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CHAPTER 14
Sewers, Drains and Solid Waste

ARTICLE I Municipal Solid Waste Facility, Collection, and Recycling

Sec. 14-101 Title

This Article shall be known, and may be cited, as the Rockland Solid Waste Facility and Municipal Solid Waste Collection and Recycling Ordinance of the City of Rockland.

Sec. 14-102 Purpose; Applicability; Separation & Recycling

1. Purpose. The purpose of this Article is to protect the health, safety, and welfare of the citizens of Rockland, enhance and maintain the quality of the environment, conserve natural resources, and prevent water and air pollution by establishing and regulating the use of the Rockland Solid Waste Facility, and waste collection, recycling, and disposal in the City of Rockland. The Rockland Solid Waste Facility is hereby designated the public disposal facility for the depositing and disposal of Acceptable Wastes, Recyclable Material, and Construction and Demolition Debris in and for the City of Rockland.

2. Applicability. This Ordinance applies to all waste generators who are served by the Rockland Solid Waste Facility, including residents of Rockland and owners and occupants of commercial, industrial and public facilities located in Rockland, and waste generators in all other municipalities which use the MSW facility through an Inter-Local agreement. It also applies to those who are authorized to dispose of construction and demolition debris generated outside the City of Rockland.

3. Separation & Recycling. Solid waste processing and disposal in the City of Rockland shall include source separation. The separation and recycling of materials reduces disposal costs, conserves materials, energy, and natural resources, and has a long term and desirable effect on the environment. To increase participation in recycling, and thereby make solid waste handling, processing, and disposal more effective and less costly, this Ordinance makes source separation mandatory. It is the waste generator's responsibility to separate refuse, use proper, on-site storage at the home, commercial, industrial or public generation site, deliver separated refuse to the Rockland Solid Waste Facility, and properly dispose of separated refuse at the Facility.

Sec. 14-103 Definitions

1. Acceptable Wastes. Wastes that the City of Rockland is authorized by applicable law, regulation, and/or permit to accept for disposal or transfer at the Rockland Solid Waste Facility.

2. Attendant. "Attendant" means an individual, generally an employee of the City of Rockland, who is authorized to supervise and direct the day-to-day disposal of wastes and recyclable material at the Rockland Solid Waste Facility.

3. Commercial Hauler. A commercial hauler is a person or entity engaged in transporting municipal solid waste, construction and demolition debris, recyclable material, and/or other acceptable wastes from any source to the Rockland Solid Waste Facility for a fee or other consideration.

4. Commercial Waste. "Commercial waste" means solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing, non-processing activities. Commercial waste does not include household, process, industrial, or special wastes.

5. Commercial or Residential Refuse/Recyclables Collector. "Commercial or Residential Refuse/ Recyclables Collector" means a person or entity engaged in collecting for processing or disposal municipal solid waste, construction and demolition debris, recyclable material, and/or other acceptable wastes in the City of Rockland for a fee or other consideration.

6. Compost. "Compost" means a residual that has undergone a composting process. Eff: 11/04/14

7. Composting. "Composting" means the biological decomposition and stabilization of organic matter under controlled aerobic conditions of high temperature.

8. Construction and Demolition Debris. "Construction and Demolition Debris" is defined in 38 M.R.S. § 1303-C, and means debris resulting from the construction, remodeling, repair, and demolition of structures. It includes, but is not limited to, building materials, asphalt, wall board, pipe, metal conduits, mattresses, household furniture, fish nets, rope, hose, wire and cable, fencing, carpeting and underlay; it excludes asbestos and other special wastes.

9. Demolition Debris. *See* Construction and Demolition Debris.

10. DEP. The Maine Department of Environmental Protection, or other federal or state governmental department or agency having applicable regulatory authority.

11. Director. "Director" means the Director of the Rockland Solid Waste Facility, or his designee.

12. Disposal. "Disposal" is defined in 38 M.R.S. § 1303-C, and means the discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous or solid waste, sludge or septage into or on any land or water so that the hazardous or

solid waste, sludge or septage or any constituent thereof may enter the environment or be emitted into the air, or discharged into any water, including ground waters.

13. Handle. "Handle" is defined in 38 M.R.S. § 1303-C, and means to store, transfer, collect, separate, salvage, process, reduce, recover, incinerate, treat or dispose of.

14. Hazardous Waste. "Hazardous Waste" is defined in 38 M.R.S. § 1303-C, and means a waste substance or material, in any physical state, designated as hazardous by the Board of Environmental Protection under 38 M.R.S. § 1319-0. It does not include waste resulting from normal household or agricultural activities. The fact that a hazardous waste or a part or a constituent thereof may have value or other use or may be sold or exchanged does not exclude it from this definition.

15. Inert Fill. "Inert Fill" means clean soil material, rocks, bricks, and cured concrete, which are not mixed with other solid or liquid waste, and which are not derived from an ore mining activity.

16. Maine Solid Waste Laws. "Maine Solid Waste Laws" means all the laws of the State of Maine relating to the management of solid waste. It includes the "Maine Hazardous Waste, Septage and Solid Waste Management Act," Subchapters I and IA (38 M.R.S. §§ 1301, *et seq.*); 38 M.R.S. §§ 417 and 420; the Three Hundred Foot Law (38 M.R.S. § 421); the Waste Discharge Law (38 M.R.S. §§ 413, *et seq.*); and 38 M.R.S. § 591.

17. M.R.S. "M.R.S." means the Maine Revised Statutes.

18. Municipal Solid Waste. "Municipal Solid Waste" means solid waste emanating from domestic and normal commercial sources. Municipal solid waste does not include wastes removed from, or not introduced to, these waste streams and which are regulated as a "residual" under Chapter 567 of the Department of Environmental Protection's Regulations.

19. Non-Hazardous Waste. "Non-Hazardous Waste" means any solid waste, sludge or septage that is not a hazardous waste.

20. Person. Any individual, association, partnership, firm, corporation or other organization.

21. Processing Facility. "Processing Facility" means any structure, machine, device, system, or combination thereof, other than collection or transfer vehicles and incinerators, intended or operated to reduce the volume or change the chemical or physical characteristics of solid waste. Processing includes shredding, baling, mechanical or magnetic separation, composting or other techniques to reduce or otherwise change the nature of solid waste. Processing may also include recovering reusable or recyclable materials.

22. Recyclable Material. "Recyclable Material" means any raw or processed material that can be recovered from a waste stream for reuse.

23. Recycling. "Recycling" means the separating, collecting, and/or reprocessing of manufactured materials or residues for reuse either in the same form or as part of a different product.

24. Rockland Solid Waste Facility. "Rockland Solid Waste Facility" means the City of Rockland solid waste facility located at 400 Limerock Street (Tax Map 82-B-1), including any structure, container, or combination of land area, structures, or containers owned, leased, or used by the City, or operated by the City, and used for storing, salvaging, processing, reducing, composting, incinerating, and disposing of wastes.

25. Sludge. "Sludge" is defined in 38 M.R.S. § 1303-C, and means any non-hazardous solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply filtration or treatment plant, or wet process air pollution control facility, or any other waste having similar characteristics and effect, but does not include industrial discharges that are point sources subject to permitting under Section 402 of the Federal Water Pollution Control Act (the "Clean Water Act"), as amended (33 U.S.C. §§ 1251, *et seq.*).

26. Solid Waste. "Solid Waste" is defined in 38 M.R.S. § 1303-C, and means useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including by way of example, and not by limitation, rubbish, garbage, refuse derived fuel, scrap materials, junk, refuse, inert fill material, and landscape refuse, but does not include hazardous waste, biomedical waste, septic tank sludge, or agricultural wastes. The fact that a solid waste or constituent of the waste may have value or other use or may be sold or exchanged does not exclude it from this definition.

27. Solid Waste Facility. "Solid Waste Facility" means a waste facility used for the handling of solid waste. It includes any land area, structure, container, or combination of land area, structures, or containers used for storing, salvaging, processing, reducing, composting, incinerating, and disposing of wastes at or for such facility.

28. Solid Waste Disposal Facility. "Solid Waste Disposal Facility" is defined in 38 M.R.S. § 1303-C, and means any solid waste facility used for the incineration, landfilling, or other final placement of solid waste.

29. Special Waste. "Special Waste" as defined in 38 M.R.S. § 1303-C, and means any non-hazardous waste generated by sources other than domestic and typical commercial establishments that exists in such an unusual quantity or in such a chemical or physical state, or any combination, thereof, which may disrupt or impair effective waste management or threaten the public health, human safety, or the environment and requires special handling:

A. Oil, coal, wood and multifuel boiler and incinerator ash;

- B. Industrial and industrial process waste;
- C. Wastewater treatment plant sludge, paper mill sludge and other sludge waste;
- D. Debris and residuals from non-hazardous chemical spills and clean-up of those spills;
- E. Contaminated soils and dredge spoils;
- F. Asbestos and asbestos-containing waste;
- G. Sand blast grit and non-liquid paint waste;
- H. High and low pH waste;
- I. Spent filter media residue;
- J. Shredder residue; and
- K. Other waste designated a special waste by the Board of Environmental Protection.

30. Storage. "Storage" means the placement or containment of solid waste on a temporary basis in such a manner as not to constitute disposal of such waste.

31. Transfer Station. "Transfer Station" means any waste facility constructed and managed for storage and/or processing and placement of municipal solid waste in large containers or vehicles for movement to another waste facility.

32. Unacceptable Wastes. Unacceptable Wastes include the following, unless and except as allowed by DEP permit:

- A. Liquid waste, sludge, or septage;
- B. Motor vehicles and other motorized equipment;
- C. Hazardous waste, including any waste with inherent properties that make it dangerous to manage by ordinary means including, but not limited to, chemicals, explosives, pathological wastes, radioactive wastes, toxic wastes, and other wastes defined as hazardous by the State of Maine, the Resource Conservation and Recovery Act of 1976 (42 U.S.C. §§ 6901, *et seq.*), as amended, or other federal, state, or local laws, regulations, orders, or other action promulgated or taken with respect thereto;

- D. Dead bodies or animals or portions thereof, or pathological wastes;
- E. Asbestos;
- F. Offensive substances, such as sewage, sludge and special wastes; and
- G. Special wastes.

33. Universal Wastes. "Universal Wastes" means any Cathode Ray Tubes ("CRTs") such as televisions, computer monitors, and other display devices; rechargeable batteries; fluorescent and HID (high intensity discharge) lamps or lamps containing hazardous materials; mercury-containing thermostats, mercury-containing thermometers, and mercury-containing devices such as manometers and switches; and totally enclosed, non-leaking lamp ballasts not bearing the label "NO PCBs."

34. Waste Facility. "Waste Facility" as defined in 38 M.R.S. § 1303-C, and means any land area, structure, location, equipment or combination of them, including dumps, used for handling hazardous, biomedical, or solid waste, sludge, or septage. A land area or structure shall not become a waste facility solely because:

- A. It is used by its owners for disposing of septage from his residence;
- B. It is used to store (for 90 days or less) hazardous waste generated on the same premises;
- C. It is used by individual homeowners or lessees to openly burn leaves, brush, deadwood and tree cuttings accrued from normal maintenance of their residential property, when such burning is permitted under 12 M.R.S. § 9321.
- D. It is used by its residential owner to burn highly combustible domestic household trash such as paper, cardboard cartons, or wood boxes, when such burning is permitted by statute or ordinance.

35. White Goods. "White Goods" means large appliances, including, but not limited to, stoves, refrigerators, freezers, washing machines, clothes dryers, dishwashers, and air conditioners.

36. Wood Wastes. "Wood Wastes" means brush, stumps, lumber, bark, woodchips, shavings, slabs, endings, slash, and sawdust, which are not mixed with other solid or liquid waste.

37. Yard Waste. "Yard Waste" means grass clippings, leaves, and other vegetal matter other than wood waste and land clearing debris. Eff: 11/4/14

Sec. 14-104 Waste Disposal; Flow Control

No person may dispose of Municipal Solid Waste, Construction and Demolition Debris, or other Acceptable Wastes in Rockland except at a licensed solid waste facility in conformance with applicable law. All municipal solid waste generated in Rockland must be disposed of at either (A) the Rockland Solid Waste Facility, or (B) the Penobscot Energy Recovery Company in Orrington, Maine ("PERC"), designated as a component of and credited to the City of Rockland's disposals of municipal solid waste at that facility. No person may dispose of Unacceptable Wastes in Rockland except as may be permitted by the Maine Department of Environmental Protection.

Sec. 14-105 Mandatory Refuse Separation

The Director of the Rockland Solid Waste Facility, in consultation with the City Manager, shall establish a program for the acceptance, segregation, and sale or disposal of recyclable materials. No person shall place, or cause to be placed, at the Rockland Solid Waste Facility any item designated by the Director as a recyclable material unless such item is separated from such person's waste(s) and placed in the area at the Facility designated for such recyclable material.

Sec. 14-106 Salvage

All material deposited at the Rockland Solid Waste Facility shall become the property of the City of Rockland. The salvage and removal of material from the Facility is prohibited except as otherwise provided in this Ordinance or applicable rule or regulation of the Facility.

1. Wood. Any person who has a valid Rockland Solid Waste Facility permit may salvage and remove wood and wood scrap during the regular hours of operation of the Facility, at the direction and discretion of the Director or his designee. Any person salvaging or removing wood or wood scrap shall not in any way hinder, interfere with, or obstruct other persons disposing of their materials at the Facility. The Director's discretion hereunder shall include, without limitation, the authority to direct any person engaged in wood or wood scrap salvage to discontinue their activities, to resume their salvage activities at another time, and/or to leave the Facility.

2. Swap Shop. Any person may leave useable or reasonably repairable household items at the Rockland Solid Waste Facility Swap Shop, and any person holding a valid Resident, Recycling, or Seasonal Permit may remove items from the Swap Shop for personal reuse consistent with rules promulgated and posted by the Director for the Swap Shop. The Director or designee shall have sole discretion in determining whether an item or category of items is appropriate for disposal at the Swap Shop.

Sec. 14-107 Municipal Solid Waste Generated Outside the City

Except as otherwise provided herein, municipal solid waste generated outside the Rockland city limits shall not be disposed of at the Rockland Solid Waste Facility. The Rockland Solid Waste Facility may accept for disposal municipal solid waste, and other wastes, from municipalities that have contracted with the City of Rockland to use the Rockland Solid Waste Facility in a writing authorized by the City Council.

Sec. 14-108 Hours of Operation

General public access to and use of the Rockland Solid Waste Facility shall be permitted only during the hours of operation posted at the Facility and only as directed by the City Manager.

Sec. 14-109 Disposal of Construction and Demolition Debris

1. Construction and demolition debris generated in Rockland that complies with applicable DEP and Rockland Solid Waste Facility content limitations may be disposed of at the Rockland Solid Waste Facility only after recyclable material suitable for reuse is removed and segregated.

2. Outside Construction and Demolition Debris. Construction and demolition debris generated outside the City of Rockland may be accepted at the Rockland Solid Waste Facility for disposal if the debris complies with applicable DEP and Rockland Solid Waste Facility content limitations and either:

A. The City Manager has authorized the disposal of up to 500 tons of debris generated from a single, discrete construction or demolition project, or

B. The City Council has authorized the disposal of debris in excess of 500 tons from a person who has agreed to and complies with payment, volume, content, and/or other limitations or requirements approved by the Council.

3. No debris not acceptable under the City's DEP permit for disposal in the landfill may be accepted under this paragraph.

Sec. 14-110 Litter Control

1. Protection from Weather. No person shall place, or cause to be placed, at the Rockland Solid Waste Facility any refuse which, as a result of normal winds or other weather conditions, may be carried or blown around or away from the Facility.

2. Loose Material. All paper, cardboard, plastic, and other loose, light weight materials shall be flattened, bound, boxed, or bagged securely prior to being deposited at the site.

3. Dusty Debris; Leaves. Items such as leaves, sawdust, plaster, and other potentially dusty debris shall be delivered to the Solid Waste Facility in covered containers or vehicles but are not required to be deposited in containers.

4. Spillage from Vehicle. No person shall operate a vehicle upon any street in such a manner that material, rubbish, refuse, junk or litter of any kind, drips, sifts, leaks, drops, or otherwise escapes therefrom or drops upon the surface of such highway, street, or alley.

Sec. 14-111 Permits; Administration

1. Permits. Admittance to and use of the Rockland Solid Waste Facility shall be limited to residents of and owners of property in Rockland; Rockland businesses; licensed commercial or residential refuse/recyclables collectors; authorized transporters of construction and demolition debris; and other users that qualify for a permit as set forth herein. The Director or his designee shall issue permits to authorized users, and shall be responsible for assuring users' compliance with the scope of such permits. Permit fees shall be established by Order of the City Council. As a means of user control, the Director may distribute vehicle stickers to authorized users, which shall be affixed to the user's vehicle, as specified by the Director. Permits shall be valid only for the vehicle the registration numbers of which are listed on the permittees' vehicle stickers, where applicable. The Director may deny access to and use of the Rockland Solid Waste Facility to any person who fails to display a valid permit, sticker, or other pass to the Facility.

A. Resident Permits. Resident Permits shall be available to residents of Rockland and contracting communities. No person may use a Resident Permit to dispose of wastes or other materials not generated at the residential property associated with such Resident Permit.

B. Commercial Permits. Commercial Permits shall be available to the owners or managers of multi-family residential properties in Rockland, and to businesses and institutions located in Rockland, whether for-profit or non-profit.

C. Recycling Permits. Recycling Permits shall be available to Rockland residents and businesses who do not purchase a Resident or Commercial Permit but who wish to dispose of recyclable material, municipal solid waste on a pay-per-bag basis, and/or other acceptable wastes at the rates or fees for the same in the Rockland Solid Waste Facility Fee Order.

D. Seasonal Permits. Owners of seasonal, rental residential property in Rockland may obtain one Seasonal Permit per year for each dwelling, camp, cottage, or other rental dwelling unit situated on the property. Seasonal Permits are not available to inns, bed and breakfast establishments, motels, hotels, or other short term accommodations.

E. Commercial Hauler Permits. Commercial Hauler Permits shall be available to persons engaged in the collection of municipal solid waste and recyclables for a fee or other consideration, and who are licensed pursuant to Section 14-112. Only municipal solid waste collected from within Rockland, and/or from within communities that have entered into an Inter-Local Agreement with Rockland, shall be deposited at the Rockland Solid Waste Facility. Holders of Commercial Hauler Permits shall be allowed to enter the Facility during the hours that the Facility is open to the general public, and at such other times as the Director may allow, provided that they shall reimburse the City for any additional costs the City may incur for admitting the Commercial Hauler to the Facility outside normal operating hours.

F. Non-Resident Contractor Waste Disposal Permit. Non-Resident Contractor Waste Disposal Permits shall be available, upon application to the Director, to any person engaged in the business of general contractor, or any other type of building contractor, whose business is located outside the City of Rockland for the disposal of construction and demolition debris generated in the City of Rockland at the Rockland Solid Waste Facility.

G. Non-Resident Landscape Contractor Waste Disposal Permit. Non-Resident Landscape Contractor Waste Disposal Permits shall be available, upon application to the Director, to any person engaged in the business of Landscape Contractor whose business is located outside the City of Rockland for the disposal of lawn and landscaping debris (such as grass cuttings, brush, branches, limbs, and similar types of debris) generated in Rockland at the Rockland Solid Waste Facility. No person shall use a Non-Resident Landscape Contractor Waste Disposal Permit to dispose of any other type of waste, or landscaping debris from outside Rockland, at the Facility. Landscape Contractors who do not wish to purchase the annual permit may obtain a Temporary General Permit as provided herein to dispose of landscaping debris generated in Rockland as part of such permittee's landscaping business.

H. Temporary General Permit. The Director may issue, from time to time and upon application and payment of the appropriate fee and a deposit, a Temporary General Permit for admittance to the Rockland Waste Disposal Facility to any person or business for the disposal of waste generated in Rockland. Such permits shall be of limited duration, not to exceed seven days, which limitation shall be stated upon the permit. Temporary General Permits must be returned to the Director at the Rockland Solid Waste Facility within seven (7) days of their expiration, or the permittee's deposit therefor shall be forfeited. Arrangements for an extension of a Temporary General Permit must be made with the Director or his designee prior to the permit's expiration; however, in no case shall a Temporary General Permit be extended for a time period exceeding a total of twenty-one (21) days.

2. Administration.

A. Validity. Permits shall be valid only during the period indicated thereon, or for such other period as the City Manager shall determine.

B. Suspension; Revocation. The City Manager shall give notice temporarily suspending or revoking a permit upon the occurrence of one or more of the following:

(1) The permittee violates any federal or state law or regulation, or any Rockland ordinance, order, rule, or regulation governing the collection, transportation, or disposal of waste; or

- (2) The permittee violates any Rockland ordinance, order, rule, or regulation governing the Rockland Solid Waste Facility; or
- (3) The permittee is issued a permit on the basis of his residency or conduct of business in Rockland and ceases to be a resident of Rockland or to own or operate the business in Rockland, as may be applicable; or
- (4) Other good or sufficient cause.

Such notice of suspension or revocation shall state the bases for the suspension or revocation and, with respect to suspensions, the duration of the suspension.

C. Appeal. Any person may appeal the suspension or revocation of his permit to the City Council, in a writing filed with the City Clerk within thirty (30) days of the date of the notice suspending or revoking such person's permit. Upon public hearing, the City Council may affirm, reverse, or modify the suspension or revocation.

Sec. 14-112 Licensing of Commercial and Residential Refuse Collectors

1. No Commercial or Residential Refuse/Recyclables Collector shall collect, recycle, or haul municipal solid waste generated within the boundaries of Rockland without first obtaining an annual license therefor as provided herein. All licenses shall expire on June 30, unless previously revoked or suspended. Any person applying for a license shall provide satisfactory proof that such applicant has irrevocable liability insurance providing coverage of at least \$1,000,000/occurrence, and shall cause the City of Rockland to be named as an additional insured prior to disposing of any waste at the Rockland Solid Waste Facility pursuant to the license.

2. Any person seeking to obtain a Commercial or Residential Refuse/Recyclables Collector License shall present to the City Clerk a written application therefor on a form provided by the Director, accompanied by payment of a fee to be set by the Order of the City Council. If such person proposes to haul Rockland municipal solid waste directly to PERC, applicant shall present evidence of a waste hauling agreement between the applicant and PERC for the disposal of Rockland municipal solid waste collected or transported by the applicant for the period of the license sought. A Commercial or Residential Refuse/Recyclables Collector License shall be issued by the City Clerk only upon approval by the City Council. For the licensing year commencing on July 1, 2011, and for each subsequent year, a Commercial Refuse Collector license applicant must submit the application and all required supporting documentation, including but not limited to the valid existing contract with PERC, on or before April 1 immediately preceding the commencement of the license year.

3. An application for a Commercial or Residential Refuse/Recyclables Collector License shall contain the following information:

- A. Applicant's name;
- B. Applicant's residence;
- C. Address of the applicant's place(s) of business;
- D. If the applicant is a corporation, the names and addresses of each of its directors and officers;
- E. A description of the vehicles and equipment to be used, including the make, model, year of manufacture and license plate number of said vehicles and equipment;

F. A statement indicating whether applicant will be collecting, recycling, or hauling Solid Waste generated by residents, commercial activities or uses, and/or by industrial activities or uses. If the applicant intends to collect, recycle, or haul municipal solid waste generated by commercial and/or industrial activities or uses, the applicant shall describe the location of any dumpster(s) or other container(s) used by the commercial or industrial activity used to store the solid waste, together with the serial number, if any, on such dumpster(s) or container(s). No later than the 15th day of each month, each licensed Commercial or Residential Refuse/Recyclables Collector shall provide the Director with a list of changes in the application information required by this subsection, if any;

- G. A copy of the hauler's current license with DEP; and
- H. A copy of the applicant's current waste hauling agreement with PERC.

4. Upon issuance of a license hereunder, the Director also shall issue to the Commercial or Residential Refuse/Recyclables Collector for each vehicle to be used by it a Commercial Hauler Permit. All licensed Commercial or Residential Refuse/Recyclables Collectors shall comply with such rules and regulations as the City Manager may adopt from time to time; failure to comply with such rules and regulations shall be a violation of this Ordinance. The first violation of any provision or provisions of this Ordinance by a licensed Commercial or Residential Refuse/Recyclables Collector shall result in a written warning stating the violation(s) and ordering their correction within a specified time, as may be applicable.

5. All licensed Commercial or Residential Refuse/Recyclables Collectors shall pay a fee, applied by weight or volume, established by Order of the City Council, for the disposal of municipal solid waste at the Rockland Solid Waste Facility by Commercial or Residential Refuse/Recyclables Collectors. All licensed Commercial or Residential Refuse/Recyclables Collectors must pay all invoices for the same within fourteen (14) days, or may be charged interest on the unpaid portion of the invoiced

amount pursuant to the City's cash collection policy. It shall be a violation of Licensee's license and of this Ordinance to fail to pay an invoice or any portion thereof within ninety (90) days of the invoice date, subjecting such Licensee to penalties established herein or at law, and license suspension or revocation.

6. License Revocation or Suspension.

A. The City Council may deny, suspend, or revoke any Commercial or Residential Refuse/Recyclables Collector License, upon hearing, as follows:

(1) A second violation of any provision or provisions of this Ordinance by a licensed Commercial or Residential Refuse/Recyclables Collector shall result, in addition to any penalty or other relief that the City may seek, in a thirty (30) day suspension of that Commercial or Residential Refuse/Recyclables Collector's License, or if on the date of such violation said license is to expire in fewer than thirty (30) days, the revocation of said license;

(2) A third violation of any provision or provisions of this Ordinance by a licensed Commercial or Residential Refuse/Recyclables Collector shall result, in addition to any penalty or other relief the City may seek, in a six (6) month suspension of that Commercial Refuse/Recyclables Collector's license or, if on the date of such violation said license is to expire in fewer than six (6) months, the revocation of said license;

(3) A fourth violation, at any time, of any provision or provisions of this Ordinance by a licensed Commercial or Residential Refuse/Recyclables Collector of any provision or provisions of this Ordinance shall result, in addition to any penalty or other relief the City may seek, in the revocation of that Commercial or Residential Refuse/Recyclables Collector's license and in the denial of Commercial and Residential Refuse Collector's licenses for subsequent years unless and until the City Council shall determine that the Commercial or Residential Refuse/Recyclables Collector may be allowed to apply for and receive a license under this Ordinance as a result of changes in such Collector's circumstances since the time of the fourth violation; provided, however, that any further violation shall result in the permanent revocation of the Commercial or Residential Refuse/Recyclables Collector's license and his ineligibility for a license under this Ordinance in subsequent calendar years.

(4) No Commercial or Residential Refuse/Recyclables Collector's license may be suspended or revoked unless there first has been a public hearing before the City Council, following a minimum, seven (7) days' prior written notice thereof, by U.S. Mail or electronic mail, to the Commercial or Residential Refuse/Recyclables Collector.

7. Appeal. A decision of the City Council denying, suspending, or revoking a Commercial or Residential Refuse/Recyclables Collector's license may be appealed to the Board of Appeals within thirty (30) days of such decision. Such appeal shall not stay the City Council's decision or any denial, revocation, or suspension of a Commercial or Residential Refuse/Recyclables Collector's license ordered by the City Council. The Director shall inform PERC of any denial, suspension, or revocation of a Commercial or Residential Refuse/Recyclables Collector's License hereunder.

Sec. 14-113 Fees; Enforcement; Violations; Penalties

The City Council shall establish appropriate fees for disposals and other uses of the Rockland Solid Waste Facility, and penalties for violations of this Article.

Rockland Solid Waste Facility Attendants shall enforce the provisions of this Ordinance including, without limitation, by verifying each user's permission to use the Facility, inspecting materials received at the Facility and their placement at the proper location and/or in the proper receptacle, ensuring that applicable permit, disposal, and/or processing fees, if any, have been paid, and by directing the handling and placement of all materials.

There shall be a penalty for a person's failure to separate recyclable from wastes, which shall be imposed by the Director on the person or business that brought the unseparated waste to the Facility for disposal. Such violator may appeal the Director's finding of the violation and/or imposition of a penalty to City Manager, whose decision shall constitute the final administrative decision in the matter.

Whoever violates any other provision of this Article shall be subject to the suspension or revocation of his permit and/or right to use the Rockland Solid Waste Facility; fines, penalties, and other remedies under applicable law; and/or a fine of not more than one thousand (\$1,000) per violation to be recovered, on complaint, to the use of the City of Rockland.

The City Council may, from time to time, establish further administrative requirements by Order relating to the disposal of solid waste at the Rockland Solid Waste Facility.

Sec. 14-114 Miscellaneous

1. Whenever any provision herein is found to be in conflict with any other Article, Code, or Statute, the more restrictive provision shall apply.

2. If any section, subsection, or other provision of this Article is for any reason held to be invalid or unconstitutional, such determination shall not affect the validity of the remaining provisions of this Article, which shall remain in full force and effect.

Sec. 14-115 Authority; Incorporation by Reference

This Ordinance is adapted pursuant to Home Rule powers as granted in Article VIII-A of the Maine Constitution; Title 30-A, Maine Revised Statutes, Sections 3351, 3352, and 3007; and Title 38, Maine Revised Statutes, Section 1305. All other applicable laws, regulations, ordinances, resolves, and orders relating to the regulation of the disposal of wastes are incorporated into this Article by reference. Eff: 09/01/10

ARTICLE II Sewage Facilities; General

Sec. 14-201 Sewerage Facilities Required

Where a building is required to connect to a public sewer by the provisions of Article IV of Chapter 14 of the Rockland Code, that building shall have a house drainage system which shall be connected with the sewer by the owner or agent of the premises in the most direct manner possible, and, if feasible, with a separate connection for each house or building. All houses provided with a house drainage system shall have at least one (1) private water-closet connected with the house drainage system. In multiple dwellings provided with a house drainage system there shall be provided for each family at least one (1) private water-closet connected with the house drainage system. Privy vaults, septic tanks or cesspools shall not be installed on premises accessible to a public sewer; when not so accessible, they may be constructed only in accordance with the specifications of the Maine Department of Human Services and with the written permit of the local Plumbing Inspector.

Sec. 14-202 Cleaning, Privies, Vaults, Cesspools, Septic Tanks

Whenever any privy, vault, cesspool, or septic tank shall become offensive to safety, health, comfort or convenience of the public, the Health Officer, Plumbing Inspector, and City Council may take whatever action is appropriate and which they are authorized to take under the Maine State Plumbing Code, Title 17, Title 22, or Title 30 of the Maine Revised Statutes Annotated.

Sec. 14-203 Penalty

Every person who shall be guilty of a violation of any provision of this Article to which a particular penalty is not annexed, shall forfeit and pay a sum of not more than one hundred dollars (\$100), to be recovered to the use of the City on complaint or by other appropriate action before the Sixth District Court.

Sec. 14-204 Penalty - Further Violation

The imposition of a penalty for violation of this Article shall not excuse the violation or permit it to continue; such violation shall be remedied within a reasonable time, or within such time limit given by the appropriate City official, and each day such nuisance continues to exist following the expiration of the time limit specified in any notice given to the owner of the premises by the appropriate City official for the abatement of such nuisance shall constitute a separate offense. The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions, nor preclude the City Attorney from causing to be instituted an appropriate action to prevent, restrain, correct or abate a violation of this Article.

State Law Reference: 22 M.R.S. §§ 42, 454-A, 1561; 30-A M.R.S. § 3428; 17 M.R.S. § 2802.

ARTICLE III Sewers; Construction and Assessment

Sec. 14-301 Construction Authorized

As provided by the Revised Statutes of Maine, the City Council may, at the expense of the City, construct public drains or sewers along or across any public way therein; and through any lands of persons or corporations, when the City Council deems it necessary for public convenience or health. Before the land is so taken, notice shall be given, and damages assessed and paid therefore as is provided for the location of town ways.

Sec. 14-302 Assessment

As provided by the Revised Statutes of Maine, when the City has constructed and completed a public drain or common sewer, the City Council shall determine what lots or parcels of land are benefited by such drain or sewer, and shall estimate and assess upon such lots and parcels of land, and against the owner thereof, or person in possession, or against whom taxes thereon shall be assessed, whether the person to whom the assessment is so made shall be the owner, tenant, lessee, or agent, and whether the same is occupied or not, such sum not exceeding such benefit as they may deem just and equitable toward defraying the expenses of constructing and completing such drain or sewer together with such sewage disposal units and appurtenances as may be

necessary, and constructed after the effective date of this Article, the whole of such assessment not to exceed one-half the cost of such drain or sewer and sewage disposal units and such drain or sewer shall forever hereafter be maintained and kept in repair by the City. The cost to be assessed among the property owners pro-rata may reflect the ratio that the number of feet frontage along the sewer line of each property owner bears to the total frontage of all abutters along the sewer construction project. All assessments may be paid in full at the time of notice due or may be paid in three (3) equal installments over a three (3) year period following assessment by the City. The rate of interest charged on the unpaid balance and the date when it begins to accrue shall be determined pursuant to the provisions of Title 30-A, § 3444 of the Maine Revised Statutes Annotated. Payment of the assessment will be enforced by Section 14-408 of this Chapter. Eff: 1/8/92

Sec. 14-303 Sewer Entrance Fee

A property owner wishing to access any public sewer shall make application therefore to the Code Enforcement Officer, and shall pay an entrance fee as set by the Charges and Fees Order of the Rockland City Council. No separate entrance fee shall be charged to applicants who install the entrance from their property to the public sewer at the time that the sewer or public drain is constructed, and who have paid, or are in the process of paying, the assessment required by Section 14-402. Eff: 07/11/07

Sec. 14-304 Notice and Hearing

As provided by the Revised Statutes of Maine, the City Council shall file with the City Clerk the location of such drain or sewer and sewage disposal unit with a profile description of the same, and statement of the amount assessed upon each lot or parcel of land so assessed, and the name of the owner of such lots or parcels of land or person against whom the assessment shall be made, and the City Clerk shall record the same in a book kept for the purpose, and within ten (10) days after filing such notice, each person so assessed shall be notified of such assessment by having an authentic copy of the assessment, with an order of notice signed by the City Clerk stating the time and place for a hearing upon the subject matter of the assessments, given to each person so assessed or left at his usual place of abode in the City, if he has no place of abode in the City, then such notice shall be given or left at the abode of his tenant or lessee if he has one in the City; if he has no such tenant or lessee in the City, then by posting the same notice in some conspicuous place in the vicinity of the lot or parcel of land so assessed, at least thirty (30) days before the hearing, or such notice may be given by publishing the same three (3) weeks successively in any newspaper published in the City, the first publication to be at least thirty (30) days before the hearing; a return made upon a copy of such notice by any constable in the City or the production of the paper containing such notice shall be conclusive evidence that the notice has been given, and upon such hearing the City Council shall have power to revise, increase, or diminish any of such assessments, and all such revisions, increase or diminution shall be in writing and recorded by the City Clerk.

Sec. 14-305 Assessment May Be Determined By Arbitration

As provided by the Revised Statutes of Maine, any person not satisfied with the amount for which he is assessed under the provisions of the preceding section may, within ten (10) days after such hearing, by request in writing given to the City Clerk, have the assessment upon his lot or parcel of land determined by arbitration. The City Council shall nominate six (6) persons who are residents of the City, two (2) of whom selected by the applicant with a third resident person selected by the two persons shall fix the sum to be paid by him, and the report of such referees made to the City Clerk and recorded by him shall be final and binding upon all parties. The reference shall be had and their report made to the City Clerk within thirty (30) days from the time of hearing before the City Council as provided in the previous section hereof.

Sec. 14-306 Conditions For Private Drains Entering Public Drains

As provided by the Revised Statutes of Maine, any person may enter his private drain into any public drain or common sewer while the same is under construction and before the same is completed and before the assessments are made, on obtaining a permit in writing from the City Council; but after the same is completed and the assessments made, no person shall enter his private drain into the same until he has paid his assessment and obtained a permit in writing from the City Clerk, by authority of the City Council. All permits given to enter any such drain or sewer shall be recorded by the City Clerk before the same are issued.

Sec. 14-307 Collection of Assessments

All assessments and charges made under the provisions of the public laws shall be certified by the Municipal Officers and filed with the Tax Collector for collection. If the person assessed, within thirty (30) days after written notice of the amount of such assessments and charges, fails, neglects or refuses to pay the municipality the expense thereby incurred, a special tax in the amount of such assessment and charges may be assessed by the Municipal Assessors upon each and every lot or parcel of land so

assessed and buildings upon the same, and such assessment shall be included in the next annual warrant to the Tax Collector for collection, and shall be collected in the same manner as State, county, and municipal taxes are collected.

Sec. 14-308 Action for Collection

All assessments and charges made under Articles IV and V shall be certified by the Municipal Officers and filed with the Tax Collector for collection. If the person assessed, within thirty (30) days after written notice of the amount of such assessments and charges, fails, neglects or refuses to pay the municipality the expense thereby incurred, a special tax in the amount of such assessment and charges may be assessed by the Municipal Assessors upon each and every lot or parcel of land so assessed and buildings upon the same, and such assessment shall be included in the next annual warrant to the Tax Collector for collection, and shall be collected in the same manner as State, county and municipal taxes are collected.

Sec. 14-309 Acceptance of Provisions

The City Council hereby accepts, on behalf of the City of Rockland, the provisions of the Revised Statutes of Maine pertaining to highways, drains and sewers.

Sec. 14-310 Private Drains; Permit Applications

As provided by the Revised Statutes of Maine, abutters upon the line of a public drain constructed prior to the acceptance of aforementioned statutes, and the owners of contiguous private drains may enter and connect with such public drain on written application to the City Council distinctly describing the land to which it applies and paying therefor the fee provided in Chapter 11. The City Council shall then give the applicants written permits so to enter, which shall be available to the owner of the land so described, his heirs, and assigns, and shall run with the land without any other or subsequent charge or payment. The City Council shall establish such other regulations and conditions for entering public drains as it deems expedient.

Sec. 14-311 Adjustment to Permit Fee

As provided by the Revised Statutes of Maine, if any person is dissatisfied with the sum which he is required to pay to enter a public drain, and within ten (10) days after notice thereof, requests in writing to have it determined by arbitration, the City Council shall nominate six (6) persons, any two of whom selected by the applicant with a third person selected by himself may fix the sum to be paid; and by paying it and the fees of the arbitrators, the applicant shall be entitled to a permit.

Sec. 14-312 Penalty for Connecting Private Drains With Public, Without Permission

As provided by the Revised Statutes of Maine, if any person connects a private drain with a public drain or enters it by a side drain without a permit, the City Council may forthwith destroy the connection; and such person forfeits to the City not more than two hundred dollars (\$200) to be recovered by indictment or action of debt.

Sec. 14-313 Penalty for Violation of Permit, and for Nuisance

As provided by the Revised Statutes of Maine, if any person willfully or negligently violates any condition or regulation prescribed in his permit, the City Council may forthwith disconnect his drain from the public drain and declare his permit forfeited; and such person, his heirs, and assigns shall not be allowed to enter it again without a new permit. Whoever by the construction or use of a private drain commits a nuisance is liable therefor notwithstanding anything herein contained.

Sec. 14-314 Private Drain Neglected by Owner

As provided by the Revised Statutes of Maine, if a private drain becomes so obstructed or out of repair as to injure any street or highway, and the persons using it, after notice by the Director of Public Works, unreasonably neglects to repair such injury, it shall be repaired by the City and the expense thereof may be recovered to the City in an action on the case against any one or more of the persons using such drain.

Sec. 14-315 Willfully or Carelessly Injuring Public Drains

As provided by the Revised Statutes of Maine, whoever willfully or carelessly injures or obstructs such public drain or its outlet, or any street or highway culvert leading to it, is liable to the City in an action on the case for double the amount of injury and damages thereby caused, in addition to all other legal penalties therefor.

Sec. 14-316 Highways Not To Be Opened Without Consent (Repealed 09/07/2016)

Sec. 14-317 No Street Acceptance With Private Drain

No new street within which there is a private drain or sewer shall be accepted so long as the drain or sewer remains private property.

State Law Reference: 30-A M.R.S. §§ 5403-5415, 4351-4456; 10 M.R.S. §§ 1061-1072.

Cross Reference: Chapter 14, Article IV.

ARTICLE IV

Use of Public and Private Sewers and Drains

Private Sewage Disposal, the Installation and Construction of Building Sewers, and the Discharge of Waters and Wastes into the Public Sewer System: and Penalties for Violation Thereof in the City of Rockland, Maine, County of Knox

Sec. 14-401 Definitions

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

1. "40 CFR 403" and subsections shall mean the US EPA's Title 40 of the Code of Federal Regulations, Part 403-General Pretreatment Regulations for Existing and New Sources of Pollution.
2. "Allowable Headworks Loading (AHL)" shall mean the estimated maximum loading of a pollutant that can be received at a POTW's headworks that should not cause a POTW to violate a particular treatment plant or environmental criterion. AHLs are developed to prevent interference or pass through.
3. "Approval Authority" shall mean the Maine Department of Environmental Protection.
4. "Available" means that the building is within two hundred (200) feet of a public sewer and that sewer service can be obtained by gravity flow.
5. Authorized or Duly Authorized Representative of the User.

(1) If the User is a corporation:

(a) The president, secretary, treasurer, or a 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

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

4. "Baseline Monitoring Report (BMR)" shall mean a report submitted by categorical industrial users within 180 days after the effective date of a categorical standard which indicates the compliance status of the user with the applicable

- categorical standard (refer to 40 CFR 403.129[b])
5. “Best Available Technology (BAT)” shall mean the degree of effluent reduction attainable by the application of the best available [treatment] technology economically achievable.
 6. “Best Management Practices (BMP)” shall mean schedules of activities, prohibitions, or practices, maintenance procedures, and other management practices to implement the prohibitions listed in Chapter 528 Section 11 of the Department of Environmental Protection Regulations and to prevent or reduce pollution discharges. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spills, or leaks, sludge or waste disposal, or drainage from raw material storage.
 7. “Best Professional Judgment” (BPJ) shall mean the highest quality technical opinion developed by a permit writer after consideration of all reasonable available and pertinent data or information that forms the basis for the terms and conditions of a permit.
 8. “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 20° C, expressed in milligrams per liter.
 9. “Building Drain” shall mean that part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
 10. “Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal.
 11. “Categorical Pretreatment Standards” shall mean pollutant discharge limits promulgated by EPA in accordance with Section 307 of the Clean Water Act that apply to regulated process wastewaters as well as standards identified in Maine Department of Environmental Protection Rule Chapters 525 and 528. They are based on the capability of a specific wastewater treatment technology or series of technologies to reduce pollutant discharges equivalent to best available technology (BAT).
 12. “Categorical Industrial User (CIU)” shall mean an industrial user subject to categorical pretreatment standards.
 13. “Chain of Custody” shall mean a written record of sample possession for all persons who handle (i.e., collect, transport, analyze, and/or dispose of) a sample, including the names, dates, times, and procedures followed.
 14. “Charges and Fees Order” shall mean a document that to be approved by the Council of the City of Rockland. This Order shall contain the most recent fees, surcharges, interest charges on delinquent accounts, formulas, and other rates as defined this Sewer Use Ordinance that shall be applied to users of the City’s Water Pollution Control Facility. The City Council shall establish this Order on at least an annual basis. This Order shall be separate from the Sewer Use Ordinance. The Director of the Pollution Control Facility shall have the authority to adjust fees, surcharges, interest charges on delinquent accounts, formulas, and other rates contained in this Order and re-submit the Order to the Council of the City of Rockland for approval as needed to ensure the operation of the Facility and compliance with its pretreatment programs.
 15. “City Engineer” shall mean the Engineer for the City of Rockland, or in the absence of a City Engineer, that person designated by the City Manager to perform those duties.
 16. “Clean Water Act (CWA)” , also known as the Federal Water Pollution Control Act, enacted by Public law 92-500, October 18, 1972, 33 USC 1251 et seq; as amended by PL 95-217, December 28, 1977; PL 97-117 December 29, 1981; PL 97-440, January 8, 1983, and PL 100-04, February 4, 1987.
 17. “Code of Federal Regulations (CFR)” shall mean the Code of Federal Regulations published in a U.S. government publication, the Federal Register. Title 40 of the CFR contains environmental regulations.
 18. “Combined Sewer” shall mean a sewer receiving both surface runoff and sewage.
 19. “Composite Sample” shall mean a sample composed of two or more discreet samples. The aggregate sample will reflect the average water quality covering the compositing or sample period.
 20. “Control Authority”, as defined in 40 CFR 403.3(f)(1), shall mean the Rockland Water Pollution Control Facility. The Control Authority is responsible for implementing the pretreatment program, including establishment of control mechanisms for compliance assessment and enforcement of national standards, categorical standards, and local limits.
 21. “Conservative Pollutants” shall mean those pollutants that are presumed not to be destroyed, biodegraded, chemically transformed, or volatilized within the POTW. Conservative pollutants introduced to a POTW ultimately exit the POTW solely through the POTW’s effluent and sludge. Most metals are considered to be conservative pollutants.
 22. “Conventional pollutants” shall mean pollutants typical of municipal sewage, and for which secondary treatment plants are designed to treat. They are Biochemical Oxygen Demand, Total Suspended Solids, fecal coliform bacteria,

- oil and grease and pH.
23. "Director" shall mean the Director of the City of Rockland Water Pollution Control Facility, or his authorized deputy, agent or representative.
 24. "Enforcement Response Plan" shall mean a plan that documents a well-defined, legally-defensible procedure to be followed when enforcing users who are not in compliance with the City of Rockland's pretreatment program and/or Sewer Use Ordinance. This formal enforcement document defines the consequences of one-time, repeated, continuing, or significant non-compliance, and ensures equitable treatment of all users of the City's Water Pollution Control Facility.
 25. "Equivalent Use" shall mean that, if water usage data are not available, the cost for treatment of wastewater generated by a commercial or multi-family residential unit shall be calculated based on the estimated water use in specific processes or by specific users at that location. Equivalent Use units are a ratio of estimated water use at the location in question to water use from a single-family residence. The "Charges and Fees Order" defines Equivalent Use values for a wide variety of multi-family residential and commercial uses.
 26. Existing Source. Any source of discharge that is not a "New Source."
 27. "Flashpoint" shall mean the lowest temperature at which vapor combustion will propagate away from its source of ignition.
 28. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
 29. "Headworks" shall mean the point at which wastewater enters a wastewater treatment plant. The headworks may consist of bar screens, comminuters, a wet well, or pumps.
 30. "Hearing Board" shall mean that Board appointed according to provision of Section 14-521 (Board of Sewer Appeals).
 31. "Indirect Discharge" or "Discharge" shall mean the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c), or (d) of the Clean Water Act.
 32. "Industrial User (IU)" shall mean a non-domestic source of pollutants into a POTW that is regulated under Section 307(b), (c), or (d) of the Clean Water Act.
 33. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
 34. "Industrial Waste Survey" shall mean the process of identifying and locating industrial users and characterizing their industrial discharges.
 35. "Inflow and Infiltration (I&I)" shall mean the seepage of groundwater into a sewer system, including service connections. Seepage frequently occurs through defective or cracked pipes, pipe joints, connections, or manhole walls. Inflow is the water discharged into a sewer system and service connections from sources other than regular connections. This includes flow from yard drains, foundation drains, and around manhole covers. Inflow differs from infiltration in that it is a direct discharge into the sewer rather than a leak or seepage into the sewer itself.
 36. "Inhibition" shall mean when pollutant levels in a POTW's wastewater or sludge cause operations problems for biological treatment processes involving secondary or tertiary wastewater treatment and alter the POTW's ability to adequately remove BOD, TSS, and other pollutants.
 37. "Instantaneous Limit". The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
 38. "Interference" shall mean when a discharge, alone or with discharges from other sources: inhibits or disrupts a POTW, its treatment processes and operations; inhibits or disrupts a POTW's sludge processes, use, or disposal, and therefore, causes a violation of the POTW's MEPDES permit; increases the magnitude or duration of such a violation; or prevents the proper use or disposal of sewage sludge in compliance with the Clean Water Act, Solid Waste Disposal Act, Toxic Substance Control Act, or the Marine Protection, Research and Sanctuaries Act.
 39. "Local Limit". Specific discharge limits developed and enforced by {the City} upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Chapter 528 Section 6(a) and (b).
 40. "Lower Explosive Limit (LEL)" shall mean the minimum concentration in air at which a gas or vapor will explode or burn in the presence of an ignition source.
 41. "Maximum Contaminant Level (MCL)" shall mean the maximum permissible level of a contaminant in water delivered to any user of a public water system. An MCL is an enforceable standard.

42. "Maximum Allowable Headworks Loading (MAHL)" shall mean the estimated maximum loading of a pollutant that can be received at a POTW's headworks without causing pass through or interference. The most protective (lowest) of the AHLs (see definition) estimated for a pollutant.
43. "Maximum Allowable Industrial Loading (MAIL)" shall mean the estimated maximum loading of a pollutant that can be received at a POTW's headworks from all permitted industrial users and other controlled sources without causing pass through or interference. The MAIL is usually calculated by applying a safety factor to the MAHL and discounting for uncontrolled sources, hauled waste and growth allowance.
44. "MEPDES" shall mean the Maine Pollutant Discharge Elimination System. This program is the State's equivalent of the National Pollutant Discharge Elimination System, delegated to the State by the US EPA in October 2001 and administered by the Maine DEP.
45. "Method Detection Limit (MDL)" shall mean the minimum concentration of an analyte that can be measured and reported with 99 percent confidence that the analyte concentration is present as determined by a specific laboratory method in 40 CFR Part 136, Appendix B.
46. "Minimum charge or Base Facilities Charge" is the charge imposed by the City for each equivalent residential unit or amount of treatment capacity reserved or dedicated. The charge represents a portion of the cost to the City of having the system available to serve that equivalent residential unit without regard to volume used. This fee is based on a specified amount of capacity available to the customer or potential customer for the fixed cost related to the annual cost of operating the wastewater system including any debt service. Any residential, commercial, or industrial user (existing, proposed or potential) is required to pay the Minimum Charge as set forth in the City of Rockland's current Charges and Fees Order to compensate for the capacity maintained in the wastewater system for that user.
47. "Minimum Level of Quantitation (ML)" shall mean the lowest level at which the entire analytical system must give a recognizable signal and acceptable calibration point for the analyte. It is equivalent to the concentration of the lowest calibration standard, assuming that all method-specified sample weights, volumes, and cleanup procedures have been employed. The ML is calculated by multiplying the MDL by 3.18 and rounding the result to the number nearest $(1, 2, \text{ or } 5) \times 10^n$ where n is an integer.
48. Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
49. Monthly Average Limit. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
50. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
51. "National Categorical Pretreatment Standards" shall mean pollutant discharge limits promulgated by EPA in accordance with Section 307 of the Clean Water Act that apply to regulated process wastewaters. They are based on the capability of a specific wastewater treatment technology or series of technologies to reduce pollutant discharges equivalent to best available technology (BAT).
52. "National Pollutant Discharge Elimination System (NPDES)" shall mean the permitting system established by the Clean Water Act, which regulates the discharge of pollutants into the waters of the United States. Such a discharge is prohibited unless a NPDES permit is issued by EPA or, where authorized, a State or a Native American tribal government.
53. "New Source:"

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

- (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
- (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing

plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

(2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous onsite construction program

(i) any placement, assembly, or installation of facilities or equipment; or

(ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

54. "Non-conservative Pollutants" shall mean pollutants that are presumed to be destroyed, biodegraded, chemically transformed, or volatilized within the POTW to some degree.
55. "Noncontact Cooling Water". Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
56. "Notice of Violation" shall mean a written notification to a user of the City of Rockland's Pollution Control Facility that it has violated the conditions of its discharge permit or other permission to discharge to the Facility. The level of severity of the Notice of Violation shall be based on definitions included in the City's Enforcement Response Plan and in this Sewer Use Ordinance.
57. "Pass-through" shall mean A discharge that enters the waters of the United States from a POTW in quantities or concentrations that, alone or with discharges from other sources, either causes a violation of any requirement of the POTW's MEPDES permit, or increases the magnitude or duration of a violation of the POTW's MEPDES permit.
58. "Pollutant of Concern (POC)" shall mean any pollutant that might reasonably be expected to be discharged to the POTW in sufficient amounts to pass through or interfere with the works, contaminate its sludge, cause problems in its collection system, or jeopardize its workers.
59. "Pretreatment". The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.
60. "Pretreatment Requirement" shall mean any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.
61. "Pretreatment Standards or Standards". Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.
62. "Priority Pollutant" shall mean pollutants listed by the EPA Administrator under Clean Water Act Section 307 (a). The list of the current 126 Priority Pollutants can be found in 40 CFR Part 423, Appendix A.
63. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution
64. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.
65. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

66. "POTW" shall mean a treatment works, as defined by Section 212 of the CWA, which is owned by the State or municipality. This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant [40 CFR 403.3]. Privately owned treatment works, Federally owned treatment works, and other treatment plants not owned by municipalities are not considered POTWs.
67. "Regulated Wastestream" shall mean an industrial wastestream regulated by a National Categorical Pretreatment Standard.
68. "Resource Conservation and Recovery Act (RCRA)" shall mean the 1976 Congressional act, amended in 1984 by the Hazardous and Solid Waste Amendments: Public Law 92-580, which established a "cradle to grave" program for management of hazardous wastes.
69. "Sanitary Sewer" shall mean a sewer that carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
70. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
71. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
72. "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.
73. "Sewer" shall mean a pipe or conduit for carrying sewage.
74. "Sewer Use Ordinance (SUO)". A legal mechanism implemented by a local government entity that sets out, among others, requirements for the discharge of pollutants into a POTW and its wastewater collection/conveyance system.
75. "Shall" is mandatory; "May" is permissive.
76. "Short-Term Exposure Level (STEL)". Concentrations to which a worker should not be exposed for longer than 15 minutes and which should not be repeated more than four times per day, with at least one hour between exposures (commonly accepted exposure limits identified by the American Conference of Governmental Industrial Hygienists).
77. "Significant Noncompliance" shall mean that a user's violation meets one or more of the criteria defined in the most recent revision of 40 CFR 403.8(f)(2)(vii), or one or more of the criteria defined in the most recent version of the City of Rockland WPCF's *Enforcement Response Plan and Guide*.
78. "Significant Industrial User (SIU)" shall be understood to be as defined by EPA guidance, that is: A) all categorical industrial users, or B) any non-categorical industrial user that i) discharges 25,000 gallons per day or more of process wastewater ("process wastewater" excludes sanitary non-contact cooling water and boiler blowdown wastewaters) or ii) contributes a process wastestream that makes up five percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc..) capacity of the treatment plant or iii) has a reasonable potential, in the opinion of the Control or Approval Authority to adversely affect the POTW treatment plant (inhibition, pass through of pollutants, sludge contamination, endangerment of POTW workers or for violating any pretreatment standard or requirement)
79. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow that causes harm or potential harm to the treatment works or appurtenances.
80. "Slug Load or Slug Discharge". Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 14-505 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.
81. "Standard Industrial Classification" shall mean a classification scheme based on the type of industry or process at a facility.
82. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
83. "Spill Prevention and Control Plan" shall mean a plan prepared by an industrial user to minimize the likelihood of a spill and to expedite control and cleanup activities should a spill occur.
84. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
85. "Superintendent" shall mean the Superintendent (or Director) of Water Pollution Control of the City of Rockland, Maine, or his authorized deputy, agent, or representative.
86. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or

- other liquids, and which are removable by laboratory filtering.
87. "Time Proportional Composite Sample" shall mean a combination of individual samples with fixed volumes taken at specific time intervals.
 88. "Total Suspended Solids (TSS)" shall mean a measure of the suspended solids in wastewater, effluent, or water bodies, determined by tests for "total suspended non-filterable solids."
 89. "Toxic Organic Management Plan (TOMP)" shall mean a written plan submitted by industrial users as an alternative to Total Toxic Organics (TTO) monitoring, which specifies the toxic organic compounds used, the method of disposal used and procedures for assuring that toxic organics do not routinely spill or leak into wastewater discharged at the POTW.
 90. "Toxic Pollutant" shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provision of the Clean Water Act 307(a) or other Acts. These pollutants are pollutants that may cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, or physical deformations. Toxic pollutants include certain metals and organic chemicals.
 91. "Treatability Manual" shall mean guidance prepared by the U.S. EPA that provides detailed descriptions of industrial processes, potential pollutants from each process, appropriate treatment technologies, and cost-estimating procedures.
 92. "Un-regulated wastestream" shall mean a wastestream that is not regulated by a National Categorical Pretreatment Standard and is not considered a dilute wastestream
 93. "User" shall mean any individual, firm, company, association, society, corporation, or group.
 94. "Volatile Organic Compound (VOC)". As defined in 40 CFR 50.100, "volatile organic compounds" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.
 95. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.
 96. "Whole Effluent Toxicity (WET) Tests" shall mean the aggregate toxic effect of an effluent measured directly by an aquatic toxicity test. Aquatic toxicity methods designed specifically for measuring WET have been codified in 40 CFR 136. WET test methods employ a suite of standardized freshwater, marine, and estuarine plants, invertebrates, and vertebrates to estimate acute and short-term chronic toxicity of effluents and receiving waters.
 97. "WPCF" shall mean Water Pollution Control Facility.

Sec. 14-402 Use of Public Sewers

1. *Depositing Waste in Unsanitary Manner.* It shall be unlawful for any user or person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Rockland, Maine, or in any area under the jurisdiction of the City of Rockland, any human or animal excrement, garbage, or other objectionable waste.
2. *Discharge to Natural Outlet.* It shall be unlawful to discharge to any natural outlet within the City of Rockland, or in any area under the jurisdiction of the City of Rockland, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.
3. *Privy; Cesspool; Septic Tank.* Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
4. *Connection to Public Sewer.* The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City of Rockland and abutting on any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer of the City of Rockland, is hereby required, at his expense, to install suitable toilet facilities therein. Such owner shall also connect such facilities directly with the proper available public sewer in accordance with the provisions of this Article, within ninety (90) days after the date of official notice to do so, or may apply for an extension of time to connect, in accordance with the following terms:
 - A. If the applicant's existing septic system is in working order, as determined by the City, the extension may be granted for a period of up to five years, or upon the transfer of ownership of the property, whichever occurs first.
 - B. A second extension may be granted, for an additional time not to exceed five years or upon transfer of ownership of the property, whichever occurs first, only upon approval by the Rockland City Council.
 - C. The owners situated in the City of Rockland who are not connected to an available public sewer, for any reason whatsoever, shall be assessed minimum sewer charges, as approved by the Rockland City Council.
 - D. If connection to the public sewer occurs within the 90 day period referenced above, no capacity charge (as approved by the Charges and Fees Order of the Rockland City Council) will be assessed.

E. If connection occurs after the 90 day period, due to an extension granted, the owner has the choice to pay either the assessed minimum sewer charge in a timely manner upon receipt of the bill or the capacity charge, at the time of connection.

Sec. 14-403 Private Sewage Disposal

1. Connection to Private System. Where a public sanitary or combined sewer is not available, or immediate connection to such sewer is not required, under the provisions of Section 14-502(4) (Use of Public Sewers), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Section. No property owner whose property is once connected to the public sanitary or combined sewer shall disconnect said property and construct a private sewage disposal system.
2. Permit Required. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Local Plumbing Inspector. The application for such permit shall be made on a form furnished by the City of Rockland, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the local Local Plumbing Inspector. A permit and inspection fee as established by the Charges and Fees Order of the Rockland City Council shall be paid to the City of Rockland at the time the application is filed.
3. Inspections. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Local Plumbing Inspector. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Local Plumbing Inspector when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the Local Plumbing Inspector.
4. State Requirements. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of appropriate State of Maine agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than twenty thousand (20,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
5. Connection to Public Sewer. At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this Article and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
6. Operation and Maintenance. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City of Rockland.
7. Local Plumbing Inspector's Authority. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Local Plumbing Inspector.
8. Procedure After Connection to Public Sewer. When a connection is made to a public sewer from a property formerly served by a private sewage disposal system, the private sewage disposal system shall be cleaned of sludge and filled with clean bankrun gravel or dirt by the property owner within sixty (60) days of the connection to the public sewer.

Sec. 14-404 Building Sewers and Connections

1. *Permit Required.* No unauthorized user or person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Director. Any user or person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system, shall notify the Director at least forty five (45) days prior to the proposed change or connection.
2. *Classes of Permits.* There shall be two (2) classes of building permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City of Rockland. 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 for a residential or commercial building sewer permit, as established by the Charges and Fees Order of the Rockland City Council and the cost of installation for an industrial building sewer permit, as established by the Charges and Fees Order of the Rockland City Council, shall be paid to the City of Rockland at the time the application is filed.
3. *Industrial Waste.* If, after receipt and review of an Industrial Use Connection Application, the Director determines that the proposed industrial discharge into the sewer system will not be harmful to the sewage works, cause the City to violate any of their Federal or State discharge permits, or to operate in conditions more severe than normal, the Director may issue an Industrial Wastewater Permit. The permit shall contain specific effluent limitations, plans and specifications for the industrial pretreatment facilities, and other terms and conditions as the Director may deem necessary. Violation of any term of the Industrial Wastewater Permit shall be subject to penalties as outlined in Section 14-517 (Enforcement and Penalties)

- and by the Charges and Fees Order of the Rockland City Council.
4. *Costs Borne by Owner.* All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City of Rockland from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
 5. *Separate System for Every Building.* A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
 6. *Old Sewers.* Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Director, to meet all requirements of this Ordinance.
 7. *Construction Requirements.* The size, slope, alignment, materials or 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 Building and Plumbing Code or other applicable rules and regulations of the City of Rockland. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and Water Environment Federation (WEF) Manual of Practice No. 9 shall apply.
 8. *Elevation.* 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 an approved means (e.g., pump station) and discharged to the building sewer.
 9. *Surface Runoff; Groundwater.* No user shall make new 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.
 10. *Connections; Requirements.* The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the City of Rockland, or the procedures set forth in appropriate specifications of the ASTM and WEF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Director and/or Public Works Director before installation.
 11. *Supervision of Connection by Public Works Director or his designee.* 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 Public Works Director or his designee.
 12. *Excavations.* 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 shall be restored in a manner satisfactory to the City of Rockland.

Sec. 14-405 Prohibited Discharge Standards

Prohibited discharge standards are general, national standards that are applicable to all industrial users of the Rockland WPCF, regardless of whether or not the industrial user has been issued a permit or is a National Categorical Discharger. These standards, while not developed by the City of Rockland, protect the Rockland WPCF against pass through and interference, protect the Rockland WPCF collection system, and to promote worker safety and beneficial biosolids use. These standards are listed in 40 CFR 403.5, CMR Chapter 528 Section 6(a) and (b), and as follows:

- A) *General prohibition.* A User may not introduce into the Rockland WPCF any pollutant(s) that cause pass-through or interference. This applies whether or not the User is subject to National Pretreatment Standards or any national, State, or local pretreatment requirements.
- B) *Specific prohibitions.* In addition, the following pollutants shall not be introduced into the Rockland WPCF, as defined in 40 CFR 403.5(b):
 - a. Pollutants that create a fire or explosion hazard in the Rockland WPCF, including but not limited to waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;
 - b. Pollutants that will cause corrosive structural damage to the Rockland WPCF, but in no case discharges with pH lower than 5.5 or greater than 11.0 unless the works is specifically designed to accommodate such discharges;
 - c. Solid or viscous pollutants in amounts that will cause obstruction to the flow in the Rockland WPCF resulting in interference;
 - d. Any pollutant, including oxygen-demanding pollutants (BOD, etc..) released in a discharge at a flow rate and/or pollutant concentration that will cause interference with the Rockland WPCF;

- e. Heat in amounts that will inhibit biological activity in the Rockland WPCF resulting in interference, but in no case heat in such quantities that the temperature entering the Rockland WPCF aeration basin exceeds 40°C (104°F). This requirement applies unless the approval authority, upon request of the Rockland WPCF, approves alternate temperature limits;
 - f. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through;
 - g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the Rockland WPCF in a quantity that may cause acute worker health and safety problems;
 - h. Any trucked or hauled pollutants, except at discharge points designated by the Rockland WPCF.
- C) *When specific limits must be developed by the POTW.* The Rockland WPCF has integrated the prohibitions listed in (A) and (B) of this section and shall continue to develop these limits (as necessary) and shall effectively enforce such limits. The Rockland WPCF will continue to develop and enforce specific effluent limits for industrial users and all other users, where these limits and changes in the POTW facility or operation are necessary to ensure renewed and continued compliance with Rockland MEPDES permit or sludge use practices.
- D) *Local Limits.* Where specific prohibitions or limits on pollutants or parameters are developed in accordance with (C), such limits shall be deemed pretreatment standards for the purposes of 40 CFR 403.5 (c) and (d)
- E) *Enforcement Actions.* If the Rockland WPCF has not taken actions within 30 days after a notice of interference or pass-through, ME DEP and/or EPA may take appropriate enforcement action (under the authority provided in section 309(f) of the Clean Water Act) to correct the violation.
- F) *Under compliance deadlines.* The City of Rockland’s compliance with these provisions was required beginning March 16, 1981.
- G) The Rockland WPCF may develop Best Management Practices (BMPs) to implement paragraphs C and D of this Section. Such BMPs shall be considered local limits and Pretreatment Standards for the purposes of Section 307(d) of the Clean Water Act.

Sec. 14-406 National Categorical Pretreatment Standards

As defined in 40 CFR 403.6, National Categorical Pretreatment Standards, which specify quantities or concentrations of pollutants or pollutant properties that may be discharged to the Rockland WPCF by existing or new industrial users in specific industrial subcategories, have been established as separate regulations under 40 CFR Chapter I, Subchapter N. These Federally-promulgated (i.e., not developed by the City of Rockland) standards, unless specifically noted otherwise, shall be in addition to all applicable pretreatment standards and requirements set forth in this Sewer Use Ordinance. The industrial categories presently defined in 40 CFR Chapter I, Subchapter N are as follows:

- 405 Dairy products processing point source category
- 406 Grain mills point source category
- 407 Canned and preserved fruits and vegetables processing point source category
- 408 Canned and preserved seafood processing point source category
- 409 Sugar processing point source category
- 410 Textile mills point source category
- 411 Cement manufacturing point source category
- 412 Concentrated animal feeding operations (CAFO) point source category
- 413 Electroplating point source category
- 414 Organic chemicals, plastics, and synthetic fibers
- 415 Inorganic chemicals manufacturing point source category
- 417 Soap and detergent manufacturing point source category
- 418 Fertilizer manufacturing point source category
- 419 Petroleum refining point source category
- 420 Iron and steel manufacturing point source category
- 421 Nonferrous metals manufacturing point source category
- 422 Phosphate manufacturing point source category
- 423 Steam electric power generating point source category
- 424 Ferroalloy manufacturing point source category
- 425 Leather tanning and finishing point source category
- 426 Glass manufacturing point source category

- 427 Asbestos manufacturing point source category
- 428 Rubber manufacturing point source category
- 429 Timber products processing point source category
- 430 The pulp, paper, and paperboard point source category
- 431 Builder's paper and board mills point source category
- 432 Meat products point source category
- 433 Metal finishing point source category
- 434 Coal mining point source category BPT, BAT, BCT limitations and new source performance standards
- 435 Oil and gas extraction point source category
- 436 Mineral mining and processing point source category
- 437 The centralized waste treatment point source category
- 438 Metal products and machinery point source category
- 439 Pharmaceutical manufacturing point source category
- 440 Ore mining and dressing point source category
- 442 Transportation equipment cleaning point source category
- 443 Effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources for the paving and roofing materials (tars and asphalt) point source category
- 444 Hazardous Waste combustors point source category
- 445 Landfills point source category
- 446 Paint formulating point source category
- 447 Ink formulating point source category
- 451 Aquaculture, aquatic animals, and fish hatcheries
- 454 Gum and wood chemicals manufacturing point source category
- 455 Pesticide chemicals
- 457 Explosives manufacturing point source category
- 458 Carbon black manufacturing point source category
- 459 Photographic point source category
- 460 Hospital point source category
- 461 Battery manufacturing point source category
- 463 Plastics molding and forming point source category
- 464 Metal molding and casting (foundries) point source category
- 465 Coil coating point source category
- 466 Porcelain enameling point source category
- 467 Aluminum forming point source category
- 468 Copper forming point source category
- 469 Electrical and electronic components point source category
- 470 Nonferrous metals forming and metal powders point source category

Sec. 14-407 State Pretreatment Standards

Users must comply with State Pretreatment Standards codified in 06-096 CMR Chapter 528 Pretreatment Program.

Sec. 14-408 Local Discharge Restrictions

In addition to the Prohibited Discharge Standards identified in Section 14-505 (Prohibited Discharge Standards), the following limits and prohibitions apply to users discharging into the Rockland POTW. Users shall not discharge or cause to be discharged any waters or wastes with characteristics outside the ranges described in any part of this Section without prior written approval from the Director to do so.

1. *Discharge of Certain Waters to Sanitary Sewer Prohibited.* No user shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
2. *Stormwater Sewers.* Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Director, to a storm sewer, combined sewer, or natural outlet.
3. *Discharge of Flammable, Toxic, Corrosive, or Solid Substances.* No user shall discharge or cause to be discharged any of

the following described waters or wastes to any public sewers:

- A. Flammable; Explosive. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- B. Toxic. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/L as CN in the wastes as discharged to the public sewer.
- C. Corrosive. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- D. Solid; Viscous. 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 sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

4. *Other Types of Substances Prohibited.* No user shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Director that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- A. Temperature. Any liquid or vapor having a temperature higher than 130°F unless otherwise authorized by permit but in no case heat in such quantities that the temperature at the Rockland WPCF exceeds 40°C (104°F).
- B. Grease. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100 mg/L or containing substances which may solidify or become viscous at temperatures between 32° and 150°F (0° and 65°C).
- C. Garbage. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Director.
- D. Toxic. Any waters or wastes containing pollutants in concentration to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Director for such materials.
- E. Taste; Odor. Any waters or wastes containing phenols, or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Director as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters. .
- F. Radioactive. 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 regulation.
- G. pH. Any waters or wastes (outside the acceptable range according to section 4.H of this section).
- H. Local Limits:

See separate Local Limits document.

I. Additional Limitations:

Unless specifically authorized by a wastewater permit, no discharge shall exceed the following maximum daily limits. All references to “slug load” shall be as per the definition of “slug load” as included in Section 14-501 (Definitions).

- a. Dissolved Sulfates.....200 mg/L
- b. Chlorine in such quantities as to constitute a slug load
- c. Unusual volume of flow or concentration of wastes as to constitute a slug load
- d. Excessive discoloration such as, but not limited to, dye waste, vegetable solutions and tanning solutions.
- e. Untreatable. Waters of wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

J. The Superintendent may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of Section 14-505.

5. *Prohibited Substances; Director's Options.* If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection 4 of this Section, and which, in the judgment of the Director, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Director may:

A. Reject. Reject the wastes.

B. Pretreatment. Require pretreatment to an acceptable condition for discharge to the public sewers,

C. Control. Require control over the quantities and rates of discharge, and/or

D. Payment. Require payment to cover the added cost of handling and treating the waste. If the Director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Director, and subject to the requirements of all applicable codes, ordinances, and laws.

6. *Interceptions.* Grease, oil, and sand interceptors 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 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.

7. *Preliminary Treatment; Maintenance.* 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.

8. *Manhole; Monitoring Reports.* When required by the Director, the owner of any property 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 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 as to be safe and accessible at all times.

All Industrial users shall submit their monthly monitoring report forms for the preceding month to the Water Pollution Control Facility's Environmental Compliance Officer at 40 Tillson Avenue, Rockland, Maine 04841, in accordance with the City's reporting requirement with the Maine DEP.

9. *Waste Analysis Standards.* All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Article shall be determined in accordance with 40 CFR Part 136, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily 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 whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas the pH shall be determined from periodic grab samples.)

10. *Special Arrangements.* No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City of Rockland and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City of Rockland for treatment, subject to payment therefore, by the industrial concern, provided that such agreements do not contravene any requirements of existing Federal laws and are compatible with any User Charge.

If it is suspected that an industrial waste stream or constituent may be detrimental to the treatment works and its collection system or causing the City to violate any term or condition of the MEPDES or DEP Permit, the City will retain an independent consultant. If it is determined that the industrial waste stream is disrupting the treatment works, the expense involved shall be directly borne by that industry. All detrimental constituents shall be removed or limitations lowered in order to eliminate the disruption associated with the waste.

11. *Charges for Industrial Waste Treatment*

A. Charges for the treatment of industrial waste shall be based on operation and maintenance costs of the Water Pollution Control Facility. The monthly billing shall be computed according to the most recent formula and cost per unit as approved by the Charges and Fees Order of the Rockland City Council, including the minimum charge.

B. Surcharges. The user charges for discharge of industrial wastewater/pollutants shall be levied by the Director under a three-tiered system, in accordance with the most recent formula(s) and unit cost(s) as approved by the Charges and Fees Order of the Rockland City Council.

1) The lowest tier user charges shall be in accordance with the terms of Section 14-507(11)(A) (Local Discharge

Restrictions) above and shall be on the individual industrial user's discharge permit limit(s) established by the Director.

2) At the discretion of the Director, a second tier of user charges may be allocated to an individual industrial user as a surcharge over the specific discharge limit(s) stipulated in the individual's wastewater discharge permit. The ability to assess a surcharge shall be based on an analysis of the POTW's reserve capacity for treating the subject pollutant(s) as described in this Sewer Use Ordinance. The allocation of reserve capacity for the purpose of levying a pollutant surcharge shall be at the sole discretion of the Director, who shall also reserve the right to modify or revoke the surcharge allocation, as necessary.

3) The third tier of user charges shall be defined as penalties and/or violation costs, assessed in accordance with Section 14-517 (Enforcement and Penalties) and Section 14-518 (Recovery of Expenses and Costs) of this Sewer Use Ordinance, the latest revision of the City of Rockland Enforcement Response Plan, and/or approved by the Charges and Fees Order of the Rockland City Council. Penalties and/or violation cost recovery, as stipulated, shall be assessed for individual violations of discharge permit limits, or in the case where the Director has allocated an additional surcharge over permit limit(s), the penalty(ies) shall be assessed for pollutant(s) discharged above surcharge allocation(s).

12. *Charges for Commercial and Residential Users.*

A. Domestic Wastewater treatment/user charge shall be calculated as approved by the Charges and Fees Order of the Rockland City Council.

B. The operation and maintenance charges for commercial and residential units shall be shall be calculated as approved by the Charges and Fees Order of the Rockland City Council

C. *Minimum Operation and Maintenance Charge.* Minimum operation and maintenance charges shall be in conjunction with the rates established as approved by the Charges and Fees Order of the Rockland City Council.

D. *Multi-Family; Commercial.* The charge for multiple family residential units and commercial establishments shall be calculated based on the definition of equivalent use as approved by the Charges and Fees Order of the Rockland City Council based on the actual water usage as recorded by the Consumers Maine Water Company. Multiple family residential units and commercial establishments not connected to a sewer or drain of the City of Rockland shall not be charged any user fees or readiness-to-serve charges only if it has been determined by the City that public sewers are not available to the property.

E. *Residential; Minimum Charge.* Minimum charge for residential units shall be calculated based on the definition of equivalent use as approved by the Charges and Fees Order of the Rockland City Council. Residential units not connected to a sewer or drain of the City of Rockland shall not be charged any user fees or readiness-to-serve charges only if it has been determined by the City that public sewers are not available to the property.

F. *Commercial; Minimum Charge.* Minimum charge for commercial establishments shall be calculated based on the definition of equivalent use as approved by the Charges and Fees Order of the Rockland City Council. Commercial establishments not connected to a sewer or drain of the City of Rockland shall not be charged any user fees or readiness-to-serve charges only if it has been determined by the City that public sewers are not available to the property.. Special rates for large volume users, such as laundry establishments, may be approved by the Rockland City Council.

G. *Septic Tank Waste.* Rates for the discharge of septic tank wastes (i.e., septage) into the Rockland Water Pollution Control Facility shall be established by the Charges and Fees Order on at least an annual basis by the Rockland City Council.

H. *Swimming Pool Water.* The Rockland Water Pollution Control Facility reserves the right to approve or reject, on a case-by-case basis, discharge to the Facility of water from a swimming pool, whether chlorinated or otherwise. This shall apply to both residential and commercial users.

13. *Council Action on Rates and Charges.* The Rockland City Council shall establish by the Charges and Fees Order on at least an annual basis, rates for charges as defined in subsections 10, 11 and 12 of this Section and interest charges on delinquent accounts.

14. *Assessment.* Operation and maintenance charges will be assessed all persons, users, firms and corporations whether public, private or municipal on a quarterly basis for residential and non-profit sewer users and on a monthly basis for commercial and industrial sewer users.

15. *Inflow and Infiltration.* All additional flows by industry and/or commercial/domestic users of four (4) or more units either public or private, shall, prior to connection to the Rockland Water Pollution Control Facility or appurtenances, indemnify the City of Rockland for the cost to remove an amount of inflow or infiltration equal to twice the specified waste water flow from the proposed development. Any on-site improvements that reduce the flow runoff shall be deemed as

removal credits. The Director or designated representative shall review and approve all requests based on current engineering documents and/or Department of Health flow standards. The one time development charge shall be as approved by the Charges and Fees Order of the Rockland City Council. These funds shall be reserved for direct sewer rehabilitation and separation and/or repairs to the Lindsey Brook groundwater drainage system.

16. *Reserve Capacity Charges.* Reserve capacity charges shall apply to any user that meets one of the following definitions:

- A. A user that has requested the Rockland WPCF to reserve treatment capacity for projected flow of a certain magnitude;
- B. A user that has requested the Rockland WPCF to reserve treatment capacity for a future flow, the magnitude of which is not yet projected or estimated;
- C. A user that previously requested the Rockland WPCF to reserve treatment capacity of a certain magnitude but is discharging less than that magnitude to the WPCF.

The WPCF reserves the right to develop an initial Reserve Capacity Capital Charge and assess this Reserve Capacity Capital Charge to a user, in order for the WPCF to recover the costs of capital investments necessary to provide that user with treatment capacity. The WPCF shall also assess a monthly charge to maintain that reserve treatment capacity for that user. This monthly Reserve Capacity Maintenance Charge shall be at least equal to the Minimum Charge as defined in Section 14-507 (Enforcement and Penalties) Part 11 for industrial users and Part 12 E and F for residential and commercial users.

17. *Billing adjustments for water use.* Based on a customer's water usage, water may be metered but not discharged directly or indirectly to the City of Rockland's collection system. Upon completing a formal application with the WPCF, the customer may request an adjustment to the sewer bill based on water that was metered but did not directly or indirectly discharge to the collection system. The amount claimed must be in excess of 125% of the customer's normal average use in a like quarter. The method of measurement must be approved by the WPCF.

Sec. 14-409 Right of Revision

The Rockland WPCF reserves the right to establish, by ordinance or in general or individual wastewater discharge permits, more stringent Standards or Requirements on discharges to the WPCF consistent with the purpose of this ordinance.

Sec. 14-410 Dilution

As per 40 CFR §403.6(d), except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, no Industrial User of the Rockland WPCF shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement. The Rockland WPCF imposes mass limitations on Industrial Users that are using dilution to meet applicable pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations is appropriate.

Sec. 14-411 Mass-Based Limitations

1. Pollutant discharge limits in Federal Categorical Pretreatment Standards and/or in Local Limits will be expressed either as concentration or mass limits. (Unless the Rockland WPCF determines a more stringent approach is necessary, wherever possible, where concentration limits are specified in these standards, equivalent mass limits will be provided so that local, State or Federal authorities responsible for enforcement may use either concentration or mass limits.) Limits in National Categorical Pretreatment Standards shall apply to the effluent of the process regulated by the Standard, or as otherwise specified by the standard.
2. When the limits in a National Categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Rockland WPCF may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day of effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
3. The Rockland WPCF shall calculate equivalent mass-per-day limitations by dividing the limits in the Standard by the average rate of production. This average rate shall be based upon a reasonable measure of the Industrial User's actual long-term daily production, such as the average daily flow rate during a representative year.
4. When the limits in a categorical Pretreatment Standard are expressed only in terms of pollutant concentrations, an Industrial User may request that the Rockland WPCF convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Control Authority. The Rockland WPCF may establish equivalent mass limits only if the Industrial User meets *all* of the following conditions in paragraph (c)(5)(i)(A) through (c)(5)(i)(E) of this section.

- (i) To be eligible for equivalent mass limits, the Industrial User shall:
 - (A) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its control mechanism;
 - (B) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
 - (C) Provide sufficient information to establish the facility's actual average daily flow rate for all waste streams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
 - (D) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass units are not appropriate to control the Discharge; and
 - (E) Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

- (ii) An Industrial User subject to equivalent mass limits shall:
 - (A) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass units;
 - (B) Continue to record the facility's flow rates through the use of a continuous effluent flow measurement device;
 - (C) Continue to record the facility's production rates and notify the Rockland WPCF whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph (c)(5)(i)(C) of this section. Upon notification of a revised production rate, the Rockland WPCF must reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
 - (D) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs (c)(5)(i)(A) of this section so long as it discharges under an equivalent mass limit.

- (iii) If the Rockland WPCF chooses to establish equivalent mass limits then the Control Authority:
 - (A) Shall calculate the equivalent mass limits by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based daily maximum and monthly average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
 - (B) Upon notification of a revised production rate, must reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 - (C) May retain the same equivalent mass limit in subsequent control mechanism terms if the Industrial User's actual average daily flow rate was reduced solely as the result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to paragraph (d) of this section. The Industrial User shall also be in compliance with Section 17 (regarding the prohibition of bypass).

- (iv) The Rockland WPCF may not express limits in terms of mass for pollutants such as pH temperature, radiation, or other pollutants that cannot appropriately be expressed as mass.

5. The Rockland WPCF may convert the mass limits of the categorical Pretreatment Standards at 40 CFR Parts 414 (Organic Chemicals, Plastics, and Synthetic Fibers), 419 (Petroleum Refining Point Source Category), and 455 (Pesticide Chemicals) to concentration limits for purposes of calculating limitations applicable to individual Industrial Users under the following conditions. When converting such limits to concentration limits, the Rockland WPCF must use the

concentration listed in the applicable subparts of 40 CFR Parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by paragraph (d) of this section.

6. Equivalent limitations calculated in accordance with paragraphs 3,4,5 and 6 of this section shall be deemed Pretreatment Standards for the purposes of section 307(d) of the Clean Water Act and 40 CFR 40(c)(1). The Rockland WPCF will document how the equivalent limits were derived and make this information publicly available. Once incorporated into its control mechanism, the Industrial User shall comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.
7. Many Categorical Pretreatment Standards and/or Industrial Wastewater Discharge Permits specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average, limitations. Where such Standards are being applied, the same production of flow value shall be used in calculating both the average and the maximum equivalent limitation.
8. Any Industrial User operating under a control mechanism incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the Rockland WPCF within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Rockland WPCF of such anticipated change will be required to meet the mass or concentration limits in its control mechanism that were based on the original estimate of the long term average production rate.

Sec. 14-412 Protection From Damage

No unauthorized person or user 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.

Sec. 14-413 Pretreatment Facilities and Pretreatment Requirements

1. *Legal Authority.* The Rockland WPCF shall operate pursuant to legal authority enforceable in Federal, State or local courts, which authorizes or enables the Rockland WPCF to apply and to enforce the requirements of Sections 307 (b) and (c), and 402(b)(8) of the Clean Water Act and any regulations implementing those sections. Such authority may be contained in a statute, ordinance, or series of contracts or joint powers agreements which the Rockland WPCF is authorized to enact, enter into or implement, and which are authorized by State law. At a minimum, this legal authority shall enable the Rockland WPCF to:

- (A) Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the Rockland WPCF by Industrial Users where such contributions do not meet applicable federal Pretreatment Standards and Requirements and/or Local Limits, or where exceedance of federal Pretreatment Standards and Requirements and/or Local Limits would cause the Rockland WPCF to violate its MEPDES permit;
- (B) Require compliance with applicable federal Pretreatment Standards and Requirements and/or Local Limits by Industrial Users;
- (C) Control through permit, Order, or similar means, the contribution to the Rockland WPCF by each Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements. In the case of Industrial Users identified as significant under 40 CFR 403.3(t), this control shall be achieved through individual permits or equivalent individual control mechanisms issued to each such user. Such control mechanisms must be enforceable and contain, at a minimum, the following conditions:
 - i. Statement of duration (in no case more than five years);
 - ii. Statement of non-transferability without, at a minimum, prior notification to the Director and provision of a copy of the existing control mechanism to the new owner or operator;
 - iii. Effluent limits, including Best Management Practices based on applicable general pretreatment standards in 40 CFR 403, categorical pretreatment standards, local limits, and State and local law;
 - iv. Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 12(e)(2), or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards in 40 CFR 403, categorical pretreatment standards, local limits, and State and local law;
 - v. Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines.

vi. Requirements to control slug discharges, if determined by the POTW to be necessary.

(D) Require

i. The development of a compliance schedule by each Industrial User for the installation of technology required to meet applicable federal Pretreatment Standards and Requirements (including 40 CFR 403.12[b][7]) and/or Local Limits, and

ii. The submission of all notices and reports (including but not limited to self-monitoring reports) from Industrial Users as are necessary to assess and assure compliance by Industrial Users with federal Pretreatment Standards and Requirements and/or Local Limits, including but not limited to the reports required in 40 CFR 403.12.

(E) Carry out all inspection, surveillance and monitoring procedures necessary to determine independent of information supplied by Industrial Users- compliance or noncompliance with applicable federal Pretreatment Standards and Requirements and/or Local Limits by Industrial Users. Representatives of the Rockland WPCF shall be authorized to enter any premises of any Industrial User in which a Discharge source or treatment system is located or in which records are required to be kept under 40 CFR 403.12(o) to assure compliance with Pretreatment Standards. Such authority shall be at least as extensive as the authority provided under section 308 of the Clean Water Act;

(F) (i) Obtain remedies for noncompliance by any Industrial User with any federal Pretreatment Standard and Requirements and/or Local Limits. The Rockland WPCF shall be able to seek injunctive relief for noncompliance by Industrial Users with Pretreatment Standards and Requirements. The Rockland WPCF shall also have authority to seek or assess civil or criminal penalties as approved by the Charges and Fees Order of the Rockland City Council for each violation by Industrial Users of federal Pretreatment Standards and Requirements and/or Local Limits and penalties and fees as allowed in the City of Rockland Enforcement Response Plan and/or as approved by the Charges and Fees Order of the Rockland City Council for violation of Local Limits.

ii) Pretreatment requirements that will be enforced through the remedies set forth will include but not be limited to, the duty to allow or carry out inspections, entry, or monitoring activities; any rules, regulations, or orders issued by the Rockland WPCF; any requirements set forth in individual control mechanisms issued by the Rockland WPCF; or any reporting requirements imposed by the Rockland WPCF or these regulations. The Rockland WPCF shall have authority and procedures immediately and effectively to halt or prevent any discharge of pollutants to the Rockland WPCF which reasonably appears to present an eminent endangerment to the health or welfare of persons. The Rockland WPCF shall also have authority and procedures (which shall include notice to the affected industrial users and an opportunity to respond) to halt or prevent any discharge to the Rockland WPCF which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the Rockland WPCF. The Approval Authority shall have authority to seek judicial relief and may also use administrative penalty authority when the Rockland WPCF has sought a monetary penalty that the Approval Authority believes to be insufficient.

(G) Comply with the confidentiality requirements set forth in 40 CFR 403.14.

2 *Procedures.* The Rockland WPCF has developed and implemented procedures to ensure compliance with the requirements of a Pretreatment Program. These procedures have enabled the Rockland WPCF to:

A. Identify and locate all possible Industrial Users which are subject to the Rockland WPCF Pretreatment Program. The compilation, index or inventory of Industrial Users made under this paragraph shall be made available to the Approval Authority upon request;

B. Identify the character and volume of pollutants contributed to the Rockland WPCF by the Industrial Users identified. This information shall be made available to the Approval Authority upon request;

C. Notify Industrial Users that they have industrial discharges that have been identified as applicable to Pretreatment Standards and any applicable requirements under Sections 204(b) and 405 of the Clean Water Act and subtitles C and D of the Resource Conservation and Recovery Act. Within 30 days of approval pursuant to 40 CFR 403.8(f)(6), of a list of Significant Industrial Users, notify each significant industrial user of its status as such and of all requirements applicable to it as a result of such status.

D. Receive and analyze self-monitoring reports and other notices submitted by Industrial Users in accordance with the self-monitoring requirements in 40 CFR 403.12;

E. Randomly sample and analyze the effluent from industrial users and conduct surveillance activities in order to identify, independent of information supplied by industrial users, occasional and continuing noncompliance with pretreatment standards. Inspect and sample the effluent from each Significant Industrial User at least once a year. Evaluate whether

each such Significant User needs a plan or other action to control slug discharges. For Industrial Users identified as significant prior to November 14, 2005 this evaluation must have been conducted at least once by October 14, 2006; additional Significant Industrial Users must be evaluated within one year of being designated a Significant Industrial User. For purposes of this subsection, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge that has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits, or Permit conditions. The results of such activities shall be available to the Approval Authority upon request. Significant Industrial Users are required to notify the POTW immediately of any changes at their facilities affecting the potential for a slug discharge. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

- (i). Description of discharge practices, including non-routine batch discharges;
- (ii). Description of stored chemicals;
- (iii). Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under Section 6(b), with procedures for follow-up written notification within five days;
- (iv). If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;

F. Investigate instances of noncompliance with federal Pretreatment Standards and Requirements and/or Local Limits, as indicated in the reports and notices required under 40 CFR 403.12, or indicated by analysis, inspection, and surveillance activities. Sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions; and

G. Comply with the public participation requirements of 40 CFR 25 in the enforcement of National Pretreatment Standards. These procedures shall include provision for at least annual public notification, in a newspaper, of general circulation that provides meaningful public notice within the jurisdiction(s) served by the Rockland WPCF, of industrial users that, at any time during the previous twelve months, were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, a Significant Industrial User (or any Industrial User which violates (C), (D), or (H)) is in significant noncompliance if its violation meets one or more of the following criteria as defined in 403.8(f)(2)(viii) and defined in the most recent version of the City of Rockland WPCF's Enforcement Response Plan and Guide.

- (i) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken during a 6 month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by Chapter 528 Section(4)(j);
- (ii) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements for each pollutant parameter taken during a 6 month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by Chapter 528 Section(4)(j), multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).
- (iii) Any other violation of a Pretreatment Standard or Requirement, as defined by Chapter 528 Section(4)(j) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);
- (iv) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of this section to halt or prevent such a discharge;
- (v) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

- (vi) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (vii) Failure to accurately report noncompliance;
- (viii) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

(3) *Local Limits.* The City of Rockland has developed Local Limits as required in 40 CFR 403.5(c)(1). These Local Limits have been developed using protocol established by the United States EPA as published in the latest (July 2004) version of “Local Limits Development Guidance Manual”. The City of Rockland reserves the right to revise Local Limits for existing parameters and to develop Local Limits for additional parameters at some time in the future as needed to protect its Water Pollution Control Facility, collection system, or workers.

(4) *Enforcement Response Plan.* The Rockland WPCF shall continue to implement the most recent version of its Enforcement Response Plan (and supporting Enforcement Response Guide), as approved by the Maine Department of Environmental Protection. This Plan contains detailed procedures indicating how the Director or his representative will investigate and respond to instances of industrial user noncompliance. The approved Plan defines the following:

- (i) How the Rockland WPCF will investigate instances of noncompliance;
- (ii) Timelines for responses;
- (iii) Relevant factors determining appropriate enforcement action;
- (iv) Minimum and maximum fines per day per violation;
- (v) Types of forms and guidelines used by the Rockland WPCF for documenting compliance data;
- (vi) Methods for investigating instances of noncompliance;
- (vii) Supplemental enforcement responses; and
- (viii) Sampling procedures to regain compliance status

The Rockland WPCF will update, revise, or otherwise modify its Enforcement Response Plan as needed.

(5) *Documentation of Industrial Users.* The Rockland WPCF shall prepare and maintain a list of its industrial users meeting the criteria in 40 CFR § 403.3(u)(1). The list shall identify the criteria in 40 CFR § 403.3(u)(1) applicable to each industrial user and, for industrial users meeting the criteria in 40 CFR § 403.3(u)(ii), shall also indicate whether the Rockland WPCF has made a determination pursuant to 40 CFR § 403.3(u)(2) that such industrial user should not be considered a significant industrial user. The initial list shall be submitted to the Approval Authority pursuant to 40 CFR § 403.9 as a non-substantial modification pursuant to 40 CFR § 403.18(d). Modifications to the list shall be submitted to the Approval Authority pursuant to 40 CFR § 403.12(i)(1).

(6) *Additional Pretreatment Measures.* The Rockland WPCF reserves the right to require any user, significant industrial or other, to modify its pretreatment processes if it determines, based on sampling results, history of slug load discharges, modifications to existing processes, expansion of processing capabilities, increased (or decreased) average daily flow, documented material spill, or other reason, that the user’s existing pretreatment program is insufficient to prevent negatively impacting the WPCF’s operation, sludge management options, and/or wastewater discharge permit.

(7) *Accidental Discharge/Slug Discharge Control Plans.* Based on the results of samples of industrial user discharges and an evaluation completed at least once every two years, the Director may require an industrial user to develop a plan to control slug discharges. For the purpose of determining compliance with the need for an Accidental Discharge and/or Slug Discharge Control Plan, the definition of ‘slug’ shall be as included in Section 14-501 (Definitions). The results of such activities shall be available to the Approval Authority upon request. If the Director decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Rockland WPCF of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five days;
- D. Procedures for immediately notifying the Rockland WPCF of changes affecting the potential for a slug discharge;
- E. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;

(8) *Pollution Prevention Plans.* The Director reserves the right to require any user, significant industrial or other, to develop

a Pollution Prevention Plan if it determines, based on chemicals involved in processes, volume of materials stored on site, history of slug load discharges, modifications to existing processes, expansion of processing capabilities, documented material spill, or other reason, that the user has the potential to significantly impact the function of the Rockland WPCF.

Sec. 14-414 Industrial Wastewater Discharge Permit

1. *Wastewater Characterization.* Any industrial user of the Rockland WPCF, when requested by the Director, shall submit an Industrial Wastewater Discharge Permit Application to the Rockland WPCF. Section F of the Industrial Wastewater Discharge Permit Application is titled “Characteristics of Discharge”. The applicant shall submit, as required in Section F of the Industrial Wastewater Discharge Permit Application or as requested by the Director, monitoring data on all pollutants that are regulated specific to that applicant’s industrial category.

A. *General Parameters.*

Each user must submit, at a minimum, the results of at least one analysis for 5-day BOD, COD, TSS, Total Organic Carbon, temperature, pH, and ammonia nitrogen. If a result of the analysis for any of these pollutants or parameters is non-detect, the applicant shall include the analytical method detection limit for that pollutant or parameter.

B. *Process-Specific Parameters.*

The applicant must also submit the results of at least one analysis for other pollutants that are known or believed to be present in the wastewater discharge of the applicant’s wastestream. These pollutants include metals and other inorganics, nutrients, color compounds, radioactive compounds, surfactants, dioxin/furans, volatile organic compounds, semi-volatile organic compounds, total residual chlorine, oil and grease, pesticides, and/or polychlorinated biphenyls (PCBs).

2. *Industrial Discharge Permit Requirement*

A. *Requirements.* The Rockland WPCF requires that any Significant Industrial User of the Rockland WPCF shall submit an Industrial Wastewater Discharge Permit Application to the Rockland WPCF. In addition, the Rockland WPCF requires that each industrial user (i.e., any non-domestic source of pollutants to the Rockland WPCF) submit an Industrial Wastewater Discharge Permit Application to the Rockland WPCF. The Rockland WPCF reserves the right to issue any industrial user a Permit, including wastewater discharge limits and requirements and monitoring and reporting requirements, and enforce those requirements

B. *Application Contents.* The Industrial Wastewater Discharge Permit Application consists of the following sections:

1. “General Information”. This section defines facility contacts responsible for information contained within the application, identifies all environmental permits that apply to the facility, describes storage of chemicals at the facilities, and provides other information related to physical and environmental considerations at the facility. The application is signed by an Authorized Representative of the Applicant.
2. “Product or Service Information”. This section includes information related to specific industrial processes employed by the Applicant and is used to determine if the facility is subject to any National Categorical Pretreatment Standards.
3. “Plant Operational Characteristics”. In this section, the applicant is required to provide information related to: quantities of products or services generated by the processes; flow diagrams for all processes from which wastewater is generated; a building layout diagram showing all chemical storage areas and points of discharge to the Rockland WPCF; potential or planned expansions of the facility; and the number of employee-hours worked at the facility per week.
4. “Water Usage and Discharge”. This section details the volume of water used by each process of the Applicant’s facility, the volume of wastewater generated by these processes, the point of discharge of each type of wastewater, and any water recycling or pollution prevention practices used by the facility.
5. “Wastewater Treatment/Waste Management”. This section describes devices or processes used for treating wastewater and/or sludge prior to discharging to the Rockland WPCF and provides additional information related to pretreatment operations at the facility.
6. “Characteristics of Discharge”. The Application requires submission of analytical data for all pollutants that are known or believed to be present in the wastewater discharge, as well as certain parameters or pollutants that are found in all or most discharges. Any users that are Categorical Industrial Users are required to submit analytical data for pollutants they are required to monitor and report as part of National Categorical Pretreatment requirements.
7. “Identification of Raw Materials and/or Pollutants Present”. Information about raw materials and chemicals used in all processes is reported by the Applicant in this section.
8. “Non-Discharged Wastes”. Information related to waste liquids and sludge that are not discharged to the Rockland WPCF is gathered in this section. This includes hauled wastes.
9. “Compliance Certification”. The Applicant is required to discuss any incidents of non-compliance with all applicable

Federal, State, or local pretreatment standards. The Applicant is then required to describe all actions, programs, and operational modifications that are being employed to prevent re-occurrence of those incidents and to discuss any schedules that have been developed for bringing the facility into compliance.

3. Industrial Discharge Permitting Process

- A. Existing Users. The Rockland WPCF requires that all Significant Industrial Users and industrial users of the Rockland WPCF submit an Industrial Wastewater Discharge Permit Application to the Rockland WPCF and renew Permits prior to the expiration date. Existing users shall be subject to the requirements and enforcement actions defined in all sections of this Ordinance and shall be required to renew issued Permits every five years or as determined by the Director. A fee shall be assessed for review and renewal of an existing user's Permit as approved by the Charges and Fees Order of the Rockland City Council.
 - B. New Connections. The Rockland WPCF requires all new potential Significant Industrial Users and industrial users of the Rockland WPCF submit an Industrial Wastewater Discharge Permit Application to the Rockland WPCF, prior to granting approval to that potential user to discharge to the Rockland WPCF. New users of the Rockland WPCF shall be subject to the requirements and enforcement actions defined in all sections of this Ordinance, including but not limited to the reporting requirements under 40 CFR 403.12. A fee shall be assessed for review of a Permit application as approved by the Charges and Fees Order of the Rockland City Council.
 - C. Categorical Standards. Industrial users that intend to discharge into the Rockland WPCF that utilize any processes that fall into any National Categorical Pretreatment Standard, as identified in Section 14-506 and in 40 CFR 403, shall be required to meet the minimum requirements of the applicable treatment standard(s). The promulgated treatment standard(s) technical values shall be incorporated into that user's Industrial Wastewater Discharge Permit. Users considered Categorical Industrial Uses of the Rockland WPCF shall be subject to the requirements and enforcement actions defined in all sections of this Ordinance, including but not limited to the reporting requirements under 40 CFR 403.12.
 - C. Inspections. The City may impose a fee, as approved by the Charges and Fees Order of the Rockland City Council, for inspection of an industrial user's property as part of the permitting or renewal process if it feels that this inspection is merited by that process.
4. The Rockland WPCF reserves the right to require a signed Statement of Certification from an Authorized Representative of an Industrial User on any documentation relating to that User's Industrial Wastewater Discharge Permit. This may include, but is not limited to: the application for an Industrial Wastewater Discharge Permit; Inspection Reports; compliance monitoring analytical reports; reporting requirements related to the Industrial Wastewater Discharge Permit; and/or information related to process or discharge modifications that require modification of Industrial Wastewater Discharge Permit

When the Authorized Representative changes, the Rockland WPCF shall be notified in writing.

The following certification statement must be signed by an Authorized Representative as defined in Section 14-501:

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.

Sec. 14-415 Industrial Wastewater Discharge Permit Issuance

- 1. *Decisions.* The Rockland WPCF shall review all Industrial Wastewater Discharge Permit Applications and Permit renewals submitted by industrial users of the Rockland WPCF. The Rockland WPCF reserves the right to request additional analytical data, to review historical discharges, to complete an inspection of the Applicant's facility, and to conduct other activities as defined in this Ordinance in order to gather all information required to develop a Industrial Wastewater Discharge Permit for that user and to establish the discharge limits and set monitoring and reporting requirements in that Industrial Wastewater Discharge Permit.
- 2. *Renewal.* The Rockland WPCF reserves the right to not renew an existing Industrial Wastewater Discharge Permit to an Applicant if that Applicant does not provide all analytical results and other materials required and/or has a history of chronic violations of their discharge permit limits. Additional actions may be taken against the Applicant as defined in Section 14-517 (Enforcement and Penalties) of this Ordinance.
- 3. *Modification.* The Rockland WPCF reserves the right to modify an existing Permit based on analytical results and other

information/data submitted by that applicant. These modifications may result in more stringent mass limitations or parameter controls, more frequent sampling and/or monitoring requirements, more frequent reporting requirements, or other requirements (including, but not limited to, implementation of pretreatment).

4. *Duration.* Industrial Wastewater Discharge Permits issued by the Rockland WPCF shall be valid for a maximum of five (5) years from the date of issuance unless otherwise specified. However, as noted in Part 3 of this Section, the Rockland WPCF reserves the right to modify any existing Permit.

5. *Recovery of Costs.* Recovery of the City's costs for review, renew, modify or negotiate Industrial Wastewater Discharge Permits (as described in Items 1 through 3 above) shall be as defined in this section, in Section 14-518 (Recovery of Expenses and Costs) and as approved by the Charges and Fees Order of the Rockland City Council.

Sec. 14-416 Reporting and Monitoring Requirements

1. *General.* Monitoring requirements shall be established by the Rockland WPCF in each Industrial Wastewater Discharge Permit that is granted or renewed. The monitoring and/or reporting requirements shall include: a listing of each pollutant or parameter for which monitoring is required; the sampling and/or monitoring frequency for that each pollutant or parameter; the type of sample (i.e., composite, grab, recorder, or totalizer data [in the case of flow rate]) for that pollutant or parameter; the frequency at which the results of this sampling and/or monitoring shall be reported to the Rockland WPCF; the manner in which reporting shall be completed; and penalties for not complying with these monitoring and/or reporting requirements. The Rockland WPCF may choose to assign a "Monitor Only" requirement to a user for a particular parameter or pollutant, based on the typical wastewater characteristics of that user.

The Rockland WPCF reserves the right to modify monitoring and/or reporting requirements of a particular user at any time if and when it becomes aware of any changes to the user's wastewater discharge stream, modifications to the user's processes, significant increases or decreases in flow discharged by that user, and/or other changes that have the potential to impact the user's contribution to the Rockland WPCF.

2. *Reporting requirements for industrial users upon effective date of Categorical Pretreatment Standard--Baseline Report.* Within 180 days after the effective date of a Categorical Pretreatment Standard, or 180 days after the final administrative decision made upon a category determination submission under Sec. 403.6(a)(4), whichever is later, existing Industrial Users subject to such Categorical Pretreatment Standards and currently discharging to (or scheduled to discharge to) the Rockland WPCF shall be required to submit to the Rockland WPCF a report which contains the information listed in paragraphs (b)(1)-(7) of 40 CFR 403.12. At least 90 days prior to commencement of discharge, New Sources, and sources that become Industrial Users subsequent to the promulgation of an applicable Categorical Standard, shall be required to submit to the Rockland WPCF a report which contains the information listed in paragraphs (b)(1)-(5) of 40 CFR 403.12. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New Sources shall give estimates of the information requested in paragraphs (b) (4) and (5) of 40 CFR 403.12:

- (a) Identifying information. The User shall submit the name and address of the facility including the name of the operator and owners;
- (b) Permits. The User shall submit a list of any environmental control permits held by or for the facility;
- (c) Description of operations. The User shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification (SIC) or classification under the North American Industry Classification System (NAICS) of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram which indicates points of Discharge to the Rockland WPCF from the regulated processes.
- (d) Flow measurement. The User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the Rockland WPCF from each of the following:
 - (i) Regulated process streams; and
 - (ii) Other streams as necessary to allow use of the combined wastestream formula of Sec. 403.6(e). (See paragraph (b)(5)(v) of 40 CFR 403.12) The Rockland WPCF may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.
- (e) Measurement of pollutants.
 - (i) The user shall identify the Pretreatment Standards applicable to each regulated process;
 - (ii) In addition, the User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or Rockland WPCF) of regulated pollutants in the Discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the standard requires compliance with a

Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the Rockland WPCF or the applicable Standards to determine compliance with the Standard;

(iii) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The Rockland WPCF may waive flow-proportional composite sampling for any Industrial User that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the User demonstrates that this will provide a representative sample of the effluent being discharged.

(iv) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

(v) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula of Sec. 403.6(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with Sec. 403.6(e) this adjusted limit along with supporting data shall be submitted to the Rockland WPCF;

(vi) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Rockland WPCF or other parties, approved by the Administrator;

(vii) The Rockland WPCF may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

(viii) The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the Rockland WPCF ;

(f) Certification. A statement, reviewed by an authorized representative of the Industrial User (as defined in 40 CFR 403.12 and Chapter 528, Section 12) and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements; and

(g) Compliance schedule. If additional pretreatment and/or O & M will be required to meet the Pretreatment Standards; the shortest schedule by which the Industrial User will provide such additional pretreatment and/or O & M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

(i) Where the Industrial User's Categorical Pretreatment Standard has been modified by a removal allowance (Sec. 403.7), the combined wastestream formula (Sec. 403.6(e)), and/or a Fundamentally Different Factors variance (Sec. 403.13) at the time the User submits the report required by paragraph (b) of 40 CFR 403.12, the information required by paragraphs (b)(6) and (7) of 40 CFR 403.12 shall pertain to the modified limits.

(ii) If the Categorical Pretreatment Standard is modified by a removal allowance (Sec. 403.7), the combined wastestream formula (Sec. 403.6(e)), and/or a Fundamentally Different Factors variance (Sec. 403.13) after the User submits the report required by paragraph (b) of 40 CFR 403.12, any necessary amendments to the information requested by paragraphs (b)(6) and (7) of 40 CFR 403.12 shall be submitted by the User to the Rockland WPCF within 60 days after the modified limit is approved.

3. *Compliance schedule for meeting Categorical Pretreatment Standards.* The following conditions shall apply to the schedule required by paragraph (b)(7) of 40 CFR 403.12:

(a) The schedule shall contain increments of progress 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 Industrial User to meet the applicable Categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(b) No increment referred to in paragraph (c)(1) of 40 CFR 403.12 shall exceed 9 months.

(c) Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Rockland WPCF including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Rockland WPCF.

4. *Report on compliance with Categorical Pretreatment Standard deadline.* Within 90 days following the date for final compliance with applicable Categorical Pretreatment Standards or in the case of a New Source following commencement of the introduction of wastewater into the Rockland WPCF, any Industrial User subject to Pretreatment Standards and Requirements shall submit to the Control Authority a report containing the information described in paragraphs (b) (4)-(6) of 40 CFR 403.12. For Industrial Users subject to equivalent mass or concentration limits established by the Rockland WPCF in accordance with the procedures in Sec. 403.6(c), this report shall contain a reasonable measure of the User's long-term production rate. For all other Industrial Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period.

5. *Periodic reports on continued compliance.*

(a) Any Industrial User subject to a Categorical 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 Rockland WPCF, shall submit to the Rockland WPCF during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Rockland WPCF or the Approval Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Categorical Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the Discharge reported in paragraph (b)(4) of 40 CFR 403.12 except that the Rockland WPCF may require more detailed reporting of flows. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the User shall submit documentation required by the Rockland WPCF or the Pretreatment Standard necessary to determine compliance status of the User. At the discretion of the Rockland WPCF and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Rockland WPCF may agree to alter the months during which the above reports are to be submitted.

(b) The Control Authority may authorize the Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:

(i) The Control Authority may authorize a waiver where the pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.

(ii) The monitoring waiver is valid only for the duration of the effective period of the Permit or other other equivalent individual control mechanism, but in no case longer than 5 years. The User shall submit a new request for the waiver before the waiver can be granted for each subsequent control mechanism.

(iii) In making a demonstration that a pollutant is not present, the Industrial User shall provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes. The request for a monitoring waiver must be signed in accordance with paragraph (1) of this Section, and include the certification statement in Section 7(a)(2)(ii). Non-detectable sampling results may be used as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(iv) Any grant of the monitoring waiver by the Control Authority must be included as a condition of the User's control mechanism. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Control Authority for 3 years after the expiration of the waiver.

(v) Upon approval of the monitoring waiver and revision of the User's control mechanism by the Control Authority, the Industrial User must certify on each report with the statement below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 12(e)(1).

(vi) In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of paragraph (e)(1) of this section or other more frequent monitoring requirements imposed by the Control Authority, and notify the Control Authority.

(vii) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

(c) Where the Rockland WPCF has imposed mass limitations on Industrial Users as provided for by Sec. 403.6(d), the report required by paragraph (e)(1) of 40 CFR 403.12 shall indicate the mass of pollutants regulated by Pretreatment Standards in the Discharge from the Industrial User.

(d) For Industrial Users subject to equivalent mass or concentration limits established by the Rockland WPCF in accordance with the procedures in Sec. 403.6(c), the report required by paragraph (e)(1) shall contain a reasonable measure of the User's long-term production rate. For all other Industrial Users subject to Categorical Pretreatment Standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by paragraph (e)(1) shall include the User's actual average production rate for the reporting period.

6. *Notice of potential problems, including slug loading.* All categorical and non-categorical Industrial Users shall notify the Rockland WPCF immediately of all discharges that could cause problems to the Rockland WPCF, including any slug loadings, as defined by Sec. 403.5(b), by the Industrial User. Significant Industrial Users are required to notify the Superintendent immediately of any changes at its facility affecting the potential for a Slug Discharge.

7. *Monitoring and analysis to demonstrate continued compliance.*

(a) The reports required in paragraphs (b), (d), (e), and (h) of 40 CFR 403.12 shall contain the results of sampling and analysis of the Discharge, including the flow and the nature and concentration, or production and mass where requested by the Rockland WPCF, of pollutants contained therein which are limited by the applicable Pretreatment Standards. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge. This sampling and analysis may be performed by the Rockland WPCF in lieu of the Industrial User. Where the Rockland WPCF performs the required sampling and analysis in lieu of the Industrial User, the User will not be required to submit the compliance certification required under Sections 403.12(b) (6) and 403.12(d). In addition, where the Rockland WPCF itself collects all the information required for the report, including flow data, the Industrial User will not be required to submit the report.

(b) If sampling performed by an Industrial User indicates a violation, the user shall notify the Rockland WPCF within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Rockland WPCF within 30 days after becoming aware of the violation. Where the Rockland WPCF has performed the sampling and analysis in lieu of the Industrial User, the Rockland WPCF must perform the repeat sampling and analysis unless it notified the User of the violation and requires the User to perform the repeat analysis. Re-sampling is not required if:

(i) The Rockland WPCF performs sampling at the Industrial User at a frequency of at least once per month, or

(ii) The Rockland WPCF performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the Rockland WPCF receives the results of this sampling.

(c) The reports required in paragraphs (b), (d), (e), and (h) of 40 CFR 403.12 must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The Rockland WPCF shall require that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements. Grab samples must be used for pH, cyanide, temperature, total phenols, oil and grease, sulfide, and volatile organic compounds (VOCs). For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Rockland WPCF. Where time-proportional composite sampling or grab sampling is authorized by

the Rockland WPCF, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate ME DEP and EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field' for VOCs and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Rockland WPCF, as appropriate.

- (d) For sampling required in support of baseline monitoring and 90-day compliance reports required in paragraphs (b) and (d) of 40 CFR 403.12, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfides, and VOCs for facilities for which historical sampling data do not exist. For facilities for which historical sampling data *are* available, the Rockland WPCF may authorize a lower minimum number of samples. For the reports required by paragraphs (e) and (h) of 40 CFR 403.12, the Rockland WPCF shall require the number of grab samples necessary to assess and assure compliance by Industrial Users with Applicable Pretreatment Standards and Requirements.
- (e) All analyses shall be performed in accordance with procedures established by the Administrator pursuant to section 304(h) of the Act and contained in 40 CFR part 136 and amendments thereto or with any other test procedures approved by the Administrator. (See, Secs. 136.4 and 136.5.) Sampling shall be performed in accordance with the techniques approved by the Administrator. Where 40 CFR part 136 does not include sampling or analytical techniques for the pollutants in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the Rockland WPCF or other parties, approved by the Administrator.
- (f) If an Industrial User subject to the reporting requirement in paragraph (e) or (h) of 40 CFR 403.12 monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Rockland WPCF, using the procedures prescribed in paragraph (g)(5) of 40 CFR 403.12, the results of this monitoring shall be included in the report.

Regulation of Waste Received from Other Jurisdictions

A. If another municipality, or User located within another municipality, contributes wastewater to the POTW, the WPCF shall enter into an intermunicipal agreement with the contributing municipality.

B. Prior to entering into an agreement required by paragraph A, above, the WPCF shall request the following information from the contributing municipality:

- (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
- (2) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
- (3) Such other information as the WPCF Superintendent may deem necessary.

C. An intermunicipal agreement, as required by paragraph A, above, shall contain the following conditions:

- (1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to Rockland's Ordinance or Local Limits;
- (2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
- (3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the WPCF; and which of these activities will be conducted jointly by the contributing municipality and the WPCF;
- (4) A requirement for the contributing municipality to provide the WPCF with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- (5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- (6) Requirements for monitoring the contributing municipality's discharge;

- (7) A provision ensuring the WPCF access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the WPCF; and
- (8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.
8. *Reporting requirements for Industrial Users not subject to Categorical Pretreatment Standards.* The Rockland WPCF shall require appropriate reporting from those Industrial Users with discharges that are not subject to Categorical Pretreatment Standards. Significant Noncategorical Industrial Users shall submit to the Rockland WPCF at least once every six months (on dates specified by the Rockland WPCF) a description of the nature, concentration, and flow of the pollutants required to be reported by the Rockland WPCF. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge. In cases where a local limit requires compliance with a Best Management Practice or pollution prevention alternative, the User must submit documentation required by the Rockland WPCF to determine the compliance status of the User. These reports shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR part 136 and amendments thereto. This sampling and analysis may be performed by the Rockland WPCF in lieu of the significant noncategorical industrial user.
9. *Record-keeping requirements.*
- (a) The Rockland WPCF and any Industrial User subject to the reporting requirements established in 40 CFR 403.12 shall maintain records of all information resulting from any monitoring activities required by 40 CFR 403.12, including documentation associated with Best Management Practices. Such records shall include for all samples:
- (i) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
 - (ii) The dates analyses were performed;
 - (iii) Who performed the analyses;
 - (iv) The analytical techniques/methods use; and
 - (v) The results of such analyses.
- (b) The Rockland WPCF and any Industrial User subject to the reporting requirements established in 40 CFR 403.12 shall be required to retain for a minimum of 3 years any records of monitoring activities and results (whether or not such monitoring activities are required by 40 CFR 403.12) and shall make such records available for inspection and copying by the Director and the Regional Administrator (and POTW in the case of an Industrial User). This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User or Rockland WPCF or when requested by the Director or the Regional Administrator.
- (c) The Rockland WPCF shall retain reports that are submitted by an Industrial User for a minimum of 3 years and shall make such reports available for inspection and copying by the Director and the Regional Administrator. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Industrial User or the operation of the Rockland WPCF Pretreatment Program or when requested by the Director or the Regional Administrator.
10. *Annual POTW reports.* The Rockland WPCF shall provide the Approval Authority with a report that briefly describes the Rockland WPCF's pretreatment program activities, including activities of all participating agencies, if more than one jurisdiction is involved in the local program. The report required by this section shall be submitted no later than one year after approval of the Rockland WPCF's Pretreatment Program, and at least annually thereafter, and shall include, at a minimum, the following:
- (a) An updated list of the Rockland WPCF's Industrial Users, including their names and addresses, or a list of deletions and additions keyed to a previously submitted list. The Rockland WPCF shall provide a brief explanation of each deletion. This list shall identify which Industrial Users are subject to Categorical Pretreatment Standards and specify which Standards are applicable to each Industrial User. The list shall indicate which Industrial Users are subject to local standards that are more stringent than the Categorical Pretreatment Standards. The Rockland WPCF shall also list the Industrial Users that are subject only to local Requirements.
 - (b) A summary of the status of Industrial User compliance over the reporting period;
 - (c) A summary of compliance and enforcement activities (including inspections) conducted by the Rockland WPCF during the reporting period;
 - (d) A summary of changes to the Rockland WPCF's pretreatment program that have not been previously reported to the Approval Authority; and
 - (e) Any other relevant information requested by the Approval Authority.

11. *Notification of changed discharge.* All Industrial Users shall promptly notify the Rockland WPCF in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR 403.12(p).

12. *Notification of Hazardous Waste Discharge.*

(a) The Industrial User shall notify the Rockland WPCF, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the Rockland WPCF, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. All notifications must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12 (j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12 (b), (d), and (e).

(b) Dischargers are exempt from the requirements of paragraph (p)(1) of this section during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the Rockland WPCF, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(d) In the case of any notification made under paragraph (p) of this section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

13. *Upset provision.*

(a) Definition. For the purposes of this section, "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) Effect of an upset. An Upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (c) are met.

(c) Conditions necessary for a demonstration of upset. An Industrial User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An Upset occurred and the Industrial User can identify the cause(s) of the Upset;

(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures;

(3) The Industrial User has submitted the following information to the Rockland WPCF within 24 hours of becoming aware of the Upset (if this information is provided orally, a written submission must be provided within five days):

(i) A description of the Indirect Discharge and cause of noncompliance;

(ii) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;

(iii) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

(d) Burden of proof. In any enforcement proceeding, the Industrial User seeking to establish the occurrence of an Upset shall have the burden of proof.

(e) Reviewability of agency consideration of claims of upset. In the usual exercise of prosecutorial discretion, Agency enforcement personnel should review any claims that non-compliance was caused by an Upset. No determinations made in the course of the review constitute final Agency action subject to judicial review. Industrial Users will have the opportunity for a judicial determination on any claim of Upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.

(f) User responsibility in case of upset. The Industrial User shall control production or all Discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

14. *Bypass Notifications.*

(a) Definitions.

(1) Bypass means the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.

(2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) Bypass not violating applicable Pretreatment Standards or Requirements. An Industrial User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c) and (d) of this section.

(c) If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Rockland WPCF, if possible, at least ten days before the date of the bypass. An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Rockland WPCF within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Rockland WPCF may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(d) Prohibition of bypass.

(1) Bypass is prohibited, and the Rockland WPCF may take enforcement action against an Industrial User for a bypass, unless;

(i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

(iii) The Industrial User submitted notices as required under paragraph (c) of this section.

(2) The Rockland WPCF may approve an anticipated bypass, after considering its adverse effects, if the Rockland WPCF determines that it will meet the three conditions listed in paragraph (d)(1) of this section.

15. *Confidentiality.*

(a) *Regulatory authorities.* In accordance with 40 CFR Part 2 (Public Information), any information submitted to ME DEP (and/or EPA) pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time submission in the manner prescribed on the application form or instructions, or- in the case of other submissions- by stamping the words "Confidential Business Information" on each page containing such information. If no claim is made at the time of submission, ME DEP (and/or EPA) may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2.

(b) Effluent data. Information and data provided to the Rockland WPCF pursuant to this part which is effluent data shall be available to the public without restriction.

(c) Rockland WPCF. All other information which is submitted to the Rockland WPCF shall be available to the public at least to the extent provided by 40 CFR 2.302.

Sec. 14-417 Powers and Authority of Inspectors

1. *Inspection; Right of Entry.* The Director, and other duly authorized employee of the City of Rockland bearing proper credentials and identification, shall be permitted at reasonable times to enter all properties for the purposes of inspection, observation, compliance monitoring, measurement, independent sampling, copying of records, evaluation, requirement of monitoring equipment, and/or testing in accordance with the provisions of this Article. The Director, or his representative, shall have no authority to inquire into an processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
2. *Safety Rules; Indemnification by City.* While performing the necessary work on private properties referred to in subsection 1, above, the Director or duly authorized employees of the City of Rockland shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City of Rockland employees and the City of Rockland shall indemnify the company against loss or damage to its property by the City of Rockland employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.
3. *Property Subject to City Easement.* The Director, and other duly authorized employees of the City of Rockland bearing proper credentials and identification, shall be permitted to enter all private properties through which the City of Rockland holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, compliance monitoring, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Sec. 14-418 Enforcement and Penalties

1. *Notice of Violation.* Any person, user or permit holder violating any provision of this Article, except Section 14-506 (National Categorical Pretreatment Standards), shall be provided a written notice stating the nature of the violations, a reasonable time limit for corrective action, and compliance schedule for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice and order for corrective action, cease all violations.
2. *Responsible party.* The property owner of record and permit holder will be responsible, jointly and severally, for complying with all orders of corrective action, compliance schedules, and time limits as well as all penalties and all bills charged to occupants of properties. In accordance with Title 30-A §§ 3424, 3442-3445, Maine Revised Statutes, liens will be attached to properties with delinquent sewer payment and fines.
3. *Damages to Rockland Property.* Any person, user and permit holder violating any of the provisions of this Article shall become liable, jointly and severally, to the City of Rockland for any expense, loss, or damage occurring to the City of Rockland by reason of such violation.
4. *Penalties for Violations.* Any user who shall continue any violation beyond the time provided for in an order pursuant to Subsection 1 shall be fined in the amount stipulated in the latest revision of the City of Rockland Enforcement Response Plan or as approved by the Charges and Fees Order of the Rockland City Council. Penalties for violations of Industrial Wastewater Permits shall be as are provided for in Subsection 5. Each day in which any violation shall continue beyond the time provided for in an order pursuant to Subsection 1 shall be deemed a separate offense. All fines shall become the property of the City of Rockland.
5. *Industrial Wastewater Penalties.*
 - A. *Inadequate Pretreatment.* In the event that any Industrial Wastewater Permit holder or any user that discharges industrial wastewater into the sewer system without adequate pretreatment, which results in permit violations by the City, of its state and federal permits, such users shall indemnify the City of Rockland for any fines, penalties and/or damages which it may be required to pay as a result of such violation as well as the City of Rockland's cost of defense, including, but not limited to, its reasonable attorney fees and costs. The Director may also choose to require the user to develop a compliance schedule.
 - B. *Significant Excess Discharge.* Whenever an effluent limitation established in an Industrial Wastewater Discharge Permit is exceeded by more than double, there shall be a doubling of the treatment charges as approved by the Charges and Fees Order of the Rockland City Council or in the latest revision of the City of Rockland Enforcement Response Plan.
 - C. *Violations of Effluent Limitations Contained in Permit.*

Fees and/or penalties for violations of effluent limits contained in users' Industrial Wastewater Discharge Permits shall be

as stipulated in the latest version of the City of Rockland's Enforcement Response Plan or as approved by the Charges and Fees Order of the Rockland City Council.

D. *Failure to Monitor and Sample.* Whenever there is a failure to monitor and/or sample, required by this Ordinance or by a permit, a Permittee shall be subject to fees and/or penalties as stipulated in the latest version of the City of Rockland's Enforcement Response Plan or as approved by the Charges and Fees Order of the Rockland City Council. The Director may also choose to require the user to develop a compliance schedule.

E. *Failure to Report.* Whenever a report required by this Ordinance or by a permit is not made on time or whenever a noncompliance report and/or written response required by this Ordinance or by a permit is not made on time, a Permittee shall be subject to fees and/or penalties as stipulated in the latest version of the City of Rockland's Enforcement Response Plan or as approved by the Charges and Fees Order of the Rockland City Council. The Director may also choose to require the user to develop a compliance schedule.

F. *Failure to Meet Schedule.*

Whenever there is a failure to meet a schedule for submission of plans of a compliance schedule, required by this Ordinance or by a permit, a Permittee shall be subject to fees and/or penalties as stipulated in the latest version of the City of Rockland's Enforcement Response Plan or as approved by the Charges and Fees Order of the Rockland City Council.

G. *Additional Methods of Enforcement:* The Director reserves the right to take any or all of the following actions against users in significant noncompliance, as defined in the City of Rockland's Enforcement Response Plan:

- Publish names of Users in Significant Noncompliance
- File Show Cause Orders
- File Cease and Desist Orders
- Terminate the User's Industrial Discharge Permit
- Terminate User's Discharge
- Suspend User's Discharge on an Emergency Basis

SECTION 9—PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the WPCF, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2;

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

C. Any other violation of a Pretreatment Standard or Requirement as defined by Sections 14-505, -506, or -507 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Superintendent determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Superintendent's exercise of its emergency authority to halt or prevent such a discharge;

E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit [or a general permit or enforcement order for starting construction, completing construction, or attaining final compliance];

F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violation(s), which may include a violation of Best Management Practices, which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

Sec. 14-419 Recovery of Expenses and Costs

A. Whenever the Director determines that there is or has been a violation of the Ordinance and/or an Industrial Wastewater Permit, the user and/or permit holder shall be liable for all costs reasonably incurred by the City to investigate, abate and stop all violation or to operate in conditions more severe than normal. This cost shall include a personnel charge for each hour, or portion of an hour, plus all other expenses reasonably incurred by the City's employees or agents spent on the investigation and/or abatement of the violation, including the cost of data analysis, sample taking and laboratory testing at the rates established in the latest revision of the City of Rockland's Enforcement Response Plan or the Charges and Fees Order of the Rockland City Council.

B. Payment of Penalties and Charges.

1. All penalties, and charges unless otherwise provided for by a permit shall be paid within 30 days of the invoice date. There shall be interest added at a rate the same as imposed by the City for municipal taxes set pursuant to 36 M.R.S. § 505 and 38 M.R.S. § 1202 for all penalties or portions of penalties not paid within 30 days of the date due.

2. All penalties are in addition to all user fees and all other charges.

3. All fines and penalties shall benefit and become the property of the City of Rockland

4. Court Enforcement Actions. Notwithstanding any of the foregoing provisions, the Director may institute any appropriate action including injunction or other proceedings to prevent or abate, violations of the provisions of this Ordinance and permit issued pursuant to this Ordinance.

5. Any user fined because of a violation, owing any bill for sewer use or penalties under this Article, or found liable for any expenses, loss, or damage to the City of Rockland pursuant to this Article or is ordered by a Court to abate or cease violations shall also be liable for and shall pay the City of Rockland the City of Rockland's attorney's fees, witness expenses and costs and court costs reasonably incurred in such enforcement of this Ordinance and in the collection of such bills, fines, penalties, expenses, losses or damage.

Sec. 14-420 Validity

1. *Repeal of Conflicting Ordinances.* All ordinances, or parts of ordinances, in conflict herewith are hereby repealed. Severability. The invalidity of any section, clause, sentence, or provision of this Article shall not affect the validity of any other part of this Article that can be given effect without such invalid part or parts.

Sec. 14-421 Director's Authority

1. The Director shall have the authority to adopt from time to time procedures for the billing, construction, inflow and infiltration and other policies necessary to carry out the intent of this ordinance.

2. The Director shall and is hereby authorized to adopt from time to time rules and regulations, consistent with the existing Sewer Ordinance, pertaining to the maintenance and operation of the sewage facility.

Sec. 14-422 Ordinance in Force

This Article shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law. Passed and adopted by the City Council of the City of Rockland, Maine, on the 13th day of June, 2007. MONTH, 2005.

Sec. 14-423 Board of Sewer Appeals

1. *Creation and Appointment.* A Board of Sewer Appeals is hereby established. The members of the Board shall be appointed by the Mayor and confirmed by the City Council and be the same board as hears zoning appeals. They shall be domiciled

residents of the City and shall serve without compensation.

2. *Jurisdiction.* The Board of Sewer Appeals shall have the following powers and duties to be exercised only upon written appeal by a user aggrieved by a decision of the Director or the Local Plumbing Inspector insofar as each decision arises from requirements of this Sewer Use Ordinance:

A *Review Decisions and Ordinance Interpretation.* To determine whether the decisions of the officers are in conformity with the provisions of Article IV, and to interpret the meaning of Article IV in cases of uncertainty.

B. *Variances.* To grant variances from the terms of Article IV where necessary to avoid undue hardship provided there is no substantial departure from the intent of Article IV.

C. *Exceptions.* To permit an exception to Article IV only when the terms of the exception have been specifically set forth in Article IV.

3. *Hearings.* The Board of Sewer Appeals shall annually determine a regular monthly meeting date. All appeals or other matters to come before the Board requiring a notice as prescribed herein shall be filed with the City Clerk. The Clerk shall cause to be advertised in a newspaper of general circulation in the City a notice of such appeal identifying the property involved, the nature of the appeal and stating the time and place of a public hearing of such appeal which shall not be earlier than ten (10) days after the date of such publication. Owners of properties within three hundred (300) feet of the property for which the appeal is made shall be notified by certified mail. Failure of any such owner to receive this notice shall not invalidate the proceedings herein prescribed.

The Director shall attend all hearings pertaining to the public sewerage system. The Local Plumbing Inspector shall attend such hearings as he may be involved in. The officer concerned shall present to the Board of Sewer Appeals all plans, photographs or other factual material that is appropriate to an understanding of the appeal. The Board of Sewer Appeals shall not continue hearings on an appeal to a future date except for good cause. Written notice of the decision of the Board shall be sent to the appellant and to the officer concerned, forthwith. Failure of the Board to issue such notice within thirty (30) days of the date of the hearing shall constitute a denial of the appeal.

4. *Appeal Procedure.*

A *Appealable Decisions.* Any user and any municipal department aggrieved by the decision of the Director, or the Local Plumbing Inspector, which decisions arise from provisions of Article IV may appeal such decision to the Board of Sewer Appeals.

B. *Appeal Deadline.* Within thirty (30) days of the date of the decision of the Director or Local Plumbing Inspector, the appeal shall be entered at the Code Enforcement Office upon forms to be approved by the Board of Appeals. The appellant shall set forth in the form the grounds of his appeal and shall refer to the specific provisions of Article IV involved. Eff: 02/11/15

Following the receipt of any appeal, the Code Enforcement Officer shall notify forthwith the officer concerned and the Chairperson of the Board of Sewer Appeals. The appellant shall pay to the Code Enforcement Officer a fee as established by the Order of the Rockland City Council. Eff: 02/11/15

C. *Appeal to Superior Court.* An aggrieved user may appeal from the decision of the Board of Sewer Appeals to the Superior Court as provided by the laws of the State of Maine.

5. *Successive Appeals.* After a decision has been made by the Board of Sewer Appeals, a new appeal of similar import shall not be entertained by the Board until one (1) year shall have elapsed from the date of the decision, except that the Board may entertain a new appeal if it finds that, owing to a mistake of law or misunderstanding of fact, an injustice was done, or if it believes that a change has taken place in some essential aspect of the appeal.

State Law Reference: 30-A M.R.S. §§ 3401-3407; 38 M.R.S. §§ 411-452.

Eff: 10/14/09

Amended: 01/13/10