

**REGULATIONS GOVERNING THE USE OF SANITARY
AND COMBINED SEWERS AND STORM DRAINS OF
THE BOSTON WATER AND SEWER COMMISSION**

Adopted February 27, 1998

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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 Sewer Use Regulations.

Section 2 - Authority. Under the authority of *Chapter 436 (Section 6) of the 1977 Acts and Resolves of Massachusetts* and *G.L. c. 83*, and in furtherance of the goals set forth therein, the Boston Water and Sewer Commission has established the following regulations governing the use of public and private sewers and storm drains 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the 1977 Acts and Resolves*, these Regulations take precedence over the City of Boston Sewer Use Ordinance, which was superseded and rescinded, effective as of December, 1983.

Section 4 - Purpose. These Regulations are intended to protect the public health, safety and welfare and the environment and to ensure proper and safe operation of the Commission's sanitary and combined sewers and storm drains by regulating the direct and indirect discharge of wastewater, stormwater and pollutants to the Commission's wastewater and storm drainage systems.

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 Commission's wastewater or storm drainage systems shall be subject to Commission and MWRA regulations, as they apply, and to any charges, rates, fees, and assessments which are or may be established by the Commission or the MWRA. Every user of the Commission's wastewater or storm drainage systems shall also be subject to applicable federal, state, and local regulations. In instances where various regulations contain different requirements, the most stringent requirements shall be met.

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 are 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 and issued by the

Commission as they apply:

- i. Permit to Enter Commission Sewers
- ii. General Service Application
- iii. Termination Verification Approval Application
- iv. Drainage Discharge Permit
- v. Sewer Use Discharge Permit (issued jointly with MWRA)

(b) A person shall not discharge or operate without having the appropriate valid permit for the discharge.

(c) The Commission may refuse to issue a permit for any discharge which it believes can reasonably be expected to result in significant harm to health, safety, the environment, the Commission's wastewater or storm drainage system, a tributary to the Commission's wastewater or storm drainage system, or may pass through, interfere with, or otherwise be incompatible with the wastewater treatment process or sludge disposal.

(d) 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.

(e) The Commission may modify a permit as deemed necessary or appropriate or as required by state or federal law.

(f) 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 VII, Part E of these Regulations. With regards to Sewer Use Discharge Permits, which are issued jointly by the Commission and the MWRA, requests for reconsideration shall be subject to the requirements and procedures as set forth in the MWRA's *Enforcement and Administrative Penalties Regulations, 360 CMR 2.00*.

(g) 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.

(h) 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 laws, regulations, or requirements.

Section 10 - Definitions. Terms which 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:

Backwater valve shall mean a device installed in a building drain, building sewer or a building storm drain to prevent the discharge from the building, or flows originating outside the building, from flowing back into the building.

Bacteria treatment shall mean the introduction into the wastewater system of microorganisms specifically bred to accelerate the natural decomposition of fats, oils and grease of animal or vegetable origin.

Blowdown shall mean the minimum discharge of recirculated water from a heating or cooling system for the purpose of preventing the concentration of materials contained in the water from exceeding limits established by best engineering practice.

Biochemical Oxygen Demand or **BOD** shall mean the quantity of oxygen utilized in 5 days at 20 degrees Celsius (C), expressed in milligrams per liter (mg/l), in the biochemical oxidation of wastewater as determined by a procedure described in *Standard Methods*.

Building drain shall mean the lowest horizontal piping of a plumbing or drainage system which extends from inside or outside the walls of a building to a point ending 10 feet (3.048 meters) outside the inner face of the building foundation wall. The building drain conveying wastewater from plumbing fixtures within the building shall discharge to a building sewer, while the building drain conveying stormwater and other drainage shall discharge to a building storm drain.

Building sewer, also referred to as a **house connection**, **service** or **lateral**, shall mean the pipe which connects to a building drain conveying wastewater from plumbing fixtures within a building to a Commission sewer, a private sewer, an MWRA sewer (where allowed by MWRA), or other place of disposal. The building sewer begins 10 feet outside the inner face of the building foundation wall and extends to and includes the connection to the Commission sewer, MWRA sewer or private sewer.

Building storm drain shall mean the pipe which connects a building drain conveying stormwater to a storm drain, combined sewer, or other place of disposal. The building storm drain begins 10 feet outside the inner face of the building foundation wall and extends to and includes the connection to the Commission's storm drain, combined sewer or private combined sewer or drain.

Bypass shall mean an intentional or negligent diversion of a wastestream, by direct or indirect means, to the Commission's wastewater system, from any portion of a pretreatment facility prior

to completing pretreatment, or from any industrial process or other source of wastewater prior to pretreatment.

Chemical Oxygen Demand or COD shall mean the oxygen equivalent of the portion of the organic matter that is susceptible to oxidation by a strong chemical oxidant, expressed in milligrams per liter, as determined by a procedure described in *Standard Methods*.

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

City shall mean the City of Boston, Massachusetts.

Cleanout shall mean a device or structure designed to provide access to a building drain, building sewer or building storm drain for the purpose of eliminating blockages and removing deposited or accumulated materials.

Collection system shall mean the pipes, conduits, pumping stations, and appurtenances involved in the collection and transport of wastewater and stormwater.

Combined sewer shall mean a sewer designed to receive both wastewater and storm or surface water.

Combined Sewer Overflow (CSO) or Combined Sewer Outfall shall mean the portion of a pipe extending from a combined sewer regulator downstream to its outlet. This term is also used to mean the discharge of combined sewage.

Commission shall mean the Boston Water and Sewer Commission.

Composite sample shall mean a combination of individual samples of wastewater or stormwater taken at predetermined intervals to represent the integrated composition of the sample source.

Connection shall mean the point where a sewer or drain is joined to another sewer or drain.

Cooling water shall mean the water discharged from any system of condensation, air conditioning, cooling, refrigeration, or other system of heat transfer.

Daily Maximum Limit shall mean the highest allowable concentration for any pollutant in a waste stream.

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.

DEP shall mean the Massachusetts Department of Environmental Protection.

Dewatering drainage shall mean groundwater or surface water which is removed from a site and discharged beyond the limits of the site by means of gravity or pumping.

Direct Connection Permit shall mean the permit required and issued by the MWRA for connection of a building sewer directly to an MWRA sewer line.

Discharge shall mean flow from a canal, conduit, sewer, drain, outfall, pump, stack, tank or treatment process, or any emission, intentional or unintentional including but not limited to flow resulting from spilling, leaking, seeping, pumping, pouring, emitting, emptying, depositing, dumping, releasing, injecting, escaping, leaching or infiltrating whether direct or indirect.

Downspout shall mean a pipe which conveys water from the roof of a building into a storm drain or combined sewer or into or onto the ground. Also called a roof drain or roof leader.

Drainage Discharge Permit shall mean the permit required and issued by the Commission for certain discharges to the Commission's wastewater or storm drainage system.

Dry well shall mean a pit or underground cavity having porous walls installed to drain surface water and storm drainage into underground strata.

Dwelling unit shall mean a house, apartment, mobile home or trailer, group of rooms or single room occupied or intended for occupancy as a separate living quarter.

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

Effluent shall mean wastewater or other liquid, irrespective of treatment, flowing out of a treatment facility or part thereof.

EPA shall mean the United States Environmental Protection Agency.

Erosion and Sedimentation Control Plan shall mean a plan for controlling the erosion of soil and preventing the introduction of sediment to a sewer or storm drain during and after construction.

Excessive shall mean more than the limits established in these Regulations, directly or by reference, or more than limits determined by the Commission or the MWRA to be acceptable.

Floatable oil shall mean oil, fat or grease of animal or vegetable origin, or petroleum derived oil or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility.

Floor drain shall mean an intended drainage point in an otherwise impervious floor which serves as the point of entry into any subsurface drainage, treatment, disposal, containment, or other plumbing system.

Garage shall mean any building wherein one or more motor vehicles are serviced, kept or stored and shall include (without limitation) a public or private garage, carport, motor vehicle repair or paint shop, service station, lubritorium, car wash, gasoline station with grease pits or wash racks, or any building used for similar purposes.

Garbage shall mean the animal and vegetable wastes resulting from the domestic or commercial handling, storage, sale, preparation, cooking, or dispensing of food.

General Service Application shall mean the form provided by the Commission and completed and submitted to the Commission by the property owner or by the owner's agent prior to construction, reconstruction, repair or modification of a connection or an appurtenance to the Commission's sanitary sewers, combined sewers, or storm drains. (This application also covers connections for water and fire service.)

Grab sample shall mean a sample of wastewater or stormwater taken on a one-time basis without consideration of time.

Grease trap shall mean a receptacle designed to collect and retain or remove grease and fatty substances from wastewater normally resulting from the commercial handling, preparation, cooking or dispensing of food. Also called a grease interceptor in the *Uniform State Plumbing Code, 248 CMR 2.00*.

Groundwater shall mean a supply of water under the earth's surface contained within or flowing through a geological formation.

Hazardous Waste shall mean a waste, or combination of wastes, that at the time of discharge:

- (a) Is identified as a hazardous waste by EPA pursuant to the *Resource Conservation and Recovery Act, 42 USC 6901, et seq.*, and is listed in *40 CFR Part 261*, as amended from time to time;
- (b) Has any of the hazardous waste characteristics identified by EPA in *40 CFR Part 261* as amended from time to time;
- (c) Has been identified by DEP as a hazardous waste pursuant to *M.G.L. c. 21C* and is listed in *310 CMR 30.000*; as amended from time to time; or
- (d) Has any of the hazardous waste characteristics identified by DEP in *310 CMR 30.000*, as amended from time to time.

A waste that would be a hazardous waste pursuant to the EPA or DEP criteria but for the fact that it is discharged to the sanitary sewer system shall be, for purposes of this definition, a hazardous waste unless it is in wastewater which is discharged to the sewer system pursuant to a permit issued under these Regulations and in compliance with the Commission's and the MWRA's discharge limits.

Illegal connection shall mean any connection to a storm drain which allows wastewater to discharge to a storm drain. Also called an **illicit connection**.

Incompatible pollutant shall mean a substance that is not amenable to removal by the receiving wastewater treatment plant or which may cause damage to the transmission or treatment facilities or adversely impact overall treatment. Incompatible pollutants include, but are not limited to, heavy metals and persistent organics.

Individual wastewater disposal system shall mean a privately owned septic tank, cesspool or similar self-contained receptacle or facility which collects, treats or otherwise disposes of wastewater.

Industrial waste shall mean any solid, liquid or gaseous waste or wastewater, resulting from an industrial or manufacturing process, or from a commercial, governmental, or institutional activity, or from the development, recovery or processing of natural resources. Industrial wastes do not include, and are distinct from, sanitary sewage, uncontaminated cooling water, non-contact cooling water and non-contact industrial process water.

Infiltration shall mean groundwater that enters or leaks into a sanitary sewer through such means as a defective pipe, pipe joint, connection or manhole wall.

Inflow shall mean precipitation or surface runoff that enters a sanitary sewer through such means as downspouts and roof leaders, foundation drains, yard drains and area drains, sump pumps, catch basins, interconnections between storm drains and sanitary sewers, and defective manhole covers and frames.

Inspectional Services Department shall mean the Inspectional Services Department of the City of Boston.

Interconnection shall mean a physical connection between a sanitary sewer and storm drain which allows the two separated flows to intermix.

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

MWRA shall mean the Massachusetts Water Resources Authority.

MWRA General Permit shall mean the Permit required and issued by the MWRA that authorizes certain facilities with low industrial flows and no or low levels of regulated pollutants in their industrial wastewater to discharge industrial wastewater to the MWRA's wastewater system.

MWRA Group Permit shall mean the Permit required and issued by the MWRA that is applicable to a specific type or types of industrial and commercial processes or discharges.

National Categorical Pretreatment Standard shall mean the requirements under *40 CFR 403.6 and 40 CFR Chapter I, subchapter N*, specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a publicly-owned treatment works by new or existing sewer users in specific industrial categories which are established as separate regulations under the appropriate subpart of *40 CFR Chapter I, subchapter N*.

National Pollutant Discharge Elimination System (NPDES) Exclusion shall mean a written determination from EPA that a discharge does not require an NPDES permit.

National Pollutant Discharge Elimination System (NPDES) General Permit shall mean the permit issued by EPA that authorizes a class of discharges such as stormwater associated with industrial activity, non-contact cooling water, construction dewatering, and water treatment backwash.

National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) shall mean the form completed and submitted to the EPA by a person seeking to include a discharge under an NPDES General Permit.

National Pollutant Discharge Elimination System (NPDES) Permit shall mean the permit required and issued jointly by EPA and DEP to control point source discharges of pollutants to waters of the United States or separate storm drain systems. It shall also mean the permit issued to the Commission by the EPA and DEP for its combined sewer and stormwater discharges.

National Pretreatment Standard or **Pretreatment Standard** shall mean the general prohibitions and specific prohibitions of *40 CFR 403.5 (a) and (b)*, of the *National Categorical Pretreatment Standards*.

Non-contact cooling water shall mean water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product or finished product.

Non-contact industrial process water shall mean water used in an industrial or manufacturing process, or in the development, recovery, or processing of natural resources, that does not come

into direct contact with any raw material, intermediate product, waste product, or finished product.

Non-stormwater discharge shall mean any waters discharged to the Commission's wastewater or storm drainage system which are not composed primarily of rainfall or other precipitation that runs off surfaces during or after a storm.

Oil trap shall mean a receptacle designed to separate petroleum-based oil and grease, from water. Also called a separator in the *Uniform State Plumbing Code, 248 CMR 2.00*.

Outfall shall mean the point of discharge from a storm drain or combined sewer to a water body, wetland or land surface. Also called an outlet.

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

Particle separator shall mean a receptacle designed and installed to separate sand, grit and oil from water.

Permit to Enter Commission Sewers shall mean the permit required and issued by the Commission authorizing the entry of a person into the Commission's wastewater or storm drainage systems.

Person shall mean any agency of the federal government, any agency or political subdivision of the Commonwealth, any state, public or private corporation or authority, individual, trust, 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.

pH shall mean the logarithm of the reciprocal of the hydrogen ion concentration, expressed in moles per liter. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10^{-7} .

Pollutant shall mean any element, constituent, or property of wastewater, or of agricultural, industrial, manufacturing, or commercial process waste, or leachate, or any other substance which causes the alteration of the chemical, physical, biological, or radiological integrity of water through its introduction therein.

Premises 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 service.

Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the wastewater system. Pretreatment shall include the reduction or alteration of pollutants by physical, chemical or biological processes, process changes, or other means, except as prohibited by *40 CFR Part 403*. Dilution is not pretreatment.

Private sewer shall mean a sewer which is not owned by the Commission or the MWRA. Private sewers include, but are not limited to, building drains, building sewers, building storm drains, sewers, drains, catch basins and manholes located on private property and not located within an easement held by the Commission, and sewers and storm drains owned by municipalities and other public agencies. The connection from a private sewer to the public sewer system is also owned by the owner of the private sewer.

Public record shall mean a “public record” as defined by *G.L. c. 4 section 7(26)*.

Public sewer shall mean a sewer which is owned by the Commission or the MWRA.

Receiving waters shall mean any watercourse, river, pond, wetland, ditch, lake, aquifer, ocean or other body of surface water or groundwater that receives a discharge of wastewater, stormwater or effluent.

Recreational spray or **sprinkler pool** shall mean an indoor or outdoor spray or sprinkler pool which is designed and constructed for the purpose of human contact recreation.

Regulator shall mean a device for regulating the diversion of flow in a combined sewer.

Requirements for Site Plans shall mean the document which describes the information which must be included in site plans submitted to the Commission. A Site Plan is required by the Commission for review and approval of a proposed connection, or reconstruction, repair or modification of an existing building sewer or building storm drain which connects to the Commission’s sewer or storm drainage system. (The document also includes requirements for connections to the Commission’s water distribution system.)

Roof drain or **roof leader** - See **Downspout**

Sanitary sewage shall mean liquid and water-carried human and domestic wastes from buildings, exclusive of ground, storm and surface water, industrial wastes, uncontaminated cooling water, and uncontaminated industrial process water.

Sanitary sewer shall mean a sewer designed to carry sanitary sewage and industrial wastes.

Septage shall mean the wastes of primarily sanitary sewage origin that are removed from a cesspool, septic tank, portable toilet or similar receptacle.

Sewer shall mean a pipe or conduit that carries wastewater, stormwater or surface water.

Sewer Use Discharge Permit shall mean the permit required and issued jointly by the Commission and the MWRA to a user for the discharge of industrial wastewater to the Commission's or the MWRA's wastewater system.

Sludge shall mean waste containing varying amounts of solids that is removed from water and wastewater through treatment by physical, chemical or biological processes.

Slug shall mean:

(a) that portion of a discharge which contains a pollutant that is prohibited by these Regulations or contains a concentration of a pollutant at least five times above the concentration limit for that pollutant provided in these Regulations.

(b) a discharge from a large vat, vessel, or container into the wastewater system in a manner that:

- (i) harms or threatens to harm the wastewater system, workers, or receiving waters;
- (ii) contains a pollutant in excess of the requirements of these Regulations;
- (iii) causes a violation of any federal or state permit issued to the Commission; or
- (iv) constitutes a discharge of a pollutant without an appropriate permit.

Standard Methods shall mean the current edition of *Standard Methods for the Examination of Water and Wastewater*, as published by the American Public Health Association (APHA), American Water Works Association (AWWA) and the Water Environment Federation (WEF).

Storm drain, or storm sewer, shall mean a pipe or conduit designed to carry stormwater or runoff.

Storm drainage system shall mean pipes, conduits, pumping stations and appurtenances, including tidegates, catch basins, and manholes used in the collection and transport of stormwater.

Stormwater shall mean any water resulting from rainfall or other precipitation that runs off surfaces during or after a storm.

Stormwater management shall mean regulatory, structural, administrative, managerial, maintenance, physical and chemical measures or devices that are designed to prevent the

discharge of pollutants to stormwater. Non-structural measures and low-cost structural devices are often referred to as best management practices or BMPs.

Surface water shall mean all water appearing on the earth's surface exposed to the atmosphere, such as rivers, lakes, streams, and oceans.

Suspended solids shall mean solids that either float on the surface or are in suspension in water, wastewater or other liquids and are removable by laboratory filtering procedures as described in *Standard Methods*.

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

Toxic organics shall mean organics listed as toxic in Federal or Massachusetts regulations.

Toxic pollutant shall mean any pollutant identified as such in Federal or Massachusetts regulations.

Trade secret shall mean anything tangible which constitutes, represents, evidences, or records a secret scientific, technical, merchandising, production, manufacturing, or management information, design, process, procedure, formula, invention, method, or improvement.

Treatment system or pretreatment system shall mean any and all devices, equipment, or works used in the pumping, storing, treating, recycling, and reclaiming of sewage or industrial waste.

Upset shall mean an exceptional incident in which there is unintentional and temporary noncompliance with the discharge standards of these regulations, or any permit thereunder, due to factors beyond the reasonable control of the person responsible for the discharge. An upset does not include noncompliance to the extent caused by operational error, an improperly or inadequately designed treatment facility, lack of preventive maintenance, or careless or improper operation.

User shall mean any person discharging wastewater or stormwater directly or indirectly into the Commission's sanitary sewers, combined sewers or storm drains, or MWRA interceptors within the City.

Waste shall mean wastewater and any and all other waste substances whether liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any production, manufacturing or processing operation.

Wastewater shall mean the spent water of a community, which may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial facilities, and institutions, together with any groundwater and stormwater that may be present. Also referred to as sewage.

Wastewater system shall mean totality of the devices, equipment or works used in transportation, pumping, storage, treatment, recycling, or reclamation of wastewater or in the disposal of the effluent.

Wastewater treatment process shall mean the physical, chemical and biological operations and processes, considered individually or in combination, that are applied at a wastewater treatment plant to remove, reduce or alter the pollutant loading of wastewater.

ARTICLE II Use of Sewers

Section 1 - Public Sewers. The use of all public sewers in the City, except interceptors of the MWRA's wastewater system, shall be controlled by the Commission. No person shall, without prior authorization from the Commission, uncover, excavate over, block access to, make any connection with or opening into, alter, or disturb the Commission's wastewater or storm drainage systems. 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 wastewater or storm drainage systems.

Section 2 - Private Sewers.

(a) All private sewers that connect to the Commission's wastewater or storm drainage system shall be controlled as to discharge by the Commission, but constructed, installed, maintained, repaired, and operated by their owners, at the owner's expense. All private sewers that connect to the Commission's wastewater or storm drainage systems shall be constructed, installed, maintained, repaired, and operated to the satisfaction of the Commission. Discharges from combined or sanitary sewers that connect to the Commission wastewater system are also subject to MWRA regulation.

(b) Repairs to private sewers in the City, including repairs required to comply with these Regulations, shall be made by a licensed drain layer.

Section 3 - Permit to Enter Commission Sewers. No person shall enter or install equipment into the Commission's wastewater or storm drainage systems without first obtaining from the Commission a Permit to Enter Commission Sewers.

Section 4 - Wastewater Connections. Connection to the Commission's wastewater system may be required by the Boston Public Health Commission. The Commission recommends that wastewater disposal facilities be connected to its wastewater system whenever the lack of such connection would endanger public health, create a public nuisance, or impair water quality or the environment. Connection to the Commission's wastewater system shall be subject to the availability of capacity in the system as determined by the Commission. Connections shall be made in compliance with all Commission rules, regulations and specifications and at the owner's expense.

Section 5 - Storm Drainage Connections. Connection to the Commission's storm drainage system shall be made when required by the Commission. Such connections shall be required whenever the Commission determines that their lack would endanger the public health, create a public nuisance, or impair water quality or the environment, and in such other circumstances as the Commission reasonably deems appropriate. Connections to the Commission's storm

drainage system shall be made in compliance with all Commission rules, regulations and specifications and at the owner's expense.

Section 6 - Special Facilities. When required by the Commission a user shall design, construct, install, operate and maintain special facilities which will provide for the regulation and control of the rate, volume and characteristics of wastewater discharged to the Commission's and MWRA's wastewater system or stormwater to the Commission's storm drainage systems. The design of such special facilities shall be subject to the approval of the Commission. Such special facilities shall be designed, constructed, operated and maintained at the owner's expense. The Commission shall have the right to inspect such special facilities in accordance with Article VII, to ascertain compliance with these Regulations.

Section 7 - Ownership and Maintenance of Building Sewers and Building Storm Drains.

(a) Building sewers and building storm drains, whether located on public or private property, are owned by the owner of the premises served. In the case where more than one premise is connected to the same building sewer or building storm drain, the owners of the respective premises shall be jointly and severally responsible for the maintenance and repair of the building sewer or building storm drain.

(b) The owner of a building sewer or building storm drain shall at all times keep such sewers and drains clean and in good repair in order not to cause excessive infiltration, exfiltration or inflow, depletion of groundwater, damage to property, odor, or harm to the Commission's sewers.

(c) The owner shall maintain, repair, modify or replace an existing building sewer or building storm drain whenever it is determined by the Commission that such sewers or drains may endanger public health, create a public nuisance, result in public or private property damage, harm the Commission's sewers, result in excessive infiltration, exfiltration or inflow or impair water quality or the environment and in such other circumstances as the Commission deems appropriate.

(d) Building sewers and building storm drains shall be maintained, repaired, modified or replaced at the owner's expense.

ARTICLE III

Building Sewers, Building Storm Drains, Connections and Appurtenances

Section 1 - Separate Building Sewers and Building Storm Drains. Separate and independent building sewers and building storm drains shall be provided for all new or substantially rehabilitated buildings. Where one building stands behind another on an interior lot, and no private sewer is available or can be constructed to the rear of the building through an adjoining alley, court, yard, or driveway, the building sewer or building storm drain may be extended from the front of the building to the rear building provided that prior written approval for the extension is obtained from the Commission.

Section 2 - Existing Building Sewers and Building Storm Drains. If the Commission approves, existing building sewers and building storm drains may be used to accommodate new uses which result in changes in volumes or characteristics of wastewater or stormwater. The costs of any examination and testing required by the Commission as a precondition to such approval shall be at the owner's expense.

Section 3 - Gravity Discharge to Sewer. All building sewers and building storm drains shall discharge by gravity to the Commission sewer. The building drain shall be brought to the building at an elevation below the basement floor. In all new or substantially rehabilitated buildings in which any building sewer or building storm drain is too low to permit gravity discharge, wastewater or stormwater shall be lifted by an approved means and allowed to discharge by gravity (i.e., not under pressure) to the Commission sewer.

Section 4 - Wastewater-Stormwater Separation.

(a) The plumbing of any existing or new building shall be so constructed as to keep all stormwater, surface water, groundwater, roof and surface runoff, subsurface drainage, uncontaminated cooling water, and uncontaminated industrial process water, non-contact cooling water, and non-contact industrial process water separate from sanitary sewage and industrial wastes, and from the building sewer.

(b) The building drain conveying wastewater from plumbing fixtures within the building shall discharge to a building sewer, while the building drain conveying stormwater and other drainage shall discharge to a building storm drain.

(c) Where separate storm drains and sanitary sewers are provided, and the Commission has determined that on-site retainage of stormwater is not possible, building storm drains shall be connected to a storm drain. Connection of a building storm drain to a sanitary sewer is prohibited.

(d) Where separate storm drains and sanitary sewers are provided, building sewers shall be connected to a sanitary sewer. Connection of a building sewer to a storm drain is prohibited.

(e) Where only a combined sewer has been provided, and the Commission has determined that on-site retainage of stormwater is not possible, the separate building storm drain shall be connected to the building sewer in a manner prescribed by the Commission's *Requirements for Site Plans* and the building sewer connection shall be made to such combined sewer.

(f) The Commission shall require an owner to eliminate a source of infiltration or inflow whenever the Commission determines that the source is resulting in excessive infiltration or inflow to be discharged directly or indirectly to the sanitary sewer system.

Section 5 - Connections to Combined Sewers. In order to prevent the direct discharge of wastewater to receiving waters under dry weather conditions, a building sewer shall not be connected to a combined sewer overflow.

Section 6 - Connections to Manholes. Building sewer connections for new or substantially rehabilitated buildings shall not be made directly to Commission-owned manholes unless expressly authorized in writing by the Commission.

Section 7 - Connections to Catch Basins. Private drains, including but not limited to, building storm drains for new or existing buildings and drains from irrigation systems, shall not be connected directly to catch basins.

Section 8 - Connections from Individual Wastewater Disposal Systems. Connection of an individual wastewater disposal system, whether directly or indirectly, to a Commission sewer or drain is prohibited.

Section 9 - Dye Testing of Connections. Prior to activating water service, every new building sewer shall be dye tested by the Commission, or by the owner or his designee in the presence of a Commission inspector, to establish that the building sewer is properly connected to the Commission's wastewater system. The Commission may conduct dye testing of an existing building sewer to establish that it is properly connected to the Commission's wastewater system. The Commission may require the owner forthwith to eliminate a connection from a building sewer to a storm drain (also referred to as an illegal connection) at the owner's expense. Where separate sanitary sewers and storm drains exist, the Commission may also dye test, or require the owner to dye test in the presence of a Commission inspector, a new or existing building storm drain to establish that the building storm drain is properly connected to the Commission's storm drainage system. The Commission may also require the owner forthwith to eliminate a connection from a building storm drain to a sanitary sewer at the owner's expense.

Section 10 - Backwater Valves. All existing or new building drains from plumbing fixtures liable to backflow from a Commission sewer, or a private sewer connected to a Commission sewer, shall be required to have backwater valves installed at the owner's expense. Any

plumbing fixture located at an elevation below the top of the manhole on the Commission sewer serving the fixture shall be considered to be liable to backflow. Backwater valves shall be installed in accordance with the *Uniform State Plumbing Code, 248 CMR, Section 2.09:(4)* and the Commission's *Requirements for Site Plans*.

Section 11 - Cleanouts. Where a new building is to be constructed which is set back from the property line, the Commission shall require the owner to install a cleanout on the portion of the building sewer or building storm drain on the owner's property at the property line.

Section 12 - Floor Drains. Floor drains shall be connected to the building sewer.

Section 13 - Oil Traps for Garages.

(a) Oil traps shall be required on sewers directly or indirectly tributary to the Commission's wastewater system from existing or new garages, service stations, enclosed parking areas, and other establishments capable of discharging petroleum-based oil or grease, flammable wastes, sand, or other harmful substances. Such devices shall not normally be required for garages associated with private dwelling units. Discharges from oil traps shall be directed to a sanitary or combined sewer and not to a storm drain.

(b) The determination as to whether an oil trap is required rests with the Commission and the MWRA. All oil traps shall be of a type, capacity, location and construction approved by the Commission and the MWRA and shall be located so as to be readily accessible for maintenance and inspection. The Commission shall have the right to inspect such facilities in accordance with Article VII of these Regulations.

(c) Where oil traps are required, they shall be installed and maintained continuously in satisfactory and effective operation by and at the expense of the owner or user. Both the owner of the premises where an oil trap is required and the owner or operator of the establishment or business conducted on the premises shall be jointly and severally responsible for installing an oil trap acceptable to the Commission and the MWRA and for properly servicing and maintaining the oil trap.

(d) The owner or operator of the establishment or business conducted on the premises where the oil trap is located shall maintain a log describing the date and type of all service and maintenance performed in connection with the oil trap, the identity of the person who performed the service or maintenance, the amount of residue removed from the oil trap on each date, and the method of disposal of the residue. The log entries shall be maintained for six years and shall be made available for inspection and copying by the Commission and the MWRA. The schedule for service and maintenance of an oil trap shall be subject to approval by the Commission and the MWRA.

(e) In addition to complying with these Regulations, oil traps shall conform to the regulations of the *Uniform State Plumbing Code, 248 CMR 2.00*, and all other applicable laws.

Section 14 - Particle Separators.

(a) Particle separators shall be required on all newly constructed storm drains which connect directly or indirectly to the Commission's storm drainage system, or which discharge to a body of water, from existing and new outdoor parking or paved areas. Particle separators shall be required on existing storm drains from existing or expanded outdoor parking lots or paved areas whenever appropriate as determined by the Commission. Particle separators shall be designed, installed, and maintained in accordance with the Commission's *Guidelines for the Installation, Operation and Maintenance of Grit and Oil Separators*, which is included in the Commission's *Requirements for Site Plans*. The Commission shall have the right to inspect such facilities in accordance with Article VII of these Regulations.

(b) The owner of the particle separator shall maintain a log describing the date and type of all service and maintenance performed in connection with the particle separator, the identity of the person who performed the service or maintenance, the amount of residue removed from the particle separator, and the method of disposal of the residue. The log entries shall be maintained for six years and shall be made available for inspection and copying by the Commission. The schedule for service and maintenance of a particle separator shall be subject to approval by the Commission.

Section 15 - Grease Traps.

(a) Grease traps shall be required on sewers which discharge directly or indirectly to the Commission's wastewater system and into which significant amounts of animal or vegetable fat, oil or grease may be discharged so that a discharge concentration does not exceed 100 milligrams per liter. Such devices shall not normally be required for private dwelling units.

(b) The Commission will determine whether a grease trap is required. All grease traps shall be of a type, capacity, location and construction approved by the Commission and shall be located so as to be readily accessible for maintenance and inspection.

(c) Installation of a dedicated building drain and an in-line grease trap shall be required to serve all fixtures from which fat, oil or grease may be discharged whenever there is sufficient space and adequate plumbing to incorporate the appropriate facilities as determined by the Commission. Point of use grease traps may be required instead of or in addition to, an in-line grease trap for discharges from dish washer rinse sinks, pot sinks, floor sinks and drains, automatic hood washes, soup and tilt kettles, wok drains, and any other fixture which may introduce fat, oil or grease to the sewer as determined by the Commission.

(d) Where grease traps are required, they shall be installed, inspected at least once each month, and maintained continuously in satisfactory and effective operation and in accordance with the Commission's *Guidelines for the Installation, Operation and Maintenance of Grease Traps*, the requirements of the *Uniform State Plumbing Code*, and the *State Environmental Code, Title V*, all by and at the expense of the owner and user. Both the owner of the premises where a grease trap is required and the owner or operator of the establishment or business conducted on the premises, shall be jointly and severally responsible for installing a grease trap acceptable to the Commission and for properly servicing and maintaining the grease trap. The Commission shall have the right to inspect such facilities in accordance with Article VII of these Regulations.

(e) The owner or operator of the establishment or business conducted on the premises where the grease trap is located shall maintain a log provided by the Commission which describes the date and type of all inspections and cleaning of the grease trap, service and maintenance performed in connection with the grease trap, the identity of the person who performed the service or maintenance, the amount of residue removed from the grease trap on each date, and the method of disposal of the residue. The log shall be made available to the Commission upon request for inspection and copying.

(f) Unless otherwise required by a schedule established by the Commission, owners or operators shall clean grease traps once a month or whenever one quarter of the liquid depth of the trap consists of grease or oil, whichever occurs first. Grease traps shall be cleaned by physically removing accumulated grease, scum, oil or other floating substances and solids.

(g) Chemical, biological, or physical means (including flushing with water) shall not be used to release fats, wax, oil or grease into the sewer, bypass the trap, or otherwise make the trap operate less effectively. Subject to the Commission's prior written approval, a chemical or biological agent may be added to convert the fats, wax, oil, and grease in a trap to a substance not prohibited by these Regulations, if the resulting discharge from the trap will not cause or contribute to an obstruction or blockage in the sewer or otherwise violate these regulations. Unless so converted, the fats, wax, oil, and grease contents of a grease trap shall not be discharged to the sewer system.

(h) If the Commission determines there is insufficient space available to install a grease trap, or the facility's plumbing cannot accommodate a grease trap, or if the Commission determines that an existing or proposed grease trap installation, despite being designed according to the Commission's *Guideline for the Installation, Operation and Maintenance of Grease Traps*, cannot meet the discharge concentration limitation of 100 milligrams per liter, the Commission may require the owner to implement other measures to ensure compliance with the discharge limitation. Required measures may include but are not limited to, modifying the type, capacity, location and construction of the grease trap, adding a Commission approved chemical or biological agent to convert the fats, wax, oil, and grease to a substance not prohibited by these Regulations, more frequent cleaning of the grease trap, and physical containment and removal of fats, wax, oil and grease for disposal offsite.

ARTICLE IV
Requirements for Design and Construction of Facilities

Section 1 - Design and Construction Standards. New building sewers, building storm drains, other private sewers, grease traps, oil traps, particle separators, appurtenances, and other wastewater or stormwater facilities tributary to the Commission's wastewater and storm drainage systems shall be designed and constructed in conformance with current Commission standards and specifications. In the absence of such specifications or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials, the WEF *Manual of Practice No. 9, Design and Construction of Urban Stormwater Management Systems* and *Gravity Sanitary Sewer Design and Construction*, New England Interstate Water Pollution Control Commission *Guides for the Design of Wastewater Treatment Works, Title V of the State Environmental Code* and the *Uniform State Plumbing Code, 248 CMR 2.00* shall apply.

Section 2 - Construction in Easements. Excavation in, or construction of any building or structure in a Commission easement is prohibited without prior written authorization from the Commission's Chief Engineer.

Section 3 - Application Required for Building Sewer or Building Storm Drain Connection.

(a) The owner shall complete and submit to the Commission a General Service Application prior to construction of a new building sewer or building storm drain, or reconstruction, repair, or modification of an existing building sewer or building storm drain which connects to a Commission sanitary sewer, combined sewer or storm drain, or to an MWRA interceptor within the City.

(b) The application shall be supplemented by building site plans, which have been approved in advance by the Commission's Chief Engineer, and by such other permits, plans, specifications, and information as the Commission may require. Building site plans shall be prepared in accordance with the Commission's *Requirements for Site Plans*. An inspection fee shall be paid at the time the General Service Application is filed at a rate determined annually by the Commission.

(c) Construction, reconstruction, repair or modification of the building sewer or building storm drain shall not proceed without authorization by the Commission. A Commission inspector will be assigned to inspect construction, reconstruction, repair or modification of the building sewer or building storm drain and connection to a Commission sanitary sewer, combined sewer or storm drain.

Section 4 - Connection and Extension Permit Required. No person shall connect to a Commission sewer or directly to an MWRA sewer or construct a sewer extension which

ultimately connects to a Commission or to an MWRA sewer without the appropriate Sewer Connection or Extension Permit approved by the Commission and the MWRA and issued by the DEP.

Section 5 - Direct Connection to MWRA Sewers. A Direct Connection Permit application to the MWRA must be approved in advance by the Commission. Where a person seeks to make a direct connection to an MWRA sewer, the Commission shall require the person to supply such information as would enable the Commission to determine whether to approve the application. Within 10 days after receiving a Direct Connection Permit from the MWRA, the permittee shall provide a copy of the permit to the Commission.

Section 6 - Bonding Requirements. The Commission shall have the right to require that any person proposing to construct, repair or modify a building drain, building sewer, building storm drain, other private sewer, grease trap, oil trap, and other wastewater facility tributary to the Commission's wastewater and storm drainage systems 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.

Section 7 - Licensed Drain Layer. All building sewer and building storm drain installation, repair or maintenance work shall be performed by a drain layer who possesses a valid Drain Layers License issued by the Commission. A drain layer's bond, using the Commission's standard bond form, as then in effect, must be submitted to the Commission in advance of installation, repair or maintenance.

Section 8 - Violations to be Reported. All licensed drain layers are required to give a full written report to the Commission within 24 hours if, in the course of performing their work, (a) prohibited substances are found in a building drain, building sewer or building storm drain, or plumbing is found that would allow discharges of such substances to a building drain, building sewer or building storm drain, (b) interconnections or illegal connections are observed, or (c) a defect or deterioration of the building drain, building sewer or building storm drain is observed. Failure to provide such reports may lead to license suspension or in the case of repeated violations, to license revocation.

Section 9 - Right to Inspect During Construction. The Commission shall have the right to inspect building drains, building sewers, building storm drains, and other private sewers, grease traps, oil traps, particle separators and other facilities tributary to the Commission's wastewater and storm drainage systems, at any reasonable time while such construction is underway. The owner shall notify the Commission when such facility is installed and ready for final inspection and before the facility is connected to the Commission's wastewater and storm drainage systems. Connection to the Commission's wastewater and storm drainage systems shall be made in the presence of a Commission inspector. No facility shall be covered over until approval has been given by the Commission inspector. The cost for final inspection by the Commission shall be borne by the owner of the facilities installed.

Section 10 - Inflow and Infiltration. Every newly constructed, replaced or extended building sewer that discharges directly or indirectly to the Commission's wastewater system shall be designed, constructed and maintained so as to minimize all inflow and infiltration into the Commission's sanitary sewer system. The Commission may require an owner to determine and eliminate the source of the infiltration or inflow to an existing building sewer at the owner's expense.

Section 11 - Construction of Below-grade Plumbing. Prior to installing below grade plumbing, the owner shall submit a plan of the proposed plumbing to the Commission for review and approval. Plumbing that is subject to the requirements of this Section shall include faucets, showers, baths, toilets and washing machine hookups. All plumbing fixtures located at an elevation below the top of the manhole on the Commission sewer serving the proposed plumbing shall be considered to be liable to backflow and shall be equipped with a backwater valve in accordance with *248 CMR Section 2.09:(4) of the Uniform State Plumbing Code*, the Commission's *Requirements for Site Plans*, and *780 CMR Section 872 of the State Building Code*. The backwater valve shall be installed and maintained at the owner's expense.

Section 12 - Distance from Water Services. Building sewer and building storm drain connections shall be laid at least 10 feet apart from any new or existing water service connection.

Section 13 - Fuel Dispensing Areas. Any area which is used to dispense fuel and is covered by a canopy or other type of roof or enclosure shall drain into an approved oil trap and then into a sanitary sewer, or if not available, a combined sewer. An alternative is to contain all runoff within the fuel dispensing area so that it is not drained off. The owner shall be responsible for the removal and disposal of any runoff which is contained in such a manner. The fuel dispensing area shall be graded so as to prevent any runoff to surrounding areas which drain into a storm drain. Runoff from canopies of gas stations and from fuel dispensing areas not in a building or covered by a canopy shall be drained according to Commission rules or, in the absence of such rules, as prescribed by the Chief Engineer.

Section 14 - Stormwater Management. On-site retainage of stormwater and implementation of other stormwater management measures to control the rate, volume and characteristics of stormwater discharged to the Commission's wastewater or storm drainage systems shall be required whenever appropriate as determined by the Commission. Every person seeking to establish a new connection to the Commission's wastewater or storm drainage system or to reconstruct, repair or modify an existing connection for a facility undergoing expansion may be required to prepare and implement a stormwater management plan. Such a plan may include non-structural and structural measures to manage stormwater during and after construction of the new or expanded facility. The design of such facilities shall be subject to the approval of the Commission and the design, installation and maintenance of such facilities shall be at the facility owner's expense. The Commission shall have the right to inspect such facilities in accordance with Article VII of these Regulations.

Section 15 - Erosion and Sedimentation Control. Every person seeking to construct, repair, or modify a building sewer, a building storm drain or a connection to the Commission's wastewater or storm drainage systems, or to discharge pursuant to a Drainage Discharge Permit may be required by the Commission to prepare and implement an Erosion and Sedimentation Control Plan to prevent the introduction of sediments into the Commission's sewers and storm drains. The design of any facilities required pursuant to this section shall be subject to the approval of the Commission and the design, installation and maintenance of such facilities shall be at the facility owner's expense. The Commission shall have the right to inspect such facilities in accordance with Article VII of these Regulations.

Section 16 - Decorative Fountains. New or substantially rehabilitated decorative fountains shall be equipped with a shut off mechanism and shall be designed and constructed so as to recirculate water. Decorative fountains shall not discharge to a storm drain.

Section 17 - Recreational Spray and Sprinkler Pools. New or substantially rehabilitated recreational spray and sprinkler pools shall be equipped with a shut off mechanism and shall be designed and constructed so as to be non-recirculating. Recreational spray and sprinkler pools shall not discharge to a storm drain.

Section 18 - Termination of Service. Every person seeking to obtain a Demolition Permit from the Boston Inspectional Services Department shall submit a completed Termination Verification Approval Application for a Demolition Permit to the Commission. Prior to demolition of any building, the owner shall cut and cap all building sewers and building storm drains at the connection to the sewer or storm drain, and have the Commission inspect all building sewers and building storm drains to ensure that they are properly cut and capped prior to backfilling.

Section 19 - Expenses Borne by the Owner. All costs and expenses incidental to the application form, design, construction, installation, connection, repair, and maintenance of a building sewer, building storm drain, other private sewers, special facilities, particle separators, grease traps, oil traps, or other wastewater or storm drainage facilities shall be borne by the owner. The owner shall indemnify the Commission from, and shall reimburse the Commission for, any loss or damage directly or indirectly occasioned by the installation of any building sewer, building storm drain, private sewer, special facility, particle separator, grease trap, oil trap or other wastewater or stormwater facility.

Section 20 - Sewer Extensions. Any person may propose an extension, replacement or relocation of a Commission sewer to serve a new or rehabilitated building. Every person who proposes to extend, replace or relocate a Commission sewer shall prepare and submit for review and approval by the Commission a construction plan, supplemented by such other permits, plans, specifications, and information the Commission deems necessary to determine whether to approve the request. Extension, replacement or relocation of a Commission sewer shall not commence without the Commission's prior written approval. Every extension, replacement or

relocation of a Commission sewer shall be designed and constructed in accordance with the Commission's design requirements, specifications and standard details. Any tests, studies, investigations and inspections required for design and construction shall be conducted in accordance with the Commission's requirements. All expenses incurred pursuant to the extension, replacement or relocation of a Commission sewer including but not limited to application, engineering, legal, permitting, construction and inspection costs, shall be borne by the applicant.

Section 21 - Bonding Requirements for Sewer Extensions. Before extending, replacing or relocating a public sewer the contractor shall (a) be approved in writing by the Commission and (b) post a bond with the Commission in an amount and form acceptable to the Commission.

Section 22 - Release Agreement. After constructing a Commission approved public sewer extension, replacement or relocation, the owner shall transfer ownership of the sewer 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 sewer 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 sewer shall be considered to be privately owned by the applicant and shall be subject to the requirements pertaining to private sewers contained in these Regulations.

Section 23 - Commission Denial or Modification of Proposal. The Commission may deny a request to extend, replace or relocate a public sewer, if the Commission determines that the proposed construction is incompatible with the Commission's or MWRA's sewer systems, the Commission's design requirements, or these Regulations. The Commission may condition its approval of a request to extend, replace or relocate a public sewer. Such conditions may include, but are not limited to, the requirement to install a pipe larger than the size required to serve the applicant.

ARTICLE V
Discharge Requirements, Prohibitions and Restrictions

A. GENERAL REQUIREMENTS

Section 1 - Compliance with Discharge Limits. Every user who directly or indirectly discharges wastewater or stormwater to the Commission's wastewater or stormwater systems shall comply with the strictest of the following discharge limits applicable to the discharge: the National Pretreatment Standards, NPDES Permit conditions, state limits, MWRA local or permit limits, limits contained in these Regulations, and limits in a permit or order issued under these Regulations. If a National Categorical Pretreatment Standard includes a limit in addition to a daily maximum limit (e.g., 30 day, monthly, weekly, four day, loading, or production-based limit), that limit must also be met.

Section 2 - Dilution Prohibited. No user shall achieve, or attempt to achieve, compliance with these Regulations by diluting a discharge instead of using proper pretreatment. The increased use of process water in place of proper treatment shall be considered dilution and is prohibited by these Regulations.

Section 3 - Monitoring Facility Requirements.

(a) When required by the Commission or the MWRA, a user shall install suitable control or measuring devices together with manholes, chambers, meters, and other appurtenances in its building sewer(s), or building storm drain(s) to facilitate discharge observation, monitoring, sampling and measurement.

(b) Such manholes, chambers or meters shall be safely accessible and shall be located and constructed in accordance with site plans approved by the Commission and the MWRA, shall be installed by and at the expense of the owner, and shall be maintained by the owner in good operating condition at all times.

(c) All meters and other measuring devices shall be approved by the Commission prior to installation and use. All meters and measuring devices shall be calibrated by the owner so as to ensure accurate measurement. The facilities shall be constructed in accordance with all applicable construction standards. Construction shall be completed in compliance with a time schedule established by the Commission and the MWRA.

(d) All records from meters, measuring devices and samplers shall be kept for at least five years and furnished to the Commission and the MWRA upon request. During construction and after installation, the Commission shall have the right to inspect the facilities in accordance with Article VII hereof.

Section 4 - Sampling and Analysis.

- (a) All measurements, tests and analyses of the characteristics of water and wastes required to conform with these Regulations shall be performed in accordance with the most recent edition of *Standard Methods*, unless otherwise authorized or required by the Commission, MWRA, EPA or DEP.
- (b) Sample analysis required by these Regulations or any permit issued thereunder shall be performed by an independent laboratory currently certified by the DEP for the parameters being analyzed. The use of a laboratory with provisional DEP certification is prohibited.
- (c) Samples analyzed shall be collected at locations designated by the Commission or the MWRA and by methods acceptable to, and at a frequency determined by the Commission and the MWRA. The Commission or the MWRA will stipulate whether a composite or grab sample(s) should be taken and whether composite samples will be time or flow weighted.
- (d) The Commission or the MWRA may require a permittee to submit a complete data package, including chain of custody records, raw data, and quality assurance/quality control related results, with a report required by the Commission or the MWRA. The Commission may require that discharge monitoring reports be submitted on paper copy, computer diskette, or by electronic means.

Section 5 - Compliance Measurement Location. All limitations imposed by these Regulations shall be applied at the end of the pretreatment process line, or at the end of the process line if there is no pretreatment. The owner or user shall not introduce a pollutant into a waste stream after the compliance measurement location.

Section 6 - Notification of Changed Discharge. Every user who directly or indirectly discharges waters or waste to the Commission's wastewater system or stormwater to the Commission's storm drainage system shall notify the Commission in writing in advance of (a) any substantial change in the volume or character of pollutants in the discharge; and (b) any change in the location of the discharge to a different sewer or storm drain connection.

Section 7 - Notification of Violations.

- (a) Users shall notify the Commission's Chief Engineer by telephone immediately upon discharging water or wastes in violation of these Regulations or their permits and of any upset, slug load, or spill that may reasonably be expected to discharge to the wastewater or storm drainage systems.
- (b) Each notification shall be followed within 15 days of the date of occurrence by a detailed written statement addressed to the Commission's Chief Engineer describing the causes of the discharge and the measures being taken to prevent a recurrence. Such notification will not

relieve users of liability for any expense, loss or damage to the Commission wastewater or storm drainage systems, to the MWRA wastewater system, or for any fines imposed on the Commission due to such discharge.

(c) In the case where a discharge to the wastewater system violates these Regulations or a permit, the user shall also notify the Director of the MWRA's Sewerage Division immediately, by telephone. Such notification shall be followed within 15 days of the date of occurrence by a detailed written statement delivered to the MWRA.

Section 8 - Preventive Measures. Each user shall provide reasonable and appropriate protection from any discharge, including accidental discharges, in violation of these Regulations.

Section 9 - Confidentiality of Data and Documents.

(a) All information and data regarding any user, whether obtained from reports, questionnaires, permit applications, permits, monitoring programs, or inspections, may be made available upon request to other governmental agencies and to the public without restriction unless the user makes a specific written request for a more limited distribution, the records requested are specifically excluded from the definition of a "public record" pursuant to *G.L. c.4, section 7(26)*, or the record is specifically or by necessary implication exempted from disclosure by law.

(b) Distribution will be limited only if the user demonstrates to the Commission's satisfaction that the release or communication of such information would divulge methods or processes entitled to protection as trade secrets or would violate any applicable provisions of law.

Section 10 - Processing Requests for Disclosure of Public Records. The Commission shall allow any person, under the supervision of Commission personnel, to inspect any public record regarding a user governed by these Regulations which is in the custody of the Commission and not exempted as described in Section 9. The Commission may require each person requesting records to pay for copies of the records or to pay the expense of the search for the public records.

B. DISCHARGE PROHIBITIONS AND RESTRICTIONS APPLICABLE TO THE WASTEWATER SYSTEM

Section 1 - General Prohibitions. No persons shall discharge or cause or allow to be discharged into a Commission sanitary or combined sewer or into a sanitary or combined sewer tributary thereto, any substances, waters or wastes that the Commission or the MWRA has identified as likely, either singly or by interaction with other substances, to:

(a) harm or interfere with any wastewater system, wastewater treatment facility, or wastewater treatment process;

- (b) pass through, interfere with or be otherwise incompatible with the wastewater treatment process or sludge disposal;
- (c) cause or result in blockage of flow;
- (d) cause a violation of Federal or State law or any discharge permits issued to either the Commission or the MWRA;
- (e) cause a violation of water quality standards or otherwise adversely affect the receiving waters;
- (f) endanger or threaten to endanger life, limb, health, or welfare of any person(s), or the public health, safety, welfare, or the environment, or property; or
- (g) constitute a nuisance.

Section 2 - Prohibited Wastes or Substances. No person shall discharge or cause or allow to be discharged directly or indirectly into a Commission sanitary or combined sewer or into a sanitary or combined sewer tributary thereto any of the following:

- (a) Fuel oil, crude oil, lubricating oil, or any other oils or greases of hydrocarbon or petroleum origin in excess of 15 milligrams per liter.
- (b) Any wastewater discharge from any building or facility served by a private water supply without having first obtained written authorization from the Commission.
- (c) Swimming pool water unless there is no reasonable alternative as determined by the Commission and MWRA and upon written approval by the Commission and the MWRA.
- (d) Any liquid, solid, or gas including but not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides and methyl ethyl ketone, which by reason of its nature or quantity is or may be sufficient, either alone or by interaction with other substances, to create a fire or explosion hazard or to be otherwise injurious to the sewerage system, or to receiving waters, including:
 - (i) Wastewater with a closed cup flashpoint of less than 140 F (60 C) using the test methods specified in *40 CFR 261.21*, and measured at the point of indirect discharge to the Commission's or the MWRA's sewerage system, or at such other place as the Commission or the MWRA determines; or
 - (ii) any pollutant which causes an exceedance of 10 percent of the lower explosive limit as measured by an explosimeter at the point of discharge to the sewer or at any point within the sewer.

- (e) Solids or viscous substances (such as, but not limited to, sand, mud, metal, glass, wood, paper, plastics, rags, rubber, latex, and lime or other slurries, garbage, bones, hair, human parts, hides or fleshings, animal guts or tissues, feathers, ashes, cinders, stone or marble dust, straw, shavings, grass clippings, spent grains, spent hops, tar, asphalt residues, residues from refining or processing fuel or lubricating oil, grease, or glass grinding or polishing wastes) in quantities or of such size as to be capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the Commission's wastewater system.
- (f) Any noxious or malodorous liquids, gases or solids, which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or of preventing safe entry into sewers for purposes of inspection, maintenance or repair.
- (g) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.
- (h) Any Slug.
- (i) Sludges or deposited solids resulting from an industrial or pretreatment process.
- (j) Substances causing noticeable discoloration or turbidity.
- (k) Liquids or vapors having a temperature higher than 150 degrees Fahrenheit (F) or 65 degrees Celsius (C), unless an alternative temperature limit is approved in writing by the Commission and the MWRA.
- (l) Any garbage containing particles larger than one-half inch (1.27 centimeters) in any dimension or particles which will not be carried freely in the wastewater system.
- (m) Waters or wastes having pH lower than 5.5 or higher than 10.5, or having any other corrosive or injurious properties capable of causing damage or hazard to structures, equipment, people or the collection system. Excursions from these limits are permitted for facilities that continuously monitor pH, subject to limitations established by the MWRA in its *Sewer Use Regulations 360, CMR 10.000*.
- (n) Mercury, polychlorinated biphenyls (PCBs), phenanthrene or pesticides, including but not limited to, dieldrin, chlordane, 1,1,1-Trichloro-2,2- bis(p-chlorophenyl)-ethane (4-4 DDT), demeton, endosulfan I, endosulfan II, endrin, guthion, heptachlor, malathion, methoxychlor, mirex, parathion, acrolein, aldrin, TDE, DDE, Hexachlorocyclohexane, lindane, benzene-cis-hexachloride and benzene-trans-hexachloride (BHC), hexachlorocyclopentadiene and toxaphene.
- (o) Waters or wastes containing amounts of metal or other materials in excess of the following limits as contained in Federal, State, or MWRA regulations:

MATERIAL	DAILY AVERAGE LIMIT milligrams per liter (mg/l)
Antimony (total)	10.0
Arsenic III (total)	0.5
Boron (total)	20.0
Cadmium (total)	0.1
Chromium (VI) (Hexavalent)	0.5
Copper (total)	1.5
Cyanide (total)	0.5
Lead (total)	0.2
Nickel (total)	1.0
Selenium (total)	5.0
Silver (total)	2.0
Zinc (total)	1.0
Total Chromium	1.0
Chlorinated Naphthalenes	0.8
Fluoranthene	1.5
Hexachlorobutadiene	3.0
Pentachlorophenol	0.05
Phenol	5.0
Phenolic Compounds -the following hydroxy derivatives of benzene:	
2-chlorophenol;	
2,4-dichlorophenol;	
2,4-dimethylphenol;	
4,6-dinitro-o-cresol;	
2,4-dinitrophenol;	
2-nitrophenol;	
4-nitrophenol;	
p-chloro-m-cresol; and	
2,4,6-trichlorophenol	0.5
 Toxic Organic - each Toxic Organic not limited elsewhere in these Regulations	 1.0
 Total Toxic Organics	 5.0
Trichloroethylene	0.07

(p) Waters or wastes containing amounts of toxic or objectionable metals and nonmetals in excess of limits contained in Federal, State or MWRA regulations or in a Sewer Use Discharge Permit.

- (q) Radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by Federal, State or MWRA regulations.
- (r) Total suspended solids or dissolved solids of a type or concentration which would inhibit flow in the collection system.
- (s) Materials which exert a biochemical oxygen demand in excess of 400 milligrams per liter or a chemical oxygen demand in excess of 1,000 milligrams per liter or a chlorine demand in excess of limits established by the MWRA.
- (t) Waters or wastes containing fats, wax, grease, or oils of vegetable or animal origin in excess of 100 milligrams per liter or containing other substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (0 to 65 degrees Celsius). Waters or wastes containing such substances (excluding normal household waste) shall exclude all visible floatable oils fats and greases. The use of chemical, biological or physical means (such as temperature variation, solvents, enzymes, emulsifying agents, mechanical mixers) to bypass or release fats, waxes, oils or greases into the wastewater system is prohibited. Subject to the written approval of the Commission, a chemical or biological agent may be added to convert the fats, wax, oil, and grease in a trap to a substance not regulated by these Regulations, if the resulting discharge from the trap will not cause or contribute to an obstruction or blockage in the sewer or otherwise violate these regulations. Unless so converted, the fats, wax, oil, and grease contents of a grease trap shall not be discharged to the sewer system. If the discharge concentration for any fats, oils or grease exceeds 100 milligrams per liter after treatment, the Commission may, in its discretion increase the discharge concentration limit on a case by case basis and apply a monetary charge for the increase.
- (u) Any substances containing pathogenic organisms in such quantities as determined by local, state or federal law as hazardous to the public health or the environment, including but not limited to biological waste, hospital or medical wastes, and related used equipment and supplies.
- (v) Hazardous waste or wastewater which has come in contact with hazardous waste.
- (w) Waste or wastewater discharged through a bypass, unless such discharge through the bypass was approved in writing advance by the Commission and the MWRA, or the discharge through the bypass is allowed by *40 CFR 403.17* and the person using the bypass has provided the required notices to the Commission and the MWRA in a timely manner.
- (x) Any filter backwash not specifically authorized to be discharged by a permit issued to the discharger by the Commission or the MWRA, any filter backwash that is not treated to meet the limits and prohibitions established by the Commission or the MWRA, or any filter backwash which causes or contributes to a violation of these Regulations.
- (y) Any trucked or hauled pollutants.

(z) Any water or wastewater, not otherwise governed by these Regulations, containing pollutants at levels which may adversely affect the MWRA's ability to process or dispose of its wastewater residuals in an environmentally sound and economic manner in accordance with applicable state and federal requirements.

Section 3 - Prohibited Discharges into Sanitary Sewers.

(a) No person shall directly or indirectly discharge or cause or allow to be discharged into any Commission sanitary sewer or any sanitary sewer tributary thereto any stormwater.

(b) No person shall discharge or cause or allow to be discharged directly or indirectly into a Commission sanitary sewer or into a sanitary sewer tributary thereto any groundwater, dewatering drainage, subsurface drainage, tidewater, accumulated surface water, non-contact cooling water, non-contact industrial process waters, uncontaminated contact cooling water and uncontaminated industrial process water, or waters associated with the excavation of a foundation or trench, hydrological testing, groundwater treatment/remediation, removal or installation of an underground storage tank or dewatering of a manhole, except as provided in Section 4. (a)(ii) below.

Section 4 - Prohibited Discharges into Combined Sewers. No person shall discharge or cause or allow to be discharged directly or indirectly into a Commission combined sewer or into a combined sewer tributary thereto any of the following:

(a) Groundwater, dewatering drainage, subsurface drainage, tidewater, accumulated surface water, non-contact cooling water, non-contact industrial process waters, uncontaminated contact cooling water and uncontaminated industrial process water, or waters associated with the excavation of a foundation or trench, hydrological testing, groundwater treatment/remediation, removal or installation of an underground storage tank or dewatering of a manhole, except:

(i) As authorized in writing by the Commission and the MWRA when the discharger has taken all reasonable efforts to eliminate and minimize the flow, there is no reasonable access to a storm drain, surface water, or another disposal alternative, and the amount to be discharged will not have an actual or potential adverse impact on the sewer system, the quality of receiving water, or the Commission's ability to meet its obligations under any law, regulation, permit, or order.

(1) Every person that obtains both a Sewer Use Discharge Permit (which is issued jointly by the Commission and the MWRA) and a Drainage Discharge Permit (which is issued by the Commission) for such a discharge is considered to be permitted pursuant to this section.

(2) The Sewer Use Discharge Permit or the Drainage Discharge Permit issued

to the applicant may stipulate special conditions and terms as deemed necessary or appropriate by the Commission.

- (3) The Sewer Use Discharge Permit and the Drainage Discharge Permit shall be denied if the Commission determines that the discharge, whether singly or in combination with others, is or may cause or contribute to a water quality problem, or may cause or contribute to a violation of the Commission's NPDES permit.
- (4) In the case of construction site dewatering, the duration of the Sewer Use Discharge Permit and the Drainage Discharge Permit issued shall not exceed the time period necessary to keep the site dewatered during construction.
- (5) A permittee may apply to the Commission and the MWRA for an extension of a Sewer Use Discharge Permit and a Drainage Discharge Permit for construction site dewatering. Such application shall be submitted to the Commission and the MWRA a minimum of five (5) days prior to the expiration of the existing permit.

- (ii) cooling tower blowdown.

C. DISCHARGE PROHIBITIONS AND RESTRICTIONS APPLICABLE TO THE STORM DRAINAGE SYSTEM

Section 1 - Prohibited Discharges into Storm Drains. No person shall directly or indirectly discharge or cause or allow to be discharged any wastewater or any other waters not composed entirely of stormwater into a building storm drain or to a Commission storm drain except as provided in Sections 2 and 3 below.

Section 2 - Authorized Discharges to Storm Drains. Discharges to storm drains which are authorized by these regulations are as follows:

- (a) Discharges composed entirely of stormwater.
- (b) Discharges for which the owner has obtained both a Drainage Discharge Permit from the Commission and an NPDES Permit, coverage under an NPDES General Permit, or an NPDES Permit Exclusion from EPA.
- (c) Discharges from the following sources:
 - (i) diverted tide, river, or stream flows;
 - (ii) uncontaminated springs;

- (iii) flows from riparian habitats and wetlands;
- (iv) rising groundwater;
- (v) uncontaminated groundwater infiltration to the drains;
- (vi) water main, hydrant flushing and other discharges from potable water sources associated with routine maintenance of the water distribution system;
- (vii) irrigation water;
- (xiii) non-commercial car washing;
- (xiv) swimming pool discharges which have been dechlorinated;
- (xv) street and pavement wash waters;
- (xvi) discharges or flows from emergency fire fighting activities; and
- (xvii) building washdown water which does not contain detergents.

Section 3 - Drainage Discharge Permits.

(a) With the exception of discharges authorized under Section 2 above, no person shall cause or allow any non-stormwater discharges to the Commission's storm drainage system without having first obtained a Drainage Discharge Permit from the Commission. Discharges to storm drains that require a Drainage Discharge Permit include, but are not limited to dewatering drainage, subsurface drainage, non-contact cooling water, non-contact industrial process waters, uncontaminated cooling water, uncontaminated industrial process water, or waters associated with the excavation of a foundation or trench, hydrological testing, groundwater treatment/remediation, removal or installation of an underground storage tank, foundation drains, crawl space pumps or footing drains. The decision to issue a Drainage Discharge Permit rests entirely with the Commission. Such discharges shall comply with all other applicable requirements.

(b) Persons seeking to discharge pursuant to a Drainage Discharge Permit shall also obtain an NPDES Permit, coverage under an NPDES General Permit or an NPDES Exclusion for the discharge, a copy of which shall be provided to the Commission.

(c) The Drainage Discharge Permit issued to the user may stipulate special conditions and terms as deemed necessary or appropriate by the Commission.

(d) A Drainage Discharge Permit shall be denied, revoked, suspended or reissued if the Commission determines that the discharge, whether singly or in combination with others, is or may cause or contribute to a water quality problem, or may cause or contribute to a violation of the Commission's NPDES Permit.

(e) In the case of construction site dewatering, the duration of the permit shall not exceed the time period necessary to keep a site dewatered during construction. A permittee may apply to the Commission for an extension of a Drainage Discharge Permit for construction site dewatering.

Such application shall be submitted to the Commission a minimum of five (5) days prior to the expiration of the existing permit.

Section 4 - NPDES Notice of Intent and Permit. Every person who is required to be covered under an NPDES Permit for a Stormwater Discharge Associated with Industrial Activity or for construction purposes shall submit to the Commission's Chief Engineer a copy of the completed Notice of Intent or individual application as submitted to EPA, and the information identified in items (a) through (h) below, as applicable.

- (a) Address of the building (or premises) where the discharge will take place and the name and address of the building (or premises) owner;
- (b) Name of a contact person, title and phone number;
- (c) A site plan or sketch which shows the location of the connection of the building storm drain or the point(s) of discharge to the Commission's storm drainage system, including the street name, size of the storm drain to which the stormwater will discharge and the BWSC outfall number to which the discharge will be conveyed and discharged;
- (d) Standard Industrial Code (SIC Code) of the facility;
- (e) A description of the product or services provided by the facility;
- (f) A description of the nature of the discharge;
- (g) Existing NPDES permit number, if any;
- (h) Facility's Commission water service account number.

D. OTHER DISCHARGE PROHIBITIONS AND RESTRICTIONS

Section 1 - Dumping to Catch Basins. No person shall directly or indirectly dump, discharge or cause or allow to be discharged into any catch basin, any solid waste, construction debris, paint or painting product, antifreeze, hazardous waste, oil, gasoline, grease and all other automotive and petroleum products, solvents and degreasers, drain cleaners, commercial and household cleaners, soap, detergent, ammonia, food and food waste, grass or yard waste, leaves, animal feces, dirt, sand, gravel or other pollutant. Any person determined by the Commission to be responsible for the direct or indirect discharge of any of the above substances to a catch basin may be held responsible for cleaning the catch basin, paying the cost for such cleaning or for paying any penalties assessed by the Commission.

Section 2 - Disposal of Septage Prohibited. No person shall discharge or cause or allow to be discharged any septage into a Commission sanitary sewer, combined sewer, or storm drain or into any sewer or storm drain tributary thereto. The Commission may provide arrangements for the disposal of septage originating within the City at a DEP approved septage disposal facility.

ARTICLE VI
Industrial Discharge and Pretreatment Requirements

A. INDUSTRIAL DISCHARGE, MWRA GROUP PERMIT AND MWRA GENERAL PERMIT REQUIREMENTS

Section 1 - Compliance with MWRA Regulations. The intent of these Regulations is to comply with the MWRA regulations governing dischargers of industrial wastes. These Regulations shall accordingly be construed to conform with such MWRA regulations as they now exist or may be amended.

Section 2 - Prohibited Discharges. No industrial user shall discharge or cause or allowed to be discharged into any Commission sewer or into any sewer tributary thereto any prohibited or restricted wastes identified in Article V.

Section 3 - Discharge Permits.

(a) No user shall discharge industrial wastes, directly or indirectly, into the Commission's or MWRA's wastewater system without first obtaining a Sewer Use Discharge Permit, an MWRA Group Permit or an MWRA General Permit authorizing the discharge or unless such discharge is exempted by these Regulations. The determination as to whether a discharge constitutes an industrial discharge and that coverage under a Sewer Use Discharge Permit, MWRA Group Permit or an MWRA General Permit is required rests with the Commission and the MWRA. Every user proposing a new or modified discharge of industrial wastes shall obtain such a permit and shall file a General Service Application with the Commission prior to constructing a building sewer to convey such wastes.

(b) A permittee shall provide at least 30 days advance written notification to the Commission before taking any action which may substantially change the volume or nature of its discharge, including a substantial change in the volume or character of pollutants in its discharge, from any compliance measurement location, or from any sewer connection. Such actions may include, but not be limited to, the following:

- (i) substantial expansion or contraction of the facility from which the discharge originates;
 - (ii) substantial increase or decrease in production;
 - (iii) modification of any process;
 - (iv) alteration of the pretreatment system or the operation of the pretreatment system;
- or

(v) discharge from a different or relocated sewer connection.

(c) The Commission and the MWRA will review the information provided in the written notification of modification and will inform the permittee if the proposed change requires submission of a new permit application. The permittee shall file a new permit application if required by the Commission or the MWRA, and obtain a modified permit before taking the action described in the notice. If a new permit is not required, the permittee may take the action described in the notice, provided that the action does not violate these Regulations or the permit.

(d) If an industrial user discharges types, amounts or rates of pollutants in violation of these Regulations or its permit, the Commission may revoke its permit in accordance with Article VII of these Regulations. If changes in the industrial process have improved the characteristics and/or volume of its discharge, an industrial user may apply to the Commission and the MWRA for modification of its discharge permit.

(e) When required by its permit, an industrial user shall submit to the Commission and the MWRA at a designated frequency and in a form acceptable to the Commission and the MWRA a duly signed discharge report containing all information requested by the Commission or the MWRA. Any additional information requested from time to time by the Commission or the MWRA shall also be furnished.

(f) The Commission and the MWRA may use the information provided in permit applications, permits and discharge reports as a basis for determining user charges.

(g) A permit shall not be assigned or transferred without prior written approval of the Commission and the MWRA. After approval of a permit assignment or transfer, the permittee shall provide a copy of the permit to the assignee or transferee.

Section 4 - No Permit Required. Unless otherwise required under these Regulations industrial discharges from the following establishments shall not require a Sewer Use Discharge, an MWRA Group or an MWRA General permit:

(a) Restaurants, cafeterias, and other food preparation facilities that primarily prepare meals and snacks for consumption on their premises or for take-out.

(b) Supermarkets, groceries, and other facilities that are primarily retail purveyors of food.

(c) Coin operated laundromats; laundries that do not wash any of the following: industrial and commercial uniforms, wipers, mats, or mops; hospital or commercial linens; diapers; or carpets. Dry cleaners do not require a permit, but may not discharge cleaning solvents (e.g. perchloroethylene), including solvents in their cooling water discharge.

(d) Commercial facilities that discharge only human and domestic wastes.

- (e) Other users who do not discharge industrial wastes.
- (f) Other discharges which are otherwise exempted by these Regulations.

Section 5 - Compliance With Discharge Permit. No user shall directly or indirectly discharge any industrial waste into the Commission's wastewater system unless such discharge complies with a Sewer Use Discharge Permit, an MWRA Group Permit or an MWRA General Permit issued to the discharger, and complies with, or is exempted by these Regulations.

Section 6 - Obligation to Comply With Regulations. The issuance of a Sewer Use Discharge Permit, an MWRA Group Permit or an MWRA General Permit shall not relieve the permittee of its obligation to comply with the *Massachusetts Clean Waters Act, G.L. c. 21, sections 26 through 53*, and with all of the requirements contained in these regulations, unless specifically modified by the permit.

Section 7 - Significant Industrial Users. In addition to the requirements of these Regulations, any person operating a facility in Boston that is a significant industrial user as defined in *40 CFR 403.3* shall comply with the applicable requirements of *40 CFR Part 403*, including the reporting requirements of *40 CFR 403.12* and any National Categorical Pretreatment Standard applicable to the facility.

Section 8 - Sewer Use Permit Application and Issuance.

- (a) Every user required to obtain a Sewer Use Discharge Permit shall complete and file with both the Commission and the MWRA a permit application form which may be obtained from either the Commission or the MWRA.
- (b) The Commission and the MWRA shall evaluate the adequacy of data furnished in the application and may require the applicant to provide additional data within a specified time. If the applicant fails to supply the requested information, the Commission may deny the Sewer Use Discharge Permit. After receipt of adequate data, the Commission and the MWRA may issue a Sewer Use Discharge Permit. The Sewer Use Discharge Permit is effective only when authorized in writing by both the Commission and the MWRA.
- (c) The Commission and the MWRA may stipulate special conditions and terms upon which a Sewer Use Discharge Permit is issued. Sewer Use Discharge Permits may contain the following terms and conditions:
 - (i) Limits on rate, time and characteristics of discharge and requirements for flow regulation, equalization and retention.

- (ii) Installation of inspection, flow measurement and sampling facilities, and provisions for access to such facilities for inspection and/or sampling related to the permit terms and conditions.
 - (iii) Specifications for monitoring programs which may include flow measurement, sampling, physical, chemical and biological tests, data recording, and reporting schedules.
 - (iv) Pretreatment requirements and implementation schedules, including schedules for reporting progress towards meeting such requirements.
 - (v) Periodic submission of discharge reports and retention and submission of hazardous waste manifests.
 - (vi) Special service charges or fees.
 - (vii) Provision for the operation of wastewater pretreatment facilities by persons licensed according to state law, including the *Rules and Regulations for Certification of Operators of Wastewater Treatment Facilities, 257 CMR 2.00*.
 - (viii) Other provisions deemed appropriate by the Commission or the MWRA to ensure compliance with these Regulations and with applicable requirements of State or Federal laws.
- (d) The Commission or the MWRA may change the conditions of a Sewer Use Discharge Permit from time to time as circumstances (including Federal or State statutes or regulations) may require.

Section 9 - MWRA Group Permit Application. The owner of a facility required to be covered under an MWRA Group Permit shall complete and file with the MWRA an application or Notice of Intent to Discharge, on a form available from the MWRA. A copy of the Application or the Notice of Intent shall be provided to the Commission. The owner shall not commence discharging until it is issued a Group Permit by the MWRA.

Section 10 - MWRA General Permit Application. The owner of a facility required to be covered under an MWRA General Permit shall complete and file with the MWRA an application or Notice of Intent to Discharge, on a form available from the MWRA. A copy of the application or the Notice of Intent shall be provided to the Commission. The owner shall not commence discharging until it receives written notice from MWRA that the facility is covered under a General Permit.

Section 11 - Notification to Employees. Users shall inform their employees of the existence of these Regulations, and if applicable, of the permittee's Sewer Use Discharge Permit, MWRA

Group Permit or MWRA General Permit. At least one copy of these Regulations and the Permit(s) shall be permanently and conspicuously posted by each such user. Such user shall also permanently post a notice identifying the employee who has been designated as the individual responsible for compliance with, and who should be notified of any violation of, these Regulations or a permit. Every such user shall provide a copy of its Sewer Use Discharge Permit to each employee working in its pretreatment operations.

B. PRETREATMENT REQUIREMENTS

Section 1 - Pretreatment Requirements. Every user who directly or indirectly discharges wastewater to the Commission or the MWRA wastewater system shall provide the pretreatment necessary to ensure that the discharge complies with these Regulations. All pretreatment equipment shall be properly installed and maintained in satisfactory and effective operation at the owner's expense.

Section 2 - Compliance with the Pretreatment Standards. Every user whose operation within Boston is subject to a National Categorical Pretreatment Standard shall obtain a Sewer Use Discharge Permit for the operation.

Section 3 - Pretreatment Regulations. All industrial users and dischargers of industrial wastes shall comply with Federal, State, MWRA and Commission regulations pertaining to industrial pretreatment as they now exist or may be amended in the future. The timing of compliance shall be as directed by the Commission or the MWRA.

Section 4 - Pretreatment Facilities.

(a) Prior to construction or installation of any pretreatment facilities required by any applicable industrial pretreatment regulations, detailed plans and operating procedures, along with a proposed implementation schedule, shall be submitted to the Commission and the MWRA for review. The review of such plans and operating procedures will in no way relieve such user from the responsibility of modifying the pretreatment facility as may be necessary to produce an effluent acceptable to the Commission and the MWRA under the provisions of their respective regulations and the requirements of Federal or State agencies.

(b) An approved implementation schedule will be incorporated in the Sewer Use Discharge Permit. Any subsequent proposed changes in a pretreatment facility or method of operation shall be reported to the Commission and the MWRA before modification of such a facility.

(c) Pretreatment facilities shall be continuously maintained in satisfactory and effective operation. All costs associated with pretreatment facility planning, design, construction, operation and maintenance shall be borne by the owner or user. The Commission shall have the right to inspect such facilities in accordance with Article VII of these Regulations.

Section 5 - Pretreatment Operator's License. The individual(s) responsible for operating a pretreatment system that discharges directly or indirectly to the Commission's wastewater system shall possess the proper operator's license(s) as required by law, including the *Rules and Regulations for Certification of Operators of Wastewater Treatment Facilities, 257 CMR 2.00*.

Section 6 - Publication of Significant Violators. If required by the MWRA, the Commission will publish in a daily Boston newspaper a list of significant violators of the MWRA's pretreatment requirements during the past 12 months in the City of Boston and a summary of enforcement actions taken by the Commission or the MWRA. The list of significant violators will be provided to the MWRA.

ARTICLE VII
Enforcement

A. INSPECTION

Section 1 - Right of Access.

- (a) Duly authorized representatives of the Commission may inspect the property or facilities of any user (including facilities under construction) to ascertain compliance with these Regulations or compliance with any permit issued pursuant to these Regulations.

- (b) Owners or occupants of premises where stormwater or wastewater is either generated or discharged shall allow properly identified Commission representatives safe and ready access, at all reasonable times during normal business hours and at such other times as the Commission reasonably suspects that a violation of these Regulations or a permit issued pursuant to these Regulations may be occurring.

- (c) Access shall be allowed to all such parts of the premises as would enable the Commission personnel to inspect, observe, measure, sample and test:
 - (i) internal plumbing;
 - (ii) pretreatment facilities;
 - (iii) internal discharge points or connections;
 - (iv) exterior connections;
 - (v) building sewers or building storm drains;
 - (vi) oil traps and grease traps;
 - (vii) any other facilities required by the Commission and/or the MWRA to be constructed, installed or utilized;
 - (viii) measurement, sampling and testing facilities and procedures that have been required by the Commission and/or the MWRA; and
 - (ix) such other facilities as the Commission reasonably believes may be contributing to a violation of these Regulations or a permit issued pursuant to these Regulations.

(d) The Commission, by itself or in conjunction with the MWRA, may conduct routine, periodic inspections of certain types of facilities. It is anticipated that restaurants, other food handling or food processing establishments, service stations, and other entities which deal with grease or petroleum products are particularly likely to be subject to such an inspection program. Other industrial users may also be so inspected, as the Commission deems appropriate. Owners or occupants shall provide any labor or equipment needed by Commission or MWRA personnel to open, inspect, and operate oil and grease traps and other facilities.

Section 2 - Right of Entry. Upon proper identification and at reasonable times during normal business hours and at such times as the Commission reasonably suspects that a violation of these Regulations or a permit issued pursuant to these Regulations may be occurring, duly authorized representatives of the Commission shall be permitted to enter all private property through which the Commission holds an easement for the purposes of inspection, observation, measurement, sampling, testing, maintenance, repair, or reconstruction of any portion of the Commission's wastewater or storm drainage systems lying within said easement. All entry and subsequent work, if any, shall be done in full accordance with the terms of said easement.

Section 3 - Security Clearance. Where a user has security measures in force which would require clearance before any entry to the premises, the user shall make all necessary arrangements to permit Commission personnel to enter without undue delay for the purposes of carrying out their specific responsibilities.

Section 4 - Public Function. 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 essential public function.

Section 5 - Consequences of Denial of Entry or Access. Where an owner or user, after having received reasonable notice from the Commission, refuses to permit properly identified Commission personnel to enter or have access to premises or facilities in accordance with Sections 1 and 2 above, the Commission may forthwith give written notice of its intent to terminate water service to such user. Such notice shall be given in accordance with Chapter VI of the Commission's *Billing, Termination and Appeal Regulations*, and termination based on this Section shall be treated as a termination for refusal of access under said Chapter VI.

B. RECORD KEEPING

Section 1 - Maintenance of Records.

(a) An owner or user shall maintain on its premises all documents pertinent to any of the following:

- (i) the volume, components or frequency of its discharges to the Commission's wastewater and storm drainage systems;

- (ii) its industrial pretreatment equipment and procedures, if any;
- (iii) its design, installation, maintenance, and operation of any special facilities (per Article II, Section 6), particle separators, grease or oil traps, building drains, building sewers, building storm drains, or sewers, private sewers, private storm drains or other wastewater-related facilities or equipment;
- (iv) its permits or orders issued pursuant to these Regulations.

(b) Unless otherwise specified in these Regulations or in any permit or order issued by the Commission or the MWRA, every such document shall be maintained for at least five full years following its preparation or receipt by the user. All records pertaining to matters covered by an order issued under these Regulations, or to any enforcement action or litigation involving the Commission shall be retained until the enforcement action is concluded and all appeal periods concerning the order or action have expired unless a longer period of retention is otherwise required.

Section 2 - Inspection of Records. Users and owners shall permit duly authorized and properly identified representatives of the Commission to inspect and review, upon reasonable notice and during normal business hours, any and all of the records maintained pursuant to Section 1 above. The Commission may require that copies of records be produced for its use at the owner's or users expense. Records may be maintained in electronic format if access to them is readily available and hard copies can be obtained within 24 hours.

Section 3 - Consequences of Denial of Access to Records. Where an owner or user, after having received reasonable notice from the Commission, refuses to permit properly identified Commission personnel to have access to records in accordance with Sections 1 and 2 above, the Commission may forthwith give written notice of its intent to terminate water service to such user. Such notice shall be given in accordance with Chapter VI of the Commission's *Billing, Termination and Appeal Regulations*, and termination based on this Section shall be treated as a termination for refusal of access under said Chapter VI.

C. MONETARY LIABILITY

Section 1 - Penalties. Any person who violates any provision of these Regulations or a permit issued pursuant to these Regulations shall forfeit and pay to the Commission an amount set forth in the Schedule of Penalties adopted by the Commission from time to time in accordance with *G.L. c. 83, section 10*, as then in effect. For purposes of this section, each day of a continuous violation shall be deemed to be a separate violation. If a violation is intermittent, each occurrence shall be deemed to be a separate violation.

Section 2 - Reimbursement for Costs to the 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 occasioned by such violation, including assessments or penalties levied or imposed on the Commission by the MWRA pursuant to the MWRA's Sewer Use Rules and Regulations.

D. ENFORCEMENT ACTIONS

Section 1 - Multiple Alternatives. When the Commission determines that a person has:

- (a) violated, is violating or threatens to violate these Regulations;
- (b) violated, is violating or threatens to violate any permit issued pursuant to these Regulations;
- (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 monitoring device or method;
- (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 that
- (g) caused or threatened damage to the Commission's collection 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 a violation, and/or an implementation schedule for undertaking specific actions or practices.
- (2) The Commission may require the person in question to submit a detailed time schedule setting forth specific actions to be taken and specific dates upon which such actions will be undertaken 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 person to pay to the Commission penalties and costs in accordance with Section C.1 and/or C.2 above.
- (4) The Commission may revoke, modify, deny, suspend, or refuse to renew a permit issued to the person under these Regulations.
- (5) The Commission may take direct enforcement action by filing suit in any court of competent jurisdiction pursuant to *G.L. c. 83, Chapter 436 of the 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 to the person following written notice of its intent to do so. Such notice shall be given in accordance with Chapter VI of the Commission's *Billing Termination and Appeal Regulations*, and termination based on this Section shall be treated as termination for violation of the Sewer Use Regulations.
- (7) The Commission may take any other action available to it under any applicable statute or regulation.

E. ADMINISTRATIVE PROCEDURE

Section 1 - Informal Conference.

- (a) Whenever the Commission issues a Sewer Use Discharge Permit; denies, revokes, modifies, or amends any form of permit or application; requires an owner or user to build or install any particular facility or device; issues a cease and desist order, a compliance order, or an implementation schedule; or assesses penalties or other charges for noncompliance with these Regulations, any permit, or other lawful requirement, the Commission shall promptly inform the owner or user to whom such action is addressed.
- (b) Such notice shall be sent first-class mail and shall inform the addressee of his/her right to submit, within 14 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 Boston office and shall set forth in detail the facts supporting it. Such a request shall not have any effect to stay or delay the Commission action, unless the Chief Engineer provides otherwise in a writing mailed to the entity making the request.
- (c) Upon receiving a timely request for reconsideration, the Chief Engineer or his/her designee shall schedule an informal conference with the entity making the request. Written notice of the conference date, time and place shall be mailed to that entity at least 10 days before

the date of the conference, which shall be held no later than 21 days after receipt of the request. The Chief Engineer or his/her designee shall rule in writing on the request for reconsideration within 14 days after completion of the conference.

Section 2 - Right to Hearing.

(a) A copy of the ruling on the request for reconsideration shall be mailed to the entity which submitted the request. The ruling shall be accompanied by a notice that such entity has the right to request a hearing before the Commission or its designated representative.

(b) The notice shall inform the addressee that in order to obtain a hearing concerning the Commission's action a written request must be submitted to the Chief Engineer at the Commission's main Boston office within 30 days after the date of such notice from the Commission.

Section 3 - Notice of Hearing. Within 15 days after receiving a timely written request for a hearing, the Commission shall schedule a hearing and shall mail to the entity which requested the hearing, written notice specifying the date, time, place, and subject matter of the hearing. The notice shall also state that the entity requesting a hearing has the right to be represented by legal counsel and to present evidence (in the form of both documents and testimony) at the hearing.

Section 4 - Conduct of Hearing.

(a) The hearing scheduled under Section 3 above shall be held not sooner than 15 days nor later than 30 days after the date of the notice of such hearing. The hearing shall be conducted in accordance with the Commission's Rules of Procedure, as amended from time to time. The rules of evidence observed by courts need not be adhered to. The proceedings shall be tape recorded, and the recording shall be kept in the Commission's custody.

(b) Any person who desires a transcript of the hearing may obtain one from the Commission, upon payment to the Commission of the transcription charge reasonably incurred by the Commission.

Section 5 - Hearing Record and Decision. The documents and other evidence offered at the hearing shall constitute the hearing record. The hearing decision shall be based solely on the hearing record and shall be made within 30 days after the conclusion of the hearing. The decision shall be embodied in a writing which summarizes the matters considered and the reasons for the determination made on each such matter. The written decision shall be signed by the Commission or its designated representative and shall be mailed to the entity which had requested the hearing.

ARTICLE VIII
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 on the 12 day of December, 1983; amended as of the 15th day of August, 1989, and the 15th day of January, 1998, effective February 27, 1998.