# Town of Rutland  250 Main Street, Rutland, MA 01543

## Revised Sewer Rules & Regs

**SEWER USE REGULATIONS**

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**Related Documents:**
- Technical Specifications
REGULATIONS GOVERNING 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 RUTLAND, WORCESTER COUNTY, COMMONWEALTH OF MASSACHUSETTS.

THESE REGULATIONS ARE BEING PREPARED IN CONJUNCTION WITH THE RUTLAND DEPARTMENT OF PUBLIC WORKS SEWER ASSESSMENTS AND USER CHARGES SYSTEM AND THE RUTLAND DEPARTMENT OF PUBLIC WORKS TECHNICAL SPECIFICATIONS AND ARE INTENDED TO REPLACE THE SEPTEMBER 6, 1977 SEWER REGULATIONS.

Be it ordained and enacted by the Rutland Department of Public Works of the Town of Rutland, Commonwealth of Massachusetts, as follows:

ARTICLE I - DEFINITIONS

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

- “Applicant” or “Owner” shall mean any person requesting approval to discharge industrial wastes or sewage into the sewage works of the Town of Rutland.
- “Approval” shall mean written approval by the Department.
- “Available” A public sewer shall be considered available when the property upon which a building is situated abuts a street, alley, easement or right of way in which a Public Sewer is located. If the property line of the subject parcel is more than one hundred (100) feet (30.5 meters) from the nearest Public Sewer, application may be made in writing to the Department to declare the Public Sewer “Not Available.”
- “Average Daily Flow” shall mean the volume of flow in gallons as measured at a metering station or other point during a continuous period divided by the number of days in such a period.
- “BOD” (denoting Biochemical Oxygen Demand”) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°
No person shall construct, effect, maintain, modify, or use any sewer system extension or connection without a currently valid permit from DEP pursuant to M.G.L. c. 21, § 43 and 314 CMR 7.00 (Sewer System Extension and Connection Permit Program), unless exempted under 314 CMR 7.05.

Any person who proposes to construct, effect, maintain, modify or use a sewer system extension or connection may obtain a permit by filing the application form in accordance with 314 CMR 7.00 and 2.00 (Permit Procedures).

Applicants shall consult the Massachusetts DEP website for the latest requirements for filing a sewer extension and/or connection permit.

Municipal approval - Applicant must receive approval from the Superintendent as required on the DEP application.

ARTICLE V - SEWER LINE CONSTRUCTION AND MAINTENANCE

The cost or portion of the cost of the construction hereafter of any sewer or extension of any existing mainline sewer or the doing of any other work in connection therewith, except building sewers, shall be assessed upon the estates especially benefited thereby, under and subject to the provisions of Chapters 80 and 83 of the Massachusetts General Laws.

The cost of construction of the building sewer connection from the public sewer to the dwelling unit or estate benefited shall generally be paid for directly by the persons or owners of the estates benefited.

The maintenance and cleaning of building sewer shall be the responsibility of the owner of the dwelling unit or estate benefited by such building sewer.

All building sewer installation, repair or maintenance work shall be performed by a drain layer who possesses a valid drain layer’s license issued by the Department. A drain layer’s bond, using the town’s standard bond form, as then in effect, must be submitted to the Superintendent in advance of installation, repair or maintenance.

Licenses to connect building sewers to the public sewers will be issued to experienced, competent and appropriately licensed, insured, and bonded contractors at the discretion of the Superintendent.

Licensed drain layers shall maintain insurance as follows: Public Liability $500,000/$1,000,000, Property Damage $250,000/$500,000 and shall file a certificate of same with the Superintendent.

Licensed drain layers shall post a bond in the amount of $5,000 to guarantee the satisfactory completion of any work performed under said license. Final determination as to satisfactory completion shall be made by the Department.

Application for drain layers license must be obtained from the Department of Public Works. A copy of the required application is included in Attachment E of this Sewer Use Regulation.

Violations by licensed drain layers of the requirements enumerated herein will be cause for revocation of license for a period to be determined by the Superintendent.

All gravity sewers, force mains, pumping stations and appurtenant work shall be completed in accordance with the most recent version of the Department Technical Specifications at the time such construction commences.

All new pump stations must adhere to the following requirements:

The permittee must provide a full set of buoyancy calculations for pump station wet well and associated underground vaults satisfactory to the Superintendent. Buoyancy calculations shall be certified by a Massachusetts Registered Professional Engineer.

All new pump stations must be equipped with the following:

SCADA (Supervisory Control and Data Acquisition) system
• Alarm system with visual component mounted outside
• Alternative/back-up power
• An odor control component for stations with detention times greater than 15 minutes
• Flow meter and run-time recorder

• Changes to the approved pump station design may not be made without the approval of the Superintendent.
• Upon completion of construction of the pump station, the permittee shall provide the town with copies of the Operation & Maintenance Manual for the pump station.

5.6.5 The permittee shall enter into an operation and maintenance service contract for the pump station with a provider satisfactory to the Town, shall maintain said contract from the commencement of operation of the pump station until it is transferred to the Town, and provide the Town with a copy of the executed agreement for such services.

5.6.6 The permittee must provide certification from an appropriate entity that the pump station design is consistent with the requirements set forth in the NEIWPCC’s TR-16 Guide to Wastewater Treatment Works as determined by the Superintendent.

ARTICLE VI - USE OF THE PUBLIC SEWERS

6.1 No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, surface water, groundwater, roof or surface runoff, tidewater, subsurface drainage, uncontaminated cooling water, unpolluted industrial process waters, non-contact cooling water, or non-contact industrial process waters to any public sanitary sewer. In general, only sanitary sewage shall be discharged to the common sewer and Combined Sewers are prohibited.

6.2 No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers.

6.2.1 Any liquids, solids or gasses 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 the operation of the POTW. At no time, shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the 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, fuel oil, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substance which is a fire hazard or a hazard to the system.

6.2.2 Any noxious, malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or are sufficient to prevent entry into the sewers for maintenance or repair, inspection, sampling, or any similar activity.

6.2.3 Any water or wastes having a pH lower than 6.5, or higher than 10.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater facilities.

6.2.4 Any wastes containing a toxic or poisonous substance in sufficient quantity, either singularly or by interactions with other wastes, to injure or interfere with the sewerage system, and/or treatment facilities to constitute a hazard to humans or animals or to create a public nuisance, or to create any hazard in the receiving waters of the wastewater treatment works.

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

6.2.6 Septage.

6.2.7 Sludge(s) from industrial waste pretreatment facilities.

6.2.8 Any wastewater with temperatures in the amounts which will inhibit biological activity in the POTW resulting in interference but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40°C (104°F).

6.2.9 Any substance which may cause the POTW’s effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall
any substance discharged to the POTW cause the POTW to violate its NPDES permit and/or state disposal system permit or the receiving water quality standards.

6.2.10 Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

6.2.11 Any wastewater causing the treatment plant’s effluent to fail a toxicity test.

6.3 No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Department that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming the opinion as to the acceptability of these wastes, the Department will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, cost surcharges associated with the wastes and other pertinent factors. The substances prohibited are as set forth in roles and regulations promulgated by the EPA, DEP, MWRA, Upper Blackstone Water Pollution Abatement District and Rutland Department of Public Works.

6.3.1 Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the wastewater treatment works effluent cannot meet the requirements of other state and/or federal agencies having jurisdiction over discharge to the receiving waters.

6.4 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 8.6, and which in the judgment of the Department, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Department may take any or all of the following actions: 6.4.1 Reject the wastes.

6.4.2 Require pretreatment to an acceptable condition for discharge to the public sewers.

6.4.3 Require control over the quantities and rates of discharge, and/or

6.4.4 Require payment to cover added costs of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 8.15.

6.4.5 Require the permittee to pay for any and all costs and fees incurred by the Town in connection with this Article VI.

6.5 If the Department 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 Department and subject to the requirements of all applicable codes, regulations and laws. A qualified and competent Professional Engineer registered in the Commonwealth of Massachusetts shall prepare said design.

6.6 Under no circumstance shall the decision of the Department exempt a user from a federally mandated prohibition, or the surcharge of a user for violations of Federal prohibitions. (Code 1971, 26-29) 1997 IMD.

6.7 Grease, oil, and sand interceptors shall be provided and maintained for continuously efficient operation by the Owner when, in the opinion of the Department, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, as specified in Section 6.3, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Department, and shall be located outside the building so as to be readily and easily accessible for cleaning and inspection. Each restaurant must have an approved grease trap. Each gasoline station must have an approved gasoline trap. Each car wash must have an approved sand trap. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal, which are subject to review by the Superintendent. Currently licensed waste disposal firms must perform any removal and handling of the collected materials.

6.7.1 Grease interceptors shall be installed in accordance with the Massachusetts State Plumbing Regulations, Massachusetts State Environmental Code, Title V, 310 CMR 15, and the Rules and Regulations of the Rutland Board of Health, unless otherwise stated herein.
• All interceptors shall be installed on the exterior of the building and shall be located as to be readily and easily accessible for cleaning and inspection. Grease interceptors shall not be installed unless tested, rated and bear the seal of acceptance of State Plumbing Board or approved by the Superintendent.

• Installed grease interceptors shall have a minimum capacity of 1,500 gallons and have a grease retention capacity of not less than two (2) pounds for each gallon per minute of flow. Flow rates from the State Environmental Code, Title V, 310 CMR 15, shall be used to determine the size of a grease interceptor. Other alternative and innovative approved methods of grease removal and disposal may be used if approved by the Board of Health, Plumbing Inspector and Department of Public Works. All newly constructed facilities must install industrial type grease interceptors.

• A manhole shall be installed on the discharge line of the grease interceptor for sampling of the grease interceptor effluent. Sampling shall be performed to ensure compliance with the regulations.

• Grease interceptors shall be equipped with devices to control the rate of water flow through the interceptors so that the flow rate does not exceed the rated design flow of the interceptors.

• The waste from food and waste grinders shall not discharge to the sewer system through a grease interceptor.

• In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal, which are subject to review by the Department and the Board of Health. These records shall be submitted to the Superintendent annually. Any removal and handling of the collected materials must be performed by licensed waste disposal firms.

• The Department and/or Superintendent may, upon inspection of downstream sewers and locating inappropriate discharges, require a change in the frequency of pumping grease traps and/or require pumping/cleaning records be submitted to the superintendent upon request.

• Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at their expense. Owners of such facilities shall provide periodic written reports to the Department as required. The Owner shall employ qualified personnel certified with the Commonwealth of Massachusetts to maintain and operate Pretreatment Facilities.

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

• All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in these regulations shall be determined in accordance with the latest edition of “Standard Methods for the Examination of Water and Wastewater,” published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a property is appropriate or whether a grab sample or grab samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH is determined from periodic grab samples.

6.11.1 All industries discharging into a public sewer shall perform such monitoring of their discharges as the Department and/or other duly authorized employees of the town may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Department. The Department shall make such records available upon request to other agencies having jurisdiction over discharges to the receiving waters.

6.12 No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste or unusual strength or character may be accepted by the town for treatment subject to payment therefore, by the industrial concern.
6.13 Any person responsible for, or becoming aware of, the discharge to a public sewer, accidental or otherwise, of any prohibited substance or of any slug as defined herein, shall report same immediately by telephone to the Department so that necessary precautions can be taken to minimize the deleterious effects of the discharge. The owner of the building shall file a written explanation within twenty-four (24) hours of notice of said discharge, to the Department detailing the cause of accidental discharge as well as what measures will be taken to prevent future accidental discharges of this type.

ARTICLE VII - INDUSTRIAL WASTES

7.1 All Persons proposing to discharge industrial wastes into any public sewer shall submit a permit application to, and receive approval from, the Department prior to initiating discharge to the sewage works.

7.2 All Persons proposing to discharge industrial wastes into the public sewer shall submit a written report as set forth below, with the permit application, and periodic reports thereafter as required by the Department. Said reports shall include measurements and analyses of the industrial wastes and shall include (1) a certification as to its accuracy by a qualified and competent professional performing the measurements and analyses, and (2) a statement by an authorized representative of the industry indicating that the reported data were representative of normal operations at the plant. An authorized representative shall be a principal executive officer of a corporation, a general partner of a partnership, or a proprietor of a sole proprietorship.

7.3 All Industrial Dischargers to the Upper Blackstone Water Pollution Abatement District, including all industries that discharge to sewers in Rutland, must comply with all rules and regulations of the District.

7.4 Measurements and analyses of industrial wastes are to include the following list, at a minimum, where applicable. If any item is not applicable, it shall be so stated on the report of the measurements and the reason for deletion stated. Items shall be deleted only with prior approval of the Department. The Department may require additional testing, analysis, and measurements.

7.4.1 Physical Parameters

Flow (Broken down by sanitary, process, and uncontaminated cooling water; all measured in terms of average daily, maximum daily and peak hourly)

pH
Temperature
Color
Specific Conductance

7.4.2 Chemical and Biological Parameters

Total solids
Total volatile solids
Total suspended solids
Total volatile suspended solids
Total dissolved solids
Acidity
Alkalinity
5-day BOD
COD
TOC
TOD
Oil and Grease
Chlorine
Sulfide
Sulfate
Phenols
NH₃ (as N)
NO₃ (as N)
NO₂ (as N)
7.4.3 Additional parameters may be required as per Upper Blackstone Water Pollution Abatement District Chapter 752 of the Acts of 1968 and any amendments thereto.

- For all industries with an average sewage flow of less than 3,000 gallons per day, flow shall be measured with a sealed water meter on the water supply line. For all industries with an average sewage flow of 3,000 gallons per day or more, a sewage flow measuring device of a type approved by the Department shall be installed and maintained by the Owner at their expense for the purpose of sewage flow measurement.

7.6 All applications to discharge any industrial wastes, drainage, substances, or wastes directly or indirectly into any sanitary sewer under the control of the Department or tributary thereto, shall be accompanied by an agreement stating that the Applicant agrees to abide by all By-Laws, ordinances and rules and regulations of the town and the Upper Blackstone Water Pollution Abatement District, that the Applicant will provide such works for the pretreatment of the Industrial Wastes, drainage, substances or wastes as may be required by the Department and/or Superintendent, and that the Applicant will permit the Department to enter the premises of the industry to sample and measure the sewage, as needed, to check the characteristics of the sewage, when so determined and directed by the Department or the Superintendent.

7.7 All requirements of this Article shall be satisfied at no expense to the town.

ARTICLE VIII - POWERS AND AUTHORITY OF SUPERINTENDENT

8.1 The Superintendent and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all private properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the wastewater facilities in accordance with the provisions of these regulations. The Department or their representative shall have no authority to inquire into any metallurgical, chemical, oil, refining, ceramic, painting, paper, plating, textile, laundry, or other industrial activity beyond that having direct bearing on the kind and source of discharge to the public sewers, watercourses, natural outlets, or facilities for sewage treatment.

8.2 The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes, which have a direct bearing on the kind and source of discharge to the wastewater facilities.

8.3 While performing the necessary work on private properties referred to in Section 8.1, the Superintendent or duly authorized employees of the town shall be informed of and observe all safety rules applicable to the premises established by the companies, and the companies shall be held harmless for injury or death to the town employees, and the town shall indemnify the companies against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the companies and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the companies to maintain safe conditions as required in Section 6.10.

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

8.5 Unless otherwise stated herein, approvals and reviews shall be given by the Superintendent of Public Works or such other person designated to act for the Superintendent.
ARTICLE IX - PENALTIES

Whenever on the basis of information available to it, the Town finds a violation of any provision of these regulations, it shall immediately notify the violator either by in hand service, or via certified mail, return receipt requested. Said notification shall include the nature of the violation, that the owner has 7 days to correct the violation unless determined to be of an emergency nature, and that the Town shall re-inspect to determine that the violation has been corrected. At the time of said notification or thereafter, the town may take any or all of the following actions:

9.1.1 Issue an order to cease and desist any such violation;

9.1.2 Issue an implementation schedule ordering specific actions to be taken together with time and schedule requirements;

9.1.3 Bring a civil or criminal action as provided by law;

9.1.4 Take any action available to it under federal, state, or local laws or regulations.

9.2 In addition to other fines and penalties imposed herein, a violator and/or owner of property wherein a violation is deemed to have occurred shall be subject to a fine of $200 for the first violation, $400 for the second violation, and $600 for the third and subsequent violations. Violations may result in the revocation of town licenses. This provision may be enforced through non-criminal disposition. Each day a violation exists after the timeline set forth in the initial notice set forth in section 9.1 shall be deemed a separate violation.

9.3 Any person who shall continue any violation beyond the time limit provided for in Section 9.1 shall be guilty of a misdemeanor, and on conviction thereof shall be fined in an amount not exceeding $5,000 for each violation. Each day in which any such violation shall continue shall be deemed a separate violation. If deemed necessary, the Department shall direct the Town Counsel to seek an injunction in the Superior Court of the Commonwealth of Massachusetts requiring the offender to cease all violations. In any event, should the services of Town Counsel be deemed necessary by the Town to enforce the terms of these Rules and Regulations, the violator thereof shall be responsible for all attorney fees and costs incurred by the Town.

9.4 Any person violating any of the provisions of these regulations shall become liable to the town for any expense, loss, or damage occasioned the town by reason of such offense. The expense, loss, or damage shall be taken to be to the extent determined by a qualified and competent Professional Engineer, registered in the Commonwealth of Massachusetts particularly skilled in the operation and maintenance of sewage works.

9.6 Any amounts due under these regulations shall be due and payable within 30 days after notification thereof. Any amounts due which remain unpaid shall be added to the violator’s sewer bill and become a lien on the violators’ property.

ARTICLE X – VALIDITY

10.1 All regulations or parts of regulations of the Town of Rutland, Massachusetts in conflict herewith are hereby repealed.

10.2 The invalidity of any section, clause, sentence, or provisions of these regulations shall not affect the validity of any other part of these regulations, which can be given effect without such invalid part or parts.

10.3 Since the final treatment facility is the Upper Blackstone Water Pollution Abatement Facility within the Upper Blackstone Water Pollution Abatement District, all rules and regulations relating to the use of sewers in the Upper Blackstone Water Pollution Abatement District must be followed. Applicable regulation is Upper Blackstone Water Pollution Abatement District Chapter 752 of the Acts of 1968 and amendments thereto. All applicable rules and regulations administered under the Upper Blackstone Water Pollution Abatement District Pretreatment Program shall apply.
ARTICLE XI – APPEALS

11.1 In the event the applicant or drain layer is aggrieved by a determination of the Superintendent under these regulations, they may file an appeal with the Department within ten (10) days thereof.

11.2 The Department shall hear appeals within thirty (30) days of receiving a request therefore. The decision of the Department shall be final in all respects.

ARTICLE XII – ASSESSMENTS

12.1 The Department shall determine the method of assessment of the cost of public sewers to sewer users in accordance with the requirements of the Rutland Department of Public Works Sewer Assessments and User Charge System.

ARTICLE XIII - CHANGES IN THESE REGULATIONS

13.1 These regulations may be rescinded or modified or added to by the Department, at any time where, in its opinion, such action is for the best interests of the Town of Rutland, provided all provisions of the Massachusetts General Laws, as amended, have been complied with. This shall include publishing a notice of the location where said amendments can be reviewed by the general public and holding a public hearing.

ARTICLE XIV- RATES FOR USE OF COMMON SEWER

14.1 Every person or owner of an estate who has entered or who may hereafter enter their particular sewer into a common sewer shall pay for the use of such sewer in accordance with the Sewer Assessment and User Charge System adopted by the Board of Selectmen and Department of Public Works.

14.2 The Department of Public Works reserves the right to shut off water for the purpose of making alterations or repairs and may shut it off, due to a user disregarding the rules and regulations and for non-payment of sewer rates when due. Shut off of a water service will only be performed after reasonable notice. When water is shut off because of non-payment or violation of rules and regulations, it will be turned on again when payment has been made and/or the violation corrected and on the payment of a twenty dollar ($20.00) service charge.

ARTICLE XV - REGULATIONS IN FORCE

These regulations shall be in full force and effect from and after their passage, approval, and notification as provided by law.

Passed and adopted by the Rutland Department of Public Works of the Town of Rutland, state of Massachusetts, on the 15th day of March 2010.

Leroy C. Clark______
Chairman

Cherilyn A. Bulger______

Joseph R. Becker______

Sheila H. Dibb______

Approved as to Form:

Paul M. Cranston
ATTACHMENT A - APPLICATION/CONNECTION FEE

Residential Application/Connection fee shall be $600 per equivalent unit ($600 minimum).

Non-Residential Application/Connection fee shall be $600 per equivalent unit ($1,000 minimum).

The Application/Connection fee shall be calculated using “Unit Equivalencies” which are based on the sanitary sewer flow rates described in the Massachusetts Title V Regulations, 310 CMR 15.00, and described as follows:

One (1) unit is equal to three (3) bedrooms is equal to 330 gpd is equal to 4,400 square feet.

Residential Equivalency units shall be calculated in thirds with a minimum unit equivalency of one (1). For example, a four-bedroom house would pay an application/connection fee of $800 (one and one third (1 1/3) unit equivalencies times $600). All dollar values shall be rounded up to the nearest one hundred dollars.

Non-Residential (Commercial/Industrial) Equivalency Units shall be calculated as whole units (all decimals shall be rounded up to the nearest whole number) with a minimum application/connection fee of $1,000. For example, a 40,000 square foot office building would pay a $6,000 application/connection fee (10 unit equivalencies times $600).

Unit equivalencies for all facilities connected to the town’s Wastewater System shall be determined using Title V flows and the equivalencies stated above.

ATTACHMENT B - I/I MITIGATION FEE

All new connections to the municipal sanitary system shall be charged a one-time I/I mitigation/capacity fee in accordance with the following fee schedule:

<table>
<thead>
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<th>Use</th>
<th>Required Fee</th>
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<tbody>
<tr>
<td>Residential</td>
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<td>Non-residential</td>
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</tbody>
</table>

Non-residential Applicant must remove 5 gallons of I/I from the sewer system for each 1-gallon of wastewater flow requested in the permit (Title V (310 CMR 15) shall be used to determine flow rates).

If there are not sources of I/I, which at the discretion of the Superintendent, are appropriate for removal at the time of the permit, a monetary fee may be required. The fee shall be calculated based on Title V flows, a 5 to 1 removal factor, and a cost of $0.50 per gallon of flow per day. For example, a 10,000 square foot office building has an associated Title V flow of 750 gpd, therefore the
fee for this connection is $1,875 (750gpd x 5 x $0.50). A combination of I/I removal and monetary fees may also be negotiated at the discretion of the Superintendent.

Unit equivalencies shall be determined as described in Attachment A.

Any I/I removed from the sewer system as part of the I/I Mitigation/Capacity Fee shall be the property of the Town of Rutland and may not be applied to future removal requirements without the written authorization of the Superintendent.

The Department will have the authority to waive such fee for any existing residence.

ATTACHMENT C
GREASE TRAPS/INTERCEPTORS REGULATIONS

- Any facility that prepares and/or packages food or beverages for sale or consumption, on or off-site, with the exception of private residences shall be required to have a grease trap or interceptor. Private residences shall be exempt from this rule, except for housing developments with more than three (3) units discharging to a public sewer.
- Grease traps/interceptors shall be permitted annually, in collaboration with the renewal and inspection for a Food Establishment Permit.
- There shall be no additional charge for the grease trap/interceptor permit.
- The grease trap/interceptor permit shall be displayed prominently at the facility.
- Failure to maintain an adequately sized grease trap/interceptor in proper working order will result in a fine, not to exceed $300 and/or suspension of the Food Establishment Permit.
- Reinspection of any facility due to non-compliance or a violation shall result in a charge to the owner of the facility. If all of the deficiencies have not been corrected, a first re-inspection fee of $150 shall be charged to the food service facility. If a second re-inspection is required, a second re-inspection fee of $250 shall be charged to the food service facility if all of the deficiencies have still not been corrected. If a third or subsequent re-inspections are required a re-inspection fee of $500 for each re-inspection shall be charged to the food service facility in addition to other enforcement actions if all of the deficiencies have still not been corrected. Facility owners will have 30 days to rectify any violations or non-compliance issues.
- Grease traps/interceptors will be sized in accordance with 310 CMR 15 (Title V) and the Plumbing and Drainage Institute (PDI) standard G-101.
- All grease traps/interceptors shall comply with the State of Massachusetts Plumbing and Building Codes.
- Disposal of FOG from grease traps/interceptors shall be by a licensed disposal facility/hauler only. Owner shall maintain records of disposal.
• Issuance of a new grease trap/interceptor permit will be allowed through the Rutland Board of Health for new facilities and renovated facilities only.

• The Rutland Department of Public Works (DPW) will be responsible for maintaining and updating the Grease Trap/Interceptor tracking system. The tracking system will track: facility name and address, owner name and address, type of facility, size of facility, location and size of grease trap/interceptor, date of last inspection, record of violations.

• Any facility with a grease trap/interceptor permit shall post educational information (i.e., FOG Fact Sheet and Maintenance Fact Sheet) in the vicinity of the grease trap/interceptor. This educational information is available through the DPW.

• Any facility with a grease trap/interceptor permit shall keep a maintenance log available at the facility.

14. The Rutland DPW shall be responsible for the enforcement of these regulations. The Town of Rutland Building Inspector and Board of Health Inspector have the authority to act on behalf of the DPW for the purpose of inspecting grease traps/interceptors, issuing permits for grease traps/interceptors, or issuing violations relative to the operation of a grease trap/interceptor.

No.____

TOWN OF RUTLAND
RESIDENTIAL OR COMMERCIAL BUILDING
SEWER PERMIT APPLICATION
(For flows less than or equal to 25,000 gallons per day)

To the Town of Rutland, Massachusetts:

The undersign, being the   of the property located (owner, owner's agent) at   does hereby request a permit to install and connect a   building sewer to serve the   at said location. (residence, commercial, building, etc.)

  a) The following indicated fixtures will be connected to the proposed building sewer:

     Number  Fixture       Number  Fixture
     _____  Kitchen Sinks   _____  Water Closets
     _____  Lavatories     _____  Bath tubs
     _____  Laundry Tubs    _____  Showers
     _____  Urinals        _____  Garbage grinders

Specify other fixtures______________________________

  b) The number of persons who will use the above fixtures is__________.

  c) The name and address of the person or firm who will perform the proposed work is:______________________________

  • Plans and specifications for the proposed building sewer are attached hereto.

In consideration of the granting of this permit, the undersigned agrees:

1. To accept and abide by all provisions of the “Sewer Use Regulations” of the Town of Rutland and of all other pertinent regulations that may be adopted in the future.
2. That no person shall excavate, construct, effect, maintain, modify or use any sewer connection or extension without a currently valid permit from the Department of Environmental Protection, Director of the Division of Wastewater Pollution Control pursuant to M.G.L.c.21, § 43, and 314 CMR 7.00, unless exempted in 314 CMR 7.05. The permit must be “in-hand” before work can commence.

3. To pay all the cost of said particular sewer and its connection with the common sewer in said street, including all labor and materials or any other expense incurred necessary for the proper construction of said particular sewer as determined by the Department.

4. To maintain the building sewer at no expense to the Town.

5. For himself, his heirs, devisees and assigns, that the said Department of Public Works shall have access at all reasonable hours, to the said premises, to see that all the laws, rules and regulations relating to the sewer are complied with.

6. To notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer, but before any portion of the work is covered. Notice of two (2) business days shall be provided to the Superintendent.

7. That construction of the sewer connection will be completed within ninety (90) days of issuance of this permit.

Date: ___________  Signed: __________________________

(Applicant)

(Address of Applicant)

$ ________ inspection fee paid.

(Certification of Town Treasurer)

Application approved and permit granted in accordance with the attached conditions.

Date: ___________  Signed: __________________________

Department of Public Works

No. ______

TOWN OF RUTLAND

INDUSTRIAL USER SEWER CONNECTION APPLICATION

(For flows greater than 25,000 gallons per day)

To the Town of Rutland, Massachusetts:

The undersigned being the ______________ of the property located

(Owner)

at ____________________________

does hereby request a permit to ______________ serve an industrial sewer connection

(install, use)

serving, ____________________________, which company is engaging in

(Name of Company)

at said location.

1. A plan of the property showing accurately all sewers and drains now existing is attached hereunto.

2. Plans and specifications covering any work proposed to be performed under this permit are attached hereunto.
3. A complete schedule of all process waters and industrial wastes produced or expected to be produced at said property, including a description of the character of each waste, the daily volume and maximum rates of discharge, and representative analyses, is attached hereunto.

4. The estimated number of full time employees at the premises is _______.
   The estimated number of part time employees at the premises is _______.

5. The name and address of the person or firm who will perform the work covered by this permit is ________________________________.

6. The Standard Industrial Classification (SIC) number for the business is ____.
   In consideration of the granting of this permit the undersigned agrees:

1. To furnish any additional information relating to the installation or use of the industrial sewer for which this permit is sought as may be requested by the Department of Public Works.

2. To accept and abide by all provisions of the "Sewer User Regulations" for the Town of Rutland, Massachusetts, and of all other pertinent regulations that may be adopted in the future.

3. That no person shall excavate, construct, effect, maintain, modify or use any sewer connection or extension without a currently valid permit from the Department of Environmental Protection, Director of the Division of Wastewater Pollution Control pursuant to M.G.L.c.21, § 43, and 314 CMR 7.00, unless exempted in 314 CMR 7.05. The permit must be “in-hand” before work can commence.

4. To operate and maintain any waste pretreatment facilities, as may be required as a condition of the acceptance into the Public Sewer of the industrial Wastes involved, in an efficient manner at all times, and at no expense to the town.

5. To cooperate at all times with the Department of Public Works and the Superintendent and their representatives in their inspecting, sampling, and study of industrial wastes, and any facilities provided for pretreatment.

6. To notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer, but before any portion of the work is covered. Notice of two (2) business days shall be provided to the Superintendent.

7. To notify the Superintendent immediately in the event of any accident, negligence, or other occurrence that occasions discharge to the Public Sewers of any wastes or process water not covered by this permit.

8. To complete construction within ninety (90) days of the date this permit is issued:

   Date: ________________ Signed ________________________
   (Applicant)

   ____________________
   (Address of Applicant)

   $_______ inspection fee paid. __________________________
   (Certification of Town Treasurer)

Application approved and permit granted in accordance with the attached conditions.

   Date: ________________ Signed ________________________
   (Department of Public Works)

TOWN OF RUTLAND

APPLICATION FOR DRAIN LAYER’S LICENSE
1. ____________________________ do hereby make application for a license to engage in the business of drain laying in the Town of Rutland.

2. Residence:____________________ Telephone Number:______________

3. Date:__________________________

4. Present Occupation: ____________________________

5. Years experience in Drain Laying business: __________________________ (attach resume)

6. In what Capacity? ____________________________

7. I have read, understand and will abide by the Town of Rutland’s Sewer Use Regulations for the connection and use of particular sewers with respect to the common sewers of the Town of Rutland, as set forth by the Department of Public Works and with all applicable state and federal regulations.

8. Failure to abide by the Sewer Use Regulations or any other state or federal regulations will result in revocation of license.

9. I have included with this application a copy of my certificate of insurance with coverages as required by the Sewer Use Regulations.

Approved by:

____________________________________  ____________________________
Superintendent of Public Works  Signature of Applicant

Date:__________________________  ____________________________

ATTACHMENT F – FINANCIAL SECURITY PROVISIONS
FOR NEW PUMP STATIONS

Introduction. The Department requires prospective permittees of sewer system extensions or connections which include pump station(s) to demonstrate the ability to finance the operation, maintenance and repair of pump station(s) in the event of an emergency and on a long term basis.

The Town of Rutland hereby establishes special conditions to provide for and assure compliance with the Massachusetts Clean Water Act and to specify additional permit requirements that it deems necessary to safeguard the quality of the environment or
comply with pertinent provisions of state or federal law. The Department considers these financial security requirements a best management practice.

There are two components to the financial security requirements: 1) a Financial Security Account to fund the immediate repair and/or replacement of the pump station; and 2) a dedicated Capital Reserve Account calculated to accumulate sufficient funds to replace the pump station within 20 years of its initial operation. The Financial Security Account is necessary to ensure that adequate funds are available to correct unanticipated problems at the pump station immediately so that any disruption of the operation of the pump station is minimized and no requirement of the Clean Water Act is violated. The Capital Reserve Account will ensure that the facility can continue operation at the end of its estimated useful life of twenty years, and remain in compliance with the Clean Water Act and sewer connection/extension permit at all times.

Except as otherwise provided, all sewer extension and connection permits which include pump station(s) issued by the Department shall contain supplemental conditions requiring the establishment and maintenance of both a Financial Security Account and Capital Reserve Account as specified below.

Financial Security Account. The amount of the Financial Security Account shall be determined in accordance with the following formula:

\[
\text{Estimated construction cost} \times 0.15 = \text{Financial Security Account}
\]

The estimated construction cost includes the cost of the pump station and all mechanical equipment associated with the pump station, but does not include land or grounds.

A permittee shall satisfy the above Financial Security Account condition by any of the following methods: (1) By a proper bond; (2) By a deposit of money; (3) By a letter of credit; (4) By delivery to the Department of an agreement, which agreement shall be executed by the prospective permittee and a lender and shall provide for the retention by the lender of the Financial Security Account amount. A permittee proposing to satisfy the above Financial Security Account condition by means other than as set forth above, must demonstrate to the Town’s satisfaction 1) why the use of one of these approved means is not appropriate or necessary, and 2) how the proposed alternative is as effective and protective as methods set forth above. All such options shall be in addition to other reasonable requirements that the Department may impose.

Capital Reserve Account. The Capital Reserve Account is intended to accumulate sufficient capital to replace, as necessary, the pump station (or components thereof) and all other mechanical equipment associated with the pump station, but not including land or grounds, within 20 years from the commencement of pump station operation.

The minimum requirements and timing of funding the Capital Reserve Account are as follows. All permittees shall set aside a minimum of 25% of the estimated construction costs (not including lands and grounds) of the pump station. The 25% may be set aside by the permittee in equal portions over a period of time as determined appropriate by the Department.

\[
\text{Example:} \\
\text{Pump station cost} = \$500,000 \\
\$500,000 \times 0.25 = \$125,000 \\
\$125,000/5 = \$25,000/\text{year}
\]

Accumulated Interest. All accumulated interest on Financial Security Accounts and Capital Reserve Accounts must be accrued to their respective account. However, if funds are withdrawn from the Financial Security Account to perform necessary work, they then must be replenished by the permittee up to the original calculated Financial Security Account amount.

Policy. The following permit conditions and the requirements of this Policy shall apply to all sewer extension/connection permits with pump stations issued by the Town of Rutland.

Permit Conditions.

- The permittee shall maintain a Financial Security Account in the sum of $ (construction cost x 0.15). This source of funding shall be used solely for the immediate replacement and/or repair of any failing pump station(s). Such security shall be provided as set forth in the Sewer Use Regulations, Attachment F. The permittee and its successors shall replenish and maintain the required dollar amount thereof in full within ninety days of any disbursement.
- The permittee shall establish and maintain a Capital Reserve Account in order to accumulate sufficient capital to replace as necessary the pump stations(s) and other related equipment within 20 years from the date of commencement of operation of the pump station. The permittee shall make annual contributions in equal installments anticipated to accumulate the
necessary funds within the 20-year period. All such funds shall be in an interest bearing account with a financial institution having a place of business in Massachusetts and be in a form satisfactory to the town.

- Permittees shall submit to the town by January 31 of each year statements showing the initial and current balances of both the Financial Security Account and the Capital Reserve Account and confirm the continuing availability of the funds for the purposes described in this attachment.

The permittee must perform regular maintenance of the pump station, as specified in the Standard Technical Specifications. The permittee shall provide an annual report on January 31 of each year showing the pump station operation and maintenance activities performed in the previous calendar year.

A permittee shall retain a service contractor to operate and maintain the pump station from the commencement of the pump station operation until it is transferred to the town. A copy of the service agreement with emergency contact information for the service provider must be provided to the town.

The balance of the Capital Reserve Account and the Financial Security Account shall be transferred to the town upon transfer of the pump station to the town. Any amount that exceeds the then replacement cost of the pump station shall remain the property of the permittee.

**Transfer of Ownership.** The project developer/permittee shall establish and make the initial contributions to the Financial Security Account and Capital Reserve Account. Prior to ownership of the pump station being transferred to the town or any other entity, a Transfer Agreement must be executed to provide reasonable financial security requirements to the town, as approved by the Department.

Prior to transfer of ownership of the pump station from the developer/permittee to the town, the developer/permittee shall comply with the following minimum requirements:

- Certify that the pump station conforms to the Department’s Standard Technical Specifications, and is operating as designed. This certification must include an inspection by the town’s designee and shall be paid for solely by the developer.
- Provide six (6) sets of Operation & Maintenance manuals as per the town of Rutland Standard Technical Specifications.
- Certify that the standby generator has been load tested and the fuel tank is full.
- Pump all solids from the wet well.

Prior to execution of the Transfer Agreement and acceptance by the town of the pump station, the town shall have access to the funds in the Financial Security Account and Capital Reserve Account to be used solely for their stated purposes together with all fees and costs associated therewith.

In the event the town determines that it must access the funds, it shall give the permittee prior notice of the reason for accessing the funds and when they will be accessed. The town shall access the funds by any means available to it. In the event there is a bond agent or escrow agent holding said funds, the town shall notify said agent, who shall immediately release the requested funds to the town as may be determined in the sole discretion of the Department to be necessary. The bond or “escrow agent” shall rely on said notice from the town to release said funds without further inquiry, and shall be relieved of any liability to the permittee for its action in reliance thereon. The town shall have superior title to said funds and shall have recourse against any bond or “escrow agent” for any funds not withstanding any transfer of title, assignment, bankruptcy or imposition of a lien by or against the permittee. The permittee shall be responsible for all reasonable costs and expenses incurred by the town, including attorney’s fees arising out of the use of said funds hereunder.