

ARTICLE V

DISCHARGE REQUIREMENTS, PROHIBITIONS AND RESTRICTIONS

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5.01: Purpose

Subject to the authority granted to the Tisbury Wastewater Department under M.G.L. Part 1, Title XIV, Chapter 83, Section 10 and 314 CMR 12.03§5 the Tisbury Wastewater Department hereby establishes the following Regulations governing the discharge requirements, prohibitions, and restrictions to ensure the proper operation of wastewater treatment works and the protection and enhancement of water resources within the Town of Tisbury and neighboring communities.

5.02: Compliance with Discharge Limits

Any person who directly or indirectly discharges wastewater to the Towns sanitary sewer shall comply with the strictest of the following discharge limits applicable to the: The National Pretreatment Standard, Massachusetts Department of Environmental Protection (DEP) Groundwater Discharge Permit conditions, state limits, local or permit limits, limits contained in these Regulations, and limits in a permit or order issued under these Regulations. National Categorical Pretreatment Standards that include a limit in addition to a daily maximum limit (e.g., 30 day, monthly, weekly, four day, loading, or production-based limit), shall also be met.

5.03: General Prohibitions

No person shall discharge, cause, or allow to be discharged into the sanitary sewer, any substance, material, wastewaters that the Town through its regulations has identified as likely, either singly or by interaction with other substances, to:

1. harm or interfere with any wastewater collection system, wastewater treatment facility, or wastewater treatment process;
2. pass through, interfere with or be otherwise incompatible with the wastewater treatment process or sludge disposal;
3. cause or result in a blockage of flow;

4. cause a violation of federal or state law or any discharge permits issued to the Town;
5. cause a violation of federal or state water quality standards or otherwise adversely affect the receiving waters;
6. endanger or threaten to endanger the life, limb, health, or welfare of any person(s) or the public health, safety, welfare, or the environment, or property; or
7. constitute a nuisance.

5.04: Specific Prohibitions

No person shall discharge, cause, or allow to be discharged directly or indirectly into the Towns sanitary sewer any prohibited wastes or substances as specified hereunder or as further specified by the DEP or EPA. The prohibited waste or substances include, but are not limited to the following:

1. Groundwater, storm water, surface water, roof or surface runoff, tidewater, or subsurface drainage such as:
 - (a) foundation drains;
 - (b) areaway drains;
 - (c) basement drains;
 - (d) driveway/garage drains;
2. Non-contact Cooling Water, non-contact industrial process water, uncontaminated Contact Cooling Water, and uncontaminated industrial process water, except:
 - (a) as permitted by the authority when the discharger has taken all reasonable efforts to eliminate and minimize the flow, there is not reasonable access to another disposal alternative, and the amount to be discharged will not have an actual potential adverse impact on the sewer system, the treatment plant, the quality of the receiving water, or the Authority's ability to meet its obligations under any law, regulation, permit, or order; and
 - (b) Cooling tower blowdown
3. Fuel oil, crude oil, lubricating oil, or any other oils or greases of hydrocarbon or petroleum origin except:
 - (a) in compliance with the limit for fats, wax, oil and grease in 5.04§11;
 - (b) when discharged:
 - (i) incidental to an industrial process in Industrial Waste authorized to be discharged by a permit issued by the Wastewater Department;
 - (ii) incidental to the appropriate use of a gas/oil separator that is in compliance with MWRA Regulation 360 CMR 10.016; or
 - (iii) in de minimis amounts, and not from the disposal of waste, used, excess, or unwanted oil or grease, when neither a permit nor a gas/oil separator is required by 360 CMR 10.016; and
 - (c) otherwise in compliance with these Regulations.
4. 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 wastewater system, or to receiving waters, including:

- (a) Wastewater with a closed cup flashpoint of less than 140 degrees Fahrenheit (°F) or 60 degrees Celsius (°C) using the test methods specified in 40 CFR 261.21, and measured at the point of indirect discharge to the Towns sewer system, or at such other place determined by the Wastewater Department; or
 - (b) 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 sanitary sewer or at any point within the sanitary sewer.
- 5. Any noxious or malodorous liquids, gases, or solids, which either singly or by interaction with other wastes, can create a public nuisance or hazard to life, or of preventing safe entry into sewers for purposes of inspection, maintenance repair, sampling, or any similar activity which results in the presence of toxic gases, vapors, or fumes within the wastewater system in a quantity that may cause acute worker health and safety problems.
- 6. Any waters or wastes having a pH lower than 5.5 or higher than 9.5 or having any other corrosive or injurious properties which may cause damage or be hazardous to the collection system, the treatment facility, or any person.
 - (a) Locations requiring to continuously measure the pH of its wastewater, shall be properly located and installed, calibrated, maintained, and operated properly, the pH of the wastewater shall be maintained as required by the Tisbury Wastewater Department, except excursions below a pH of 5.5 are permitted subject to the following limitations:
 - (i) The total time during which the pH values are below 5.5 shall not exceed seven hours in any calendar month;
 - (ii) No individual excursion from the range of required pH values shall exceed 60 minutes; and
 - (iii) The excursion may not be below the pH of 5.0.
 - (b) For purposes of these Regulations, an excursion is an unintentional and temporary incident in which the pH value of discharged wastewater is below the range required by the Tisbury Wastewater Department. The Tisbury Wastewater Department may, by permit or order, reduce the permissible excursion times or eliminate the right to an excursion, as it deems appropriate, based on the treatment system, flow, collection system needs, and discharge history of the entity.
- 7. Any water or Wastewater, not otherwise governed by these Regulations, containing pollutants at levels which may adversely affect the Tisbury Wastewater Department's ability to process and/or dispose of its Wastewater Residuals in an environmentally sound and economic manner in accordance with applicable state and federal requirements.
- 8. Any Solids or viscous substances (such as, but not limited to, sand, mud, metal, glass, wood, paper, plastic, rags, improperly shredded garbage, rubber, latex, lime or other slurries, garbage, grease, animal guts or tissue, hides or fleshing's, bones, hair, feather, 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, glass grinding or polishing wastes) in quantities or of such size as to be capable of causing obstruction to the flow in the sewers, or other interference with the proper operation of the Town's wastewater collection system and equipment.
- 9. Any Liquids or vapors having a temperature higher than 150°F (65°C) unless the Tisbury Wastewater Department approves an alternative temperature limit; in no case may will discharge heat be permitted in such a quantity that it causes or may cause the temperature of the wastewater treatment facility to exceed 104°F (40°). Any alternative temperature limit must be approved in writing by the Select Board.

10. Waters or wastes containing fats, wax, oil, and grease, more than 300 mg/L, or containing any substance which may solidify or become viscous at temperatures between 32°F (0°C) and 180°F (82°C). 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 to bypass or release fats, waxes, oils, or greases into the sewer is prohibited. If a person is unable to comply with the 300 mg/L requirement after treatment, the Wastewater Department may increase the limit on a case-by-case basis if the Wastewater Department is satisfied such increase will not contribute to nuisance conditions or an adverse impact on the wastewater system or receiving waters. The Wastewater Department may apply a monetary charge to cover the costs it reasonably expects to incur because of the increase.
11. Waste or wastewater discharged through a bypass, unless such discharge through the bypass was approved in writing in advance by the Wastewater Department, 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 Wastewater Department in a timely manner.
12. Any radioactive Waste or isotope with a half-life or concentration in excess of any limit established by federal or state law.
13. Any Sludge or deposited solids, except from:
 - (a) a water treatment plant owned and operated by a municipality, or by a water district created by a special or general act of the Massachusetts Legislature, and when specifically permitted by the Wastewater Department pursuant to 360 CMR 10; or
 - (b) a reclaimed Water System, provided the Reclaimed Water System: treats only Wastewater that does not require a special discharge permit;
 - (c) Such as for a marina or boat pump-out facility, landfill leachate, or septage, for discharge into the Tisbury Wastewater Sanitary Collection System;
 - (i) has a discharge within the approved Sewer District;
 - (ii) has been issued a permit pursuant to 314 (CMR 20.00: *Reclaimed Water Permit Program and Standards*; and
 - (iii) has been specifically permitted by the DEP and the Town of Tisbury.
14. Any substance, including dye water or any vegetable tanning solution, which causes turbidity or discoloration such that the color of the wastewater at the Tisbury Wastewater Treatment Facility changes noticeably.
15. Any slug.
16. Any Hazardous Waste, or any Wastewater which results from the treatment of Hazardous Waste and is discharged to the Sanitary Wastewater Collection System by dedicated pipe, truck, or by other method.
17. Septage containing Hazardous Waste, Septage from haulers other than those permitted under these Regulations, or Septage discharged at a location not designated as a Septage discharge location in the Municipal Permit issued by the DEP to the Town of Tisbury.
18. Any substance 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 any "Infectious or Physically Dangerous Medical or Biological Waste" as defined and identified by the Massachusetts Department of Public Health in its regulations entitled "Storage and Disposal of Infectious or Physically Dangerous Medical Waste or Biological Waste, State Sanitary Code, Chapter VIII," at 105 CMR 480.010, and whose disposal via the municipal wastewater system or via a septic system is prohibited by 105 CMR 480.200.

19. Any filter backwash not specifically authorized to be discharged by a permit issued to the discharger by the DEP; any filter backwash that is not treated to meet the limits and prohibitions of these Regulations; or any filter backwash which causes or contributes to a violation of these Regulations.
20. Materials that exert a biochemical oxygen demand more than 400 mg/L or a chemical oxygen demand more than 1,000 mg/L.
21. Any wastewater discharge from any building or facility served by a private water supply without first installing a water meter.
22. Swimming pool water unless there is no reasonable alternative as determined by the Select Board and upon written approval by the Select Board.
23. Pharmaceuticals, drug paraphernalia, prescription, and non-prescription drugs.
24. Any garbage containing particles larger than one-half inches (1.27 centimeters) in any dimension or particles, which will not be carried freely in the wastewater system.
25. Any wastes resulting in particle larger than one-half inch (1.27 centimeters) in any dimension or cannot be carried freely in the Sanitary Wastewater Collection System.
26. Any water or wastewater, not otherwise governed by these Regulations, containing pollutants at levels which may adversely affect the Town'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.

The Wastewater Department may require pretreatment or elimination prior to discharge to the sewer for any substance the Wastewater Department considers hazardous to staff health and safety, collection system components, or POTW, or that would require increased or excessive maintenance of system components that may not be included in 314 CMR 12.08 including but not limited to sharps, solid/hard materials, and other materials not considered normal domestic waste.

5.05: Dilution Prohibition

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.

5.06: Inspection

1. The Wastewater Department may inspect the facilities of any User connected to the Town's sanitary sewer system, to determine compliance with the requirements of these Regulations. The User shall allow the Wastewater Department to enter upon the premises of the User for the purposes of inspection, sampling, photographic documentation, or record examination and copying. The Wastewater Department shall also have the right to install or to have installed on the User's property at the property owner's expense such devices as are necessary to conduct sampling, inspection, compliance monitoring and metering operations.

2. Conditions for Entry:
 - (a) The Wastewater Department shall present appropriate credentials at the time of entry.
 - (b) The purpose of the entry shall be for inspection, observation, measurement, sampling, testing, photographic documentation, or record examination and copying.
 - (c) Any entry shall be made at reasonable times during normal operating hours unless an emergency exists which endangers the public health, safety and welfare of the community as determined by the Wastewater Department, in which case the DPW may make an emergency entry and provide notice of entry to the discharger as soon as reasonably practicable.
3. If the Wastewater Department is refused access to any part of the premises from which waste is discharged, and the Wastewater Department believes that there may be a violation of these regulations, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with these regulations or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Wastewater shall, with the assistance of town counsel, seek any and all remedies available under federal, state and local laws or regulations, and the User and/or Owner of the premises shall be liable for all fines, fees, penalties, and all costs of enforcement, including but not limited to attorney's fees.

5.07: Monitoring Facility Requirements

1. When required by the Wastewater Department, a User shall install and maintain at the Owner's expense suitable control or measuring devices, together with manholes, chambers, meters, sampling ports, and other appurtenances in its building sewer laterals.
2. Such manholes, chambers or meters shall be safely accessible and shall be located and constructed in accordance with site plans approved by the Wastewater Department, shall be installed by the expense of the Owner, and shall be maintained by the Owner in good operating condition.
3. All such meters and other measuring devices shall be approved by the Wastewater Department prior to installation and use. All such meters and measuring devices shall be calibrated by the Owner 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 Wastewater Department.
4. The Wastewater Department requires permittees to keep and retain all records associated with meters, measuring devices and samplers. These records shall include data on volumes, water quality and maintenance.
5. All records from meters, measuring devices and samplers, whether required by Wastewater Department or not, shall be kept for at least six years and furnished to the Wastewater Department upon request. During construction and after installation, the Wastewater Department shall have the right to inspect the facilities in accordance with these Regulations.

5.08: Sampling and Analysis

1. All measurement, tests, and analyses of the characteristics of wastewater required to conform to these Regulations shall be performed in accordance with the most recent edition of Standard Methods for the Examination of Water and Wastewater, unless otherwise authorized or required by the Wastewater Department, DEP, EPA.

2. Sample analysis required by these Regulations, or any permit issued hereunder, 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.
3. Samples analyzed shall be collected at locations designated by the Wastewater Department and by methods acceptable to, and at a frequency determined by, the Wastewater Department. The Wastewater Department will stipulate whether a composite or grab sample should be taken and whether composite samples will be time or flow weighted.
4. The Wastewater Department 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 Wastewater Department. The Wastewater Department may require that discharge monitoring reports be submitted on paper copy, or by electronic means.

5.09: Compliance Measurement Locations

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 not pretreatment. The Owner or User shall not introduce a Pollutant into a wastewater stream after the compliance measurement location without prior approval of the Wastewater Department.

5.10: User Notifications

1. Every User who directly or indirectly discharges to the Town's Wastewater collection system shall notify the Wastewater Department 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 lateral location to the collection system.
2. Users shall notify the Wastewater Department immediately upon discharging wastewater 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 collection system.
3. Each notification shall be followed by a detailed written statement addressed to the Wastewater Department Superintendent, describing the cause of the discharge and the remediation measures being taken to prevent recurrence, within 15 days of the date of occurrence. Such notification will not relieve Users of liability for any expense, loss, or damage to the Town's wastewater collection system, or for any fines imposed on the Town due to such discharge.

5.11: Non- compliance Notification, and Enforcement Actions

1. Whenever, based on any available information, the Town finds that a person:
 - (a) Violated, is violating or intends to violate these Wastewater Regulations;
 - (b) Violated, is violating or intends to violate any approval issued pursuant to these Wastewater Regulations;
 - (c) Made a false representation in an application, record, or report to the Town or failed to provide relevant information;
 - (d) Manipulated, falsified, tampered with, or rendered inaccurate a meter, meter reading device, or appurtenance thereto;
 - (e) Failed to comply with an order or ruling issued by the Town or a court after having reasonable opportunity to comply;
 - (f) Failed to pay a penalty or fee due to the Town; or,

- (g) Caused or threatened damage to the Town's collection system, the Town may take any one or more of the following actions, in any sequence or simultaneously:
 - (i) The Town may issue an order to cease and desist any such violation or any actions that cause or intend to cause a violation, and/or an implementation schedule for undertaking specific actions or practices.
 - (ii) The Town may require the owner or user to submit a detailed time schedule setting forth specific actions to be taken and specific dates upon which such actions will be taken in order to prevent or correct a violation. The Town may issue an implementation schedule containing or modifying such specific actions and time schedule or requiring such other actions within such times as the Town deems appropriate.
 - (iii) The Town may issue an order directing the owner or user to pay to the Town penalties and costs in accordance with these Wastewater Regulations
 - (iv) The Town may revoke, modify, deny, suspend, or refuse to renew an approval issued under these Wastewater Regulations.
 - (v) The Town may take direct enforcement action by filing suit in any court of competent jurisdiction for civil or criminal fines and reimbursement of costs or damages resulting from the violation or threatened violation.
 - (vi) The Town may take any other action available to it under any applicable statute or regulation.
- 2. A notice of non-compliance is to provide a formal notice of one or more violations and to set a compliance date or require the submission of a compliance schedule. A notice of noncompliance shall not be construed as an authorization or approval to violate any law, regulation, or requirement prior to achieving compliance. A notice of non-compliance shall identify the violation(s) and shall require the person to comply by a certain date or to submit a written report to the Wastewater Department by a certain date that describes the measures the person will take to correct the violation and the date by which such measures will be taken. A notice of non-compliance shall notify a person of their right to request reconsideration of the notice of non-compliance.
- 3. The Wastewater Department may issue a cease-and-desist order to require a person to:
 - (a) Cease and desist a violation and/or any actions that cause or threaten to cause a violation;
 - (b) Submit written reports to the Wastewater Department that describe the measures the person will take to correct the violation and the dates by which the measures will be taken;
 - (c) Take specific measures to correct or eliminate a violation;
 - (d) Follow an implementation schedule that requires specific actions according to a time schedule;
 - (e) Follow a schedule of sampling, analysis and reporting to the Wastewater Department; and/or,
 - (f) Take any other action authorized by law.
- 4. A cease-and-desist order shall identify the violation(s), shall require the person to comply by a certain date, and shall notify the person of their right to request reconsideration of the order.
- 5. The Wastewater Department may revoke, suspend, modify, deny, or refuse to renew an approval issued under these Wastewater Regulations whenever, based on available information, the Wastewater Department finds that the applicant:
 - (a) Provided false or misleading information to the Wastewater Department, or failed to provide relevant information to the Wastewater Department, as part of the approval process;
 - (b) Intentionally falsified or misrepresented, rendered inaccurate or tampered with any meter, monitoring device or method used or required by the Wastewater Department;
 - (c) Manipulated sampling, inspecting, or other monitoring to hide actual or potential violations of these Wastewater Regulations;
 - (d) Has a history of noncompliance that has not abated after receiving a notice of noncompliance, order, or penalty from the Wastewater Department;

- (e) Has failed to comply with a notice of non-compliance, order, or ruling issued by the Wastewater Department or a court after having a reasonable opportunity to comply;
 - (f) Intentionally violated a notice of non-compliance, order or ruling issued by the Wastewater Department or a court;
 - (g) Does not have the ability to comply with Wastewater Department requirement within a reasonable period of time;
 - (h) Maintains a condition which can reasonably be expected to result in significant harm to health, safety, the environment, the public water system; or,
 - (i) Has failed to pay a penalty, betterment or fee due the Town or the Wastewater Department after receiving notice to do so.
6. An approval action shall be initiated by a notice to the applicant that:
- (a) Identifies the basis for the Wastewater Department action and the facts and circumstances upon which the Wastewater Department relies;
 - (b) Indicates whether such action is of limited, indefinite, or permanent duration; and,
 - (c) Informs the applicant of its right to request reconsideration of the approval action and that timely filing of such request will stay the approval action pending the resolution of such request. An approval action may be taken to prevent further violations, to help ensure compliance, as part of a process escalating enforcement to gain compliance, and/or as a deterrent to future violations by the applicant subject to the action.

5.12: Penalties

1. Any person who continues to violate these Wastewater Regulations after notice and/or a cease-and-desist order; or who knowingly makes false representation in an application, record, or report to the Town; or who has falsified, tampered with, or knowingly renders inaccurate any meter, monitoring device or method required under these Wastewater Regulations shall be subject to civil monetary penalty not to exceed five thousand dollars for each day of violation for any such rules or regulation, established by:
 - (a) M.G.L. Part 1, Title XIV, Chapter 83, Section 10;
 - (b) Applicable rules and regulations of the Department of Environmental Protection and the Town of Tisbury; and,
 - (c) Such penalty schedules as may from time to time be adopted by the Town through the Select Board and appended to these Wastewater Regulations.
2. For purposes of the computation of penalties, each day of a continuing violation of these Wastewater Regulations shall be deemed to be a separate violation. If a violation is intermittent, each occurrence shall be deemed to be a separate violation.
3. If the Town elects to file an enforcement action in a court of competent jurisdiction, the damages then recoverable by the Town shall not be limited to amounts recoverable under these Wastewater Regulations.
4. Pursuant to M.G.L. c. 83 §10 and §13, failure to comply with any portion of these Wastewater Regulations, or with any approval or order issued thereunder, shall be sufficient cause for the Select Board to levy on and collect from each violator any additional cost for expense, loss, or damage occasioned by such violation, including the cost of remedial or preventive actions taken by the Select board and/or the Superintendent pursuant to correcting the violation and all other related costs such as, but not limited to, those described in these Wastewater Regulations.

5.13: Appeal Process

1. Whenever the Wastewater Department issues an approval; denies, revokes, modifies, or amends any form of the approval or the 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 Wastewater Regulations, any other permit, or other lawful requirement, the Wastewater Department shall promptly inform the owner or user to whom such action is addressed.
2. Such notice shall be sent first-class mail return receipt requested 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 Wastewater Department's action. A request for reconsideration shall be addressed to the Select Board and shall set forth in detail the facts supporting it. Such a request shall not have any effect to stay or delay the Wastewater Department's action, unless the Superintendent provides otherwise in writing mailed to the entity making the request.
3. Upon receiving a timely request for reconsideration, the Superintendent shall schedule a conference with the Select Board and 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 Select Board shall rule in writing on the request for reconsideration within 14 days after completion of the conference. The Select Board's decision shall be final.

5.14: Preventive Measures

Each User shall provide reasonable and appropriate protection from any discharge, including accidental discharges or potential to discharge in violation of these Regulations.

5.15: Confidentiality of Data and Documents

All information and data regarding any User, whether obtained from reports, questionnaires, permit applications, permits, monitoring programs, or inspections shall be maintained in accordance with the Massachusetts Public Records Law.

5.16: Severability Clause

If any regulation, rule, subdivision, sentence, clause, or phrase of these regulations and rules is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity and enforcement of the remaining portions of these regulations and rules.