

CONCORD PUBLIC WORKS
SEWER RULES AND REGULATIONS
April 26, 2004



TOWN OF CONCORD
CONCORD PUBLIC WORKS
SEWER RULES AND REGULATIONS

LEGAL NOTICE

RULES AND REGULATIONS GOVERNING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM AND SEWAGE TREATMENT PLANT AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE TOWN OF CONCORD, COUNTY OF MIDDLESEX, COMMONWEALTH OF MASSACHUSETTS.

In accordance with Section 10 of Chapter 83 of the General Laws, as amended, be it enacted by the Public Works Commission of the Town of Concord, Commonwealth of Massachusetts (hereinafter "Concord") as follows:

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Article I - Definitions

As-Built Drawings shall mean detailed drawings prepared and sealed by the Design Engineer upon completion of construction, which show actual construction and field dimensions, elevations, details, changes made to the construction drawings by modification, details which were not included on the construction drawings, and horizontal and vertical locations of underground utilities which have been impacted by the utility installation.

A.S.T.M. shall mean the American Society for Testing and Materials.

BOD: Biochemical Oxygen Demand shall mean the quantity of oxygen used in the biochemical oxidation of organic matter in a specified time, at a specified temperature and under specified conditions. BOD measurement is a method used to assess the strength of wastewater.

COD: Chemical Oxygen Demand shall mean a quantitative measure of the amount of oxygen required for the chemical oxidation of carbonaceous (organic) matter in wastewater using inorganic dichromate or permanganate salts as oxidants in a two (2) hour test.

Chief Operator shall mean the Chief Operator of the Concord Wastewater Treatment Plant, or his or her authorized representative, acting as a representative of and reporting to the Superintendent.

Cooling water shall include the clean wastewater from air conditioning, industrial cooling, condensing and similar apparatus and from hydraulically powered equipment. In general, cooling water will include only water that is sufficiently clean and unpolluted to be discharged, without treatment or purification, into any natural open stream or watercourse without offense.

Combined Sewer shall mean a sewer receiving both surface runoff and sewage.

Commission shall mean the Public Works Commission of Concord, acting as the Sewer Commission.

Common Sewer shall mean a sewer connection that serves two or more properties, all of which are eligible for service as specified in Article III of these regulations.

Comprehensive Wastewater Management Plan (CWMP) shall mean the plan adopted at the 2003 Annual Town Meeting summarized in a document entitled "Town of Concord, Massachusetts Comprehensive Wastewater Management Plan Summary" dated February 2003 and shown on a map entitled "Town of Concord, Massachusetts Comprehensive Wastewater Management Plan: Recommended Phasing" dated January 11, 2003 as amended and as may be subsequently modified by the Commission in the best interest of the Town.

Composite Sample shall mean a combination of individual samples of wastewater taken at pre-selected intervals to represent the integrated composition of a wastestream. A minimum of eight grab samples taken at equally spaced intervals throughout the monitoring period to coincide with

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periods of discharge shall constitute a composite sample.

Connection shall mean the joining or fastening together of pipes so that substances can be transferred from one pipe to another.

Department shall mean Concord Public Works.

Director shall mean the Director of Concord Public Works, or his or her designees.

Division shall mean the Concord Public Works, Water and Sewer Division.

Drain Layer shall mean any person or contractor constructing, installing or repairing a sewer service connection on private property.

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

Grab Sample shall mean an individual sample, which is taken from a wastestream on a one-time basis without regard to the flow in the wastestream and without consideration of time.

Hauler shall mean any person who contracts for the pumping, transport, and disposal of septage and has obtained a license from the Concord Board of Health.

Industrial Wastes shall include the liquid or water-carried wastes of any industrial process, trade or business not clearly included within the definitions of sanitary sewage, storm water or cooling water, even if emanating from a residence, as distinct from ordinary sanitary sewage.

Infiltration shall mean the water other than wastewater entering a sewer system, including service connections, from the ground or a water body, through such means as, but not limited to, defective pipes, pipe joint connections or manhole walls.

Inflow shall mean the water other than wastewater that enters a sewer system, including service connections, from such sources as, but not limited to, roof leaders, sump pumps, yard and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, storm waters, surface runoff, or drainage.

Plant shall mean the Concord Wastewater Treatment Plant located at 509 Bedford Street, Concord.

Plumbing shall mean piping falling under the jurisdiction of the Plumbing Code, generally piping within a building and extending outside the building ten feet from the building wall.

Plumbing Code shall mean the existing rules and regulations enforced through the Concord plumbing inspector. Such rules and regulations shall conform to the

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Commonwealth of Massachusetts Regulations (248 CMR) concerning Fuel Gas and Plumbing Codes.

Pretreatment shall mean the reduction in the amount of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a sewage treatment plant. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means.

Properly Shredded Garbage shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles shall be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-quarter (1/4) inch in any dimension.

Public Sewer shall mean every sewer laid in any land, easement, street or way, public or private, to which all owners of abutting properties have equal rights, and which is controlled and has been accepted by the Town. No sewer shall be deemed to be a public sewer unless it meets all these criteria, even if such sewer is located in any land, street or way, public or private.

Right-of-Way Permit shall mean permit for worked performed within the public right of way issued by Concord Public Works, Engineering Division.

Regulations shall mean these sewer rules and regulations.

Sanitary Sewage shall mean a combination of the liquid and water carried wastes from residences, businesses and commercial buildings, institutions and industrial establishments that contains human waste as distinguished from industrial wastewater.

Sanitary Sewer shall mean a sewer intended to convey only sanitary sewage or, if so stipulated with respect to the particular sewer, sanitary sewage plus industrial or other wastes, and to which storm, surface, and ground waters are not intentionally admitted.

Schedule of Rates shall mean the fixed prices or rates established by the Public Works Commission and on file with the Department, in accordance with which all charges for sewer use and special services relating to sewer service are made.

Seepage or Subsoil Drainage shall include water from the soil percolating into subsoil drains and through foundation walls, basement floors or underground pipes, or from similar sources.

Septage shall mean the liquid and solid wastes of sanitary sewage origin that are removed from a cesspool, septic tank or similar on-site wastewater disposal system.

Service Connection shall mean the pipe connecting a building's plumbing system to the sewer main that carries sanitary sewage to the wastewater treatment plant. A Service Connection may also be called a building sewer, house sewer or house connection.

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Sewer shall mean a pipe or conduit that carries wastewater.

Sewer Improvement Fee shall mean a fee established pursuant to Article 25 of the 1989 Annual Town Meeting of the Town of Concord.

Sewer Main (sometimes referred to as a sewer lateral) shall mean a sewer that carries wastewater from a service connection to a trunk or other public sewer.

Slug shall mean any discharge of water or wastewater where a concentration of any given constituent may adversely affect the sewer system, or where a fifteen (15) minute or longer quantity of flow is more than five (5) times the average twenty-four (24) hour concentration or flow during normal discharge.

Standard Methods shall mean an assembly of analytical techniques and descriptions commonly accepted in water and wastewater treatment as found in the most recent edition of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

Storm Drain (sometimes referred to as a storm sewer) shall mean a pipe that carries storm water and surface waters and drainage but excludes sanitary sewage and industrial wastes, other than unpolluted cooling water.

Superintendent shall mean the Superintendent of Concord Public Works, Water and Sewer Division, or his or her designees.

Suspended Solids shall mean solids that either float on the surface of, or are suspended in, water, sewage, or other liquids, and which are removable by laboratory filtering.

Title 5 Flow shall mean the design flow of sanitary sewage from a building or buildings as defined by the State Environmental Code, Title 5: Minimum Requirements for the Subsurface Disposal of Sanitary Sewage.

Town shall mean the Town of Concord, Massachusetts

Trunk Sewer shall mean the principal public sewer to which sewer mains are tributary.

User shall mean any individual person, company or association owning or operating a facility discharging sanitary sewage, septage or industrial wastewater directly or indirectly into a Town of Concord sanitary sewer.

Water Pollution Control Federation (WPCF) Manual of Practice No. FD-5 Gravity Sewer Design and Construction shall mean the document prepared by a joint task force of the American Society of Civil Engineers and the Water Pollution Control Federation, 1982.

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Article II Use of Sewers

Use of Sanitary Sewers

Sec. 1 Except as specifically provided in writing with reference to a particular sewer connection, sanitary sewers shall be used only for the conveyance and disposal of sanitary sewage as defined in these regulations and for diluted, water-carried industrial wastes which are not objectionable as provided hereinafter. Any use of the sanitary sewers for diluted, water-carried industrial wastes shall require the prior, explicit approval of the Superintendent in writing.

Changes in Use

Sec. 2 Any person proposing a change in the volume of sewage discharged into the system greater than 1,000 gallons per day of Title 5 Flow or a substantial change in the character of pollutants that are being discharged into the system shall file an application for sewer service, and no such new discharge or change may occur until the Superintendent has approved the application.

Permissible and Non-permissible Discharge

Sec. 3 No person or party shall discharge or put into any public sewer of the Town of Concord, or into any sewer or fixture which thereafter discharges into any public sewer or appurtenance thereof, any waste or substance other than such kinds or types of water or water-carried wastes for the conveyance of which the particular sewer or appurtenance is intended and designed.

Discharges of Unauthorized Wastes

Sec. 4 Excepting wastes which a particular sewer was originally authorized by the Town to convey, discharges of other wastes shall not be permitted, unless the original designation shall have been amended in writing by the Superintendent. Any customer found to be discharging unauthorized wastes shall be subject to penalties and fees as described below in Article IX.

Inflow

Sec. 5 No sanitary sewer shall be used to receive and convey or dispose of any storm or surface water, subsoil drainage, water seeping into buildings or excavations from soils or other underground sources, flows of natural springs or groundwaters, surplus from flowing wells, the discharge from roofs, roof conductors, yard drains, basement drains and sumps, or street or highway drains (see also Storm Drains, p.7).

Cooling Water in Sanitary Sewers

Sec. 6 Non-contact or uncontaminated contact cooling water or similar uncontaminated process waters shall not be discharged at any time from any place into any sanitary sewer (see also Storm Drains, p.7)..

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Disposal of Septage

Sec. 7 The Division may allow the disposal of septage generated within the Town at the Plant (see Article VI below). Septage shall not be disposed of into the sanitary sewer except with the advance approval of the Superintendent.

Schedule of Rates

Sec. 8 All charges for sewer service shall be made in accordance with the Schedule of Rates on file with the Division. The owner of the property shall be liable for the payment of the sewer use charges for such building .

Information to be provided to the Superintendent upon Request

Sec. 9 When required by the Superintendent, any person discharging wastes that the Superintendent believes may contain the substances or possess the characteristics enumerated in this article may be required to provide information needed to determine compliance with this regulation. These requirements include, but are not limited to, the following:

- (a) Sewage discharge peak rate and volume over a specified time period.
- (b) Chemical analyses of sewage conducted by an approved wastewater-testing laboratory.
- (c) Information on raw materials, processes and products affecting sewage volume and quality.
- (d) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.
- (e) A plot plan of sewers on the user's property showing sewer and pretreatment facility location.
- (f) Details of sewage pretreatment facilities.
- (g) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

Excluded Substances and Limitations on Flow Discharged into All Sewers.

Sec. 10 No person or property owner shall discharge or permit to be discharged, directly or indirectly, from any premises under his or her control into any sanitary sewer of any kind or type, any of the following:

- (a) sanitary sewage and/or wastewater containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or not amenable to treatment as necessary for the sewage treatment plant effluent to meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;
- (b) sanitary sewage and/or wastewater likely to cause damage, injury or loss to other persons or to the property of other persons who are lawfully entitled to use the sewer or sewers through which said wastes are discharged, or to any person or equipment engaged in sewage treatment and disposal for the Town. This prohibition shall be understood as applying to all substances discharged into any sewer, and as limiting the quantity and rate of flow of sanitary sewage and/or

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wastewater which may be discharged from any one parcel or plot of property to approximately what the sewer was intended to receive from that particular parcel or plot or from a typical parcel of that size or area;

- (c) any substance or object likely to damage, injure, destroy or cause an obstruction in any sewer, or appurtenance thereof;
- (d) any substances that may attack, damage or alter by either abrasion or chemical action the materials of which the sewer and its appurtenances are composed or built;
- (e) unusual volume of flow or concentration or wastes constituting "slugs" as defined herein;
- (f) excessive discoloration (such as, but not limited to, dye wastes or 'vegetable tanning solutions');
- (g) chlorine or substances with high BOD or COD in such quantities as to constitute a significant load on the sewage treatment works;
- (h) unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride, sodium sulfate and ferrous ion compounds);
- (i) sticks, stones, rubbish, rags, unground, unshredded, or improperly shredded garbage, refuse or portions of any animal carcass having particles more than one quarter inch in longest dimension;
- (j) any debris or substance which, by depositing any considerable quantity of sediment, by coagulation, by congealing or by attaching itself to the lining of the sewer or to other substances being transported within the sewer, is likely to cause an obstruction in any sewer or appurtenance;
- (k) any sanitary sewage and/or wastewater containing considerable quantities of animal guts or tissues, entrails, offal, blood, feathers, hair, hides, scraps, unshredded vegetables, straw or cinders;
- (l) any sanitary sewage and/or wastewater containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not;
- (m) ground, storm and surface waters, roof runoff and subsurface drainage including but not limited to, discharge from basement sumps (see also Inflow, p.9).
- (n) any liquid or vapor having a temperature higher than one hundred fifty degrees F (66 degrees C);
- (o) any sanitary sewage and/or wastewater which is strongly acid, and which, when tested in the Standard Methods technique, has a "pH" less than 6.5 or which is strongly alkaline and has a pH more than 8.5 (pH means the logarithm of the reciprocal of the concentration of the hydrogen ions in grams per liter of solution);
- (p) biodegradable fats, wax, grease or oils, whether or not emulsified in excess of 100 mg/L or substances which may solidify or become viscous between temperatures of thirty-two (32) °F and one hundred fifty (150) °F;
- (q) any septage or sanitary sewage and/or wastewater drained from cesspools or other receptacles storing organic wastes;
- (r) hazardous wastes and/or material as defined by the Commonwealth of Massachusetts Department of Environmental Protection Regulations (310 CMR), or successor regulations as amended;

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- (s) any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by federal regulations;
- (t) any gasoline, benzene, naphtha, kerosene, alcohol, oil, tar, flammable or explosive gas or vapor or any substance which may generate or form any flammable, explosive or combustible solid, liquid or gas, or mixture when combined with air, water or other substances commonly found in sewers, including but not limited to wastestreams with a closed cup flashpoint of less than 140 degrees F or 60 degrees C using the test methods specified in 40 CFR 261.21;
- (u) any sanitary sewage and/or wastewater containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, cause acute worker health and safety problems within the wastewater facilities or create any hazard in the receiving waters of the plant discharge;
- (v) any sanitary sewage and/or wastewater containing toxic or poisonous solids, liquids or gases in excess of the limits established pursuant to Section 307 of the Clean Water Act as amended;
- (w) any sanitary sewage and/or wastewater from an industrial or commercial process containing amounts of toxic or objectionable metals, non-metals and/or solids in concentrations in excess of applicable federal and/or state laws and regulations or wastes requiring an excessive chlorinetreatment. Such metals and non-metals include, but are not limited to, the following:

Acrolein	Lead
Aldrin	Mercury
Ammonia	Molybdenum
Arsenic	Nickel
Beryllium	Pesticides (as listed in MWRA
Boron	Regulation 360 CMR 10.02)
Cadmium	Phenols
Chromium	Polychlorinated Biphenyls (PCBs)
Chlorinated	
Naphthalenes	Selenium
Copper	Silver
Cyanides	Tetrachlorodiphenylethane
Herbicides	Zinc
- (x) any sanitary sewage and/or wastewater containing strong phenols or other taste or odor-producing substances, in concentrations that exceed limits which may be established by the Superintendent as necessary, and/or in such concentrations that after treatment of the sewage fails to meet the requirements the federal, state or other public agencies or jurisdiction for discharge to the receiving waters;
- (y) any sanitary sewage and/or wastewater containing excessive sand, grit, or other materials that could interrupt or otherwise impede flow, pumping or processes within the sewer collection and transmission system or at the wastewater treatment plant.

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Discharge of Sanitary sewage and/or Wastewaters with Characteristics Enumerated Above

- Sec. 11 If any sanitary sewage and/or wastewaters are discharged, or are proposed to be discharged, to the public sewers, which sanitary sewage and/or wastewaters contain the substances or possess the characteristics enumerated in this article and which, in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance or create an additional volume of flow in the sanitary sewer of groundwater, storm water, surface water, roof runoff and subsurface drainage (including, but not limited to, discharge from basement sumps), the Superintendent may:
- (a) reject the sanitary sewage and/or wastewaters;
 - (b) require pretreatment to an acceptable condition for discharge to the public sewers;
 - (c) require control over the quantities and rates of discharge; and/or
 - (d) require payment to cover the added cost of handling and treating the wastes not covered by existing sewer charges.

Determination for Exclusion

- Sec. 12 In determining whether any substance discharged or proposed to be discharged into any public sewer is to be excluded under any section of these regulations, consideration shall be given to the quantity, time or times, rate and manner of discharge, character of the sanitary sewage and/or wastewater in question, the size of the sewer into which it is, or is to be, discharged, the probable quantity of other sewage in said sewer at the time of discharge, the quantities of other objectionable substances likely in said sewer, and other pertinent facts.
- (a) Minute quantities of a substance that would be objectionable in larger quantity may be permitted, upon specific advance approval from the Superintendent, if the quantity discharged is very small in comparison to the receiving sewer and the flow therein at the time of discharge.
 - (b) Exceptions will be determined on an individual basis. Any permission to discharge minute quantities of an otherwise excluded substance shall be revocable at any time by the Superintendent.

Pretreatment

- Sec. 13 If the Superintendent permits the pretreatment or equalization of sanitary sewage and/or wastewater flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances and laws.
- (a) The attempt to achieve compliance with the discharge limitations of these regulations by increased dilution, including increased use of process water as a substitution for adequate treatment, is prohibited.
 - (b) Any use of the sanitary sewers for diluted, water-carried industrial wastes shall require the prior, explicit approval of the Superintendent in writing.
 - (c) All such plants and equipment shall be maintained continuously in satisfactory and effective operation by the owners at their expense. In maintaining such plants and equipment, the owner shall be responsible for the proper removal and disposal by

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appropriate means of any residue and shall maintain records of the dates and means of disposal, which are subject to review by the Town. Licensed waste disposal firms must perform any removal and hauling of the collected materials not performed by the owner.

Protective Devices:

Sec. 14 At all premises where substances specified to be excluded from sewers by these regulations are customarily present and liable to be discharged directly or indirectly into any sanitary sewer, suitable and sufficient piping layouts, sand, oil or grease traps or separators, screens, sedimentation chambers, storage and regulating treatment, cooling or condensing equipment and similar devices or equipment shall be provided, maintained and operated to ensure that no substance required to be excluded from the sewer shall be discharged thereunto in violation of the requirements of these regulations.

- (a) All such equipment and devices shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.
- (b) The owner(s) shall be responsible for maintaining these devices and for the proper removal and disposal by appropriate means of the captured material and shall maintain written records of the dates, and means of disposal, which records are subject to inspection by the Superintendent. Currently licensed waste disposal firms must perform any removal and handling of the collected materials not performed by the owners' employees.
- (c) In the case of groundwater, storm water, surface water, roof runoff and subsurface drainage (including, but not limited to, discharge from basement sumps), proper connection to the Town's storm water drainage system, where allowable, is considered a protective device.

Sampling and Measurement of Industrial Wastes

Sec. 15 When required by the Superintendent, the owner of any property having a service connection carrying industrial wastewater shall install a suitable control manhole, together with such necessary meters and other appurtenances, in the service connection to facilitate observation, sampling and measurement of the waste stream. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

Methods of Analysis:

Sec. 16 All measurements, tests and analyses of the characteristics of sanitary sewage and/or wastewater to which reference is made in these regulations shall be determined in accordance with the latest edition of "Standard Methods" as defined above and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole.

- (a) In the event that no special manhole has been required, the control manhole shall

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be considered to be the nearest downstream manhole in the sewer to the point at which the service connection is made.

- (b) Sampling shall be carried out by customarily accepted methods to reflect the effect of wastewater constituents on the sewage works and to identify any hazards to life, limb and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate, or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pHs are determined from periodic grab samples.)

Monitoring

Sec. 17 All industries discharging into the sewer shall perform such monitoring of their discharges as the Superintendent and/or other duly authorized agents 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 Superintendent. The Superintendent shall make such records available upon request to other agencies having jurisdiction over discharges to the receiving waters.

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Article III Connection to and Work on Sewers

Sewer Mains

Sec. 1 Requests for the installation of a new sewer main to extend the system of public sewers must be made in writing to the Commission, care of the Director of CPW, 133 Keyes Road, Concord, Ma 01742.

(a) Eligibility

A request to install a new sewer main shall only be accepted by the Commission if the request conforms to the Concord Comprehensive Wastewater Management Plan (CWMP).

(b) Ownership

Each new sewer main constructed within the Town right-of-way or an accepted easement shall be granted to Concord as a public sewer, unless otherwise specified by vote of the Commission.

Service Connections

Sec. 2 Requests for the installation of a new sewer service connection to the public sewers or the repair/replacement of an existing sewer service connection must be made in writing to the office of the Water and Sewer Division, 135 Keyes Road, Concord Ma 01742. See Section 3 “Application for Service” for details.

(a) New Service Eligibility

At a minimum, the approval of an application for a sewer service connection will be subject to the following requirements:

1.) Property Frontage to a public sewer

No service connection shall be allowed unless a parcel of real property:

- i. abuts an existing gravity sewer main, or the requested property has an easement for sewer utility in place prior to the effective date of these regulations allowing access to a sewer main which does not abut the property; or
- ii. is explicitly designated to be connected to a low-pressure sewer main as identified in the Comprehensive Wastewater Management Plan.

2.) Single Building Connection Allowed per Parcel

- i. Persons owning a parcel of real property abutting a public or private way in which a public sewer has been laid shall be allowed only a single service connection for each such parcel. Unless the Commission makes a different determination in accordance with Section 2 (a) paragraph 3), or unless a different determination is made by the Superintendent as provided in Section 2 (b) below, only a single building shall be permitted to utilize the sewer connection.
- ii. Any parcel of real property abutting a public sewer that is divided into two or more parcels after the effective date of this Regulation shall be entitled to only a single sewer connection. For purposes of this subparagraph, a parcel of real property shall be considered to be divided into two or more parcels when one of the following plans

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showing the divided parcels has been filed with the Concord Planning Board: (1) a Definitive Subdivision Plan; (2) an Approval Not Required Plan, or (3) a Preliminary Subdivision Plan, but only to the extent a Definitive Subdivision Plan is filed within seven months after the Preliminary Subdivision Plan, all in accordance with the Concord Subdivision Rules and Regulations.

3) The Commissioners may determine that it is in the best interests of the Town to allow more or fewer sewer connections than described in this section. In making the determination, the Commissioners shall consider, but not be limited to, the following factors:

- i. the requirements of Mass. Gen. Law chapter 83, section 3;
- ii. consistency with the Comprehensive Wastewater Management Plan
- iii. the available capacity of the Plant or the sewer collection and transmission system;
- iv. protection of the public health and safety; and
- v. such other factors consistent with the Commission's authority pursuant to G.L. c. 83, § 10.

(b.) Service Configurations

1.) Separate Service Connections

Subject to Section 2, a separate and independent service connection shall be provided for every building, except that accessory buildings such as a garage or barn or approved in-law apartment on the same lot may be connected to the primary use building, or if accepted as a common sewer (see below) with the advance approval of the Superintendent. The Town does not assume any obligation or responsibility for damage caused by or resulting from any such joint connection.

2.) Common Sewer Connections

Subject to Section 2, the Superintendent may allow connection of a common sewer where:

- i. one building stands at the rear of another and no private sewer service connection is available or can in any way be constructed to the rear building, or
- ii. such common sewer connection would serve lots all of which are individually eligible for connection, and where such common sewer connection would be made in lieu of separate individual sewer connections provided the distance from the nearest building to the Town sewer is greater than 200 feet.

(c.) Ownership

- 1.) The portion of a service connection not lying within the public way or accepted easement shall be the property of the property owner who shall be responsible for its maintenance. In the case of service connections with grinder pumps, this includes the grinder pump system.
- 2.) Once accepted, the portion of the service connection within the public way or an approved easement accepted by the Division for the purposes of long-term

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- operation and maintenance shall become the property of the Division.
- 3.) The owner or owners of all the properties to be served by a common sewer connection must demonstrate to the Superintendent adequate provisions for the long-term operation and maintenance of the proposed common sewer connection.
- (d.) Cost of Service and Town Indemnification
- 1.) All costs and expenses incident to the installation of a service connection and connection to sewer main shall be borne by the owner. The owner shall indemnify the Sewer Fund and the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the service connection.

Application for Service

- Sec. 3 Written applications for new sewer service connections or repair/replacement of existing sewer service connections shall be made by the owner of the property to be served to the office of the Water and Sewer Division of Concord Public Works, 135 Keyes Road, Concord, Ma 01742.
- (a) An approved application for sewer service shall constitute a sewer service connection permit, subject to the terms and conditions stated and referred to therein. Such permit shall be valid for one year from the date of issue, but the Superintendent may issue an extension for up to one additional year. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without an approved application for sewer service, signed by the Superintendent.
- (b) Applications for new service or relocation of service shall be accompanied with a general site plan and utility schematic showing the proposed service layout. The Superintendent may require a detailed design plan prepared by a professional engineer registered in the Commonwealth of Massachusetts.
- (c) Establishments producing industrial wastes shall submit detailed plans showing facilities and operating procedures that shall pinpoint any indirect connections or entry points to the sewer system.
- (d) When the application for service involves either new construction or a change in use resulting in an increase in Title 5 Flow the application must be accompanied by a flow design review performed by the Board of Health.
- (e) When the application for service involves either new construction or a change in use resulting in an increase in volume discharged into the system greater than 1,000 gallons per day of Title 5 Flow or a significant change in the character of the discharge from an existing building, the Superintendent may require a sewer system impact assessment prepared at the applicant's expense prior to approval of the application.
- (f) When applicable, approved permits from the Massachusetts Department of Environmental Protection for Sewer Extension or Connection (314 CMR 7.00) shall be secured.

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- (g) In accordance with Town Bylaws and regulations, all persons making excavations or using any portion of any public way are required to obtain a written right-of-way permit from the Town Engineer.
- (h) An application for service may be denied on the grounds that it is not in the best interest of the Town's sewer system, including, but not limited to the reason that the sewer system does not have the capacity to collect, transmit, treat or discharge the proposed flow.

Design, Construction and Materials Specifications

Sec. 4 The design, construction and materials of a sewer main or service connection, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall conform to the Concord Public Works Design and Construction Standards, building and plumbing code, or other applicable rules, regulations and bylaws of the Town. In the absence of code provisions, or in amplification thereof, the materials and procedures set forth in the appropriate specifications of the ASTM and WPCF Manual of Practice No. FD-5 shall apply.

(a) Design

- 1.) A registered engineer shall certify any proposed sewer main design. The Superintendent reserves the right to hire an independent consultant to perform a peer review with all associated costs borne by the applicant.
- 2.) An existing private service connection shall not be used in connection with new building construction unless
 - i. division records show the age of the service is less than 50 years, and
 - ii. it is found, upon examination and tests accepted by the Superintendent, to meet all requirements of these regulations.

The cost of such examination and testing to confirm the acceptability of an existing building sewer shall be the responsibility of the building owner.

- 3.) The preferred method for discharge of sanitary sewage from an individual building or a group of buildings to the Town of Concord sewer system is by gravity flow. However, when a service connection for a building cannot, in the opinion of the Superintendent, be reasonably discharged to the Town's public sewer system by gravity flow, then it may be discharged into a low pressure system or may be discharged by lifting the sewerage or by an equally efficient method, provided said method is approved by the Superintendent.
- 4.) Each such sewer shall remain within public ways for its entire length except where this is not practical. In such cases, easements deemed appropriate by the Division for the operation and maintenance of the sewer shall be conveyed to the Town without cost to the Town.

(b.) Construction

- 1.) All extensions will be made under the supervision of the Superintendent and in accordance with the Town by-laws, these regulations and department specifications.
- 2.) All the work related to the installation, repair, extension or modification of service connections to public sewers shall be performed by persons employed or licensed by the Town of Concord.

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- 3.) Unless otherwise authorized, sewer work performed within the right of way shall be performed by Town employees or contractors employed by the Town, with the owner paying to the Town special service fees as provided below, and in accordance with the Schedule of Rates.
- 4.) All persons authorized to do sewer work and make excavations in public ways in accordance with a Town issued right-of-way Permit shall notify the Superintendent forty-eight (48) hours before starting work.
- 5.) The applicant for the service connection permit shall notify the Division (48) hours before the connection is ready for inspection and tie-in to the public sewer. The tie-in shall be made under the supervision of the Superintendent or his or her representative and in accordance with the Town's specifications.
- 6.) No person shall do any digging without notifying the appropriate utilities as required by state law.
- 7.) No sewer service work shall be performed from December 1 to April 1 of the following year except in exceptional cases authorized by the Director.
- 8.) The licensed drain layer (see Article IV) shall provide an as-built drawing of the service to the Division at the time of final inspection. This drawing shall be neat and legible and fit onto an 8 ½' by 11' piece of paper.

Unauthorized Connections

Sec. 5 No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining permission from the Division or make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater including, but not limited to, discharge from basement sumps to a service connection or other location which, in turn, is connected directly or indirectly to a public sanitary sewer.

Special Service Fees

Sec.6 The special service fees for administrative, inspection and construction services for each connection shall be assessed according to the Schedule of Rates on file with the Division, the full amount of which shall be paid to the Town before work commences.

ARTICLE IV – Licensing of Persons Authorized to Make Connections to the Public Sewers

License Required

- Sec. 1 Contractors must be licensed by the Division as Drain Layers authorized to perform work on Sanitary Sewer service connections within the Town of Concord.
- (a) All applicants for licenses are required to pay a fee in accordance with the current schedule of fees.
 - (b) The contractor shall provide a reference from at least one other Town in which the firm has done sewer work or proof of current licensure as a drain layer in another Massachusetts town.

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- (c) The contractor shall be required to provide written acknowledgement of receipt of instruction as to the Town of Concord sewer service application procedures and awareness of applicable design and construction standards established by the Division.
- (d) Licensees are required to give personal attention to all connections to the Town sewer system and shall employ only competent workers. The licensee shall be responsible for compliance with all rules, regulations and standards of the Town and all required repairs for a period of one year from acceptance of any such work.
- (e) In the event that licensees find substances in a sewer for which the sewer connection is not permitted during the course of their work, the licensees are required to notify the Division within twenty four hours.
- (f) The Superintendent reserves the right to immediately revoke any license if any provision of said license is violated. Applicants for licenses shall be approved or disapproved within a 14-day period after filing the application.
- (g) All licenses expire three years from the date of issuance or upon departure of the responsible party (signatory), or upon failure of contractor to provide the Division with a valid and current "Certificate of Insurance."

Certificates of Insurance

Sec. 2 As a condition of approval by the Superintendent, applicants for licenses shall file with the Town an insurance certificate naming the Town as an additional insured party with General Commercial Liability Coverage up to \$1,000,000 and also riders for underground explosion and collapse (UEC) coverage; proof of Worker's Compensation Insurance up to the statutory limits; automobile and other vehicle insurance of not less than \$250,000, all of which shall remain in full force and effect for a period of at least one year from the date of approval. These Certificates shall contain a provision that coverage afforded under the policies will not be canceled until at least fifteen days prior written notice has been given to the Town. Said insurance shall indemnify the Town of Concord against any and all claims, liability or actions for damages incurred in or in any way connected with the performance of the work by a sewer system installer, and for or by reason of any act or omission of said sewer system installer in the performance of his or her work.

ARTICLE V - Sewer Improvement Fee

Purpose

Sec. 1 The Town of Concord has established a Sewer Improvement Fee for the purpose of constructing, reconstructing, and expanding sewer lines, pumping stations, treatment works, and other related facilities, or reducing infiltration or inflow in order to provide sewer system capacity.

Exemptions

Sec. 2 Exemptions from the Sewer Improvement Fee and credit against this fee shall be allowed as follows:

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Any building located on a lot assessed a betterment for installation or extension of the public sewer shall be exempt from the Sewer Improvement Fee, provided that the building was legally occupied at the time the betterment was authorized by action of Town Meeting, and provided that the application shall be for the proposed flow and type of occupation which was permitted at the time the betterment was so authorized.

Notification

Sec. 3 Any current sewer user proposing construction, remodeling or a change in use shall notify the Town of the proposed changes so that the potential increase in volume of discharge to the sewer system can be evaluated for assessment of a Sewer Improvement Fee.

Fee

Sec.4 The Commission shall establish a Sewer Improvement Fee expressed in dollars-per-gallon of daily flow rate based on the Title 5 flows for the building or buildings to be connected to the sewer system and equal to the estimated cost of constructing, reconstructing, and repairing the aforementioned sewer system facilities, or reducing infiltration or inflow to handle an incremental amount of sewage equal to such flows. This Sewer Improvement Fee is in addition to any other fees permitted by law including, without limitation, sewer connection fees.

Calculation

Sec. 5 The Sewer Improvement Fee shall be calculated by subtracting the fee for the Title 5 flow of the previously permitted discharge, if any, from the fee for the Title 5 flow of the proposed discharge.

- (a) For parcels included in an approved construction phase of the CWMP for which a betterment will be assessed, the Title 5 flow to be used in the event of future flow increases shall be calculated using the Title 5 flow existing as of the date of construction funding approval.
- (b) If the calculations show that the new or increased rate exceeds 1,000 gpd, then the calculations shall be certified by a registered professional engineer and shall be included as a part of the building plans.

Payment

Sec. 6 The applicant shall pay the Sewer Improvement Fee within 10 days of the approved assessment and receipt of an invoice, unless a request for a different payment plan has been received and approved by the Director.

Relief

Sec. 7 All applicants must file for relief not more than ten (10) days after the assessment of the fee.

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Appeal

Sec. 8 Applicants may appeal to the Commission for exemption from, modification of, or reconsideration of any decision pertaining to the Sewer Improvement Fee under the provisions of applicable laws or of these regulations. The Commission shall make its decision based upon what is reasonably in the best interests of the Town. The Commission shall render a decision within thirty (30) days of receipt of the appeal. If no decision is rendered, then the appeal is denied.

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ARTICLE VI - Septage Delivery Procedures

- Sec. 1 All septage must be discharged at the Concord Wastewater Treatment Plant, 509 Bedford Street, Concord at designated locations and under conditions acceptable to the Chief Operator.
- Sec. 2 Septage will be accepted at the plant between the hours of 7:30 a.m. and 3:00 p.m., Monday through Friday, excepting legal holidays.
- Sec. 3 A hauler's septage load shall not be accepted unless the following criteria are met:
- (a) There are no outstanding debts to the Town of Concord for prior septage handling.
 - (b) Only septage from properties within Concord shall be accepted.
 - (c) An approved form or forms, legibly completed, showing the source(s) of the load and the volume from each source must accompany each load.
 - (d) All trucks shall have the volume of the load checked by the Chief Operator. Gallonage to be delivered by hauler must equal the sum of gallonage on the form presented to satisfy Section 3 (c). The Chief Operator shall confirm this before delivery is made. If a discrepancy is found, delivery may be refused.
 - (e) The hauler shall be required to provide a sample of the load to be discharged, taken in the presence of the Chief Operator. The Chief Operator may require analyses of the sample before the truck is permitted to discharge to the plant. The Chief Operator will provide sample containers.
 - (f) No industrial wastes shall be accepted. Only sanitary wastes shall be discharged to the plant unless otherwise authorized by the Superintendent.
- Sec. 4 To discharge septage to the plant, a hauler must possess a valid septage handler's license, obtained from the Concord Board of Health. The Town reserves the right to reject any septage loads or loads from any septage hauler if it is deemed in the best interest of the Town.
- Sec. 5 Haulers are required to give a full written report to the Chief Operator within three (3) business days after notice by the Chief Operator that a prohibited substance, as enumerated in Article II, Section 11, appears to have been found in a septage load delivered by that hauler.
- Sec. 6 The Chief Operator reserves the right to reject a septage load for discharge to the plant for reasons including, but not limited to:
- (a) The load is not properly identified as to source(s) or content.
 - (b) There is not sufficient capacity in the plant to properly handle the load.
 - (c) Accepting the load represents a threat to the public health, safety, or protection of property, in the judgment of the Chief Operator.
 - (d) The septage is not from properties within the Town of Concord.
 - (e) The septage contains any of the constituents or has any of the characteristics described in Article II, Section 11.

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- Sec. 7 A hauler's truck must be equipped with a discharge hose with a four- (4) inch female quick-connect fixture.
- (a) The hauler shall be responsible for clean up of any splash or spill at the discharge area.
 - (b) All discharges of septage shall be in accordance with the instructions of the Chief Operator.
- Sec. 8 No hauler shall discharge septage which, in the opinion of the Chief Operator, contains materials which are not amenable to treatment or reduction by the treatment process employed at the plant, or are amenable to treatment only to such a limited degree that the plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to receiving waters.
- Sec. 9 Recreational Vehicle (RV) wastes will only be accepted at the plant from Concord residents with fees paid in accordance the Schedule of Rates. Deliveries may be subjected to the same testing requirements as deliveries by licensed haulers, as deemed necessary by the Chief Operator.
- Sec. 10 All measurements, tests, and analyses of the characteristics of wastewater to which reference is made herein shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater."

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ARTICLE VII - Protection from Damage

- Sec. 1 No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with a structure, appurtenance or equipment which is a part of the sewage works of the Department. Any person, firm, partnership, association, society, corporation, company or organization of any kind or their agents or assigns found to be violating this provision shall be subject to appropriate criminal proceedings.
- Sec. 2 Customers and/or sewer users shall notify the Division immediately upon accidentally discharging wastes in violation of these regulations. This notification shall be followed, within fifteen days after the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures taken to prevent future occurrence. Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, treatment plant or treatment process or for any fines imposed on the Town under applicable State and Federal regulations.
- Sec.3 Whenever any service connection to any public sewer shall become clogged, broken, obstructed, out of order or detrimental to the use of a public sewer, or unfit for carrying sewage, the owner, agent, occupant or person having charge of any building or lot of land or premises in which such service connection is located shall, upon notification by the Superintendent, remove, reconstruct, alter, clean or repair such service connection as the condition thereof may require. In case of neglect or refusal to comply with such notice within five (5) days after the same is given, the Superintendent may cause the service connection to be removed, reconstructed, repaired, altered or cleaned, as he or she may deem expedient, at the expense of such owner, agent, occupant or other person so notified, who shall also be liable to a penalty of not more than three hundred dollars (\$300.00) for such neglect or refusal.

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ARTICLE VIII - Powers and Authority of Inspectors

- Sec. 1 The Director and other duly authorized Division employees or agents of the Town, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of these rules and regulations. Under these rules and regulations the Director or his or her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, papers, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers, waterways, or facilities for wastewater or septage treatment.
- Sec. 2 The Director and other duly authorized Division employees or agents of the Town, bearing proper credentials and identification, shall be permitted to make tests of the sewer system, including smoke tests and dye tests, and shall be permitted to perform reasonable visual inspections inside buildings in order to test for unauthorized or excessive discharges into the sewer system.
- Sec. 3 While performing the necessary work on private properties referred to in this Article, the Director or duly authorized Division employees or agents of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to Town employees and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in these rules and regulations and other state and federal regulations.
- Sec. 4 The Director and other duly authorized Division employees or agents of the Town, bearing proper credentials and identification, shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

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ARTICLE IX - Penalties

- Sec. 1 Any person found to be violating any provision of these rules and regulations may be served by the Town with written notice, stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- Sec. 2 Any user who shall continue any violation beyond the time limit stated in writing, as provided herein, shall be guilty of a violation of these regulations. The Town shall file appropriate charges in the Superior court as provided in Section 13 of Chapter 83 of the Massachusetts General Laws for violations hereunder, and there shall be a fine in an amount not to exceed such limits prescribed by the Massachusetts General Laws, including Chapter 83, Section 10, for each day or part thereof during which such violation shall continue beyond the time limit specified herein. Each day in which any such violation shall continue shall be deemed a separate offense.
- Sec. 3 In addition to the aforementioned penalties, any person making any connections with or opening into, or substantial change in use of any public sewer or appurtenance thereof, without an approved application signed by the Director, shall pay twice the amount of all required fees, including the Sewer Improvement Fee. Any unpaid fees shall be subject to the same penalties and fees applicable to unpaid real estate taxes as established by State statute.
- Sec. 4 Any person violating any of the provisions of these rules and regulations shall become liable to the Town for any expense, loss, fines, charges, or damage occasioned the Town by reason of such violation.

ARTICLE X – Right of Waiver

- Sec. 1 The Commission reserves the right to waive any portions of these rules and regulations which may cause undue hardship, or during emergency conditions, or in the best interest of the Town. Each request for waiver shall be made in writing to the Commission. Nothing stated in this section shall be interpreted to mean that the Commission has the right to waive any Massachusetts General Laws or State regulations referenced in these rules and regulations, as these references are only provided to be of assistance to the applicants.

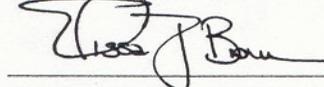
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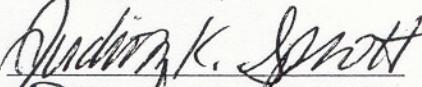
ARTICLE XI - Miscellaneous

- Sec. 1 All prior rules and regulations of this department or parts thereof in conflict herewith are hereby repealed by the adoption of these rules and regulations.
- Sec. 2 Any provision of these rules and regulations that is found to be unenforceable in any court of the Commonwealth of Massachusetts shall not effect the validity of any other provision of these rules and regulations.
- Sec. 3 These rules and regulations and any amendments thereto shall be in full force and effect from and after their passage, approval, recording, and publication as provided by law. These rules and regulations, including amendments thereto, are available for inspection at the Public Works Building, 133 Keyes Road, Concord, Massachusetts.

PASSED AND ADOPTED AT A DULY AUTHORIZED MEETING OF THE PUBLIC WORKS COMMISSION OF THE TOWN OF CONCORD, COMMONWEALTH OF MASSACHUSETTS HELD ON APRIL 26, 2004.

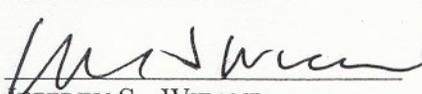
PUBLIC WORKS COMMISSION


ELISSA J. BROWN, CHAIR


JUDITH K. SPROTT, VICE CHAIR


JEFFREY W. ADAMS

SARA S. SCHNITZER


JEFFREY S. WIEAND


WILLIAM B. EDGERTON, DIRECTOR OF CONCORD PUBLIC WORKS

A TRUE COPY ATTEST: