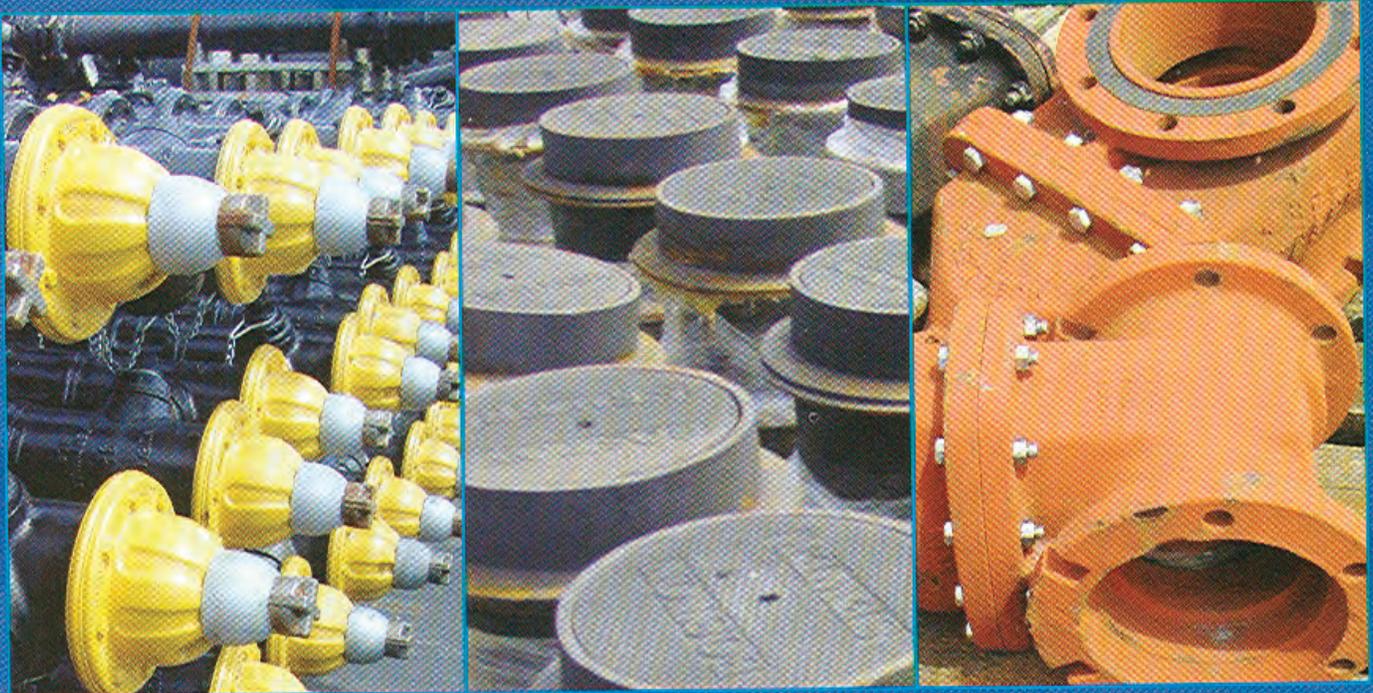


Regulations Governing the Use of the Water Distribution Facilities of the Boston Water and Sewer Commission



Water Use Regulations
Adopted December 21, 2000



**Boston Water and
Sewer Commission**

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ARTICLE I.

IMPORT OF REGULATIONS, GENERAL PROVISIONS AND DEFINITIONS

Section 1. Reference to Regulations

These regulations may be referred to as the Commission's Water Use Regulations.

Section 2. Authority

Under the authority of Chapter 436 (Section 6) of the 1977 Acts and Resolves of Massachusetts and in furtherance of the goals set forth therein, the Boston Water and Sewer Commission (the "Commission") has established the following regulations governing the use of the public and private water facilities in the City of Boston.

Section 3. Repeal of City Ordinance

Pursuant to Chapter 436 (Section 5) of the 1977 Acts and Resolves, these Regulations take precedence over the former City of Boston Public Works Department Water Division Ordinance and the City of Boston Ordinance 14 Section 343 which were superseded and rescinded by the Commission on February 21, 1989.

Section 4. Purpose

These Regulations are intended to protect the public health, safety and welfare and to ensure proper and safe operation of the Commission's water distribution facilities.

Section 5. Severability

The provisions of these Regulations are severable. If any provision of these Regulations or any specific application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications which can be given effect in the absence of the invalid provision or application.

Section 6. Applicable Regulations

Every user of the public water system or private water mains shall be subject to regulations of the Commission and the Massachusetts Water Resources Authority (MWRA), as they apply, and to any charges, rates, fees and assessments which are or may be established by the Commission or the MWRA. Any user of the public water system or private water mains shall also be subject to applicable state and federal regulations. In instances where various regulations contain conflicting requirements, the most stringent requirements shall be met. In addition to these Regulations, the most recent editions of the following rules or guidelines shall be adhered to:

- a. Commonwealth of Massachusetts, Department of Environmental Protection
310 CMR 22 Division of Water Supply: Guidelines and Policies for Public Water Systems, as amended;
- b. Commonwealth of Massachusetts, Board of State Examiners of Plumbers and Gas Fitters: Uniform State Plumbing Code and Massachusetts Fuel Gas Code (State Plumbing Code), 248 CMR 2;
- c. Commonwealth of Massachusetts, Department of Public Health: State Sanitary Code, 105 CMR 400, Chapter I and Chapter II;
- d. Commonwealth of Massachusetts, Department of Environmental Protection: Drinking Water Regulations: 310 CMR Section 22;
- e. Commission: Billing, Termination and Appeal Regulations;
- f. Commission: Site Plan Requirements;
- g. National Fire Protection Association: National Fire Code;
- h. City of Boston: Fire Prevention Code;
- i. City of Boston Inspectional Services Department Regulations; and
- j. City of Boston Public Health Commission Regulations.

Section 7. Right to Amend Regulations

The Commission reserves the right to amend these Regulations in any manner and to establish more stringent limitations or requirements as is deemed necessary or appropriate.

Section 8. MWRA Regulations

No provision of these Regulations shall be deemed to contravene or render ineffective any valid MWRA regulation.

Section 9. Required Applications and Permits

- (a) Applications and permits required by these Regulations are in addition to applications and permits that may be required by other Federal, State, MWRA and local laws or regulations. The following applications and permits are required by these Regulations:
 - (i) General Service Application
 - (ii) Hydrant Permit

(iii) Termination Verification Approval Application

(iv) Application for Site Plans

- (b) The Commission shall enforce, pursuant to Article VII of these Regulations and other applicable local, State and Federal Laws, the terms and conditions of a permit issued under these Regulations
- (c) The Commission may modify a permit as deemed necessary or appropriate or as required by State or Federal Law.
- (d) A permittee may request reconsideration of the terms and conditions in an Issuance, renewal, or modification of a permit issued by the Commission, and an applicant may request reconsideration of the denial of a permit by the Commission, pursuant to Article VIII of these Regulations.
- (e) A permit shall not be assigned or transferred without prior written approval of the Commission. After approval of a permit assignment or transfer, the permittee shall provide a copy of the permit to the assignee or transferee.
- (f) These Regulations shall not be construed to require the Commission to permit itself or those in its employ for activities done to carry out the Commission's responsibilities under any Federal or State Law, regulation or requirement.

Section 10. Definitions

Terms that are not defined herein shall be interpreted as defined in the most recent edition of the Glossary - Water and Wastewater Control Engineering, published by the Water Pollution Control Federation (WPCF) (now called the Water Environment Federation) (WEF), Washington, D.C. Throughout these Regulations, shall is mandatory, and may is permissive. Unless the content specifically indicates otherwise, the meaning of the terms used in these Regulations shall be as follows:

Applicant shall mean any property owner or duly authorized owner's agent applying for water service or for a water main extension, alteration, replacement or relocation.

Automated Meter Reading Device shall mean a device(s) used for reading a water meter without having to enter a premise.

Backflow shall mean the flow of water or other fluids, mixtures or substances into the distribution pipes of a potable supply of water from any source or sources other than its intended source.

Backflow Prevention Device shall mean an approved mechanical device designed to prevent backflow.

BPHC shall mean the Boston Public Health Commission.

Building shall mean any structure used for human occupancy, employment, recreation or other purposes.

Chief Engineer shall mean the Chief Engineer of the Boston Water and Sewer Commission.

City shall mean the City of Boston, Massachusetts.

Combined Service shall mean a service pipe that is used to provide both water service and private fire protection service.

Commission shall mean the Boston Water and Sewer Commission.

Commission Bonded Contractor shall mean a contractor having the appropriate bonding, insurance and drain layers license necessary to perform work on the Commission's water distribution system and/or connections to the Commission's water distribution system.

Condominium shall mean an independently owned unit of a residential or commercial building.

Consumption shall mean the amount of water used, as measured by a meter or as estimated by the Commission in accordance with its Billing, Termination and Appeal Regulations.

Cross Connection shall mean any actual or potential connection between a distribution pipe of potable water supplied by the public water system and any waste pipe, soil pipe, sewer, drain or any other unapproved source. Without limiting the generality of the foregoing, the term "cross connection" shall also include any bypass arrangement, jumper connection, removal section, swivel or changeover connection and any other temporary or permanent connection through which backflow can or may occur.

Customer shall mean the legal title holder of the property responsible for payment of bills for charges for water and sewer service to a property whether or not the premises are occupied by the customer or the customer's authorized representative.

Decorative Fountain shall mean an indoor or outdoor fountain that is designed and constructed for aesthetic purposes and is not intended for human contact, recreation or for providing drinking water.

Design Criteria shall mean standards for design used by the Commission for construction and rehabilitation of public water mains, water service pipes and fire pipes.

Discontinuance shall mean a temporary cessation of water service at the premise at the request of an owner or customer for reasons other than ordinary repair or maintenance.

Easement shall mean an acquired legal right for the specific use of land owned and maintained

by others, whether recorded or by prescription.

Fire Protection/Suppression System Supply Line shall mean the private water piping, control valve and appurtenances installed solely to furnish water for extinguishing fires. (also referred to as a Fire Pipe in these Regulations.)

Fire Flow Test shall mean the measurement of flow from a hydrant performed by the Commission in accordance with generally accepted engineering practices.

General Service Application shall mean the form provided by the Commission and completed by the property owner or by an agent authorized by the owner and submitted to the Commission prior to construction, reconstruction, repair or modification of a water service pipe or a fire pipe from a public water main. A completed General Service Application includes verification that the premise address listed therein is correct.

Hydrant shall mean a device connected to a public water main for the purpose of extinguishing fires or other authorized purpose.

Hydrant Permit shall mean a written permit granted by the Commission for the temporary use of a Commission owned hydrant or a private hydrant that is not master metered.

Let On shall mean the opening of a control valve to initiate or restore water service.

Licensed Drain Layer shall mean a person authorized in writing by the Commission to install, maintain and repair water mains and water services within the City of Boston. (A Licensed Drain Layer is also authorized to install, maintain and repair sanitary sewers, combined sewers, storm drains, building sewers and building storm drains.)

LUTO, an acronym for Leak Up to Owner, shall mean a leak in the owner's portion of a water service pipe, a leak on a fire pipe or a combined service.

LUTO Notice shall mean the Commission's written notification to an owner or customer that a leak exists in the water service pipe on the owner's property, and that the owner is responsible for repairing the leak.

Master Meter shall mean a water meter used for billing purposes serving a building or group of buildings.

MDEP shall mean the Massachusetts Department of Environmental Protection.

Meter shall mean an instrument or device, including any appurtenances thereto, for measuring the flow of water.

Meter Pit shall mean an underground vault enclosing a meter.

MWRA shall mean the Massachusetts Water Resources Authority.

Owner shall mean a person who alone or jointly or severally with others, has the legal title to any premises or has care, charge, custody or control of any premises as agent, executor, administrator, trustee, lessee or guardian of the estate of the holder of legal title.

Person shall mean any agency of the federal government, the City of Boston, any agency or political subdivision of the Commonwealth, any state, public or private corporation or authority, individual, firm, joint stock company, partnership, association, or other entity, or any group thereof, and any officer, employee, or agent of such person, and any group of persons.

Plumber shall mean a person licensed as a plumber by the Commonwealth of Massachusetts.

Point-Of-Entry Treatment Device shall mean a device installed to treat water entering any building or portion of such building for the purpose of reducing contaminants in the water distributed through that building or portion of such building.

Potable Water shall mean water fit for human consumption in conformance with the regulations of the Massachusetts Department of Environmental Protection.

Premise/Property shall mean a parcel of real estate or portion thereof, including any improvements thereon, which is determined by the Commission to be a single user for purposes of receiving, using and paying for water service.

Private Fire Protection shall mean private water mains, fire pipes and other appurtenances installed for the purpose of fire protection/suppression at a particular premise.

Private Hydrant shall mean a hydrant installed by an owner for the purpose of private fire protection/suppression at a particular premise.

Private Water Main shall mean a water main that is not owned by the Commission, the MWRA or another city or town.

Public Fire Protection shall mean the public water mains, hydrants and appurtenances installed for the purpose of fire protection in a public way, Commission-owned easement, whether recorded or by prescription, or private way open to public travel.

Public Water Main shall mean the piping and associated valves, hydrants and appurtenances owned by the Commission, the MWRA, or another city or town installed in a public way, publicly-owned easements whether recorded or by prescription, or private way open to public travel, for the purpose of supplying water to one or more customers or for public fire protection.

Public Water System shall mean a system for the provision to the public of piped water for human consumption. The Commission and the MWRA are public water systems.

Recreational Spray or Sprinkler Pool shall mean an indoor or outdoor spray or sprinkler pool that is designed and constructed for the purpose of human contact recreation.

Release Agreement shall mean a form prescribed by the Commission that transfers ownership of water facilities to the Commission and/or grants to the Commission an easement with respect to such facilities. The form shall be duly completed, accepted and signed by the Commission and filed with the Suffolk County Registry of Deeds.

Requirements for Site Plans shall mean the document that describes the information that must be included in site plans submitted to the Commission. A Site Plan is required by the Commission for review and approval by the Chief Engineer (or designee) of a proposed connection or reconstruction, repair or modification of a water service pipe or fire pipe which connects to the Commission's water distribution system. (The document also includes requirements for connections to the Commission's sanitary and combined sewers and storm drain systems.)

Residential Meter shall mean a meter two inches in size or smaller used to measure the flow of water to a predominantly residential property.

Shut Off shall mean the closing of a control valve to temporarily stop water service or to terminate water service.

Termination shall mean the cessation of water service pursuant to the Commission's Billing, Termination and Appeal Regulations or for a violation of these Regulations.

Termination Verification Approval Application shall mean the form completed and submitted to the Commission by the owner or by the owner's agent prior to demolition of any building having water, sewer or storm drainage connections to the Commission's water distribution or sewer or storm drainage systems. A copy of the completed form approved by the Commission must be submitted to the Boston Inspectional Services Department before that Department may approve demolition.

User shall mean any person who obtains water service from a public water main or a private water main supplied from a public water main.

Water Service shall mean the readiness to supply or actual supplying of water to premises in which a water service pipe or fire pipe has been installed. Water service may also mean a water service pipe.

Water Service Pipe shall mean the connection, piping and associated valves and appurtenances that extend from a public water main to a building or property for the purpose of supplying water, other than for fire protection/suppression systems.

Well shall mean any dug, driven or drilled hole, with a depth greater than its largest surface diameter, developed to supply water intended and/or used for human consumption, irrigation, or industry and not subject to regulation by 310 CMR 22.00.

ARTICLE II

USE OF WATER AND WATER FACILITIES

Section 1. Jurisdiction

All property situated within the City of Boston shall be eligible to receive water service from the Commission upon compliance with these Regulations. The timing and methods for extending or providing service shall be at the Commission's sole discretion. Eligibility for water service outside of the City shall be conditioned upon the Commission's approval and compliance with these Regulations.

Section 2. Ownership

The Commission owns all public water mains, hydrants, valves, and associated appurtenances located within public ways, Commission-owned easements, whether recorded or by prescription and private ways open to public travel within the City unless otherwise specified in writing by the Commission (with a copy provided to the owner) and except for transmission mains of the MWRA and certain water mains of adjacent cities and towns. The Commission also owns all water service pipes from public water mains located within public ways, Commission-owned easements, whether recorded or by prescription and private ways open to public travel within the City to an owner's property line, except where a building, foundation wall, retaining wall, stairs, areaways or other subterranean structures are located on the property line, the Commission owns the water service pipe to a distance of 18 inches outside the property line.

Section 3. Public Water Mains

The Commission shall control the use of all public water mains in the City, except for transmission mains of the MWRA and certain water mains of adjacent communities. No person shall, without prior written authorization from the Commission, uncover, make any connections with or opening into, alter, or disturb a public water main. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the Commission's water distribution system.

Section 4. Private Water Mains

All private water mains in the City that convey water from public water mains owned by the Commission shall be controlled by the Commission, but shall be constructed, installed, repaired, operated and maintained by their owners at the owner's expense. The Commission may direct the owner to repair or replace a private water main, if in the judgment of the Commission such action will reduce the quantity of water lost through leaks from that main or where such leaks may jeopardize the operation of the public water system. Repairs to private water mains shall be made by and at the expense of the owner. The Commission shall inspect and approve the connection of the private water main to the Commission's public water main.

Section 5. Water Conservation and Emergencies

Conservation By Users. No user shall knowingly allow water to leak or run to unnecessary waste.

Conservation Restrictions. The Commission may adopt conservation restrictions in accordance with the provisions of Massachusetts General Laws Chapter 21G upon its determination that conditions exist which limit the water supply and may endanger the public health, safety and welfare. Conservation restrictions shall remain in full force and effect until the Commission determines that the condition requiring their imposition no longer exists.

Emergency Shut-Off. The Commission may shut off water service to any premises during a drought, hurricane, conflagration or other disaster upon notification to the owner in accordance with Massachusetts General Laws Chapter 40, Section 41A.

Section 6. Water Main Extensions, Replacement and Relocations

Procedure for Extensions. An applicant may propose an extension, replacement or relocation of public water mains to serve new or rehabilitated buildings. All proposed extensions, replacements or relocations, including any tests, studies, investigations and inspections required for design, shall be designed and constructed in accordance with the Commission's Design Criteria, and subject to the approval of the Chief Engineer (or designee). All expenses, including all engineering, legal, permitting, construction, and inspection expenses, involved in applying for and constructing an extension, replacement or relocation shall be borne by the applicant.

Bonding and Approval of Contractors. Contractors must post a bond in a form satisfactory to the Commission and in an amount and for a period of time that the Commission deems sufficient to guarantee construction quality and operating performance. Bonding is required before work commences on any public water main extension, replacement or relocation by contractors working for the Commission or an owner on Commission-owned property or easements.

Release Agreement. After approval of a proposed extension, replacement or relocation of a water main and after the attendant construction has been approved by the Commission, the applicant shall transfer ownership of the extended, replaced or relocated water main to the Commission through a Release Agreement in a form prescribed by the Commission. The Release Agreement shall be accompanied with as-built plans for the extended, replaced or relocated water main and any other information required by the Commission. Until such time as the Release Agreement is signed by the Commission, the extended, replaced or relocated water main shall be considered to be privately owned by the applicant and shall be subject to the requirements pertaining to private water mains contained in these Regulations.

Commission Denial or Modification of Proposal. The Commission may deny the request of an applicant to extend, replace or relocate a public water main, if the Commission determines that the proposed work does not conform to the Commission's Design Criteria or the Commission determines that the work will adversely affect its system or that of existing users.

The Commission may condition its approval of a request to extend, replace or relocate. Among other things, the Commission may require that an applicant who proposes to extend, replace or relocate a public water main make certain improvements or modifications to the existing system.

Water Main Replacement. If an applicant requests a new water service pipe or fire pipe which, in the judgment of the Commission, will impose a demand in excess of the capacity of the existing main, it may be necessary to replace the existing main with one of appropriate size. The applicant shall pay the full cost thereof including any tests, studies, investigations and inspections required for design and construction.

Major Development Project Reviews. When the Commission must perform professional engineering and legal reviews for major development projects, the applicant shall pay for such reviews in amounts determined by the Commission.

Section 7. Hydrants

Ownership. All hydrants located in public ways, Commission-owned easements, whether recorded or by prescription, or private ways open to public travel shall be owned and maintained by the Commission unless the Commission expressly determines otherwise with respect to specific locations.

Location. Hydrants shall be placed at locations designated by the Commission to facilitate public fire protection or for Commission maintenance enhancement. As a condition of an approved new or extended water service, the Commission may require an owner to pay for the cost of hydrant installation if the Commission determines that such new extended water service creates fire protection requirements or enhanced Commission maintenance.

Relocation. An owner may request approval to relocate water facilities. The request shall include a plan of the relocation designed in accordance with the Design Criteria of the Commission. If the relocation is approved, the owner shall have the work performed at its expense by a contractor bonded and approved in accordance with Section 6 above.

Permits for Use of a Hydrant. Any use of water from an unmetered hydrant for purposes other than extinguishing fires shall only occur pursuant to a Hydrant Permit obtained from the Commission. After issuance of the permit, a hydrant meter and a wrench for the proper operation of the hydrant shall be provided upon payment of a deposit in an amount established by the Commission. The permit must be attached to the meter at all times during use. The failure to comply with the terms as set forth on the hydrant permit or the unauthorized use of water from a hydrant are violations of these regulations which can result in the imposition of a fine in accordance with Article VII of these regulations.

Private hydrants. The owner of a private hydrant must obtain a hydrant permit and meter from the Commission unless the hydrant is master metered. All private hydrants must be equipped with a Commission approved hydrant security device unless the hydrant is master metered.

Fire Flow Tests. Only the Commission shall perform fire flow tests. If so requested, the Commission will conduct a fire flow test at the requesting person's expense.

Section 8. Water-Cooled Air Conditioning and Refrigeration

An air conditioning or refrigeration unit or units requiring more than 60 cubic feet of water per hour cannot be used without provision for water recycling. Larger systems shall include a device enabling the reuse of water supplied in the system, and the reuse device shall be in operation whenever such system is in operation. Such systems shall be subject to the Cross Connection provisions of Article V of these Regulations.

Section 9. Fountain and Irrigation Systems

General Requirements. Free-flowing fountains discharging directly to drains or sewers are prohibited. Drinking water fountains shall be equipped with an automatic shut-off mechanism. Outside decorative fountains shall be turned off from October 15 until March 31 of each year. Decorative fountains shall be equipped with a meter, a shut-off mechanism and an approved backflow prevention device.

Irrigation Systems. All irrigation systems shall be metered and equipped with an approved backflow prevention device.

Conversion of Decorative Fountains. The conversion of existing non-recirculating, decorative fountains to recirculating systems is encouraged. The Commission may assist the owner of a non-recirculating, decorative fountain in determining the costs and benefits of such conversion.

New and Rehabilitated Decorative Fountains. Designs for new decorative fountains and major rehabilitation and/or repairs of existing decorative fountains shall be subject to Commission review and approval prior to construction or reconstruction. All new decorative fountains shall be of recirculating design, equipped with a meter, a shut-off mechanism and approved backflow prevention device. Major rehabilitation and/or repairs of existing decorative fountains shall include conversion to a recirculating design and inclusion of a shut-off mechanism, a meter and approved backflow prevention device.

Restrictions on Fountains and Irrigation Systems. The Commission, pursuant to section 5 of this Article, may restrict or prohibit the use of decorative fountains, irrigation systems and outside watering in accordance with the provisions of Massachusetts General Laws Chapter 21G.

Public Recreational Spray or Sprinkler Pool Devices. Notwithstanding any other provision of these Regulations, the City Parks and Recreation Department may install recreational spray or free-flowing, non-recirculating sprinkler pool devices on City property, for public recreational purposes, provided that such devices are:

- a. used only during the period between Memorial Day and Labor Day, inclusive, in parks supervised by Parks and Recreation Department personnel;
- b. equipped with shut-off mechanisms, which need not be automatic;
- c. turned on and off on a daily basis by City employees responsible for the installation and maintenance of such devices;
- d. not directly or indirectly connected to either a hydrant or a fire pipe;
- e. connected only to a building or other facility equipped with a Commission meter that records all water usage; and
- f. reviewed by the Commission for cross connection control.

Section 10. Point-of-Entry Treatment Devices

Building with More Than 25 Occupants. In accordance with Massachusetts regulations, the installation of a point-of-entry treatment device with respect to any building serving more than 25 people creates a new public water system. Therefore, no such point-of-entry treatment device can be installed with respect to any building serving more than 25 people unless and until the building owner:

- a. applies for and receives express written approval from the Commission for the installation of such a device;
- b. applies for and receives express written approval for installation of such a device from the Massachusetts Department of Environmental Protection;
- c. installs a reduced pressure principle backflow preventer before the point-of-entry treatment device, to avoid contamination of the Commission's entire water supply system;
- d. installs a master meter prior to the reduced pressure principle backflow prevention device and the point of entry treatment device;
- e. utilizes a point-of-entry treatment device approved by the Massachusetts Board of Plumbers and installed in conformity with the State Plumbing Code;
- f. hires an operator duly certified by the Massachusetts Board of Registration of Operation of Drinking Water Supply Facilities;
- g. monitors the building's drinking water for all water quality parameters and with the frequency required by 310 CMR 22.00, and maintains adequate records of such monitoring; and

- h. informs building occupants and users in writing of the existence of the point-of-entry treatment device.

Buildings with 25 or Fewer Occupants. In accordance with Massachusetts regulations, the installation of a point-of-entry treatment device with respect to any building serving 25 or fewer people creates a new private water system. Therefore, no such point-of-entry treatment device can be installed with respect to any building serving 25 or fewer people unless and until the building owner:

- a. installs a reduced pressure principle backflow preventer before the point-of-entry treatment device and after the master meter;
- b. utilizes a point-of-entry treatment device approved by the Massachusetts Board of Plumbers and installed in accordance with the State Plumbing Code; and
- c. informs building occupants and users in writing of the existence of point-of-entry treatment device.

Discharges from Point of Entry Treatment Devices must comply with the Commission's Sewer Use Regulations, MWRA Regulations and/or any other applicable Federal or State Permit requirements.

ARTICLE III.

WATER SERVICE

Section 1. Application for Water Service

Application Procedure. In order to obtain approval to construct or change the size or location of a water service pipe connecting to a public water main, the owner shall submit a General Service Application. General Service Application forms may be processed at the Commission's office. A completed General Service Application includes verification by the applicant that the address listed is the correct premise address for the premises in question. A General Service Application shall be supplemented by permits, plans, specifications or such other information as the Commission may require, including but not limited to, building site plans approved by the Chief Engineer (or designee). Approval of a General Service Application shall be subject to the availability of capacity in the public water main as determined by the Chief Engineer (or designee). Any General Service Application issued shall be void and invalid unless the work authorized by it shall have been commenced within thirty days (30) after issuance; however for cause shown and upon written request by the owner, an extension may be granted by the Chief Engineer (or designee).

Demolitions. Before a building or structure is demolished, the owner shall notify the Commission, complete a Termination Verification Approval Form for Demolition, submit a General Service Application for removal or cutting and capping all water, sewer and fire pipes. The Commission at its sole discretion may require the owner to submit a site plan. The Commission shall inspect the work to ensure that the services are removed or properly cut and capped in accordance with Commission specifications prior to backfilling.

Increase/Decrease in Size of Service. When the size of a water service is either increased or decreased, the service to be discontinued must be removed, or if approved, cut and capped at the main in accordance with Commission specifications.

Expense Borne by Owner. All costs and expenses incident to submission of a General Service Application and work authorized pursuant to such application, including but not limited to design, legal, construction, connection, and inspection of a water service pipe shall be borne by the owner.

Existing Users. In the absence of a signed General Service Application, the provision of water service by the Commission and its use by the owner shall nonetheless be subject to all provisions of these Regulations.

Section 2. Water Service Pipes

Ownership. The property owner shall own that portion of a water service pipe located on the owner's property with the exception of Commission owned meters and couplings. Where a building, foundation wall, retaining wall, stairs, areaway or other subterranean structure is

located on the property line, such ownership shall continue to a distance of 18 inches beyond the property line.

Design and Construction Standards. Water service pipes within a public way or a private way open to public travel shall be constructed in accordance with the Commission's Design Criteria. Water service pipes within private property shall be constructed in accordance with the latest version of the Massachusetts State Plumbing Code.

Location of Water Service Pipe. No water service pipe shall be laid in the same trench with any other public or private facilities, except a fire pipe, nor within ten feet of a sewer unless approved by the Chief Engineer. Any connection of a water service pipe to a public main shall be made in a public way, a Commission-owned easement or in a private way open to public travel.

Limitation on Tapping Mains. Where there is more than one public water main in a street, the Commission shall determine which main the owner may tap for water service pipe connection. Water mains designated as transmission mains shall not be tapped for water service, except when approved by the Commission. All new taps shall be a minimum of one pipe size smaller than the main to be tapped; however where the Commission deems this to be impractical then a solid sleeve three-way branch shall be used to connect to the new main.

Separate Services. In general, the Commission requires a single water service pipe and a master meter for multiple unit premises. Otherwise, a separate service and meter shall be required for each premise of different address or ownership. The Commission shall determine the water service pipe connections for condominiums and/or rowhouses. However, there shall be no separate services for vertical condominiums, that is, condominiums substantially within the same footprint.

Combined Service. All provisions within this Article for water service pipes shall also apply to existing combined services. New combined services shall not be installed, unless the Commission determines that combined service is in the interest of efficiency and, with the concurrence of the City of Boston's Inspectional Services Department, approves such a service in writing.

Restriction on Use of Fire Pipe. No fire pipe shall be converted to a water service pipe.

Installation of Water Service Pipe. The owner shall be responsible, at its expense, for fulfilling all Commission requirements for licensing, bonding, permitting, submitting applications, installing the water service pipe and appurtenances, tapping and making connection to the public water main designated by the Commission, and cutting and capping any water service pipe and appurtenances to be discontinued. Only the Commission shall let on the water service. The service will not be let on until the installation has been inspected and a water meter has been installed in accordance with these Regulations. The owner or owner's contractor shall arrange at least 24 hours in advance for an inspection by the Commission before backfilling the installed water service pipe and appurtenances. The owner shall not backfill the installation until after

receipt of a written inspection certificate from the Commission. The owner shall provide access to the property for the inspection by the Commission and shall not conceal the purpose for which water service is used or to be used.

Second Source. If continuous water service is necessary, the Commission may, at its discretion, require the owner to install a second metered service as a back-up water system. Such second source shall be installed in accordance with Commission specifications and in accordance with these Regulations. All costs and expenses incident to the installation of a second source shall be borne by the owner.

Section 3. Meters and Meter Testing

Furnishing of Meters and Meter Size. For residential and non-residential buildings, the Commission shall furnish at its expense meters and all automatic reading devices, up to and including two inches in size, along with the necessary bushings and couplings to attach to the plumbing. The owner shall furnish at its expense meters three inches in size or larger, except that the replacement of any such meter shall be at the Commission's expense. The size of the meter required shall be subject to the approval of the Commission.

Ownership. All meters, once installed, become the property of the Commission, except that the Commission may refuse to take ownership of a meter which is improperly installed or which is the wrong type or size for the premises in question. Where a meter is improperly installed or is the wrong type or size, the owner shall be required to furnish a meter approved by the Commission prior to the commencement or let on of water service. The Commission has the right to change the size of the meter without charge to the owner. However, all costs and expenses associated with the installation of a meter outside of normal business hours shall be borne by the owner.

Installation of Meters. The Commission shall, at its expense, install all meters up to and including two inches in size. Prior to installation of the meter, the owner shall at its expense complete the plumbing so that the premises are ready for meter installation. If plumbing work is necessary to make the premises meter-ready, the Commission will provide plumbing specifications to enable the owner to prepare the premises for meter installation. The plumbing shall be completed in a manner that permits installation of the meter closest to the point of entry of the water service pipe. All meters three inches in size and larger and automatic reading devices shall originally be installed by the owner at its expense and inspected by the Commission. The Commission shall at its expense replace such meters and automatic reading devices. All meters and meter installations shall conform to the Commission's Design Criteria and comply with these Regulations. Meters three inches in size and larger shall be the turbine or compound type as determined by the Commission and shall be installed with a strainer of the same manufacturer and with a 1-inch tap for meter testing by the Commission.

Location of Meters. All meters shall be installed within an owner's building as close to the public water supply main as possible in an ample and suitable space free from exposure to freezing unless otherwise directed by the Commission. This space shall at all times be un-

obstructed and accessible to the Commission for reading, testing, inspection and maintenance purposes.

Meter Pits. The installation of a meter in a pit shall be at the sole discretion of the Commission.

Outside Meter-Reading Devices or Automatic Reading Devices. The Commission may install a device on the inside or outside of a building in a conveniently accessible location to enable routine meter readings without internal access to the owner's building. A device on a two-inch or smaller water supply line shall be installed at the Commission's expense. Devices installed on meters three inches or larger shall be approved by the Commission and installed by the owner at its expense. The Commission shall subsequently maintain and replace such devices at its expense.

Right to Enter Premises. In accordance with the provisions of Article VII of these Regulations and Massachusetts General Laws Chapter 165 Section 11D, the Commission may enter premises to install, examine, calibrate, repair, test or remove meters and automatic reading devices.

Meter Testing. The Commission may subject all meters to periodic tests. The Commission may at any time test, repair or replace any meter at its option and expense. An owner may request that the Commission test his or her meter. Such tests shall be performed at the expense of the owner in accordance with the Commission's Billing, Termination and Appeal Regulations and for the standard fee then in effect

Meter Tampering. No person shall bypass, tamper with or prevent a meter from registering water consumption, and such acts shall be subject to the penalties stated in Massachusetts General Laws Chapter 165 Section 11 and to such other penalties as the Commission may adopt under Article VII of these Regulations.

Master Meters. The Commission, at its sole discretion, may require the master metering of more than one water service. In such case, the owner of the premises served shall be responsible for payment of all water charges, all costs and expenses incident to the installation of the master meter and the acceptance of all related notices.

Meter Replacement or Repair. The Commission maintains an annual meter installation and maintenance program. Upon notification that a meter is broken or missing, the Commission will install a new meter, provided that the premises are meter-ready. The replacement of a frozen meter or a meter that is lost in service shall be at the owner's expense. If plumbing work is necessary to make the premises meter-ready, the Commission will provide plumbing specifications to enable the owner to prepare the premises for meter installation.

Section 4. Repairs, Maintenance and Thawing

Repairs and Maintenance. The portion of a water service pipe on private property,

or the portion not owned by the Commission, shall at all times be kept by the owner in good repair, free of leaks and protected from frost and corrosion. If the Commission determines that any private piping does not conform to applicable state and federal law, codes and regulations, the Commission may require an owner, at its expense, to expose the piping for inspection by the Commission. The Commission may require the owner, at its expense, to replace or repair the piping in accordance with applicable regulations. In the case where the portion of the water service pipe owned by the Commission is damaged by neglect or carelessness of the owner of the premises served, or any plumber, contractor, occupant or other person acting on behalf of the owner of the premises, all necessary repairs shall be made by the Commission at the owner's expense.

Leak Up to Owner (LUTO). If the Commission determines that there is a leak in the owner's portion of the water service pipe, the Commission shall so notify the owner with a written LUTO Notice, and the owner shall be responsible for filing a General Service Application, having the leak repaired and the work inspected by the Commission to ensure compliance with these regulations. The Commission, in accordance with the provisions of Article III, Section 5, may shut off such a leaking water service pipe.

Thawing. The owner is responsible for thawing, at its expense, a frozen water service pipe on the owner's portion of the water service pipe.

Section 5. Shut-Off, Termination, Let-On and Discontinuance

Shut-Off. The Commission may shut off water service without notice in order to perform work on a public water main or a water service pipe or pursuant to Article V, Section 3 hereof. The Commission may shut off water service with notice for reasons of termination pursuant to its Billing, Termination and Appeal Regulations. At the owner's request, the Commission may shut off water service to a premise in order for the owner to make repairs, or for temporary vacancy.

Let-On. Only the Commission shall let on water service. The Commission may let on a water service without notice after performing work on a public water main or a water service pipe. If an owner requests the Commission to shut off water service, then the Commission will let on the water service only after a subsequent request by the owner and, where required, after compliance with these regulations. After inspection of a newly installed metered water service pipe, and upon request by the owner, the Commission shall let on the water service. The let-on of a water service by anyone other than the Commission is a violation of these regulations and can result in the imposition of fines in accordance with these Regulations.

Termination by the Commission. Water service may be terminated by the Commission for non-payment or for reasons other than non-payment, as specified in the Commission's Billing, Termination and Appeal Regulations.

Let-On After Termination. When water service to any premises has been terminated for any reason, it will be let on by the Commission only after the conditions, circumstances or practices that caused the water service termination are corrected and upon payment in accordance with the Commission's Billing, Termination and Appeal Regulations. If water service has been

off for one year, a General Service Application must be filed and shall be supplemented by building site plans approved by the Commission and any other such permits, plans, specifications and information as the Commission may require.

Discontinuance by the Owner. An owner may discontinue the owner's water service to a building by notifying the Commission in writing at least three working days in advance of the date on which water service is to be discontinued. Upon notification that the service is to be discontinued, the Commission shall shut-off the water service. When water service has been discontinued for a period of one year or more, the Commission may, at its sole discretion require the owner to cut and cap, at the owner's expense, the water service pipe(s) from the public water main.

Let-On After Discontinuance. If water service has been discontinued for less than one year, the service shall be let on only by the Commission at the request of the owner. Where water service has been discontinued for one year, the water service will be let on only after the owner submits a General Service Application. The General Service Application shall be supplemented by building site plans approved by the Commission and any other such permits, plans, specifications and information as the Commission may require.

Let-On Lead Service Pipe Prohibited. If a lead water service pipe is discontinued, the water service shall not be let on until a new General Service Application is submitted by the owner and the lead water service pipe has been replaced with a new pipe of approved material in accordance with these Regulations.

Combined Services. This section shall not apply to combined services. For combined services, termination and/or discontinuance can only occur in accordance with Article IV, section 6 of these Regulations.

Section 6. Expense Borne by Owner

All costs and expenses incident to submission of a General Service Application and work authorized pursuant to such application, including but not limited to, design, construction, connection and inspection of water service pipes, shall be borne by the owner.

Section 7. Compliance with Regulations

Violations of this section are subject to the imposition of fines and penalties as provided in Article VII of these regulations.

ARTICLE IV.

PRIVATE FIRE PROTECTION

Section 1. Application for Fire Protection/Suppression System Supply Line (Fire Pipe)

Application Procedure. In order to obtain approval to construct or change the size or location of a fire pipe connecting to a public water main, the owner shall submit a General Service Application. The application shall be supplemented by a building site plan approved by the Commission, by a permit issued pursuant to the City of Boston Fire Prevention Code, and by such other permits, plans, specifications, and information as the Commission may require. Approval of the application shall be subject to the availability of capacity in the public water main as determined by the Chief Engineer (or designee). Any General Service Application issued shall be void and invalid unless the work authorized by it shall have been commenced within thirty (30) days after issuance; however for cause shown and upon written request by the property owner, an extension may be granted by the Chief Engineer (or designee).

Expenses Borne by Owner. All costs and expenses incident to the completion of a General Service Application and the work authorized pursuant to such application, including but not limited to design, construction, connection, and inspection of a fire pipe shall be borne by the owner.

Existing Users. In the absence of a signed General Service Application, the provision of water service by the Commission and its use by the owner shall nonetheless be deemed subject to all provisions of these Regulations.

Section 2. Fire Pipes

Ownership. The property owner shall own the entire fire pipe, extending from the property to the public water main including the control valve at the main.

Design and Construction Standards. Fire pipes shall be constructed in accordance with the Commission's Design Criteria and the latest versions of the State Plumbing Code, Boston Fire Prevention Code, and National Fire Code.

Location of Fire Pipe. No fire pipe shall be laid in the same trench with any other public or private facilities, except a water service pipe, nor within ten feet of a sewer. Any connection of a fire pipe to a public main shall be made in a public way, a Commission-owned easement, whether recorded or by prescription, or in a private way open to public travel. The Commission at its sole discretion shall determine the point of connection of the owner's fire pipe to the Commission's water main.

Limitations on Tapping Mains. Water mains designated as transmission mains shall not be tapped for a fire pipe, except when approved by the Chief Engineer (or designee). All new taps shall be a minimum of one pipe size smaller than the main to be tapped; however where the

Commission deems this impractical, a solid sleeve three-way branch shall be used to connect to the new main.

Limitations on Water Use. Where there is more than one public water main in a street, the Commission shall determine which main the owner may tap for a fire pipe connection. Water supplied through a fire pipe shall be for fire protection only, except for annual fire pump tests. Only prior written authorization from the Commission shall permit any other use of water from a fire pipe. No water used for fire protection/suppression systems shall be taken from a water service pipe.

Installation of Fire Pipe. The owner shall be responsible, at its expense, for installing the fire pipe and appurtenances, tapping and making connection to the public water main designated by the Commission, and the cutting and capping of existing services and appurtenances to be discontinued. The owner or owner's contractor shall arrange at least twenty four (24) hours in advance for an inspection by the Commission before backfilling the installed fire pipe and appurtenances. The owner or owner's contractor shall not backfill the installation until after receipt of a written inspection certificate from the Commission. Only the Commission shall let-on water service after inspection and approval of the fire pipe installation. The owner shall provide access to the property for the inspection by the Commission and shall not conceal the purpose for which the fire pipe is used or to be used.

Installation of Backflow Device. All fire pipe supply lines shall be equipped with an approved backflow prevention device.

Fire Department Permit. An owner, in accordance with the Boston Fire Prevention Code, shall be responsible for obtaining the necessary permit from the Boston Fire Department when the fire pipe is shut off for maintenance purposes.

Second Source. If continuous water service is necessary, the Commission may, at its discretion, require the owner, to install a second service with backflow protection so that service will not be interrupted during fire pipe testing and maintenance operations. Such second source shall be installed in accordance with Commission specifications and in accordance with these Regulations. All costs and expenses incident to the installation of a second source shall be borne by the owner.

Section 3. Metering

The Commission may require that an owner install a detector meter on a fire pipe for the purpose of monitoring leakage and water use. If metering is required, all expenses for furnishing and installation of the meter shall be borne by the owner. The provisions of Article III, Section 3 with respect to meter location, right to enter premises, meter testing, meter tampering, and meter replacement or repair shall apply to fire pipe meters.

Section 4. Annual Charge

The Commission includes within its rates an annual charge related to the provision of water capacity to serve a fire service pipe. Unless otherwise stated in the rate documentation, such annual charge shall not include or be used for maintenance or repair costs to the fire service pipe. Maintenance costs and repair costs are to be borne by the owner of the premises, under Section 5 hereof.

Section 5. Repairs, Maintenance and Thawing

Repairs and Maintenance. The fire pipe shall at all times be kept by the owner of the premises and at its expense in good repair, free of leaks and protected from frost and corrosion.

Repair of Leaks. The owner shall be responsible for having a leak in a fire pipe repaired at the owner's expense. Such a leaking fire pipe may be shut off by the Commission in accordance with the provisions of Section 6 of this Article.

Thawing. The owner is responsible, at its expense, for thawing a frozen fire pipe.

Section 6. Shut-Off, Termination, Abandonment, and Let-On

Shut-Off. No shut-offs of a fire pipe shall occur except in accordance with Massachusetts General Laws Chapter 148, Section 27A and with the City of Boston Fire Prevention Code. After compliance therewith, the Commission may shut off a fire pipe without notice in order to prevent the loss of water, to prevent or stop damage to property, or to perform work on a public water main. At the owner's request, accompanied or followed by a written request from the City of Boston's Inspectional Services Department, the Commission may shut off water service to a premise in order for the owner to make repairs.

Discontinuance by the Owner. No discontinuance of a fire pipe shall occur except in accordance with Massachusetts General Law Chapter 148, Section 27A and with the City of Boston Fire Prevention Code. After compliance therewith, an owner may discontinue the owner's fire pipe service to specific premises by notifying the Commission in writing at least three working days before the date on which the fire pipe is to be discontinued. Along with such written notice, the owner shall provide the Commission with a written request from the City of Boston's Inspectional Services Department and with a permit in accordance with the City of Boston Fire Prevention Code authorizing the discontinuance. After compliance therewith, if a fire pipe has been discontinued for a period of one year or more, the Commission may, at its sole discretion, require the owner to cut and cap, at the owner's expense, the fire pipe(s) from the public water main.

Let-On. Only the Commission shall let on a fire pipe. After inspection and approval of a newly installed fire pipe, and upon written request by both the owner and by the City of Boston's Inspectional Services Department, the Commission shall let on water service. If an owner requests the Commission to shut off water service, then the Commission will let on the water service only upon request by the owner and by the Inspectional Services Department and, where required, only after the owner submits a General Service Application. The Commission may let

on water service without notice to the owner after performing work on a public water main.

Let-On After Termination. When water service to the fire pipe of any premises has been terminated for any reason, it will be let on by the Commission only after the conditions, circumstances or practices that caused the water service termination are corrected and after receipt of a written request from the City of Boston's Inspectional Services Department.

Let-On After Discontinuance. If a fire pipe has been discontinued for one year or longer, the service will be let on by the Commission at the request of the owner only after the owner submits a General Service Application, accompanied or followed by a written request from the City of Boston's Inspectional Services Department. The General Service Application shall be supplemented by building site plans approved by the Commission and any other such permits, plans, specifications and information as the Commission may require.

Section 7. Compliance with Regulations

Violations of Article IV are subject to the imposition of fines and penalties as provided in Article VII these regulations.

ARTICLE V.

CROSS CONNECTIONS

Section 1. Backflow Prevention

Backflow Prevention Required. No person shall maintain a cross connection without an approved backflow prevention device. Backflow prevention devices shall comply with the provisions of the Massachusetts Department of Environmental Protection (MDEP) Drinking Water Regulations 310 CMR Section 22:22 Cross Connections.

Plan Approval and Initial Inspection. The Commission shall approve all plans for the installation of backflow prevention devices and, after installation, shall perform the initial inspection and test of the backflow prevention devices.

Installation of Backflow Prevention. The owner at its expense shall install backflow prevention devices and the installation shall be approved by the Commission. If continuous water service is necessary, two approved backflow prevention devices shall be installed in a parallel installation, so that water service will not be interrupted during testing and maintenance operations. Backflow prevention devices shall be installed in a horizontal position, three (3) to four (4) feet above the floor, twelve (12) inches from any wall, tightly closing shut off valves on either end, protected from freezing, flooding, mechanical damage, and vandalism and shall be easily accessible for testing, inspection and maintenance purposes. The Commission under certain circumstances shall allow vertical installation of a backflow prevention device. Installation of a backflow prevention device below grade in a pit or chamber is prohibited.

Subsequent Testing. The Commission shall conduct annual and semi-annual tests and Inspections of all approved backflow prevention devices at the owner's expense, to insure proper operating condition. Any approved backflow prevention device failing a Commission test and inspection shall be repaired by a licensed plumber or licensed sprinkler fitter and shall be subsequently retested and reinspected within fourteen (14) days of failure at the owner's expense to insure proper operating condition.

Removal of Backflow Prevention Devices. Removal of an approved backflow prevention device is prohibited without prior notification to the Commission by the property owner and subsequent approval by the Commission.

Section 2. Cross Connection Inspection

Right to Enter. The Commission may enter properties served by the Commission's water distribution system at all reasonable times for the purpose of conducting routine, periodic surveys and investigations for cross connections and potential cross connections within the property. On request by the Commission, the owner shall furnish information on water use practices within the property. Properties having or suspected of having cross connections in violation of these Regulations may be inspected regularly for backflow hazards.

Notification. Notwithstanding any other provision of these Regulations, investigations and inspections for the purpose of locating possible cross connections in violation of these Regulations may be performed by the Commission without prior notice to the owner.

Section 3. Cross Connection Elimination

Prevention of Cross Connections. The backflow of non-potable water, other fluids, gases or foreign materials into the Commission's water distribution system or plumbing systems of properties served by the public water system is prohibited. Public and private water mains, plumbing systems and fire protection/suppressions systems supplied by the Commission's water distribution system shall be protected against cross connection and backflow from any plumbing fixture or other equipment or appliance capable of affecting the quality of the water supply. The Commission shall determine the type of backflow prevention device utilized to protect a cross connection.

Shut-Off of Water Service. The Commission shall have the right to shut off water service without prior notice to eliminate a cross connection or backflow condition where contaminants or pollutants are actually in the process of or are suspected of entering the Commission's potable water distribution system, or where there is, in the Commission's judgment, the reasonable possibility that such contamination or pollution will occur if the water service is not shut off. Under such conditions, the water service shall remain shut off until the cross connection or backflow connection is eliminated, or the condition is remedied, at the owner's expense, and the remedial work has been approved by the Commission. For purposes of the Commission's Billing, Termination and Appeal Regulations, a shut-off to eliminate a cross connection or backflow condition shall be treated as a customer plumbing emergency under those Regulations.

Section 4. Owner's Liability

The owner shall be liable to the Commission, and shall reimburse the Commission, for all penalties, fines and monetary judgments levied against or imposed upon the Commission as a result of the owner's violation of any provision of this Article.

Section 5. Compliance with Regulations

Violations of Article V are subject to the imposition of fines and penalties as provided in Article VII of these regulations.

ARTICLE VI.

PRIVATE WELLS

Section 1. Registration/Permit Requirements

All private wells within the City of Boston shall be registered with the Commission and the Boston Public Health Commission. No person shall dig, drive or otherwise establish or install a private well without submitting a copy of the Boston Public Health Commission's Construction Permit to the Commission.

Section 2. Cross Connection Regulation

Prevention of Cross Connection. Water from a private well shall not be connected to any piping, equipment or system supplied by the Commission's water distribution system at any time.

Backflow Prevention Required. All properties having a private well shall have an approved backflow prevention device installed on the water service pipe, in accordance with Article V of these Regulations, for the protection of the public water system. The approved backflow prevention device shall be installed on the water service pipe directly after the water meter in accordance with Commission specifications.

Section 3. Notification

Approved Private Well for Human Consumption. A private well approved for human consumption by the Boston Public Health Commission shall have the Boston Public Health Commission Water Supply Certificate filed with the Boston Water and Sewer Commission by the property owner.

Water Service Disconnection. Upon issuance of a water supply certificate for human consumption by the Boston Public Health Commission and after establishment of the private well, any existing water service line to the property shall be disconnected from the Boston Water and Sewer Commission's water distribution system at the water main. This work is to be done in accordance with a General Service Application obtained from the Boston Water and Sewer Commission.

Costs. All costs and expenses incident to the disconnection of the water service line shall be borne by the owner.

Section 4. Decommission

When a private well is decommissioned, the decommissioning must be done in compliance with Boston Public Health Commission regulations and MDEP Well Regulations. Notification of the decommissioning of a private well shall be filed with the Commission, BPHC and MDEP within

thirty (30) days after completion of the plugging procedure.

Section 5. Metering

Any water from a private well entering the Commission's wastewater system shall be metered and shall be subject to Commission sewer charges.

ARTICLE VII.

ENFORCEMENT

Section 1. Inspection

Right of Access. Duly authorized representatives of the Commission shall have access to premises and properties, including those under construction, served by the public water system to ascertain compliance with these regulations. Owners or users of the public water system shall allow properly identified Commission representatives access to areas in which water service pipes, fire protection/suppressions system supply lines and all appurtenances are located within the premises to inspect, observe, measure, sample, and test:

- a. Water use;
- b. Buildings;
- c. Water quality;
- d. Meters;
- e. Water service pipes;
- f. Fire pipes;
- g. Cross connections and backflow prevention devices; and
- h. Other facilities that the Commission reasonably believes may be contributing to a violation of these Regulations.

Inspections conducted pursuant to routine periodic surveys or on a report of a complaint shall be performed at all reasonable times during normal business hours. When the Commission reasonably suspects that a violation of these regulations is or may be occurring or an emergency exists that requires immediate action on the part of the Commission access shall be permitted at such other times as is necessary for the correction of said violation or abatement of such emergency.

Right of Entry. Duly authorized representatives of the Commission shall be permitted to enter all private property through which the Commission holds an easement, whether recorded or by prescription, for the purpose of inspection, observation, measurement, sampling, testing, maintenance, repair or reconstruction of any portion of a public water main lying within said easement. Inspections conducted pursuant to routine periodic surveys or on a report of a complaint shall be performed at all reasonable times during normal business hours. When the Commission reasonably suspects that a violation of these regulations is or may be occurring or an emergency exists that requires immediate action on the part of the Commission access shall be permitted at such other times as is necessary for the correction of said violation or abatement of

such emergency. All entry and subsequent work, if any, shall be done in full accordance with the terms of said easement.

Security Clearance. Where a user has security measures in force that would require clearance before entry to the premises, the user shall make necessary arrangements to permit Commission personnel to enter without undue delay for the purpose of carrying out their specific responsibilities.

Consequence of Denial of Entry or Access. The Commission may forthwith give written notice of its intent to terminate water service where an owner or user having received reasonable notice refuses to permit properly identified Commission personnel to enter or have access to premises in accordance with the terms of this section. Such notice shall be given in accordance with the Commission's Billing, Termination and Appeal Regulations, and termination under this Section shall be treated as a termination for refusal of access under said Regulations. Notwithstanding any other course of action available to it, the Commission has the right in accordance with applicable Federal and State law to apply for entry to premises served by the public water system for the purposes as set forth in this Article.

Section 2. Enforcement Actions

Multiple Alternatives. When the Commission has determined that an owner or user has:

- (a) violated, is violating or threatened to violate these Regulations;
- (b) violated, is violating or threatens to violate any permit issued pursuant to these Regulation;
- (c) made a false representation in an application, record, or report to the Commission or failed to provide relevant information;
- (d) manipulated, falsified, tampered with, or rendered inaccurate a meter, meter reading device or appurtenance thereto;
- (e) failed to comply with an order or ruling issued by the Commission or a court after having reasonable opportunity to comply;
- (f) failed to pay a penalty or fee due to the Commission; or
- (g) caused or threatened damage to the Commission's water distribution system,

the Commission may take any one or more of the following actions, in any sequence or simultaneously:

- (1) the Commission may issue a request or an order to cease and desist any such violation or any actions that cause or threaten to cause violation, and/or an implementation schedule

for undertaking specific actions or practices.

(2) the Commission may require the owner or user to submit a detailed time schedule setting forth specific actions to be taken and specific dates upon which such actions will be taken in order to prevent or correct a violation. The Commission may issue an implementation schedule containing or modifying such specific actions and time schedule, or requiring such other actions within such times as the Commission deems appropriate.

(3) the Commission may issue an order directing the owner or user to pay to the Commission penalties and costs in accordance with these Regulations.

(4) the Commission may revoke, modify, deny, suspend or refuse to renew a permit issued under these Regulations.

(5) the Commission may take direct enforcement action by filing suit in any court of competent jurisdiction pursuant to Chapter 436 of the Acts of 1977 Acts and Resolves or any other applicable statute or regulation for civil or criminal fines and reimbursement of costs or damages resulting from the violation or threatened violation.

(6) the Commission may terminate water service as authorized in these Regulations.

(7) the Commission may take any other action available to it under any applicable statute or regulation.

Section 3. Liability

No Direct or Consequential Damage as a Result of a Let-On or Shut-Off. The Commission shall not be responsible for any damage resulting from the shut-off or subsequent let-on of water, including but not limited to bursting or collapse of boilers supplied by direct pressure; damage by debris in dirty water; the breaking of any pipes, fixtures, control valves or fire pipe gates; stoppage or interruption of water supply. The Commission shall also have no responsibility for any consequential damages (including, but not limited to, food or housing costs) incurred by an owner, customer or user as a result of the shut-off or subsequent let-on of water.

Damage as a Result of Water Use or Leak. No user shall utilize any apparatus or device or use water in such a way that could or does adversely affect a public water main, appurtenance or water service pipe. The user shall be liable for any damage to public water mains, appurtenances or water service pipes or property resulting from a violation of these Regulations.

Damage During Owner Repairs and Installations. The owner shall indemnify the Commission from and shall reimburse the Commission for any loss or damage directly or indirectly caused to the Commission's water and sewer facilities by the installation of any privately owned portion of a water service pipe, combined service, fire pipe or other plumbing.

Damage as a Result of Backflow Prevention Device Testing. The Commission shall not be responsible for any damage resulting from the shut-off of water or the subsequent let-on

of water in conducting required tests and inspections of approved backflow prevention device installations.

Damage as a Result of Meter Testing. The Commission shall not be responsible for any damage resulting from the testing and inspection of water meters or automatic meter reading devices.

Indemnification. An owner or user shall indemnify and hold harmless the Commission for any damages or civil liabilities the Commission may sustain or be required to pay in consequence of an injury or property damage resulting from the owner's or user's violation of these Regulations.

Public Function. In acting under these Regulations, the Commission shall be deemed to be performing an essential public function. The Commission shall not be liable for any loss or damage as a result of the performance of such public function.

Monetary Liability. Any person who violates any provision of these Regulations shall, upon issuance of a Commission order to that effect, forfeit and pay to the Commission the penalty established by applicable Massachusetts General Laws or by these Regulations for each such violation. For purposes of this Section, each day that a violation continues shall be deemed to be separate violation.

Reimbursement for Costs to Commission. Failure to comply with any portion of these Regulations, or with any permit or order issued thereunder, shall be sufficient cause for the Commission to levy on and collect from each violator any additional cost for any expense, loss or damage incurred by the Commission as a result of such violation.

Section 4. Penalties

Amounts. Violations of these Regulations shall be subject to civil monetary penalties established a) by applicable Massachusetts law, b) by applicable rules and regulations of the Department of Environmental Protection and the MWRA and c) by such penalty schedules as may from time to time be adopted by the Commission and appended to these Regulations.

Continuing Violations. For purposes of the computation of penalties, each day of a continuing violation of these Regulations shall be deemed to be a separate violation. If a violation is intermittent, each occurrence shall be deemed to be a separate violation.

No Court Limitation. If the Commission elects to file an enforcement action in a court of competent jurisdiction, the damages then recoverable by the Commission shall not be limited to amounts recoverable under these Regulations.

ARTICLE VIII.

APPELLATE PROCEDURES

Section 1. Appeals from Shut-Offs or Terminations

Appeals from shut-offs or terminations effected under these Regulations shall be governed by the Commission's Billing, Termination and Appeal Regulations.

Section 2. Appeals from Commission Actions Other than Shut-Offs or Terminations

Informal Conference. Whenever the Commission, acting under these Regulations, denies an application; requires an owner or user to take action in accordance with these regulations, issues a cease and desist order, a compliance order, or an implementation schedule; or assesses penalties or other charges for noncompliance, the Commission shall inform the owner or user to whom such action is addressed. Such notice shall be sent by first-class mail and shall inform the addressee of his right to submit, within 21 days after the date of such notice, a written request for reconsideration of the Commission's action. A request for reconsideration shall be addressed to the Chief Engineer at the Commission's main office and shall set forth in detail the facts supporting it. Upon receiving such a timely request for reconsideration, the Chief Engineer (or designee) shall schedule an informal conference with the owner or user making the request. Written notice of the conference date, time and place shall be mailed to that owner or user at least ten days before the date of the conference. The Chief Engineer (or designee) shall rule in writing on the request for reconsideration within 21 days after completion of the conference. A copy of the ruling on the request for reconsideration shall be mailed to the owner or user who submitted the request and shall notify the owner or user of the right to request a hearing before the Commission or its designated representative, a Special Examiner.

Hearings. A hearing before the Commission or a Special Examiner must be requested in writing within 30 days of the decision on the request for reconsideration. A request for a hearing before the Commission or a Special Examiner shall be in writing and shall be addressed to the Office of the General Counsel at the Commission's main office and shall set forth in detail the facts supporting such request. The Commission shall schedule a hearing and shall mail to the owner or user who requested the hearing a written notice specifying the date, time and place of the hearing. Hearings before a Special Examiner are governed by the sections of the Commission's Billing, Termination and Appeal Regulations applicable to Special Examiners, the schedules and procedures contained therein and the Commission's Rules of Procedure.

Appeals to the Board of Commissioners of the Commission. The final decision of a Special Examiner issued under the applicable sections of the Commission's Billing, Termination and Appeal Regulations may be appealed to the Board of Commissioners. A notice of appeal must be filed within 14 days of receipt of the Special Examiner's final decision. The notice of appeal shall be served upon the Executive Director of the Commission at its Boston office and upon all other parties to the proceeding before the Special Examiner. The notice of appeal shall state the name, address and telephone number of the party appealing, shall indicate the case

number(s) of the matter at issue and shall indicate only that the party wishes to exercise its right of appeal. Appeals to the Board of Commissioners of the Commission are governed by the sections of the Commission's Billing, Termination and Appeal Regulations applicable to Appeals to the Board of Commissioners and the schedules and procedures contained therein.

ARTICLE IX.

ADOPTION

Section 1. Effective Date

These Regulations shall be in full force and effect from and after their adoption and publication as provided by law.

Section 2. History

Adopted and approved by the Boston Water and Sewer Commission, the 21st day of December 2000.