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

1. Arbitrators selected. The municipal officers shall nominate 6 persons who are residents of the municipality. The applicant shall select 2 of these persons, and these 2 persons shall select a 3rd person who is a resident of the municipality and who is not one of the 6 persons nominated by the municipal officers.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

2. Arbitration procedure. The 3 persons selected under subsection 1 shall fix the amount to be paid by the applicant. Within 30 days from the hearing before the municipal officers under section 3442, the arbitrators shall report their findings to the municipal clerk who shall record them. The arbitrators' report is final and binding on all parties.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

SECTION HISTORY

1987, c. 737, §2A, §106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§8, 10 (AMD).

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Subchapter 3: ASSESSMENTS AND FEES

§3444. Collection of assessments

Except for service charges established under section 3406 which shall be collected as provided in that section, all assessments and charges made under this chapter shall be certified by the municipal officers and filed with the tax collector for collection. A facsimile of the signatures of the municipal officers imprinted at their direction upon any certification of an assessment or charge under this chapter has the same validity as their signatures. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

1. Payment over time. The municipal officers of a municipality may adopt an order generally authorizing the assessors and the tax collector to assess and collect those assessments and charges over a period of time not exceeding 10 years, including expenses involved in the municipality's abatement of malfunctioning domestic waste water disposal units under section 3428, subsection 4.

A. The assessors and collector may exercise this authority only when the person assessed has agreed to that method of assessment and collection in writing and notice of that fact has been recorded in the appropriate registry of deeds. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. The municipal officers shall annually file with the collector a list of installment payments due the municipality, which must be collected with interest at a rate determined by the municipal officers. If, within 30 days after written notice of the total amount of the assessments and charges, or annual installment payment and interest, the person assessed fails, neglects or refuses to pay the municipality the expense incurred, the municipal assessors may assess a special tax, equal to the amount of the total unpaid assessment and charges, upon each lot or parcel of land so assessed and buildings upon the lot or parcel of

land. This assessment must be included in the next annual warrant to the tax collector for collection and must be collected in the same manner as state, county and municipal taxes are collected.

(1) Interest at the same rate used for delinquent property taxes as established by Title 36, section 505, subsection 4 on the unpaid portion of assessments and charges due the municipality accrues from the 30th day after written notice to the person assessed and must be added to and becomes part of the special tax when committed to the tax collector. [1995, c. 91, §1 (AMD).]

[1995, c. 91, §1 (AMD) .]

2. Action to recover unpaid assessments. If assessments under this section are not paid, and the municipality does not proceed to collect the assessments by a sale of the lots or parcels of land upon which the assessments are made, or does not collect or is in any manner delayed or defeated in collecting the assessments by a sale of the real estate so assessed, then the municipality may maintain a civil action in its name against the party so assessed for the amount of the assessment in any court competent to try the action. In this action, the municipality may recover the amount of the assessment with 12% interest on the assessment from the date of the assessment and costs.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

SECTION HISTORY

1987, c. 737, §SA2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §SC8,10 (AMD). 1995, c. 91, §1 (AMD).

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Subchapter 3: ASSESSMENTS AND FEES

§3445. Lien for payment on lot and building; enforcement

When any assessment made under section 3442 is paid by any person against whom the assessment has been made, who is not the owner of the lot or parcel of land, then the person paying the assessment has a lien upon the lot or parcel of land with the buildings on the land for the amount of the assessment paid by that person, and incidental charges. The lien may be enforced in a civil action, and by attachment in the way and manner provided for the enforcement of liens upon buildings and lots under Title 10. The lien shall continue one year after the assessment is paid. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

SECTION HISTORY

1987, c. 737, §SA2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §SC8,10 (AMD).

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Subpart 6-A: PLANNING AND LAND USE REGULATION

Chapter 187: PLANNING AND LAND USE REGULATION

Subchapter 5: ENFORCEMENT OF LAND USE REGULATIONS

§4452. Enforcement of land use laws and ordinances

1. Enforcement. A municipal official, such as a municipal code enforcement officer, local plumbing inspector or building official, who is designated by ordinance or law with the responsibility to enforce a particular law or ordinance set forth in subsection 5, 6 or 7, may:

A. Enter any property at reasonable hours or enter any building with the consent of the owner, occupant or agent to inspect the property or building for compliance with the laws or ordinances set forth in subsection 5. A municipal official's entry onto property under this paragraph is not a trespass; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

B. Issue a summons to any person who violates a law or ordinance, which the official is authorized to enforce; and [1993, c. 23, §1 (AMD).]

C. When specifically authorized by the municipal officers, represent the municipality in District Court in the prosecution of alleged violations of ordinances or laws, which the official is authorized to enforce. [1993, c. 23, §1 (AMD).]

[1993, c. 23, §1 (AMD); 2007, c. 699, §24 (REV) .]

2. Liability for violations. Any person, including, but not limited to, a landowner, the landowner's agent or a contractor, who violates any of the laws or ordinances set forth in subsection 5 or 6 is liable for the penalties set forth in subsection 3.

[1991, c. 732, §2 (AMD) .]

3. Civil penalties. The following provisions apply to violations of the laws and ordinances set forth in subsection 5. Except for paragraph H, monetary penalties may be assessed on a per-day basis and are civil penalties.

A. The minimum penalty for starting construction or undertaking a land use activity without a required permit is \$100, and the maximum penalty is \$2,500. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

B. The minimum penalty for a specific violation is \$100, and the maximum penalty is \$2,500. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

B-1. Notwithstanding paragraph B, the maximum penalty is \$5,000 for any violation of a law or an ordinance set forth in subsection 5, paragraph Q, if the violation occurs within an area zoned for resource protection. [1999, c. 370, §1 (NEW).]

C. The violator may be ordered to correct or abate the violations. When the court finds that the violation was willful, the violator shall be ordered to correct or abate the violation unless the abatement or correction results in:

- (1) A threat or hazard to public health or safety;
- (2) Substantial environmental damage; or
- (3) A substantial injustice. [1989, c. 727, §1 (AMD).]

C-1. [2007, c. 92, §1 (RP).]

C-2. Notwithstanding paragraph C, for violations of the laws and ordinances set forth in subsection 5, paragraph Q, the provisions of this paragraph apply. The court must order the violator to correct or mitigate the violation unless the correction or mitigation would result in a threat or hazard to public health or safety, substantial environmental damage or a substantial injustice.

(1) Except for timber harvesting, correction or mitigation of a violation that involves the cutting of a tree or trees must include, but is not limited to, replacement of each tree cut with a tree or trees of varying size and species such that the visual impact from the cutting will be remediated, the tree canopy that was cut will be restored within a reasonable time period and a total basal area equal to at least 50% of the basal area cut will be replanted.

(2) Except for timber harvesting, correction or mitigation of a violation that involves the cutting of understory vegetation must include, but is not limited to, replacement of the understory vegetation with understory vegetation of substantially similar size and species to the extent reasonably available and feasible.

(3) For violations requiring correction or mitigation pursuant to subparagraph (1) or (2), the violator shall submit to the municipality a reforestation plan and 5-year

management plan developed with and signed by a forester licensed pursuant to Title 32, chapter 76 or other qualified professional. The reforestation plan must include consideration of specified site conditions and address habitat and other riparian restoration, visual screening, understory vegetation and erosion and sedimentation control. The management plan must address how the replacement trees must be maintained to enable the trees to grow to a healthy, mature height.

For purposes of this paragraph, "timber harvesting" has the same meaning as in Title 38, section 438-B, subsection 1, paragraph C.

For purposes of this paragraph, "understory vegetation" means all saplings that measure less than 2 inches in diameter at 4.5 feet above ground level and all shrubs. [2011, c. 228, §1 (AMD).]

D. If the municipality is the prevailing party, the municipality must be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust. If the defendant is the prevailing party, the defendant may be awarded reasonable attorney fees, expert witness fees and costs as provided by court rule. [1989, c. 727, §1 (AMD).]

E. In setting a penalty, the court shall consider, but is not limited to, the following:

- (1) Prior violations by the same party;
- (2) The degree of environmental damage that cannot be abated or corrected;
- (3) The extent to which the violation continued following a municipal order to stop; and
- (4) The extent to which the municipality contributed to the violation by providing the violator with incorrect information or by failing to take timely action. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

F. The maximum penalty may exceed \$2,500, but may not exceed \$25,000, when it is shown that there has been a previous conviction of the same party within the past 2 years for a violation of the same law or ordinance. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

G. The penalties for violations of a septage land disposal or storage site permit issued by the Department of Environmental Protection under Title 38, chapter 13, subchapter 1, are as prescribed in Title 38, section 349. [1997, c. 794, Pt. A, §1 (AMD).]

H. If the economic benefit resulting from the violation exceeds the applicable penalties under this subsection, the maximum civil penalties may be increased. The maximum civil penalty may not exceed an amount equal to twice the economic benefit resulting from the violation. Economic benefit includes, but is not limited to, the costs avoided or enhanced

value accrued at the time of the violation as a result of the violator's noncompliance with the applicable legal requirements. [1989, c. 727, §1 (NEW).]

[2011, c. 228, §1 (AMD) .]

4. Proceedings brought for benefit of municipality. All proceedings arising under locally administered laws and ordinances shall be brought in the name of the municipality. All fines resulting from those proceedings shall be paid to the municipality.

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

5. Application. This section applies to the enforcement of land use laws and ordinances or rules that are administered and enforced primarily at the local level, including:

A. The plumbing and subsurface waste water disposal rules adopted by the Department of Health and Human Services under Title 22, section 42, including the land area of the State that is subject to the jurisdiction of the Maine Land Use Planning Commission; [2007, c. 699, §18 (AMD); 2011, c. 682, §38 (REV).]

B. Laws pertaining to public water supplies, Title 22, sections 2642, 2647 and 2648; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

C. Local ordinances adopted pursuant to Title 22, section 2642; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

D. Laws administered by local health officers pursuant to Title 22, chapters 153 and 263; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

E. Laws pertaining to fire prevention and protection, which require enforcement by local officers pursuant to Title 25, chapter 313; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

F. Laws pertaining to the construction of public buildings for the physically disabled pursuant to Title 5, sections 4582-B, 4582-C and 4594-F; [2011, c. 613, §28 (AMD); 2011, c. 613, §29 (AFF).]

G. Local land use ordinances adopted pursuant to section 3001; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

H. [2007, c. 699, §18 (RP).]

I. [2007, c. 699, §18 (RP).]

J. Laws pertaining to junkyards, automobile graveyards and automobile recycling businesses and local ordinances regarding junkyards, automobile graveyards and automobile recycling businesses, pursuant to chapter 183, subchapter 1 and Title 38, section 1665-A, subsection 3; [2007, c. 699, §18 (AMD).]

K. Local ordinances regarding electrical installations pursuant to chapter 185, subchapter 2; [2007, c. 699, §18 (AMD).]

L. Local ordinances regarding regulation and inspection of plumbing pursuant to chapter 185, subchapter 3; [2007, c. 699, §18 (AMD).]

M. Local ordinances regarding malfunctioning subsurface waste water disposal systems pursuant to section 3428 and laws regarding malfunctioning subsurface waste water disposal systems pursuant to Title 38, section 424-A; [2007, c. 568, §6 (AMD).]

N. The subdivision law and local subdivision ordinances adopted pursuant to section 3001 and subdivision regulations adopted pursuant to section 4403; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

O. Local zoning ordinances adopted pursuant to section 3001 and in accordance with section 4352; [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

P. Wastewater discharge licenses issued pursuant to Title 38, section 353-B; [1999, c. 127, Pt. A, §46 (AMD).]

Q. Shoreland zoning ordinances adopted pursuant to Title 38, sections 435 to 447, including those that were state-imposed; [2005, c. 240, §4 (AMD).]

R. The laws pertaining to harbors in Title 38, chapter 1, subchapter 1, local harbor ordinances adopted in accordance with Title 38, section 7 and regulations adopted by municipal officers pursuant to Title 38, section 2; [2007, c. 112, §4 (AMD).]

S. Local ordinances and ordinance provisions regarding storm water, including, but not limited to, ordinances and ordinance provisions regulating nonstorm water discharges, construction site runoff and postconstruction storm water management, enacted as required by the federal Clean Water Act and federal regulations and by state permits and rules; [2007, c. 661, Pt. A, §1 (AMD); 2007, c. 699, §18 (AMD).]

T. Laws pertaining to limitations on construction and excavation near burial sites and established cemeteries in Title 13, section 1371-A and local ordinances and regulations adopted by municipalities in accordance with this section and section 3001 regarding those limitations; [RR 2007, c. 2, §16 (COR).]

U. Standards under a wind energy development certification issued by the Department of Environmental Protection pursuant to Title 35-A, section 3456 if the municipality chooses to enforce those standards; and [RR 2007, c. 2, §17 (COR).]

(Paragraph U as enacted by PL 2007, c. 699, §18 is REALLOCATED TO TITLE 30-A, SECTION 4452, SUBSECTION 5, PARAGRAPH V)

V. (REALLOCATED FROM T. 30-A, §4452, sub-§5, ¶U) The Maine Uniform Building and Energy Code, adopted pursuant to Title 10, chapter 1103. [RR 2007, c. 2, §18 (RAL) .]

[2011, c. 613, §28 (AMD); 2011, c. 613, §29 (AFF); 2011, c. 682, §38 (REV) .]

6. Septage and sludge permits issued by the Department of Environmental Protection. A municipality, after notifying the Department of Environmental Protection, may enforce the terms and conditions of a septage land disposal or storage site permit or a sludge land application or storage site permit issued by the Department of Environmental Protection pursuant to Title 38, chapter 13, subchapter 1.

[1997, c. 38, §1 (AMD) .]

7. Natural resources protection laws. A code enforcement officer, authorized by a municipality to represent that municipality in District Court and certified by the former State Planning Office or the Department of Economic and Community Development, Office of Community Development under section 4453 as familiar with court procedures, may enforce the provisions of Title 38, section 420-C, Title 38, chapter 3, subchapter 1, article 5-A and Title 38, chapter 13-D by instituting injunctive proceedings or by seeking civil penalties in accordance with Title 38, section 349, subsection 2.

[2011, c. 655, Pt. FF, §9 (AMD); 2011, c. 655, Pt. FF, §16 (AFF) .]

SECTION HISTORY

1989, c. 104, §§445, C10 (NEW). 1989, c. 287, §§3, 4 (AMD). 1989, c. 727, §1 (AMD). 1991, c. 548, §D6 (AMD). 1991, c. 732, §§1-4 (AMD). RR 1993, c. 1, §77 (COR). 1993, c. 23, §§1, 2 (AMD). 1995, c. 58, §1 (AMD). 1995, c. 704, §B1 (AMD). 1995, c. 704, §C2 (AFF). 1997, c. 38, §1 (AMD). 1997, c. 296, §8 (AMD). 1997, c. 794, §A1 (AMD). 1999, c. 127, §A46 (AMD). 1999, c. 370, §1 (AMD). 2003, c. 689, §B6 (REV). 2005, c. 148, §1 (AMD). 2005, c. 240, §§4-6 (AMD). RR 2007, c. 2, §§16-18 (COR). 2007, c. 92, §§1, 2 (AMD). 2007, c. 112, §§4-6 (AMD). 2007, c. 568, §6 (AMD). 2007, c. 569, §1 (AMD). 2007, c. 661, Pt. A, §§1-3 (AMD). 2007, c. 699, §18 (AMD). 2007, c. 699, §24 (REV). 2011, c. 228, §1 (AMD). 2011, c. 613, §28 (AMD). 2011, c. 613, §29 (AFF). 2011, c. 655, Pt. FF, §9 (AMD). 2011, c. 655, Pt. FF, §16 (AFF). 2011, c. 682, §38 (REV).

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