

## Chapter 18 - WATER AND SEWERS AND SEWAGE DISPOSAL

(Charter reference--Department of public works to be responsible for the functions and services of the city relative to waste disposal, sewers, and water supply, Ch. X, Art. 2, Sec. 2. Cross references--Buildings and building regulations, Ch. 7; fire prevention and protection, Ch. 8; food and food establishments, Ch. 9; garbage and trash, Ch. 10; health and sanitation, Ch. 11; housing, Ch. 12; streets and sidewalks, Ch. 16.)

Art. I. In General, Secs. 18-1--18-11

Art. II. Water, Secs. 18-12--18-21

Art. III. Sewers and Sewage Disposal, Secs. 18-22--18-34

### ARTICLE I. IN GENERAL

#### **Sec. 18-1. Covering unused wells and cesspools.**

Any person owning land in the city within which there is located a well or a cesspool, which such owner does not use for a consecutive period of thirty (30) days, shall, at the expiration of such period, cover such well or cesspool with a cover so constructed as to bear a live load of one thousand (1,000) pounds and as not to be removable by children. (Ch. No. 2526, Sec. 8, 5-4-70)

#### **Sec. 18-2. Written approval from the department of public works required before a well can be driven on private property within the city.**

Every person or group of persons, whether as individuals or as a business or corporation, must submit to the Woonsocket Department of Public Works, for approval, plans for any and all wells driven on private property, including those previously connected.

Said plans will include a plot plan, stamped by a professional land surveyor, showing all standing buildings and ground contours as they exist on the proposed well site.

The submitted plan must include assessor's plat and lot numbers.

The director of public works, or his authorized designee, will review the submitted plans for conflict with existing water, sewer, etc., installations, and other pertinent matters.

When satisfied with the acceptability of the proposed location, the director will issue, in writing, his approval of the project. There shall be no charge to the applicant for this service. (Ch. No. 5110, Sec. 1, 5-1-89)

#### **Secs. 18-3--18-11. Reserved.**

## ARTICLE II. WATER

(State law references--Water supply, G.L. 1956, Sec. 39-15-1 et seq.; waters and navigation, G.L. 1956, Sec. 46-1-1 et seq.; water pollution, G.L. 1956, Sec. 46-12-1 et seq.; public drinking water supply, G.L. 1956, Sec. 46-13-1 et seq.; contamination of drinking water, G.L. 1956, Sec. 46-14-1 et seq.)

### **Sec. 18-12. Rates, rules and regulations of waterworks division.**

(a) The director of public works of the city is hereby authorized to prepare rates, rules and regulations for the waterworks division of the public works department for the purpose of standardizing service, maintenance and repairs, extensions and renewals, capital improvements, so as to make service uniform for water consumers.

(b) Such rates, rules and regulations of the waterworks division are made a part hereof by reference, marked "Exhibit A" and have the force and effect of an ordinance.

The provisions embodied in such "Exhibit A" shall become effective on the dates set forth in such exhibit.

(c) There shall be a backflow prevention device, as approved by the director of public works, installed on all new water service lines two (2) inches in size and over. Said city-approved device shall be installed and maintained by the property owner at no cost to the city. Once installed, the device shall be inspected and repaired once a year by a certified backflow preventor serviceman at the owner's expense. It shall be incumbent upon the property owner to furnish a copy of the annual inspection/repair report of the backflow device to the director of public works. The present list of suggested manufacturers of backflow prevention devices shall be Hersy, Watts, Febco and Neptune.

(d) All contractors installing water lines and/or mains into and through city parks and other publicly owned property and buildings are hereby required to have all underground pipes, connections, meters, and related equipment inspected and approved by a representative of the director of the department of public works prior to backfilling. Failure to do so will result in the contractor being required to excavate, at the contractor's expense, all covered lines and elements to ensure approval and adherence to department installation requirements.

(Ch. No. 1431, Secs. 1, 2, 1-18-60; Ch. No. 5111, Sec. 1, 5-1-89; Ch. No. 6138, Sec. 1, 9-18-95)

Editor's note--"Exhibit A" is on file, in pamphlet form, in the office of the city clerk.

Section 1 of Ch. No. 5457, adopted July 1, 1991, stated that "Payment terms for all water bills shall be revised to read due thirty (30) days after date of billing."

### **Sec. 18-13. Water meters and water meter repair parts.**

(a) It is hereby declared to be for the best interests of the city that water meters and water meter repair parts be standardized.

(b) The director of public works is hereby empowered to determine and select the make and type of water meters and water meter repair parts so to be standardized.

(c) The purchasing agent of the city is hereby authorized and empowered to order and purchase such standardized water meters and water meter repair parts without the requirement of competitive bidding.

(d) This section is hereby declared to be an exception to section 3, chapter VIII of the Home Rule Charter which provides that all purchases made on behalf of the city shall be by competitive bidding but with such exceptions as may be provided for by ordinance.

(Ch. No. 1004, Secs. 1--4, 12-16-53)

### **Sec. 18-14. Director of public works to advise council of certain water connections.**

The director of public works shall advise the city council, in writing, prior to any new customer being added to the Woonsocket Water System and when it is anticipated that such new water system will utilize in excess of twenty-five thousand (25,000) gallons of water per day (average daily demand).  
(Ch. No. 5150, Sec. 1, 7-3-89)

Editor's note--Ch. No. 5150, adopted July 3, 1989, did not specifically amend this Code; hence, inclusion of Sec. 1 as Sec. 18-4 was at the discretion of the editor.

### **Sec. 18-15. Termination of water service for nonpayment of charges.**

(a) The city council authorizes the city treasurer to terminate water supply service on any account for the nonpayment of all sewer user fees, charges and assessments due to the user charge collection fund, after a minimum period of ten (10) days from the date payment was due, and to conduct these water shutoffs by providing notice and termination of service in accordance with the rules and regulations governing the termination of water services as issued by the State of Rhode Island's Division of Public Utilities and Carriers (PUC).

(b) In addition to the principal and interest amounts that remain due, the city shall also collect a termination fee of fifteen dollars (\$15.00) together with a fifteen dollar (\$15.00) fee for the restoration of water service prior to the restoration of service.

(c) When water service is to be discontinued to a residence occupied by a tenant, the tenant may, after paying the fees, charges and assessments in order to restore or prevent termination of service, deduct the amount due from the rent due the landlord. The tenant shall provide the landlord with a copy of the receipt from the city when making a deduction from the rent.

(Ch. No. 5672, Secs. 1--3, 11-2-92)

Editor's note--Ch. No. 5672, adopted Nov. 2, 1992, did not specifically amend this Code; hence, inclusion of Secs. 1--3 as Sec. 18-15 was at the discretion of the editor.

### **Secs. 18-16--18-21. Reserved.**

## ARTICLE III. SEWERS AND SEWAGE DISPOSAL

(Editor's note--Ch. No. 3455, Sec. 1, adopted Jan. 16, 1978, specifically amended the Code by revising Art. III to read as herein set out. Former Art. III, Secs. 18-22--18-25, 18-31--19-34, 18-45--18-55, which pertained to the same subject matter, had been derived from Rev. Ords. 1928, Ch. 28, Secs. 1--5; Ch. No. 1099, Sec. 1, 4-2-56; Ch. No. 1797, Secs. 1, 2, 6-17-63; Ch. No. 1939, Sec. 1, 12-21-64; Ch. No. 1960, Sec. 1, 2-15-65; Ch. No. 2152, Sec. 1, 5-15-67; Ch. No. 2661, Sec. 1, 5-3-71; and Ch. No. 2839, adopted Nov. 20, 1972.)

### Sec. 18-22. Definitions.

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

- (1) BOD (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter.
- (2) Building drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building extending to a point five (5) feet outside the inner face of the building wall and thereat connects to the building sewer.
- (3) Building sewer shall mean the extension from the building drain to the public sewer.
- (4) The word city, or any other word in common usage designating a legally constituted unit of local government, shall mean the City of Woonsocket, Rhode Island.
- (5) Director shall mean the director of public works of the City of Woonsocket, or his authorized agent or representative.
- (6) Director of health shall mean the director of health of the State of Rhode Island, or his authorized agent or representative.
- (7) Domestic wastewater shall mean wastewater discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings or institutions. It may not contain groundwater, surface water, or stormwater.
- (8) Dwelling unit shall mean a house, an apartment, a group of rooms, or a single room occupied or intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants: Have either (1) direct access from the outside of the building or through a common hall, or (2) complete kitchen facilities for the exclusive use of the occupants. The occupants may be a single family, one person living alone, two (2) or more families living together, or any other group of related or unrelated persons who share living arrangements.
- (9) Easement shall mean an acquired legal right for the specific use of land owned by others.

- (10) Environmental protection agency shall mean the municipal facilities branch of the Environmental Protection Agency, Region I, Boston, Massachusetts.
- (11) Equivalent dwelling unit is an industrial, commercial or institutional building which contributes to the sewerage system an amount of domestic wastes equal or less than that of a dwelling unit.
- (12) Floatable oil is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated prior to entry into the collection system and the wastewater does not interfere with the collection system.
- (13) Garbage shall mean animal and vegetable wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.
- (14) Industrial wastes shall mean the liquid wastewaters from industrial manufacturing processes, trade, or business as distinct from domestic sanitary wastes.
- (15) Inspection division shall mean the director of public safety and/or his authorized agent or representative.
- (16) Natural outlet shall mean any outlet into a watercourse, pond, ditch, lake, or other body or surface of water.
- (17) Person shall mean any individual, firm, company, association, society, corporation or group.
- (18) pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (19) Plumbing inspector shall mean the plumbing inspector of the City of Woonsocket, Rhode Island.
- (20) Properly shredded garbage shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.
- (21) Public sewer shall mean a sewer to which all owners of abutting properties have equal rights, and is controlled by public authority.
- (22) Rhode Island Department of Health shall mean the Rhode Island Department of Health, Division of Water Pollution Control, Providence, Rhode Island.
- (23) Sanitary sewer shall mean a sewer which carries only sewage to which storm, surface and groundwaters are not intentionally admitted or allowed.
- (24) Sewage shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments. The preferred term is "wastewater".
- (25) Sewage treatment plant shall mean any arrangement of devices and structures used for treating sewage. The preferred term is "wastewater treatment works", subparagraph (38).

- (26) Sewage works shall mean all public facilities for collecting, pumping, treating and disposing of the effluent. The preferred term is "wastewater facilities".
- (27) Sewer shall mean a pipe or conduit for carrying wastewater or drainage water.
- (28) Shall is mandatory; "may" is permissive.
- (29) Slug shall mean any discharge by any person of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period or duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation by said person.
- (30) Storm drain (sometimes termed "storm sewer") shall mean a sewer or drain which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- (31) Suspended solids shall mean solids that either float on the surface, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- (32) Superintendent shall mean the "superintendent of wastewater facilities, and/or of wastewater treatment works, and/or of water pollution control" of the City of Woonsocket, or [his/her] authorized deputy, agent or representative.
- (33) Unpolluted water is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards, and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided. See section 18-26 (i) for test procedure.
- (34) User shall mean that individual or property owner whose property is connected to the sewage works and/or capable of connection when a public sewer is in proximity to the property.
- (35) Watercourse shall mean a natural or artificial channel for the passage of water either continuously or intermittently.
- (36) Wastewater shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.
- (37) Wastewater facilities shall mean the structures, equipment and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.
- (38) Wastewater treatment works shall mean an arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant", or "wastewater pollution control plant".
- (39) Billing period shall mean that period of time coinciding with the City of Woonsocket fiscal year. (Ch. No. 3455, Sec. 1, 1-16-78)

### **Sec. 18-23. Use of public sewers required.**

(a) Unlawful deposits of wastes. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Woonsocket, or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.

(b) Unlawful discharges. It shall be unlawful to discharge to any natural outlet within the City of Woonsocket, or any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

(c) Required installation of toilet facilities. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley or right-of-way, in which there is now located or in the future may be located a public sanitary sewer of said town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within ninety (90) days after the date of official notice from the city to do so, provided that said public sewer is determined to be accessible and available by the director. An accessible public sewer shall mean one that physically abuts a property.

(d) Appeal of service charges. Individual users may appeal the reasonableness of the service charges imposed upon them. A prerequisite to any appeal shall be the payment under protest of the full service charge. The appeal procedure shall include the following: A three (3) part appeal hierarchy in ascending order of:

- (1) Division engineer;
- (2) Director of public works;
- (3) Mayor.

A letter of appeal shall be received by the city by the date the payment is due. The first, and each following, appeal shall be held within fifteen (15) days and a ruling provided within fifteen (15) days.

(e) Plats of streets. The director of public works shall cause a detailed plat to be made of all the streets or parts of streets in which drains and sewers have been or shall be ordered to be constructed by the city council, together with the land of the abutters thereon liable to assessment, which plat shall also show the location of the drains and sewers in the respective street or streets, the diameter thereof, and such other information connected therewith as he may deem proper, and all said plats shall be properly arranged, indexed, and carefully preserved in the office of the director of public works, and shall be open to the examination of all the taxing citizens of the city at all reasonable times.

(f) Reports. The director of public works shall make a full report quarterly to the city council of all important matters relative to his department, and shall make further report thereof as aforesaid at all other times when he may deem it necessary or shall be thereto requested by the city council, or by either branch thereof. Such special reports shall, as far as may be, cover all matters mentioned in the request therefor, and said quarterly report shall contain, among other matters appropriate thereto, a detailed statement of:

- (1) All work begun, prosecuted or finished in the construction or preparation of maindrains and common sewers since the last report, and in what street or streets the same has been done;
  - (2) A general statement of all sewer assessments made since the last report, the amount thereof, and the street and streets upon which the assessed estates abut;
  - (3) All recommendations of the extension of the sewer system of the city which they shall think to be necessary and also all information respecting said sewer system, its operation and the extent of its use which they may deem to be of general interest to the taxpayers of the city.
- (g) Control of sewers. All existing public main drains and common sewers shall be under the control of said director of public works, who is hereby authorized to make use of the same in connection with the general system to sewers whenever advisable and practicable.
- (h) Acquiring property. Said director of public works is hereby authorized and directed to confer with the owner or owners of any tract of land or any estate, right of interest therein necessary to be acquired in establishing a system of sewerage in this city, to ascertain the lowest price for which the same can be acquired, and to report in writing as soon as possible with their recommendation to the city council. (Ch. No. 3455, Sec. 1, 1-16-78)

### **Sec. 18-24. Private sewage disposal.**

- (a) Connection to public sewer. When a public sewer becomes available, the building sewer from a private on-site sewage disposal system shall be connected to said public sewer and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt within sixty (60) days, or such other time as specified by the inspection division.
- (b) Private disposal systems. Where a public sanitary sewer is not accessible under the provisions of section 18-23(c), the building sewer shall be connected to a private wastewater disposal system complying with the requirements of the City of Woonsocket and the Rhode Island Department of Health.
- (c) Permits for private disposal systems. Before commencement of construction of a private wastewater disposal system the owner(s) shall first obtain a written permit signed by the inspection division. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the inspection division. A permit and inspection fee shall be paid to the city at the time the application is filed. (See also section 18-25(a).)
- (d) Inspection of private disposal systems. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the inspection division. The inspection division shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the inspection division when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the inspection division.
- (e) Type, capacities, etc., of private disposal systems. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of the Rhode Island



Department of Health.

(f) Operation of private disposal systems. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at all times, at no expense to the city.

(g) Additional requirements of department of health. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Rhode Island Department of Health. (Ch. No. 3455, Sec. 1, 1-16-78)

### **Sec. 18-25. Building sewers and connections.**

(a) Permit fees. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first receiving permission from the city council by ordinance. The owner or his agent shall make application for a permit on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the director. A permit and inspection fee of fifteen dollars (\$15.00) for a single-family residence; and twenty-five dollars (\$25.00) for a commercial, multifamily or industrial building producing only sanitary sewage; and one hundred dollars (\$100.00) for other industrial buildings, shall be charged. Sewer permit fees shall be paid to the city at the time application is filed. One (1) copy of the permit shall be available for inspection at all times at the site of the work.

(b) Directors' power to adopt rules and regulations. The director is hereby empowered to make and adopt such written rules and regulations as may be necessary for the proper enforcement of the provisions of this article, to establish a procedure for the application and issuance of permits to make sewer connections, to protect and indemnify the city from damages and loss, to interpret and to secure the intent of this article.

(c) Expenses for building sewers. All costs and expenses incident to the installation, maintenance, use and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(d) Building sewer connections. A separate and independent building sewer shall be provided for each and every building to be connected. The director may, upon written approval, allow more than one (1) building on one (1) estate to utilize one (1) connection. Buildings on separate estates, regardless of ownership, not connected independently must make application, complete all necessary changes and be in conformance with this section prior to the time of the next sale of each and every building. Where there are existing easements for sewer connections across abutting properties, the director of public works may waive the requirement of separate and independent sewer lines upon a finding of a valid existing easement and that the existing sewer line was approved by the department of public works at the time of its construction. The city does not and will not assume any obligations or responsibility for damages caused by or resulting from any such single connection aforementioned.

(e) Construction of building sewers. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the city. (See paragraphs (g) and (h) of this section.)

- (f) Connection to building sewer. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means approved by the inspection division and discharged to the building sewer.
- (g) Building drains. Building drains shall not be less than four (4) inches in diameter. The grade shall be at least one-quarter (1/4) inch per foot for four (4) inch sewers, and shall not be less than one-eighth (1/8) inch per foot for larger sizes. Building sewers which do not have a cleanout in the direct line of the pipe to the street sewer will not be allowed to discharge. Pipe material for such building drains shall be in accordance with the city building code.
- (h) Building sewers. The following materials and sizes shall be allowed for building sewers: six-inch (minimum) diameter, extra strength vitrified clay pipe, ASTM Specification C700 (or as amended) with compression neoprene joints, ASTM Specification C425 (or as amended); four-inch (minimum) diameter, extra-heavy cast-iron soil pipe, ASTM Specification A74 (or as amended) with rubber gasket joints, ASTM Specification C564 (or as amended); four-inch (minimum) diameter, ductile iron sewer pipe, ASTM Specification A746 (or as amended) with rubber gasket joints, ASTM Specification C564 (or as amended); or four-inch (minimum) diameter by twelve-and one-half foot (maximum) lengths, installed at a minimum depth of three (3) feet, type PSM, PVC (polyvinyl chloride) sewer pipe, ASTM Specification D3034 (or as amended) and (standard dimension ratio) SDR-35 with joints using a rubber sealing ring, ASTM Specification D1869. The joint at the "building drain" shall be caulked and leaded or an equivalent joint as accepted by the inspection division. The property owner(s) shall be responsible for determining the suitability of any of the above for their application.
- (i) Surface runoff connection. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer. All such existing connections shall be removed at once at the owner's expense.
- (j) Connection of building sewer to public sewer. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rule and regulations of the city. All such connections shall be made gastight and watertight.
- (k) Building sewer inspection. The applicant for the building sewer permit shall notify the director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the director.
- (l) Excavation for building sewers. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work after issuance of a permit to occupy or excavate the public right-of-way shall be restored in a manner satisfactory to the city.
- (m) Sample application forms. A sample application form, sewer permit form, and permit to occupy public right-of-way for the classes of permits for sewer service are [on file and available for public inspection in the office of the city clerk.] These forms must be filed with the department of public works, engineering division.
- (n) Sewer taxes. Whenever a sewer main shall be constructed or extended in any street or highway in the city under a joint participation agreement between the public works department of the city and the

owner or owners of any or all estates abutting upon that portion of such street or highway in which such sewer shall be constructed or extended, whereby such abutting owner or owners shall at his or their own expense perform or engage a private contractor to perform a portion of the work required in such construction or extension, then and in such case, the sewer tax shall be abated to the extent of the fair value of the work performed by such abutting estate's owner or owners on that portion of such street or highway which abuts such estate or estates. In all such cases, the director of public works shall compute the fair value of such work, taking into consideration the cost records in the department of public works, together with prevailing rates of contractors in this area for the performance of the type of work involved, and he shall certify the amount so computed to the finance director, who is hereby authorized and empowered to make such abatement; provided, however, that nothing herein contained shall be construed as to authorize any payment by the city to any estate owner or owners performing work under the provisions of this section, the fair value of which exceeds the amount of such assessment; and, it is further provided that the provisions of this section shall apply to any estate owner or owners who heretofore have performed such work under such an agreement upon presentation of proper proof of such performance to the director of public works, and in such case, the director of public works shall compute the fair value of such work as herein provided, and shall certify such amounts to the finance director, who is hereby authorized and empowered to abate or rebate any sewer tax assessed against such estate owner or owners.

(o) Damages resulting from connections. When any assessment shall be made upon any land for the expense of constructing any sewer, the owner of the land so assessed shall have the right to connect such land with such sewer under such general rules and regulations as the city council, by ordinance, shall prescribe, upon executing to the city a release of all damages which may at any time happen to such estate in any way resulting from such connection.

(p) Liability insurance. No permit under this article shall be issued unless a certificate of property damage and bodily injury liability insurance is on file or presented to the director. Said liability insurance shall indemnify and hold harmless the city for an amount not less than one hundred thousand dollars (\$100,000.00) for each occurrence, and three hundred thousand dollars (\$300,000.00) aggregate.

(q) All contractors installing sewer connections and/or mains into and through city parks and other publicly owned buildings are hereby required to have all underground lines, connections, meters, and related equipment inspected and approved by a representative of the director of the department of public works prior to backfilling. Failure to do so will result in the contractor being required to excavate, at the contractor's expense, all covered lines and elements to ensure approval and adherence to department installation requirements.

(Ch. No. 3455, Sec. 1, 1-16-78; Ch. No. 3739, Sec. 1, 5-5-80; Ch. No. 4189, Sec. 1, 9-19-82; Ch. No. 4681, Sec. 3, 3-2-7; Ch. No. 5387, Sec. 1, 2-4-91; Ch. No. 5938, Sec. 1, 8-1-94; Ch. No. 6138, Sec. 2, 9-18-95)

## **Sec. 18-26. Use of the public sewers.**

(a) Prohibited water discharges. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, unpolluted cooling water or unpolluted industrial process waters to any sanitary sewer.

(b) Discharging to storm drains or natural outlets. Stormwater and all other unpolluted drainage shall be discharged to such drains as are specifically designated as storm drains, or to a natural outlet

approved by the director. Unpolluted industrial cooling water or process waters may be discharged, on approval of the director, to a storm drain or natural outlet.

(c) Prohibited discharges to public sewers. The following substances shall be prohibited from discharges to any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas, whether natural or synthetic.

(2) Any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity as determined by the director, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant or collection system.

(3) Any waters or wastes having a pH lower than 5.0 S.U., or higher than 11.0 S.U., or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works, as determined by the director.

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

(d) Limited discharge to public sewers. The following described substances, materials, waters or waste shall be limited in discharges to municipal systems to concentrations or quantities approved by the director which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the director are as follows:

(1) Wastewater having a BOD in excess of two hundred fifty (250) milligrams per liter, suspended solids in excess of three hundred (300) milligrams per liter, COD in excess of seven hundred fifty (750) milligrams per liter, and/or having a temperature higher than one hundred-fifty (150) degrees Fahrenheit (sixty-five (65) degrees Celsius).

(2) Wastewater containing more than one hundred (100) milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.

(3) Wastewater containing floatable oils, fats, grease or detergents.

(4) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from establishments where garbage originates from the preparation of food.

(5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable heavy metals or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the director, the Rhode Island Department of Health, or the U.S. Environmental Protection Agency for such materials.

(6) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the director, the Rhode Island Department of Health or the U.S. Environmental Protection Agency.

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the director, the Rhode Island Department of Health, or the U.S. Environmental Protection Agency.

(8) Quantities of flow, concentrations, or both, which constitute a "slug", as defined in section 18-22 (29) herein.

(9) Waters or wastes containing substances as determined by the director which are not amenable to treatment or reduction by the biological wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(10) Any water or wastes which, by interaction with other water or wastes, in the public sewer system release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition physically deleterious to structures and treatment processes as determined by the director.

(e) Pretreatment and use of facilities.

(e)1. General provisions.

Applicability. This article shall apply to all nondomestic users of the City of Woonsocket Wastewater Facility's publicly owned treatment works (the "POTW" or "facility") which discharge directly or indirectly into the POTW's sanitary sewer system. In addition, it shall be unlawful for any nondomestic user located outside the city limits to continue discharges to the POTW except as provided in subsection (e)3.1.4.

(e)1.2. Definitions. This article supplements section 18-22 "Definitions"; and unless the context specifically indicates otherwise, the following terms and phrases shall have the meanings hereinafter designated:

Act or the Act: The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

Approval authority: The director in an NPDES state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

Authorized representative of industrial user: An authorized representative of an industrial user may be: (1) a principal executive officer of at least the level of vice-president, if the industrial user is a corporation; (2) a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; (3) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

Categorical standards: National Categorical Pretreatment Standards or pretreatment standard.  
City: The City of Woonsocket, Rhode Island.

**Direct discharge:** The discharge of treated or untreated wastewater into the City of Woonsocket wastewater treatment facility.

**Director or director of public works:** The director of the department of public works for the City of Woonsocket, or his designee.

**Environmental Protection Agency or EPA:** The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

**Facility or facilities:** See "Publicly Owned Treatment Works (POTW)."

**Grab sample:** A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

**Holding tank waste:** Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

**Indirect discharge:** The discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the Act (33 U.S.C. 1317), into the facility (including holding tank waste discharged into the facility).

**Industrial user (IU) or user:** A source of nondomestic waste. Any nondomestic source discharging pollutants to a POTW.

**Interference:** A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- a. Inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use, or disposal; and
- b. Therefore is a cause of a violation of any requirement of the POTW's RIPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research, and Sanctuaries Act (40 CFR 403.3).

**National Categorical Pretreatment Standard or pretreatment standard:** Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 13471) which applies to a specific category of industrial users.

**National Pollution Discharge Elimination System (NPDES) Permit or Rhode Island Pollution Discharge Elimination System (RIPDES) Permit:** A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342) by the EPA or the state. The terms may be used interchangeably in this article.

**Nondomestic user:** Any person who discharges, causes, or permits the discharge of wastewater from

any facility other than a residential unit.

Operator: The person responsible for the overall operation of a facility.

Owner: The person who owns a facility or part of a facility.

Pass-through: A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's RIPDES permit (including an increase in the magnitude or duration of a violation) (40 CFR 403.3(n)).

Person: Any individual, association, partnership, corporation, municipality, state, federal agency or any agent or employee thereof.

Pollutant: Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

Pretreatment or treatment: 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 facility. The reduction or alteration can be obtained by physical, chemical or biological processes, for process changes or other means, except as prohibited by 40 CFR section 403.6(d).

Pretreatment coordinator: The coordinator of the industrial pretreatment program for the City of Woonsocket, or his designee.

Pretreatment requirement: Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

Publicly owned treatment works (POTW): The facility defined by section 212 of the Act (33 U.S.C. 1292) owned by the city, including any sewers that convey wastewater to the facility and includes any sewers that convey wastewaters to the facility from persons outside the city or who are by contract or agreement with the city users of the facility.

POTW treatment plant: That portion of the POTW designed to provide treatment to wastewater.

Significant industrial user (SIU):

a. All dischargers subject to categorical pretreatment standards under 40 CFR chapter I, subchapter N; and

b. All noncategorical dischargers that, in the opinion of the city, have a reasonable potential to adversely affect the POTW's operation, or that contribute a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or that discharge an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW. However, the city need not designate as significant any noncategorical industrial user that, in the opinion of the city and with the agreement of the approval authority, has no potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement. Any noncategorical industrial user designated as significant

may petition the city to be deleted from the list of significant industrial users on the grounds that it has no potential for adversely affecting the POTW's operation or violating any pretreatment standard or requirement.

**Standard Industrial Classification (SIC):** A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

**Toxic or priority pollutant:** Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of CWA 307(a) or other acts.

**User:** Any person who contributes, causes or permits the contribution of wastewater into the facility.

**Wastewater discharge permit:** A document issued by the city as set forth in these rules and regulations.

(e)1.3. Abbreviations. The following abbreviations shall have the designated meanings:

ASTM --American Society for Testing & Materials

BOD --Biochemical oxygen demand

CFR --Code of Federal Regulations

CWA --Clean Water Act

COD --Chemical oxygen demand

EPA --Environmental Protection Agency

l --Liter

mg --Milligrams

mg/l --Milligrams per liter

NPDES --National Pollutant Discharge Elimination System

POTW --Publicly owned treatment works

SIC --Standard Industrial Classification

SWDA --Solid Waste Disposal Act, 42 U.S.C. 6901 et seq.

USC --United States Code

TSS --Total suspended solids

WPCF --Water Pollution Control Federation



(e)2. Pretreatment questionnaire.

(e)2.1. Industrial user pretreatment questionnaire. All industrial users, including significant industrial users and metered industrial users discharging wastewater, industrial wastes, water or other liquid into the city's facility, shall be required to file with the city an industrial user pretreatment questionnaire on a form furnished by the city.

All persons required to pretreat wastewater in accordance with these rules and regulations shall complete an industrial user pretreatment questionnaire and provide any monitoring reports required by the EPA, certified by an authorized representative of the user, indicating whether or not applicable pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards and requirements. If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, a schedule shall be developed by the user, with the approval of the city, to indicate when the user will provide such additional pretreatment. The completion date in the schedule shall not be later than the compliance date established for the applicable pretreatment standards.

(e)2.2. Questionnaire verification. When in the judgment of the city, verification of data reported on the industrial user pretreatment questionnaire and/or any monitoring reports required by the EPA is desirable, wastewater discharges from an industry may be sampled by the city. Wastewater samples may be collected by the city on a periodic or continuous basis as required to verify reported data. The analytical information obtained from such sampling, if substantially different from reported data, may be used in lieu of the information reported by the user. If deemed necessary, an extended, comprehensive sampling program may be conducted after notice to the user by the city to obtain additional wastewater data necessary for verification of reported data. The analytical results obtained from said program may also be used in lieu of reported values for each wastewater discharge. If a comprehensive sampling program is deemed necessary, all equipment installation, sampling and analysis costs shall be borne by the user in accordance with a preset fee schedule. The hours of operation of any gauging or sampling station shall be the time required, as approved by the city, to obtain representative samples of the effluent discharged and to conduct necessary analytical examination of the samples collected.

(e)2.3. Provision for monitoring. All significant industrial users shall provide a suitable manhole or other appurtenance in the building sewer or other suitable location to facilitate observation, sampling and measurement of all of the wastes discharged from the user's premises or regulated processes. Such sampling or metering points shall be accessible and safely located and shall be designed and constructed in a manner approved by the city. The sampling and metering points shall be provided and maintained by the user at his expense and shall be safe and accessible at all times.

(e)2.4. Right of monitoring. Any duly authorized employee or representative of the city shall have the right, upon presentation of proper credentials, to enter appropriate areas of any industrial user's property, without prior notice, for the purpose of installing, inspecting, observing and/or operating any and all devices necessary to conduct a gauging and/or sampling operation for determining the user's compliance with the provisions of these rules and regulations. While performing the work, the city employee or representative shall be accompanied by a user representative who shall assure that all applicable safety rules are being observed by the city employee or representative.

(e)2.5. Applicable charges and fees: The applicable charges or fees to provide for the recovery of

costs associated with implementation and enforcement of these regulations shall be set forth in the city's policy concerning pretreatment charges and fees. These fees shall be in addition to charges for normal use of the facility and shall be established from time to time by the director of public works.

(e)3. Industrial wastewater discharge permits.

(e)3.1. Permit requirements.

(e)3.1.1. All nondomestic users must notify the pretreatment coordinator of the nature and characteristics of their wastewater prior to commencing their discharge in accordance with requirements of the pretreatment coordinator. Federal categorical users may be subject to specific requirements imposed in 40 CFR 403.12. The pretreatment coordinator is authorized to prepare a form for this purpose.

In addition to the user charge classification authorized by section 18-30, the city shall classify industrial wastes into ten (10) categories according to the nature of their wastes, as follows:

Category description:

Category 1. Industries subject to Federal EPA Categorical Standards.

Category 2. Industries discharging toxic substances/prohibited pollutants, but who are not subject to Federal EPA Categorical Standards.

Category 3. Industries discharging or having the potential to discharge conventional (BOD, TSS, pH, oil and grease, fecal coliforms) pollutant loads in sufficient quantities to cause violation of RIPDES permit limits.

Category 4. Industries with sanitary or nontoxic discharges using solvents, toxic and/or hazardous chemicals that could potentially be discharged to the sewers.

Category 5. Industries discharging only sanitary wastes and/or nontoxic discharges.

Category 6. Dry industries, with no waste discharges to the sewers, using solvents, toxic and/or hazardous chemicals.

Category 7. Dry industries with no waste discharges to the sewers.

Category 8. Any institution, as described in the below listed subcategories, discharging or having the potential to discharge any infectious waste:

Subcategory: 8(A) Hospitals

8(B) Nursing homes

8(C) Any other medical facilities

Category 9. Any restaurant discharging or having the potential to discharge any pollutant to the sewer system.

Category 10. Any commercial establishment discharging or having the potential to discharge any pollutant to the sewer system not described in any preceding category.

(e)3.1.2. It shall be unlawful for significant industrial users to discharge wastewater, either directly or indirectly, into the city's sanitary sewer system without first obtaining an industrial user pretreatment permit from the pretreatment coordinator. Any violation of the terms and conditions of an industrial user pretreatment permit shall be deemed a violation of this section. Obtaining an industrial user pretreatment permit does not relieve a permittee of its obligation to obtain other permits required by federal, state, or local law.

(e)3.1.3. The pretreatment coordinator may require that other industrial users, including liquid waste haulers, obtain industrial user pretreatment permits as necessary to carry out the purpose of this section.

(e)3.1.4. New industrial users located beyond the city limits shall submit such applications to the pretreatment coordinator ninety (90) days prior to discharging into the sanitary sewer. Upon review and approval of such application, the pretreatment coordinator may enter into a contract with the user which requires the user to subject itself to, and abide by this section, including all permitting, compliance monitoring, reporting and enforcement provisions herein.

(e)3.1.5. Existing connections. Any significant industrial user which discharges nondomestic waste into the sanitary sewer system prior to the effective date of this section and who wishes to continue such discharges in the future shall, within ninety (90) days after said date, apply to the city for an industrial user pretreatment permit and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days from and after the effective date of this section except in accordance with a permit issued by the pretreatment coordinator.

(e)3.1.6. New connections. Any significant industrial user proposing to begin or recommence discharging nondomestic wastes into the sanitary sewer system must obtain a pretreatment permit prior to beginning or recommencing such discharge. An application for this permit must be filed at least ninety (90) days prior to the anticipated start up date. At the time of start-up, any new industrial user must be in compliance with and abide by this section, including all permitting, permit limitations, compliance monitoring, reporting, and enforcement provisions herein.

(e)3.2. Permit application.

(e)3.2.1. In order to be considered for a pretreatment permit, all industrial users required to have a permit must submit the following information on an application form approved by the pretreatment coordinator:

a. Name, address and location (if different from the address).

b. Standard Industrial Classification (SIC) code of both the industry as a whole and any processes for which federal categorical standards have been promulgated.

c. Wastewater constituents and characteristics including any pollutants in the discharge which are limited by any federal, state, or local standards; sampling and analysis will be undertaken in accordance with 40 CFR part 136.

- d. Time and duration of the discharge.
  - e. Daily maximum, daily average, and monthly average wastewater flow rates, including daily, monthly, and seasonal variations, if any.
  - f. Description of activities, facilities and plant processes on the premises, including a list of all raw materials and chemicals used at the facility which are or could accidentally or intentionally be discharged to the POTW.
  - g. The site plans, floor plans, and mechanical and plumbing plans and details to show all sewers, floor drains and appurtenances by size, location and elevation.
  - h. Each product produced by type, amount, process or processes, and rate of production.
  - i. Type and amount of raw materials processed (average and maximum per day).
  - j. Number and type of employees, and hours of operation of plant and proposed or actual hours of the facility.
  - k. Whether additional operation and maintenance (O & M) and/or additional pretreatment is required for the user to meet all applicable federal, state and local standards. If additional pretreatment and/or O & M will be required to meet the standards, then the industrial user shall indicate the shortest time schedule necessary to accomplish installation or adoption of such additional treatment and/or O & M. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:
    - (i) This schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, begin operation, and routine operation). No increment referred to in paragraph a above shall exceed nine (9) months, nor shall the total compliance period exceed eighteen (18) months.
    - (ii) No later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the pretreatment coordinator including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the pretreatment coordinator.
  - 1. Any other information as may be deemed by the pretreatment coordinator to be necessary to evaluate the permit application.
- (e)3.2.2. All plans required in subsection (e)3.2.1 must be certified for accuracy by a Rhode Island registered professional engineer.
- (e)3.2.3. All applications must contain the following certification statement and be signed in accordance with paragraph a, b, c or d below:

"I certify under penalty of law that this document and all attachments were prepared under my

direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

a. By a responsible corporate officer, if the industrial user submitting the reports is a corporation. For the purpose of this paragraph, a responsible corporate officer means:

- (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or
- (ii) The manager of one (1) or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. By a general partner or proprietor if the industrial user submitting the reports is a partnership or sole proprietorship, respectively.

c. The principal executive officer or director having responsibility for the overall operation of the discharging facility if the industrial user submitting the reports is a federal, state or local governmental entity, or their agents.

d. By a duly authorized representative of the individual designated in paragraph a, b or c of this subsection if:

- (i) The authorization is made in writing by the individual described in paragraph a, b or c;
- (ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
- (iii) The written authorization is submitted to the city.

e. If an authorization under paragraph (d) of this subsection is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (d) of this subsection must be submitted to the city prior to or together with any reports to be signed by an authorized representative.

(e)3.2.4. The pretreatment coordinator will evaluate the data furnished by the industrial user and may require additional information. After evaluation of the data furnished, the pretreatment coordinator may issue an industrial user pretreatment permit subject to terms and conditions provided herein.

(e)3.3. Pretreatment permit contents.

(e)3.3.1. Pretreatment permits shall include such conditions as are reasonably deemed necessary by the pretreatment coordinator to prevent pass-through or interference, protect the quality of the water body receiving the POTW's effluent, protect worker health and safety, facilitate POTW sludge management and disposal, protect ambient air quality, and protect against damage to the POTW collection system or plant. Permits may contain but need not be limited to, the following:

- a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- b. Limits on the average and/or maximum concentration, mass or other measure of identified wastewater constituents or properties;
- c. Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate or prevent the introduction of pollutants into the treatment works;
- d. Development and implementation of spill control plans or other special conditions, including additional management practices necessary to adequately prevent accidental, unanticipated or routine discharges;
- e. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
- f. Requirements for installation and maintenance of inspection and sampling facilities;
- g. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules;
- h. Compliance schedule;
- i. Requirements for submission of technical reports or discharge reports;
- j. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the pretreatment coordinator and affording the pretreatment coordinator, or his representatives, access thereto and copies thereof;
- k. Requirements for notification of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater being introduced into the POTW;
- l. Requirements for the notification of any change in the manufacturing and/or pretreatment process used by the permittee;
- m. Requirements for notification of excessive, accidental or slug discharges.
- n. Other conditions as deemed appropriate by the pretreatment coordinator to ensure compliance with this section and state and federal laws, rules and regulations; and
- o. A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal pretreatment standards, including those which become effective during the term of the permit.

(e)3.4. Permit issuance process.

(e)3.4.1. Permit duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than five (5) years, at the discretion of the pretreatment coordinator.

(e)3.4.2. Public notification. The pretreatment coordinator will publish in the largest daily newspaper in the service area, notice of intent to issue a pretreatment permit, at least fourteen (14) days prior to issuance. The notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted.

(e)3.4.3. Permit appeals. The pretreatment coordinator will provide all interested persons with notice of final permit decisions. Upon notice by the pretreatment coordinator, any person, including the industrial user, may petition to appeal the terms of the permit within ten (10) days of the notice.

a. Failure to submit a timely petition for review shall be deemed to be a waiver of the appeal.

b. In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to be placed in the permit.

c. The effectiveness of the permit shall not be stayed pending a reconsideration by the director or his designee. If, after considering the petition and any arguments put forth by the pretreatment coordinator, the director or his designee determines that reconsideration is improper, it shall remand the permit back to the pretreatment coordinator for reissuance. Those permit provisions being reconsidered by the pretreatment coordinator may be stayed at the discretion of the pretreatment coordinator pending reissuance.

d. The director's decision not to reconsider a final permit shall be considered final administrative action for purposes of judicial review.

e. Aggrieved parties seeking judicial review of the director's action must do so by filing a complaint with the Superior Court for Providence County within thirty (30) days of receipt of the decision.

(e)3.4.4. Permit action. The pretreatment coordinator may modify the permit for good cause, including, but not limited to, the following:

a. To incorporate any new or revised federal, state or local pretreatment standards or requirements;

b. Material or substantial alterations or additions to the discharger's operation processes, or discharge volume or character which were not considered in drafting the effective permit;

c. A change in any condition in either the industrial user or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

d. Information indicating that the permitted discharge poses a threat to the city's collection and treatment systems, POTW personnel, or the receiving waters;

e. Violation of any terms or conditions of the permit;

- f. Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting;
- g. Revision of or a grant of variance from such categorical standards pursuant to 40 CFR 403.13 by EPA or the approval authority;
- h. To correct typographical and other errors in the permit;
- i. To reflect transfer of the facility ownership and/or operation to a new owner/operator;
- j. Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(e)3.4.5. Permit transfer. Permits may not be reassigned or transferred to a new owner and/or operator.

(e)3.4.6. Permit termination. Pretreatment permits may be terminated for the following reasons:

- a. Falsifying self-monitoring reports;
- b. Tampering with monitoring equipment;
- c. Refusing to allow timely access to the facility premises and records;
- d. Failure to meet effluent limitations;
- e. Failure to pay fines;
- f. Failure to pay sewer charges; and
- g. Failure to meet compliance schedules.

(e)3.4.7. Permit reissuance. The user shall apply for permit reissuance by submitting a complete permit application a minimum of ninety (90) days prior to the expiration of the user's existing permit.

(e)3.4.8. Continuation of expired permits. An expired permit will continue to be effective and enforceable until the permit is reissued if:

- a. The industrial user has submitted a complete permit application at least ninety (90) days prior to the expiration date of the user's existing permit; and
- b. The failure to reissue the permit, prior to the expiration of the previous permit, is not due to any act or failure to act on the part of the industrial user.

(e)3.4.9. Special agreements: Nothing in this section shall be construed as preventing any special agreement or arrangement between the POTW and any user whereby wastewater of unusual strength



or character is accepted into the POTW and specially treated and subject to any payments or user charges, as may be applicable. However, no discharge which violates pretreatment standards will be allowed under the terms of such special agreements. If, in the opinion of the pretreatment coordinator, the wastewater may have the potential to cause or result in any of the following circumstances, no such special agreement will be made:

- a. Pass-through or interference;
- b. The endangering of municipal employees or the public.

(e)3.5. Reporting requirements for premises.

(e)3.5.1. Final compliance report. Within ninety (90) days following the date for final compliance with applicable pretreatment standards, or, in the case of a new source, following commencement of the introduction of wastewater into the facility any user subject to pretreatment standards and requirements shall submit to the director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a registered professional engineer.

(e)3.5.2. Self-monitoring report.

(1) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the facility, shall submit to the director during the months of June and December, unless required more frequently in the pretreatment standard or by the director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in section 18-26(e)3.5.1. At the discretion of the director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the director may agree to alter the months during which the above reports are to be submitted.

(2) The director may impose mass limitations on users which are using dilution to meet the applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (1) of this paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and nature and concentration, or production and mass where requested by the director, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the director pursuant to section 304(g) of the Act and contained in 40 CFR, part 136 and amendments thereto or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the director.

(e)3.6. Monitoring. The city shall require to be provided, operated and maintained at the user's own expense, monitoring equipment and observation/monitoring manholes to allow inspection, sampling

and flow measurements of the building sewer and/or internal drainage systems. The monitoring equipment and manholes shall be situated on the user's property.

There shall be ample room in or near such sampling manhole or equipment to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring equipment shall be provided in accordance with the city requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the city.

(1) Additional monitoring by permittee. If the permittee monitors any pollutant more frequently than required by his permit, the results of such additional monitoring shall be included in the permittee's self-monitoring reports.

(2) Quality control/quality assurance (QC/QA). Any permittee that performs their own in-house analysis for reporting purposes shall be subject to a laboratory inspection which will include the review of all quality control records. The permittee will also be required to participate in the pretreatment divisions QC/QA testing program.

(e)3.7. Inspection and sampling. The city shall inspect the equipment of any user to ascertain whether the purpose of this section is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The city, Rhode Island Department of Environmental Management and/or EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, RIDEM, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(e)3.8. Pretreatment. Users shall provide necessary wastewater treatment as required to comply with this section and shall achieve compliance with all federal and local pretreatment standards within the time limitations as specified by the Federal Pretreatment Regulations. Any equipment required to pretreat wastewater to a level acceptable to the city shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment equipment and operating procedures shall be submitted to the city for review and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the equipment as necessary to produce an effluent acceptable to the city under the provisions of this section. Any subsequent changes in the pretreatment equipment or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.

(e)3.8.1. Annual publication. A list of all industrial users which were subject to enforcement proceedings during the twelve (12) previous months shall be annually published by the city in the largest daily newspaper within its service area. Accordingly, the permittee is apprised that noncompliance with this permit may lead to an enforcement action and may result in publication of its

name in an appropriate newspaper in accordance with this section.

All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.

(e)3.9. Confidential information. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this section, the Rhode Island Pollutant Discharge Elimination System (RIPDES) permit and/or the pretreatment program; provided, however, that such portions of a report shall be available for use by the state or state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(e)4. General discharge requirements and prohibitions.

(e)4.1. General discharge pollutants. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the facility. These general prohibitions apply to all such users, whether or not the user is subject to National Categorical Pretreatment Standards or other national, state or local pretreatment standards or requirements. A user may not contribute the following substances into the facility:

(a) Any liquids, solids or gases which, by reason of their nature or quantity, are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the facility including any pollutants which create a fire or explosion hazard, including those with a closed cup flashpoint of [It] 140 degrees F. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the facility (or at any point in the facility), be more than five (5) percent nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, and any other substances which the city, the state or the EPA has notified the user is a fire hazard or a hazard to the facility.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the facility, such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residue, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(c) Any wastewater having a pH less than 5.0 s.u. or greater than 11.0 s.u.

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard

to humans or animals, create a toxic effect in the receiving waters of the facility or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to section 307(a) of the Act.

(e) Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(f) Any substance which may cause the effluent or any other products of the facility, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged into the facility cause noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Act, or any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(g) Any substance which will cause the city to violate its NPDES and/or state disposal system permit or the receiving water quality standards.

(h) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, etc.

(i) Any wastewater having a temperature which exceeds sixty-five (65) degrees Celsius (150 degrees F).

(j) Any pollutants, including oxygen-demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the facility. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration, quantities or flow during normal operation.

(k) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the director in compliance with applicable state or federal regulations.

(l) Any wastewater which causes a hazard to human life or creates a public nuisance.

(m) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(n) Any water or wastes which, by interaction with other water or wastes in the interceptor, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

(o) Any corrosive water or wastes or any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution, whether neutralized or not.

(p) Any water or waste which by itself or by interaction with other materials, emits chemical contaminants into the atmosphere of any confined area of the wastewater system at levels in excess of Short Term Exposure Limit - Threshold Limit Value (STEL-TLV) established for airborne contaminants by the American Conference of Governmental Industrial Hygienists (ACGIH) or the National Institute for Occupational Safety and Health.

(q) The attainment of specific levels for discharge to municipal sewers by dilution in the absence of treatment shall be prohibited.

(r) Any ground, storm and surface waters, roof runoff, subsurface drainage, uncontaminated cooling water, and uncontaminated industrial process waters.

(s) Any wastewater in excess of permit limits set by the city in the user's wastewater discharge permit. Permit limits established by city subject to review and approval by the pretreatment approval authority, pursuant to federal and state pretreatment regulations, and may be modified only with approval by the pretreatment approval authority, Rhode Island Department of Environmental Management. The volume and concentration of contributions from users may be subject to more stringent requirements by the city so that the aggregate contribution within the city's facilities do not cause odor problems, treatment or collection system difficulties, or produce a wastewater or treatment facility effluent, air emission or sludge discharge in violation of the limits and requirements of applicable federal and state regulations.

(t) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW which may cause acute worker health or safety problems.

(e)4.2. Federal Categorical Pretreatment Standards. Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this section for sources in that subcategory, shall immediately supersede the limitations imposed under this section. The director shall notify all affected users of the applicable reporting requirements under 40 CFR, section 403.12.

(e)4.3. Specific pollutant limitations.

A. The following described substances, materials, waters, or waste shall be limited in discharges to the POTW to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment; will not have an adverse effect on the receiving stream; or will not otherwise endanger lives, limb, public property, or constitute a nuisance. In forming its opinion as to the acceptability, the cell will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials or construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sewer which shall not be violated without approval of the city are as follows:

1. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (65 degrees Celsius); however, the temperature at the POTW influent shall not exceed forty (40) degrees Celsius (104 degrees Fahrenheit).

2. Materials which exert or cause:

(a) Unusual concentration of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate), and wastewaters having suspended solids concentrations in excess of three hundred (300) mg/l.

(b) Wastewaters having BOD concentrations in excess of two hundred fifty (250) mg/l and COD in excess of seven hundred fifty (750) mg/l, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

3. [Deleted by Ch. No. 5327, Sec. 1.7, 9-4-90.]

4. Waters or wastes containing fats, wax, grease or petroleum oils, nonbiodegradable cutting oils, or products of mineral oil origin, vegetable or animal origin as measured by freon extraction in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees Fahrenheit or zero (0) degrees Celsius, and one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Celsius. Waters or wastes containing such substances, excluding normal household waste, shall exclude all visible floating oils, fats and greases, notwithstanding the provisions of subsection 1 above. The use of chemical or physical means (such as temperature variation, emulsifying agents, mechanical mixers) to bypass or release fats, oils and greases into the municipal sewerage system is prohibited.

Grease, oil, and sand interceptors shall be provided by the user generating such wastes when, in the opinion of the director, they are necessary for the proper handling of flammable wastes, sand, or other harmful ingredient; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the director and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the person generating the wastes shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the director. Any removal and hauling of the collected materials not performed by generating user's personnel must be performed by currently licensed waste disposal firms.

B. Limits established in this section may be modified and the volume and concentration of contributions from users may be subject to more stringent requirements by the city so that the aggregate contribution within the city's facilities do not cause odor problems, treatment or collection system difficulties, or produce a wastewater or treatment facility effluent, air emission or sludge discharge in violation of the limits and requirements of applicable federal and state regulations.

C. In any instance in which federal and/or state requirements or limitations are more stringent than the limitations set forth in these rules and regulations, said requirements and limitations on discharges shall be met by all users subject to such requirements or limitations.

D. Notwithstanding the limitations set forth in article 18-26(e)4.3 above, a special temporary permit or amendment to an existing permit between the city and the user may be issued whereby a waste of unusual character or strength may be accepted on an interim basis when, in the opinion of the city, unusual or extraordinary circumstances compel special terms and/or conditions of temporary durations. Such permit or amendment will be issued only when, in the opinion of the city, it would not cause any interference with or disruption in the biological treatment works, would not violate the NPDES permit or state water quality standards, or would not force additional controls on other dischargers to achieve compliance with effluent limitations. The waiver of federal pretreatment

standards shall not be permitted unless such waiver is granted by mechanisms established under the general pretreatment regulations.

E. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any industrial user whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment, therefore, by the industrial concern, provided that such agreements do not contravene federal and state pretreatment standards and regulations and section 18-26(e)4.1 of the regulations nor cause the city to violate its NPDES and/or state disposal system permit or the receiving water quality standards.

(e)4.4. Remedies. If any wastewater is discharged to the city's facilities in violation of the prohibitions described in sections 18-26(e)4.1 and 18-26(e)4.2, the director may in his sole discretion:

(a) Reject the wastes;

(b) Require a discharger to demonstrate and implement those in-plant modifications which will reduce or eliminate the discharge of such substances to conform to these rules and regulations.

(c) Require pretreatment, including storage facilities or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances, so that the discharge will not violate these rules and regulations;

(d) Require controls to be installed which will regulate the quantities and rates of discharge;

(e) Require payment to the city to cover its added cost of handling, monitoring, and treating the wastes;

(f) Revoke a discharger's permit; and

(g) Take any other administrative sanctions, enforcement actions, and remedial actions as may be desirable, necessary, or permitted to achieve the purpose of these regulations.

Any plans, specifications, and other pertinent data, or information relating to such pretreatment or flow-control facilities shall first be submitted to the city and other appropriate regulatory agencies for review and approval. Such approval shall not exempt the discharge or such facilities from compliance with any applicable code, ordinance, rule, regulation, or order of any governmental authority. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to and prior approval of the city.

(e)4.5. State requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this section.

(e)4.6. Rights of revision. The city reserves the right to establish further rules and regulations, more stringent limitations or requirements on discharges to the facility if deemed necessary to comply with the objectives presented in article 18-26(e)1.1 of these rules and regulations.

(e)4.7. Excessive discharge. No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the city.

(e)4.8. Accidental discharges (spill prevention control and counter-measure plan.) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by these rules and regulations. Equipment to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing equipment and operating procedures to provide this protection shall be submitted to the city for review, and shall be approved by the city before construction. All existing users shall complete such a plan within ninety (90) days of the effective date of this program. No user who commences contribution into the facility after the effective date of this section shall be permitted to introduce pollutants into the facility until accidental discharge procedures have been approved by the city. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's equipment as necessary to meet the requirements of these rules and regulations. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the city of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(e)4.9. Written notice (spill/slug discharge report). Within five (5) days following an accidental discharge, the user shall submit to the director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage to the facility, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

(e)4.10. Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(e)5. Administration.

(e)5.1. Administration. Except as otherwise provided herein, the director of the city shall administer, implement and enforce the provisions of these rules and regulations. Any power granted or duties imposed upon the director may be delegated by the director to persons in the employ of the director.

(e)5.2. Monitoring.

(a) The permit holder shall make measurements, including but not limited to flow rates, flow volumes, BOD and suspended solids concentrations as well as concentrations of other particular constituents of their industrial wastewater discharges, at their own expense, as frequently as necessary to comply with the terms and conditions of each permit issued hereunder.

(b) All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made in this regulation shall be determined in accordance with the most recent U.S. Environmental Protection Agency approved methods and procedures (40 CFR part 403 and 40 CFR part 136), and shall be determined at the control manhole provided or at any other suitable sampling site. Sampling shall be carried out by accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine the duration and type of sampling which shall be conducted.

(c) The city may require any permit holder to construct and maintain a wastewater monitoring facility



of a design or configuration acceptable to the city sufficient to accomplish monitoring requirements as set forth in the permit.

(d) The sampling, analysis and flow measurement procedures, equipment, data and test results shall be subject at any reasonable time to inspection by the city; and copies of said data and test results shall be provided to the city upon request. Flow measurement systems and all appropriate equipment shall be regularly calibrated in accordance with procedures acceptable to the city.

(e)5.3. Variations between actual and reported industrial wastewater parameters. Should measurements or other investigations indicate that the industrial wastewater discharger has discharged wastewater, the constituents of which are significantly different in quantity or quality from those stated by the discharger, the city shall notify the discharger and require that the discharger furnish all information in his possession relevant to the apparent variance.

(e)5.4. Inspectors. Adequate identification shall be provided for all city inspectors and other authorized personnel, and these persons shall identify themselves when entering any property for inspection purposes.

(e)5.5. Consent to access. Authorized personnel of the city shall be provided reasonable access to all equipment directly or indirectly connected to the facility at all times, including those occasioned by emergency conditions.

(e)5.6. Rate schedule for industrial wastewater dischargers. Industrial dischargers shall be billed in accordance with the prevailing schedule of rates.

(e)5.7. Notices. Unless otherwise provided herein, any notice required to be given by the city under these rules and regulations shall be in writing and served in person or by certified mail or telegram to the last address of the discharger shown in the records of the city.

(e)5.8. Time limits. Any time limit provided in any written notice, or in any provision of these rules and regulations, may be extended only by written directive.

(e)5.9. Partial invalidity. If the provisions of any paragraph, section, article or portion of these rules and regulations are declared unconstitutional, unenforceable, or invalid by the final decision of any court of competent jurisdiction, the provisions of the remaining paragraphs, sections or articles of these rules and regulations shall continue in full force and effect, and shall not be affected thereby.

(e)6. Enforcement provisions.

(e)6.1. Authority. These enforcement provisions are adopted under the authority of chapter 379 of the Public Laws of Rhode Island, January Session, 1984; chapter 144 of the Public Laws of Rhode Island, January Session, 1990, section 45-6-23; and chapter 46-12 of the General Laws of Rhode Island, 1956 (1988 reenactment) as amended; and chapter 42-35 of the General Laws of Rhode Island, 1956 (1988 reenactment), as amended.

(e)6.1.2. Intermunicipal authority. In addition to the authority cited in sub-section (e)6.1 the provisions of this section are extended to the Town of Bellingham, Massachusetts, under the authority of Massachusetts General Laws chapter 83, section 1-24, chapter 517 of the Acts of the Massachusetts Legislature of 1973; chapter 55 of the Acts of the Massachusetts Legislature of 1988; chapter 227 of the Acts of the Massachusetts Legislature of 1992; and agreements entered into by the City of

Woonsocket, Rhode Island, and the Town of Bellingham, Massachusetts.

(e)6.2. Administrative enforcement remedies.

(e)6.2.1. Notification of violation. Whenever the pretreatment coordinator finds that any user has violated or is violating this section, or a wastewater discharge permit or order issued hereunder, the pretreatment coordinator or his agent may serve upon said user written notice of the violation. Within ten (10) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the pretreatment coordinator. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.

(e)6.2.2. Consent orders. The pretreatment coordinator is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to subsection 6.2.3 below.

(e)6.2.3. Compliance order. When the pretreatment coordinator finds that a user has violated or continues to violate the ordinance or a permit or order issued thereunder, he may issue a compliance order to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

(e)6.2.4. Cease and desist orders. When the pretreatment coordinator finds that a user has violated or continues to violate this section or any permit or order issued hereunder, the pretreatment coordinator may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

(a) Comply forthwith,

(b) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(e)6.2.5. Administrative fines. Notwithstanding any other section of this section, any user who is found to have violated any provision of this section, or permits and orders issued hereunder, shall be fined in an amount not to exceed twenty-five thousand dollars (\$25,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the pretreatment coordinator shall have such other collection remedies as he has to collect other service charges. Unpaid charges, fines, penalties and costs shall constitute a lien against the individual user's property and the real estate from which the discharge originates. Users desiring to dispute such fines must file with the pretreatment coordinator a written request within ten (10) days of being notified of the fine, for a hearing to show cause why the fine is excessive or should not be imposed in accordance with the provisions of subsection 6.3.

(e)6.2.6. Emergency suspensions.

(a) The pretreatment coordinator may suspend the wastewater treatment service and/or wastewater discharge permit of a user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW or the environment.

(b) Any user notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the pretreatment coordinator shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The pretreatment coordinator shall allow the user to recommence its discharge when the endangerment has passed. Unless the termination proceedings set forth in subsection 6.2.7 are initiated against the user.

(c) A user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the pretreatment coordinator prior to the date of the hearing described in paragraph (b) above.

(e)6.2.7. Termination of permit. Significant industrial users proposing to discharge into the POTW must first obtain a wastewater discharge permit from the pretreatment coordinator. Any user who violates the following conditions of this section or a wastewater permit or order, or any applicable state or federal law, is subject to permit termination:

(a) Violation of permit conditions;

(b) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(c) Failure to report significant changes in operations or wastewater constituents and characteristics;

(d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling;

(e) Failure to pay penalties, fees, costs, or surcharge.

Noncompliant users will be notified of the proposed termination of their wastewater permit and be offered an opportunity to show cause under subsection 6.3 of this section why the proposed action should not be taken.

(e)6.2.8. Costs. In addition to such administrative, civil or criminal fines as may be imposed, any user who violates any provision of these rules and regulations or any condition or limitation of a permit, or plan approval related thereto, shall be financially responsible and liable to the city, in addition to normal service charges and surcharges for industrial investigation and monitoring of compliance with these rules and regulations, including, but not limited to, the following:

(a) Cost of mileage and labor incurred in detecting and correcting the violation;

(b) Laboratory analysis costs associated with detecting and correcting the violation;

- (c) Additional treatment costs caused by the violation or associated with detecting and correcting the violation;
- (d) Costs of any additional equipment acquired or expended by the city for detecting or correcting the violation;
- (e) Repair and/or replacement of any part of the facility damaged by the violation;
- (f) Any liability, damages, fines or penalties incurred by the city as a result of the violation;
- (g) Other costs as are associated with the detecting and correcting of the violation.

(e)6.3. Show-cause proceedings.

(e)6.3.1. Right to request hearing. Any compliance order or assessment of penalty shall inform the user that a written request for a hearing on the alleged violation, order and/or penalty may be filed with the pretreatment coordinator within ten (10) days after service of the notice. The notice will be deemed properly served upon a user if a copy thereof is served upon him or her personally, or sent by registered or certified mail to his or her last-known address, or if he or she is served with notice by any other method of service now or hereafter authorized in a civil action under the laws of the state. If no written request for a hearing is made to the pretreatment coordinator within ten (10) days of the service of notice, the notice and its provisions and any penalty assessed will automatically take effect; and such failure to request a hearing will constitute an admission of all facts alleged in such notice and a waiver of the user's right to a hearing on the factual allegations and provisions in the compliance order and assessment of penalty.

(e)6.3.2. Conduct of hearing.

(a) If a user upon whom a compliance order and/or assessment of fine has been served under the provisions of this section requests a hearing before the director of public works within ten (10) days of the service of the compliance order and/or assessment of fine, the director of public works shall set a time and place for the hearing, and shall give the user requesting that hearing at least five (5) days' written notice thereof.

(b) After the hearing, the director of public works may make findings of fact and shall sustain, modify or withdraw the compliance order and/or assessment of fine. If the director sustains or modifies the compliance order or assessment, that decision shall be deemed an order and shall be served upon the person responsible in any manner provided for the service of the compliance order or assessment. The order shall state a time within which the violation shall be remedied, and the original time specified in the notice of violation shall be extended to the time set in the order.

(c) Whenever an order has become effective, whether automatically where no hearing has been requested or upon decision following hearing, the director of public works or the pretreatment coordinator may institute injunction proceedings in the superior court of the state for enforcement of the order and for appropriate temporary relief. The remedy provided for in this section shall be cumulative and not exclusive and shall be in addition to remedies relating to the removal or abatement of nuisances or any other remedies provided by law.

(d) The director of public works may designate an individual not involved in the investigation or preparation of the city's case to act as hearing officer in his place.

(e) All hearing costs shall be paid by the user requesting the hearing.

(e)6.4. Judicial remedies. If any person discharges sewage, industrial wastes or other wastes into the wastewater disposal system contrary to the provisions of this section or any order or permit issued hereunder, the pretreatment coordinator or the director of public works, through the city attorney, may commence an action for appropriate legal and/or equitable relief in the superior court for Providence County.

(e)6.4.1. Injunctive relief. Whenever a user has violated or continues to violate the provisions of this section or permit or order issued hereunder, the pretreatment coordinator or the director of public works, through counsel, may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the user. The pretreatment coordinator or the director of public works shall have such remedies to collect these fees as it has to collect other sewer service charges.

(e)6.4.2. Civil penalties.

(a) Any user who has violated or continues to violate this section, or any order or permit issued hereunder, shall be liable to the city for a civil penalty of not more than twenty five thousand dollars (\$25,000.00) plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above-described penalty and damages, the city may recover reasonable attorney's fees, court costs and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

(b) The pretreatment coordinator or the director of public works shall petition the court to impose, assess and recover such sums. In determining the amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, and the compliance history of the user.

(e)6.4.3. Criminal prosecution.

Violations generally. Any user who willfully or with criminal negligence violates any provision of this section or any orders or permits issued hereunder shall, upon conviction, be punished by a fine not to exceed twenty five thousand dollars (\$25,000.00) per violation per day or imprisonment for not more than thirty (30) days or both.

Falsifying information. Any user who knowingly makes any false statements, representations or certifications in any applications, record, report, plan, or other document filed or required to be maintained pursuant to this section, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this section shall, upon conviction, be punished by a fine of not more than twenty five thousand dollars (\$25,000.00) per violation per day.

(f) Requirements for traps or collectors. Grease, oil, and sand traps or collectors shall be provided when, in the opinion of the director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such traps and collectors shall not be required for single-family dwellings. All traps and collectors shall be of a type and capacity approved by the director and shall be located as to be readily

and easily accessible for cleaning and inspection.

(g) Maintenance of preliminary treatment or flow-equalization facilities. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(h) Observation manholes. When required by the director, the owner of any property to be serviced or presently serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the director. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. All industries discharging to a public sewer shall perform such monitoring of their discharge as the director may require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the director. Such records shall be made available to other agencies having jurisdiction over discharges to the receiving water upon request by the director.

(i) Laboratory analysis of wastes. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined by a certified laboratory in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, at no cost to the city. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the director.

(j) Changes in discharge by Class I users. Class I users as defined in section 18-30 shall notify the director at least forty-five (45) days prior to any changes in existing discharge or proposed new discharge.

(k) Acceptance of wastewater of unusual strength. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the director and any person whereby a wastewater of unusual strength or character may be accepted by the city for treatment. (Ch. No. 3455, Sec. 1, 1-16-78; Ch. No. 4327, Sec. 1, 9-4-84; Ch. No. 4354, Sec. 1(B), (C), 11-19-84; Ch. No. 4488, Secs. 1.2--1.10, 11-18-85; Ch. No. 5053, Sec. 1, 12-5-88; Ch. No. 5327, Secs. 1.1--1.9, 9-4-90; Ch. No. 5446, Sec. 1, 7-1-91; Ch. No. 5773, Sec. 1, 6-21-93; Ch. No. 6691, Sec. 1, 2-7-00)

### **Sec. 18-27. Protection from damage.**

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to the penalties set forth in section 18-29. Said penalties shall be in addition to all costs of restitution. (Ch. No. 3455, Sec. 1, 1-16-78)

### **Sec. 18-28. Powers and authority of inspectors.**

(a) Permit to enter properties. The director and/or inspection division bearing proper credentials, authorizations or identifications shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article. The

director or his representative, in the enforcement of this article, shall have no authority beyond that point having a direct bearing on the kind and source of discharge to the wastewater facilities and wastewater treatment works.

(b) Information concerning industrial processes. The director is authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industrial user may withhold information considered confidential, but must establish to the satisfaction of the director that the revelation to the public of the information in question might result in an advantage to competitors and, that the waste will have no deleterious effect on the sewage treatment and collection systems.

(c) The provisions of this section shall not apply to users subject to section 18-26(e). (Ch. No. 3455, Sec. 1, 1-16-78; Ch. No. 4488, Sec. 2, 11-18-85)

### **Sec. 18-29. Penalties.**

(a) Written notice of violation. Any person found to be violating any provision of this article shall be served by the city with written notice stating the nature of the violation and providing a time limit for the satisfactory correction thereof. Said time limit shall be thirty (30) days or less as determined by the director. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) Prosecution of violators. Any person who shall continue any violation beyond the time limit provided for in paragraph (a) shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one hundred dollars (\$100.00) or imprisonment not exceeding thirty (30) days for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. The director shall have the authority to terminate the water supply of said person during the period of noncompliance with this article.

(c) Liabilities. Any person violating any of the provisions of this article shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation.

(d) The provisions of this section shall not apply to users subject to section 18-26(e). (Ch. No. 3455, Sec. 1, 1-16-78; Ch. No. 4488, Sec. 3, 11-18-85)

### **Sec. 18-30. Sewer user charge system.**

(a) User classifications. The following user classifications shall be used to distinguish between the various classes of sewer system users. The director, in his review of each application for sewer connection permits, shall determine therein the user class of each applicant.

**CLASS R--RESIDENTIAL:** Any user whose waste discharge is composed exclusively of domestic waste and who does not appear in any of the other classes.

**CLASS C--COMMERCIAL:** Any user identified in this category in the Standard Industrial Classification Manual (latest edition), office of management and labor.

**CLASS M--MISCELLANEOUS (INCLUDES INSTITUTIONAL):** Any user primarily engaged in

social or community service such as schools, churches, colleges, rest homes, hospitals and sanatoria; any public or governmental user or any user so designated.

**CLASS I--INDUSTRIAL:** Any user identified in the Standard Industrial Classification Manual (latest edition), office of management and budget, U.S. Department of Labor.

(b) Service charges. A service charge shall be made to every user annually by the city to cover the annual costs of operations, maintenance and minor capital improvements associated with replacement or repair to the wastewater sewage treatment and collection systems in accordance with the following:

(1) Class R, C, M, fiscal year 2002-2003 and until amended further. The user charge costs for Class R shall be charged on a cost per dwelling unit basis, which includes the cost for treatment of infiltration inflow and is shown below in subsection (3) of this Ordinance. The computed average allocable flow for a single dwelling unit is seventy-five thousand (75,000) gallons per year for the purpose of establishing equivalent dwelling units; said seventy-five thousand (75,000) gallons are based on direct discharge from the property with no addition for infiltration.

The user charge costs for Classes C and M shall be charged on the basis of equivalent dwelling unit except those commercial users whose waste exceeds three hundred seventy-five thousand (375,000) gallons annually, based on direct discharge. C and M users may be classified with an appropriate class by use of their water consumption data to determine the number of equivalent dwelling units contained in the property. C and M users in excess of three hundred seventy-five thousand (375,000) gallons annually of direct discharge or whose waste is metered may be classified in accordance with the foregoing procedures or may be charged at the following rate schedule per million gallons of waste directly discharged at the discretion of the Director.

Current rate per million gallons:	\$ 1,502.60	(\$10.31/1000 cu ft)
Rate effective July 1, 2002	\$ 2,886.19	(\$19.80/1000 cu ft)

Rates thereafter to be annually adjusted by the annualized percentage change in the Consumer Price Index (CPI).

(2) Class I. Industrial Class I 1 to 15 users will be charged in accordance with subsection (3) below of this Ordinance or may be charged according to metered sewage flow volumes. Industrial class users above "15" will be charged at the rate specified below per each million gallons of water used, direct wastes discharged or direct wastes metered for each billing period. Said rate shall be based on the annual O&M cost and may vary annually. Sewage meters or other flow meters may be required in accordance with section 18-26(h). The cost for treatment of infiltration/inflow shall be included in the user allocable to industries.

Current rate per million gallons:	\$ 1,502.60
Rate effective July 1, 2002	\$ 2,886.19

Rates thereafter to be annually adjusted by the annualized percentage change in the Consumer Price Index (CPI).

(3) Each user shall be classified according to the number of dwelling units or equivalent dwelling



units contained in the property as follows:

<b>Number of Dwelling Units or Equivalent Dwelling Units</b>	<b>Allocable Flow of Direct Discharge (gallons per year)</b>	<b>Minimum Annual Rate per Class FY2004*</b>
R1	--	\$228.82**
Each additional R unit	--	\$228.82
C1, M1 or I1	75,000	\$228.82
Each additional C, M or I unit	--	\$228.82

\*The costs are based on actual operations and maintenance costs and may vary annually as described in paragraph (b).

\*\*Commencing with billings for FY2004, the residential classification shall be billed four times per year with equal payments in the amount of \$57.21 due May 4<sup>th</sup>, August 5<sup>th</sup>, November 4<sup>th</sup> and February 3<sup>rd</sup> of each calendar year.

Rates thereafter to be annually adjusted by the annualized percentage change in the Consumer Price Index (CPI).

(4) Other Charges: Connection fees (all categories); septic reuse fees; annual permit fee; industrial excessive strength surcharges; permit application fees shall be increased by nine percent (9%) effective each of July 1, 2002, and each year thereafter by the annualized percentage change in the Consumer Price Index (CPI)

(Ch. No. 3455, Sec. 1, 1-16-78; Ch. No. 3478, Sec. 1, 3-20-78; Ch. No. 3580, Sec. 1, 1-15-79; Ch. No. 3670, Sec. 1, 11-19-79; Ch. No. 3675, Sec. 1, 11-23-79; Ch. No. 3820, Sec. 1, 1-19-81; Ch. No. 3950, Sec. 1, 11-16-81; Ch. No. 4064, Sec. 1, 10-4-82; Ch. No. 4082, Sec. 1, 11-16-82; Ch. No. 4562, Sec. 1, 6-16-86; Ch. No. 4762, Sec. 1, 6-15-87; Ch. No. 5250, Sec. 1, 4-2-90; Ch. No. 5350, Sec. 1, 10-1-90; Ch. No. 5446, Sec. 1, 7-1-91; Ch. No. 5620, Sec. 1, 7-6-92; Ch. No. 5772, Sec. 1, 6-21-93; Ch. No. 5938, Sec. 1, 8-1-94; Ch. No. 6139, Sec. 1, 9-18-95; Ch. 6705, Sec. 1, 4-3-00; Ch 6717, Sec. 1-2, 5-15-00; Ch. No. 6973, Sec. 1-2, 6-17-02; Ch. No. 7201, Sec. 1-3, 5-2-05)

### **Sec. 18-31. Industrial cost recovery system.**

(a) Intent. The industrial cost recovery system (ICRS) is designed to recover that portion of the capital investment of the treatment works for items such as interceptor sewers, pumping stations, and the wastewater treatment plant which has been financed by a federal grant, and shall be used to service the industrial waste discharged into the system. The ICR charges shall be payable in accordance with paragraph (c) of this section unless otherwise stipulated by federal regulations, in which case this section shall be amended to conform with said regulations. The following parameters shall be used for determining the cost to service industry: Flow, B.O.D. and suspended solids. Quantities in excess of the sewage treatment plant design loading shall be paid for on the same surcharge basis as the user charge system surcharge (section 18-30(d)).

(b) Payments. All industrial users (as defined in section 18-30) shall be required to make payments to the city based on the volume of wastes contributed to the system and other parameters as may be

required as per paragraph (a) of this section. An industrial user may reserve additional capacity beyond that which he is currently using, in which case the payment shall be based on his reserve capacity rather than that actually used. Industrial users shall advise the city, in advance, of their desire to reserve additional capacity.

(c) Payment of bills. Bills for industrial cost recovery charges shall be rendered once annually, on March first for each fiscal year, and are due and payable within thirty (30) days of issue. Penalty for nonpayment shall be in accordance with the provisions of section 18-30(e)(2).

(d) New industry. A "new" industry is one which connects to the treatment works after the treatment works have been put into service. ICR payments by a new industry shall begin on the date use is initiated, and shall continue for the unexpired portion of the ICR period, or until the industry ceases use of the facility, whichever occurs first. Total ICR recovered from a new industry shall be the federal cost of the capacity used, multiplied by the ratio of its period of use to the ICR period.

(e) Discontinued use of treatment works. If an industrial user discontinues use of the treatment works (including termination of any agreement for reserve capacity), its payment for industrial cost recovery shall cease. There is no requirement for other industries presently using the treatment works to assume the portion of the ICR payment which is unrecovered due to the departure of an industrial user. Total ICR recovered from an industry which discontinues use during the ICR period shall be the federal cost of the capacity used multiplied by the ratio of its period of use to the ICR period. An industry planning to discontinue its use of the treatment facility during the ICR period must make its intention known in the letter of intent required under 40 CFR 35.925-12.

(f) Reserve capacity. The city may permit industrial users to reserve capacity in the treatment works (including used and unused capacity). Such capacity reserved through formal, written agreement is subject to industrial cost recovery as set forth below. In such cases, the industrial user shall be required to pay the full ICR allocable to the capacity reserved. In the event that the industrial user exceeds its reserved capacity, it shall be required to pay ICR calculated on the full reserved capacity, plus additional ICR for use above the limits of the reserved capacity or any element thereof. In the event the treatment works are expanded in the future with P1 92-500 grant assistance, an industrial user who has executed a reserved capacity agreement and has made ICR payments based upon full reserved capacity will not incur additional ICR charges associated with the cost of expansion until the industrial user's actual use of the treatment works exceeds its reserved capacity. Industrial users with reserved capacity contracts shall be required to pay any additional ICR charges associated with the cost of upgrading a treatment works. Industrial users which discharge only nonprocess, segregated domestic wastes, or wastes from sanitary conveniences, shall be excluded from participating in the ICRS. The city shall credit each industry for twenty-five (25) gallons of sanitary sewage per day per employee. The city shall calculate ICRS payments on the waste discharge after pretreatment for those industries which pretreat their wastes.

(Ch. No. 3455, Sec. 1, 1-16-78)

## **Sec. 18-32. Discharge of septic tank materials.**

(a) Materials included. Septic tank materials (septage), for purposes of these regulations, includes only wastewaters derived by pumping or draining septic tanks, cesspools and other wastewater storage and treatment tanks and basins appurtenant to dwellings and commercial establishments which contain only sanitary and domestic wastes. Materials derived from pumping or draining industrial wastewater storage and treatment tanks or basins shall not be considered septic tank materials, as defined in this

article, and shall not be accepted in the sewerage system unless it is determined by the wastewater superintendent to meet the requirements of the city's "wastewater sludge policy."

(b) Licensed contractors. Commercial contractors, for purposes of these regulations, shall include only septage haulers who are currently licensed by the State of Rhode Island to haul such septage as is herein defined in conformance to all their rules and regulations. Said commercial contractor shall be required to pay a twenty-five dollar (\$25.00) per year charge to the City of Woonsocket Public Works Department, for each truck used by him to pick up and/or dump septage within the legal limits of the City of Woonsocket. Contractors not conforming to the above regulations will not be allowed to pick up or discharge septage within the legal limits of the City of Woonsocket.

(c) Hours of discharge. Hours of discharge at the wastewater treatment plant shall be between 8:00 a.m. and 3:00 p.m., Monday through Friday, excepting holidays, upon approval of the superintendent. Discharge at any other time shall be by special arrangement only and the commercial contractor shall bear all costs, as determined at the time of dumping.

(d) Customer list. The commercial contractor shall keep an accurate and complete list of names, addresses, and amount of septage pumped, of all customers pumped with every load of septage he proposes to dump at the wastewater treatment plant. A legible copy of this list must be presented to the attendant before dumping septage.

(e) Participating communities. Participating communities, for purposes of these regulations, shall be defined as Woonsocket, Rhode Island; North Smithfield, Rhode Island; Blackstone, Massachusetts; and, Bellingham, Massachusetts, after execution of an inter-municipal sewer use agreement with Woonsocket, Rhode Island; payment of their respective shares of the capital costs, interest and O&M costs to date. A participating community shall be considered nonparticipating whenever any payment due Woonsocket, Rhode Island is unpaid for a period of thirty (30) days after the billing date. All other communities shall be termed nonparticipating for these purposes.

(f) Fees. Fees for septic tank discharges shall be:

(1) Septage from participating communities shall be accepted at the wastewater treatment plant at the rate of thirty dollars (\$30.00) per one thousand (1,000) gallons' capacity of dumping vehicle, not gallons dumped.

(2) Septage from approved nonparticipating communities shall be accepted at the wastewater treatment plant at the rate of forty dollars (\$40.00) per one thousand (1,000) gallons' capacity of the dumping vehicle, not gallons dumped. To be approved by the City of Woonsocket for septage dumping privileges in its wastewater treatment plant.

(3) Should a commercial contractor propose one load of septage to dump, collected partially from participating and partially from nonparticipating [communities], the fee will be prorated according to the record furnished, and payment made accordingly.

(4) Campers, house trailers and motor homes shall be allowed to dump the contents of their waste tanks free of charge, with the approval of the superintendent.

(Ch. No. 3455, Sec. 1, 1-16-78; Ch. No. 4102, Sec. 1, 1-17-83; Ch. No. 6139, Sec. 1, 9-18-95; Ch. No. 6197, Sec. 1, 2-5-96)

### **Sec. 18-33. Extension of city sewerage system beyond city limits.**

- (a) Legislative sanction. All future extensions and connections of the sanitary sewer facilities of the city to service properties located outside the corporate limits of the city shall require individual legislative sanction of the city council.
- (b) Requirements. Each applicant for such sanitary sewer extension or connection to service property located outside the corporate limits of the city shall comply with the following requirements:
- (1) Obtain written authority from the city or town in which the extension or connection is to be made to excavate the highway and obtain permanent rights for the City of Woonsocket to maintain the extended sewer line.
  - (2) All expenses for construction and connecting to the municipal sewerage system shall be paid for by the applicant.
  - (3) The contractor retained for any such construction work must first be approved by the director of public works.
  - (4) The construction work for the same shall be subject to inspection before connection or extension to the municipal sewerage system is made, and must be done in accordance with regulations and procedures established herein by the director of public works.
  - (5) The applicant and all other abutting property owners connecting with extensions shall first enter into an agreement with the City of Woonsocket for the payment of the annual user charge as provided for in section 18-30 for the use of such municipal sewer.

In addition, any industrial cost recovery shall be paid to the city as provided in section 18-31.

- (6) The applicant and all abutting property owners (in nonparticipating communities) connecting with extensions, shall also enter into an agreement with the City of Woonsocket for the payment of the yearly minimum assessment for the use of such municipal sewer as provided for by this section, as follows:

One-family dwelling unit	\$100.00
Two-family dwelling units	160.00
Three-family dwelling units	220.00

All other types of property shall pay a two hundred twenty dollar (\$220.00) minimum rate and, if water consumption exceeds fourteen thousand (14,000) cubic feet annually, the charge will be at the rate of four dollars (\$4.00) per thousand cubic feet over and above fourteen thousand (14,000) cubic feet.

- (7) This rate schedule shall apply to all nonparticipating sanitary sewer connections from outside the city limits, both new and existing, in determining the yearly minimum assessment.
- (8) The rate schedule in this section shall apply to all real estate, the major value thereof, as

determined by the city assessor, which is taxed by any community outside the city limits.

(c) Fee. Notwithstanding the above and upon approval to connect to the sanitary sewer system in accordance with section 18-25, a connection fee shall be paid to the city prior to issuing the permit to collect. The connection fee shall be as follows:

- (1) Residential buildings (1-family): Ten dollars (\$10.00) per foot frontage of the lot(s) fronting the sewer line or a total of thirty-five hundred dollars (\$3,500.00), whichever is greater;
- (2) Residential buildings (2-family and over or cluster development): Ten dollars (\$10.00) per foot frontage of the lot(s) fronting the sewer line or a total of thirty-five hundred dollars (\$3,500.00) per unit, whichever is greater;
- (3) Commercial buildings: Ten dollars (\$10.00) per foot frontage of the lot(s) fronting the sewer line or a total of thirty-five hundred dollars (\$3,500.00) per equivalent dwelling unit of estimated wastewater flow, whichever is greater;
- (4) Industrial buildings: Ten dollars (\$10.00) per foot front of lot(s) fronting the sewer line or a total of thirty-five hundred dollars (\$3,500.00) per equivalent dwelling unit of estimated wastewater flow, whichever is greater;
- (5) Change of use or number of units: If at any time the use or number of units of a building(s) changes, the city council must be notified. Failure to notify the city council of the proposed change(s) shall result in termination of service. If the city council approves, by resolution, service to the proposed change(s), the new applicable fee shall be calculated based on the foregoing, deducting any connection fee previously paid under paragraph (c) of this section, the balance of which shall be paid to the city prior to making a new or utilizing the existing connection to the city's sanitary sewer system. There shall be no negative value fee at any time. Should the city council terminate service, any previously paid fee(s) shall not be refunded.  
(Ch. No. 3455, Sec. 1, 1-16-78; Ch. No. 3682, Sec. 1, 12-3-79; Ch. No. 4404, Sec 1, 4-15-85; Ch. No. 4451, Sec. 1, 8-5-85; Ch. No. 6139, Sec. 1, 9-18-95)

### **Sec. 18-34. Sewer assessments and connection fee.**

(a) Authorization to direct. The city council, pursuant to state law, hereby authorizes and directs the director of public works of the city to make assessments upon all estates abutting upon that portion of any street or highway in which any sewer has been or shall be constructed by or at the expense of the City of Woonsocket at the rate of fifty cents (\$0.50) for each front foot of such estate, upon such street or highway, and three-quarters of one cent (\$0.0075) for each square foot of such estate between such street or highway and a line not exceeding one hundred twenty (120) feet distant from and parallel with the line of such street or highway; provided, however, that whenever any estate is situated between two (2) streets or highways, the area upon which such assessment of three-quarters of one cent (\$0.0075) a square foot is made shall not extend to more than one-half the distance between such streets or highways; provided also, that when any estate is situated at the corner of two (2) streets or highways, or otherwise so situated as to be assessed for the expense of making a sewer in one of such streets or highways, that portion of such estate assessed for a sewer in one of such streets or highways, shall not be liable to be assessed upon its area for the cost of constructing a sewer in the other of such streets or highways, but only for its frontage upon such street or highway, and provided, also, that no estate or portion thereof shall be assessed for the construction of any sewer unless such estate or

portion thereof shall abut or be bounded upon the street or highway on which such sewer shall have been constructed or unless such estate has a right of access to such street or highway.

(b) Appeal. Individual abutting owners may appeal the reasonableness of assessments imposed upon them. The appeal procedure shall be as outlined in section 18-23 (d).

(c) Lines. All assessments made under the authority of this article shall be a lien upon the estate upon which they are made from the date upon which they are certified by the director of public works to the city treasurer for collection, and shall be due and payable one year after the certification thereof as aforesaid; provided, however, that payment of any such assessments may be made to the city treasurer in installments in manner and under the conditions following, namely: One-fifth (1/5) thereof in one year, one-fifth (1/5) in two (2) years, one-fifth (1/5) thereof in three (3) years, one-fifth (1/5) thereof in four (4) years, one-fifth (1/5) thereof in five (5) years after the certification aforesaid. At the time when each of such installments shall become due and payable as aforesaid, one year's interest on the unpaid balance of such assessment, at the rate of five (5) per cent per annum shall be due and payable. In the case of default in the payment of any of such installments when it becomes due together with the interest on the unpaid balance as aforesaid, the whole of such assessments or the unpaid balance thereof, as the case may be, shall be due and payable, and shall thereafter bear interest at the rate of six (6) per cent per annum, which assessment or the unpaid balance thereof, as the case may be, shall be due and payable, and shall thereafter bear interest at the rate of six (6) per cent per annum, which assessment or the unpaid balance thereof, together with interest as aforesaid and all expenses incurred for the collection thereof, if any there be, shall be collected as the ordinary taxes of the city are collected.

(d) Discount. Any person paying the whole of such assessments made upon any estate as aforesaid, before the expiration of one year after the same shall have been certified to the city treasurer, shall be entitled to receive and may receive a discount thereon at the rate of five (5) per centum per annum to the time such assessment is due and payable, as first aforesaid; but, if not paid when due and payable, as aforesaid, shall bear interest at the rate of six (6) per centum per annum, which assessment, together with the interest thereon as aforesaid, and all expenses incurred in the collection thereof, if any there be, shall be collected as the ordinary taxes of the city are collected.

(e) Publication of assessments due. The city treasurer, upon the receipt of the certification of any assessment by the director of public works, shall give notice when such assessment is due and payable, by publication four (4) times, once a week, in the Woonsocket Call.

(f) Notwithstanding the above and upon approval to connect to the sanitary sewer system in accordance with section 18-25, a connection fee shall be paid to the city prior to making the connection. The connection fee shall be as follows;

- (1) Residential buildings (one-family): Four hundred dollars (\$400.00);
- (2) Residential buildings (two-family and over or cluster development): Four hundred dollars (\$400.00) per unit;
- (3) Commercial buildings: Eight hundred dollars (\$800.00);
- (4) Industrial buildings: Eight hundred dollars (\$800.00);
- (5) Change of use or number of units: If at any time the use or number of units of a building(s)

changes, the new applicable fee shall be calculated based on the foregoing, deducting any connection fee previously paid under paragraph (f) of this section, the balance of which shall be paid to the city prior to making a new or utilizing the existing connection to the city's sanitary sewer system. There shall be no negative value fee at any time. Should service be terminated, any previously paid fee(s) shall not be refunded.

(6) Certificate of occupancy: The building inspector of the City of Woonsocket shall not issue a certificate of occupancy to any new building or to any existing building, the use or number of units which has changed, until all the requirements of paragraph (f) of this section have been met.

(7) Exceptions; new construction; existing connections. Except for a change of use as provided in subsection (5) above, the provisions of this subsection (f) shall apply to new construction and shall not apply, as of April 26, 1985, to:

- a. To any existing connection which may require modification, change or reconnection;
- b. Any building which existed on April 26, 1985;
- c. Any land the owners of which shall have made provisions to connect to the sewer system by providing said connection on his property as of April 26, 1985.

It is further provided that any paid connection fee which is hereby exempted shall be refunded.

(Ch. No. 3455, Sec. 1, 1-16-78; Ch. No. 4404, Sec. 2, 4-15-85; Ch. No. 4451, Sec. 1, 8-5-85; Ch. No. 4470, Sec. 1, 9-16-85; Ch. No. 4478, Sec. 1, 10-7-85; Ch. No. 4496, Secs. 1, 2, 1-21-86; Ch. No. 4529, Sec. 1, 5-5-86; Ch. No. 5384, Sec. 1, 1-22-91)

### **Sec. 18-35. Rules and regulations governing sludge-burning facilities within the city.**

Licensed facilities within the corporate boundaries of the City of Woonsocket, Rhode Island, shall abide by the following rules, regulations and restrictions.

(1) In order to control offensive odors such facilities shall provide for the covering of sludge settling tank and shall monitor potential methane buildup hazards. Each such settling tank so covered shall include a lower explosive limit (L.E.L.) audible alarm system capable of being heard in the immediate and potentially affected neighborhood area as determined by the director of public works.

(2) Each incoming truck load of sludge shall be tested in accordance with contractually specified testing protocol as developed by the director of public works. The director of public works may supplement the list of such materials to be tested by order posted three (3) days before the effective date of the implementation of such required additional testing. The director of public works shall submit to the City Council a written report on such additional testing requirements as he/she shall require. The City shall be responsible for any cost or expense in connection with such additional testing requirements, except where the facility is not being operated in a manner that is consistent with generally recognized best operations practices, in which case the facility operator shall be responsible for any cost or expense in connection with such additional testing requirements.

Written results of the test of such truck loads shall be maintained for a period of three (3) years after

the date of such tests and shall be available for inspection at reasonable hours by the director of public works or his/her representative; the director of the department of environmental management or his/her duly authorized representative; and/or such other appropriate and responsible officials as may hereafter be identified by the City Council by resolution of the City Council.

(3) All effluent water discharged by a sludge burning facility shall meet the discharge limits established as "Return Flow Standards" by the director of public works and monitoring requirements established and modified from time to time in accordance with an agreement approved by the Woonsocket City Council between the owner or operator of the sludge burning facility and the City of Woonsocket. Effluent water is taken to mean both the discharge to the river as well as water directly re-entering the Woonsocket Regional Wastewater Facility.

(4) Existing stacks shall be certified to meet the standards contained in 40 CFR (Code of Federal Regulations) Part 60, Subpart O Standards for performance of Sewage treatment plants; 40 CFR Part 61, subpart C National Emissions standards for Beryllium; 40 CFR Part 61, Subpart C National Emissions Standards for Mercury; and 40 CFR Part 503, Subpart E- Incineration. The facility shall be tested and certified to demonstrate compliance with these standards and shall operate in compliance with all applicable Rhode Island Department of Environmental Management, Office of Air Resources and United States Environmental Protection Agency Air Permits and regulations. The facility shall undergo annual emissions testing to verify proper operation of its air emissions control system.

(5) All sludge burning in place after the effective date of these rules, regulations and requirements shall have an environmental compliance officer (ECO) who shall be responsible for the monitoring and reporting of compliance with these rules, regulations and requirements, as well as those of the Rhode Island Department of Environmental Management, Office of Air Resources, and the United States Environmental Protection Agency, including all existing and future requirements. Such officer shall be on site during normal business hours and on call during off hours.

(6) All sludge burning facilities shall, through their environmental compliance officer maintain readily available reports demonstrating compliance with all requirements on the U.S. Occupational Safety and Health Administration and the equivalent state and local compliance regulations. Such records shall be made available to the director of public works and/or his/her duly authorized representative.

The director of public works may delegate such compliance monitoring duties and responsibilities, as well as the absolute authority to act in enforcement of these regulations, on a temporary basis to any appropriate official of the city.

(7) All vehicles transporting sludge materials to any sludge burning facility shall comply with the rules, regulations, policies and procedures of the Rhode Island Department of Transportation (RIDOT) and the Federal Highway Administration (FHWA). Such compliance shall extend not only to vehicle maintenance and safety, but also to RIDOT and FHWA requirements relating to proper placarding and identification of hazardous/toxic loads.

(8) Violations of any of the provisions of these rules, regulations or requirements shall be punishable by a fine of not more than one hundred dollars (\$100.00) per offense. Each separate and individual calendar day of continued violation shall constitute a separate and distinct violation. Prosecution of such offenses shall be undertaken at the request of the director of public works, or such duly appointed and authorized official as has been directed by the director of public works by the City solicitor or his assistant in the Woonsocket Municipal Court.



(11) These regulations shall not apply to any facilities being operated at the time of adoption of this section but shall apply to any upgrade, modernization, replacement or new facility.

(Ch. No. 5823, Sec. 1, 10-18-93; Ch. No. 6009, Sec. 1, 1-3-95; Ch. No. 7087, Sec. 1, 10-20-03)

### **Sec. 18-36. TIP program established.**

The "TIP" [Turn In Polluters] program is established and funded to an amount not to exceed four thousand dollars (\$4,000.00). The rules governing the program are attached to Chapter No. 5871 as Exhibit "A" and incorporated herein by reference.

(Ch. No. 5871, Sec. 1, 3-21-94)

Editor's note--Ch. No. 5871, Sec. 1, adopted Mar. 21, 1994, enacted provisions establishing a turn in polluters program. Such section did not specify manner of codification; hence, inclusion as Sec. 18-36 has been at the editor's discretion. The rules governing such program, Exhibit A, are not set out at length herein, but are on file and available for inspection in the office of the city clerk.

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