

**SEWER USE RULES AND REGULATIONS  
FOR  
THE KENNEBUNK SEWER DISTRICT  
KENNEBUNK, MAINE**

**January 13, 2010**

**FINAL**

As amended and approved \_\_\_\_\_

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KENNEBUNK SEWER DISTRICT  
KENNEBUNK, MAINE

RULES AND REGULATIONS  
INTRODUCTION

**A. Authority**

Pursuant to authority provided in the Private and Special Laws of 1995, Chapter 69, as amended, the following are adopted Rules and Regulations of the Kennebunk Sewer District (hereinafter the 'Rules and Regulations') regulating the use of public and private sewers and drains, private waste-water disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public Sewer System(s), and providing penalties for violations thereof, in the quasi-municipal corporation entitled The Kennebunk Sewer District and encompassing that part of the Town of Kennebunk described in Private and Special Laws of 1955 Chapter 69 as amended, County of York, State of Maine. These Rules and Regulations have been established in compliance with the Federal Water Pollution Control Act (33 U.S.C. Section 1251 et seq.).

**B. Purpose**

The purpose of these Rules and Regulations is to promote the health and general welfare of the citizens of the Town of Kennebunk living within the Kennebunk Sewer District by regulating and restricting the construction and use of sewerage systems and the accumulation, transportation, treatment and disposal of sewage in such a manner that the creation of any sewerage system, whether public, private or industrial, shall not result in pollution, health hazard or other nuisance. The objectives of these Rules and Regulations are:

1. To prevent the introduction of pollutants into the public Sewer System which will interfere with its operation or otherwise be incompatible with the system.
2. To prevent the introduction of pollutants into the public Sewer System that will pass through the Sewer System, inadequately treated, into receiving waters, or is otherwise incompatible with the Sewer System.
3. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public.
4. To promote reuse and recycling of industrial wastewater and sludge from the Sewer System.

5. To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the Sewer System.
6. To enable the Kennebunk Sewer District to comply with its National Pollution Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Sewer System is subject.
7. To preserve and protect the public health and welfare of the citizens of Kennebunk and to protect the waters of the Kennebunk and Mousam Rivers as it pertains to the Kennebunk Sewer District's sewer system.

### **C. Applicability**

These Rules and Regulations shall apply to all users of the Publicly Owned Treatment Works. The Rules and Regulations authorize the issuance of wastewater discharge permits; provide for monitoring, compliance, and enforcement activities; establish administrative review procedures; require user reporting; and provide for the setting of fees for the equitable distribution of cost resulting from the program established herein.

### **D. Administration**

Except as otherwise provided herein, the Superintendent shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to other District personnel.

## **ARTICLE I**

### **Definitions**

Unless the context specifically indicates otherwise, the meaning of terms used in the sewer rules and regulations and the District's Pretreatment Regulations shall be as follows:

Section 1. "Act or the Act" The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.

Section 2. "Approval Authority" The Regional Administrator of the EPA or his duly appointed agent.

Section 3. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees C, expressed in milligrams per liter as determined by test methods defined in Standard Methods.

Section 4. "Board of Trustees" or "District Trustees" shall mean the duly appointed Trustees of the Kennebunk Sewer District.

Section 5. "Building Drain" shall mean that part of the lowest horizontal piping of a drain system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building or structure and conveys it to the building sewer. The physical limit of the building drain shall be a point eight (8) feet outside the exterior face of the structure's wall.

Section 6. "Building Sewer" shall mean the pipe(s) extending from the structure's building drain to its connection to the public sanitary sewer.

Section 7. "Bypass" The intentional diversion of wastestreams from any portion of a wastewater treatment facility.

Section 8. "Categorical Pretreatment Standard or Categorical Standard" Any regulation containing pollutant discharge limitations promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) that apply to a specific category of users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Section 9. "Charter" shall mean Private and Special Laws, Chapter 69 as enacted by the Maine Legislature in 1955, as amended.

Section 10. "Commercial Use" Premises used for financial gain, such as business or industrial use, but excluding residential uses and related accessory uses.

Section 11 "Commissioner" The Commissioner of the Maine Department of Environmental Protection, or the commissioner's duly appointed agent.

Section 12. "Combined Sewer" shall mean a sewer receiving both natural surface runoff and sewage.

Section 13. "District" shall mean the Kennebunk Sewer District acting through its Board of Trustees, superintendent, plant operators, employees or other duly authorized agent.

Section 14. "District Facilities" shall include structures, conduits, pump stations, wastewater collection, treatment and disposal facilities, and other appurtenances for the purpose of collecting, treating and disposal of domestic and/or industrial wastewater owned or leased by the District.

Section 15. "Domestic Wastewater" or "Sanitary Sewage" Normal water-carried household and toilet wastes or waste from sanitary conveniences of residences, commercial buildings, and industrial plants, excluding ground, surface, or storm water.

Section 16. "Easement" A perpetual right for the specific use of land where the fee interest is held by others.

Section 17. "Environmental Protection Agency or EPA." The United States Environmental Protection Agency or, where appropriate, the EPA Regional Water Management Division Director, or other duly authorized official of said agency.

Section 18. "Excessive" shall mean amounts or concentrations of a constituent of a sanitary or industrial wastewater which in the judgment of the District: (a) will cause damage to any facility, (b) will be harmful to a wastewater treatment process, (c) cannot be removed in the District's treatment facilities to the degree required in the District's National Pollutant Discharge Elimination System (NPDES) permit (d) can otherwise endanger life or property, or (e) can constitute a nuisance.

Section 19. "Existing source" shall mean any source of Discharge, the construction or operation of which commenced prior to the publication by the EPA of proposed Categorical Pretreatment Standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

Section 20. "Floatable Oil" Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility.

Section 21. "Force Main" A line without access from individual properties, providing a connection from a pump station to a pump station, trunk, or sanitary sewer main.

Section 22. "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.

Section 23. "Grab Sample" A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

Section 24. "Grease" The material removed from a grease interceptor (or trap) serving a restaurant or other facility requiring such grease interceptors. Also means volatile and non-volatile residual fats, fatty acids, soaps, waxes and other similar materials.

Section 25. "Indirect Discharge" or "Discharge" The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act, as amended.

Section 26. “Industrial Discharge Permit” or “IDP” The written permit issued by the Kennebunk Sewer District to an industrial user that outlines the conditions under which discharge to the POTW will be accepted.

Section 27. “Industrial User” A person who discharges industrial wastes to the POTW of the Kennebunk Sewer District.

Section 28. “Industrial Wastes” or “Non-Domestic Wastewater” The wastewater or waterborne wastes resulting from any process of industry, manufacturing trade or business or from development of any natural resources as distinct from domestic wastewater, sewage or unpolluted water. Industrial wastewaters may or may not be discharged separately from sanitary wastewaters. For a combined discharge the District shall determine if the discharge meets the definition of "industrial wastewater".

Section 29. “Instantaneous Discharge Limit” The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

Section 30. “Interference” shall carry the meaning set forth in 40 CFR §403.3 as amended; which states that it means a Discharge by an Industrial User which, alone or in conjunction with a Discharge or Discharges by other sources, both: (1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, uses or disposal and (2) therefore is a cause of a violation of any requirement of the POTW's National Pollutant Discharge Elimination System (NPDES) Permit (including an increase in the magnitude or duration of a violation) or of the prevention of the sewage sludge use or disposal method chosen by the District in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Section 31. “May” Means permissive (see "Shall").

Section 32. “MDEP” OR “DEP” shall mean the Maine Department of Environmental Protection.

Section 33. “Medical Waste” Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, chemotherapy wastes, and dialysis wastes.

Section 34. "National Pollutant Discharge Elimination System Permit or NPDES Permit"  
A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

Section 35. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

Section 36. "New Source" shall have the meaning set forth in 40 CFR §403.3 (k) as amended, which states that it means:

- 1) Any new Building Sewer;
- 2) 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 which 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.
- 3) 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 2)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- 4) Construction of a New Source as defined under this Section 31 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.

Section 37. "NPDES Permit" means a permit issued to the District's POTW pursuant to Section 402 of the Act.

Section 38. "Pass through" shall have the meaning set forward in 40 CFR §403.3 as amended, which states that it means a Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a Discharge or Discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES Permit (including an increase in the magnitude or duration of a violation).

Section 39. "Normal Domestic Wastewater" Wastewater generated by residential users containing not more than 300 mg/l BOD and not more than 300 mg/l suspended solids.

Section 40. "Owner" shall mean both the person who is vested holder of title for any real estate and all tenants, lessees or others in control or use of the property in question and if the owner cannot be otherwise identified the person against whom the Town of Kennebunk assesses real estate taxes for all real estate. Excluded from this definition is a mortgagee of the property in question unless the mortgagee exercises his mortgage rights and takes possession of the property.

Section 41. "Person" shall mean any individual, firm, company, association, society, corporation, or group.

Section 42. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. It is a method of expressing the acidic or basic strength of a solution and the tendency or ability of that solution to react with other acidic or basic solutions. The pH value may range from 1 (strong acid) to 14 (strong base). Pure water is neutral and has a pH of 7.

Section 43. "Plant Operator" shall mean the operator of the District facilities, or his authorized deputy, agent, or representative all acting for the Board of Trustees, Kennebunk Sewer District.

Section 44. "Pollution" shall have the meaning set forth in 40 CFR §401.11 as amended, which states that it means the man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

Section 45. "Pollutant" or "Pollutants" shall have the meaning set forth in 40 CFR §401.11 as amended, which states in part that it means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

Section 46. "Pollution Prevention" The use of materials, processes, or practices that reduce or eliminate the creation of pollutants or wastes at the source, or minimize their release prior to discharge to the POTW. It includes practices that reduce the use of hazardous materials, energy, water or other resources. It also includes practices that protect natural resources and human health through conservation, more efficient use, or effective release minimization.

Section 47. "POTW" or "Publicly Owned Treatment Works" shall have the meaning set forth in 40 CFR §403.3 as amended, which states that it means a Wastewater Treatment Works which is owned by a State or a 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 Wastewater Treatment Works. The term also means the District, which has jurisdiction over Indirect Discharges to and the discharges from such a treatment works. In addition to the definition contained in 40 CFR §403.3 as amended, for purposes of these Rules and Regulations, the term means the District's Wastewater Treatment Works.

Section 48. "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, but not by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Section 49. "Pretreatment Requirements" Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

Section 50. "Pretreatment Standards or Standards" Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards and local limits established by order of the Board of Trustees.

Section 51. "Private Sewer System" shall mean any sewer, not owned by the District, that collects wastewater from two or more building sewers and discharges to a public sanitary sewer.

Private sewer systems are not permitted except by specific agreement with the District. A copy of this agreement will be filed with the District.

Section 52. "Prohibited Discharge Standards or Prohibited Discharges" Absolute prohibitions against the discharge of certain substances as identified in Article VI of these Rules and Regulations.

Section 53. "Properly Shredded Garbage" shall mean the wastes from preparation, cooking, and dispensing of foods 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 (1/2) inch in any dimension.

Section 54. "Public Sewer" shall mean a common sanitary sewer serving the general public and owned and controlled by the District.

Section 55. "Publicly Owned Treatment Works or POTW" Kennebunk Sewer District's "treatment works," including any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if these structures convey wastewater to a POTW wastewater treatment facility.

Section 56. "Sanitary Sewer" shall mean a sewer which carries domestic and/or industrial wastewater and to which natural storm, surface, and ground waters are not intentionally admitted.

Section 57. "Sanitary Wastewater" shall mean the liquid waste discharged from a building's or structure's sanitary conveniences, such as toilets, washrooms, urinals, sinks, showers, small laundries, and from kitchens and cafeterias essentially free of industrial wastes or toxic materials. Sanitary wastewaters may or may not be discharged separately from industrial wastewaters. For a combined discharge the District shall determine if a wastewater discharge meets the definition "sanitary wastewater".

Section 58. "Screening Level" That concentration of a pollutant that under baseline conditions would cause a threat to personnel exposed to the pollutant, or would adversely impact structures of the POTW. To be administered as local limits applicable to a particular discharge, the screening levels must be adjusted to account for conditions at the point of discharge that differ from baseline conditions.

Section 59. "Septage" shall mean the mixture of liquids and solid matter removed from a septic tank during normal cleaning.

Section 60. "Septage Receiving Facility" shall mean the facility specifically designed to handle the septage.

Section 61. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such natural ground, surface, and storm waters as may be present. This term shall be interchangeable with the word "wastewater".

Section 62. "Sewer" shall mean any pipe or conduit whether above or below the ground for carrying sewage.

Section 63. "Sewer Extension" shall mean any newly constructed sewer onto which two or more building sewers connect.

Section 64. "Significant Industrial User" shall have the meaning set forth in 40 CFR 403.3 and as amended, which states in part that it means all Industrial Users subject to Categorical Pretreatment Standards and any other Industrial User that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW(excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW or is designated as such by the Control Authority as defined in 40 CFR §403.12(a) on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW or for violating any Pretreatment Standard or Requirement.

Section 65. "Shall" is mandatory; May is permissive.

Section 66. "Sludge" or "Biosolids" means the by-product of the sewage treatment process not discharged through the POTW's outfall.

Section 67. "Slug Load" or "Slug" Means:

- a. Any discharge of water, wastewater, sewage, or industrial sewage which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation;
- b. Any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in Article VI of these Rules and Regulations; or
- c. Any discharge that may adversely affect the collection system and/or performance of the POTW.

Section 68. "Standard Industrial Classification (SIC) Code" A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

Section 69. "Standard Methods" shall mean Standard Methods for the Examination of Water and Wastewater, latest edition, published by the American Public Health Association.

Section 70. "State" The State of Maine.

Section 71. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries natural storm and surface waters and drainage, but not sewage and industrial wastes, other than unpolluted cooling water.

Section 72. "Storm Water" Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Section 73. "Superintendent" The person designated by the Kennebunk Sewer District to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by these Rules and Regulations or the Superintendent's duly authorized representative.

Section 74. "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 defined as Total Suspended Solids and are determined in accordance with Standard Methods.

Section 75. "Town" shall mean the Town of Kennebunk, York County, Maine.

Section 76. "User or Industrial User" A source of pollutants introduced into the POTW from any non- domestic source regulated under Section 307 (b), (c), or (d) of the Act.

Section 77. "Wastewater" Liquid and water-carried industrial wastes and/or sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

Section 78. "Watercourse" shall mean a natural or improved channel in which a flow of water occurs, either continuously or intermittently. The terms "waterway" or "swale" shall be considered interchangeable.

Section 79. "Wastewater Treatment Facilities" shall mean any arrangement of devices and structures used for treating sewage, sometimes used as synonyms with "POTW".

ARTICLE II  
Use of Public Sewers Required

Section 1. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the District and abutting on any street, alley, or right-of-way located within 200 feet of a public sanitary sewer of the District, is hereby required at his expense to install building sewer(s) and to connect such sewer(s) directly with the public sewer in accordance with the provisions of the sewer rules and regulations, except that existing houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, presently serviced by a septic or other private waste water disposal system shall not be required to connect to the public sewer until 90 days after the date when a septic or private waste water disposal system fails to adequately treat the owner's sewage or wastewater.

ARTICLE III  
Private Wastewater Disposal

Section 1. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection from the building drain to the public sewer shall be made within 90 days after the date when the owner's septic or other private waste water disposal system fails to adequately treat the owner's sewerage and any private sewer systems, septic tanks, cesspools and similar private wastewater disposal facilities shall no longer be used and shall be taken out of service as outlined in Article IV, Section 13 or by some other method acceptable to the District and the Town of Kennebunk.

Section 2. The septage from private wastewater disposal systems and the contents of wastewater holding tanks from dwellings or recreational vehicles shall not be discharged to the public sewer system except by specific permission of the District. The District shall designate the location where the septage may be discharged to the facilities and the conditions and fees for such discharges.

Section 3. No statement contained in this Article shall be construed to interfere with any requirements that may be imposed by Town ordinance or by authorized representatives of the Town.

ARTICLE IV  
Building Sewers and Future Connections

Section 1. No unauthorized 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 District. All the work related to the installation of building sewers, and the connection to the public sewers shall be performed by persons licensed by the Kennebunk Sewer District.

Section 2. Before the District will issue a permit the applicant must pay all applicable impact, equity buy-in, and inspection fees

Section 3. There shall be a building sewer connection permit. The owner of the property or his authorized agent shall make application on a form furnished by the District. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the District and as may be required by the Regulations.

Section 4. In the case of multiple building units or connections, commercial connections, industrial connections, or connections for sewerage which may require pretreatment, the District may require a monetary deposit sufficient to cover the cost of review of the application, including the cost of any expert advice deemed necessary by the District. The amount of the deposit shall be estimated by the District and upon payment of the applicant, shall be kept in a non-interest bearing account. Upon completion of the review process the unused portion, if any, will be refunded. If the initial deposit is not sufficient to pay for the costs incurred by the District, additional deposits shall be made, and handled in the same manner as the first.

Section 5. The work authorized by the permit shall be commenced no later than 30 days after the date of its issuance and shall be completed by the permittee and inspected and approved by the district no later than 180 days after its issuance. If the work is not begun within the 30 day period and is not completed, inspected and approved within the 180 day period, then the permit shall expire and the permittee shall reapply for a new permit. In no event will permit fees be refunded.

Section 6. One copy of the permit (s) shall be available for inspection at all times at the site of the work.

Section 7. All costs and expenses incident to the application, review, installation, connection, repair, and maintenance of the building sewer from the point of connection; including any fittings, chimneys or other structures attached to the District sewer main and continuing to the building shall be borne by the owner. The owner shall indemnify the District for any loss or damage that may directly or indirectly be occasioned by the installation, connection, repair and/or maintenance of the building sewer.

Section 8. 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 if approved by the District. Both buildings shall be considered as one service except for the purposes of permit and inspection fees established under Article IV, Section 2, and sewer service charges, impact fees and equity buy-in fees, established herein.

Section 9. Old building sewers or portions thereof may be used in connection with the new buildings or structures only when they are found, on examination and test, by the District to meet all requirements of the Sewer Rules and Regulations.

Section 10. The fittings used and manner of connecting a building sewer into a public sewer shall conform to the requirements of the Kennebunk Sewer District's Sewer Extension Design Specifications, and the procedures set forth in appropriate sections of the Water Pollution Control Federation Manual of Practice No. 9. All such connections shall be made gas tight and watertight. The connection shall be made in accordance with the approved drawings.

Section 11. No person(s) shall make or have connections of roof drains, downspouts, foundation drains, areaway drains, basement drains, sump pumps, 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.

Section 12. The applicant for the building sewer permit shall notify the District at least twenty-four (24) hours before beginning work and also when the building sewer is ready for inspection and connection to the public sewer. The connection to the public sewer shall be under the full-time inspection of the District, or its representative.

Section 13. Upon completion of the connection of the building sewer to the public sewer, all contents of the old septic tank(s) or other structures shall be pumped out, (in the case of steel tanks) two or more holes punched in the bottom, and the tank filled with sand, or the tank(s) broken up and removed.

Section 14. All excavations for a building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. The owner and his contractor shall perform all work in compliance with OSHA and other safety regulations, statutes and ordinances. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to and in conformance with the standards of the Town and District.

Section 15. No connection of any kind shall be made directly from any private property to a District sewer force main.

ARTICLE V  
Licensing of Persons Authorized to Install Sanitary Sewers and  
Make Connections to the Public Sanitary Sewer

Section 1. The District shall license and thereby authorize persons of established reputation and experience in sewer construction to install building sewers and make connections to the public sanitary sewer subject to compliance with the following requirements:

- (a) All applicants shall complete an application form provided by the District.
- (b) Applicants for licenses shall file with the District a proper and acceptable Performance and Guarantee Bond in the amount of \$2500.00 or a Letter of Credit in the same amount with a bank located in Kennebunk which shall remain in full force and effect for a period of one year from the date of application.
- (c) Applicants for licenses, before approval by the District, shall file with the District a Certificate of Insurance in the sum of \$300,000/\$500,000 to cover Public Liability and a Certificate of Insurance in the sum of \$100,000 covering Property Damage; in addition, a certificate of insurance covering Workman's Compensation shall be filed, all of which shall remain in full force and effect for a period of at least one year from the date of approval.
- (d) Applicants for licenses will be approved or disapproved within a period of thirty-one (31) days after filing the application.

Section 2. All licenses expire one year from the date of issuance thereof and licenses are not transferable.

Section 3. The District reserves the right to revoke any licenses if the licensee violates any provision of these Regulations or any other applicable regulation, ordinance or statute.

Section 4. All licensees are required to give a full written report to the District within twenty-four (24) hours in the event that prohibited substances are found in a sewer or house drain during the course of the work.

Section 5. All licensees are required to give personal attention to all installations and shall employ only competent workers. The licensed person, as named on the permit, shall be responsible for all aspects of the work, including but not limited to, providing the correct information on the permit, laying the pipe, the excavating and backfilling and restoring the trench.

Section 6. Certification of the completion of the work in accordance with all conditions of the Sewer Use Rules and Regulations and Sewer extension design specifications shall be filed in writing with the District within twenty-four (24) hours after the completion of the work covered in each building sewer permit on the form provided by the District.

ARTICLE VI  
Use of Public Sewers

Section 1. Prohibited Discharge Standards

- A. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any Pollutant or Wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.
  - 1. In addition, no Person(s) shall discharge or cause to be discharged to the POTW any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, unpolluted industrial process waters, spring water, or cistern or tank overflow.
  - 2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or a natural outlet approved by the Town. Unpolluted industrial cooling water or process waters require an NPDES permit prior to discharge to a storm sewer or natural outlet, and the discharge shall comply with 38 MRSA § 413, as amended.
- B. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following Pollutants, substances, or Wastewater:
  - (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a flashpoint of less than 140° F (60°C) using the test methods specified in 40 CFR 261.21;
  - (2) Wastewater having a pH less than 6.5 or more than 9.0, or otherwise capable of causing corrosive structural damage to the POTW or equipment;
  - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference, including, but not limited to; ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags,

feathers, tar, plastics, wood,, improperly shredded garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a Discharge at a flow rate and/or Pollutant concentration which, either singly or by interaction with other Pollutants, will cause Interference with the POTW;
- (5) Wastewater having a temperature which will inhibit biological activity in the POTW resulting in Interference, but in no case Wastewater which causes the temperature at the introduction into the Wastewater Treatment Works to exceed 104°F (40°C);
- (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems, which quantity is presumed to exist when the Pollutants exceed the levels set forth in the Screening Levels in Addendum A is attached hereto and is hereby incorporated;
- (8) Any medical waste such as: Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, chemotherapy wastes and/or dialysis wastes.
- (9) Radioactive wastes or isotopes of half-life or concentrations in accordance with State or Federal regulations.
- (10) Trucked or hauled Pollutants, including septage from septic tanks, cesspools or other receptacles storing organic wastes, except by specific permission of the District. The District shall designate the location where septage may be discharged to the POTW and the conditions and fee for such discharge.
- (11) Pollutants discharged from any vehicle washrack or motor, or contained in the Discharge or effluent from any air conditioner or refrigeration unit, except by special permission of the District;
- (12) Any waters or wastes containing pollutants or substances not specifically prohibited which may solidify or become viscous at temperatures between

thirty-two (32) degrees F or Zero (0) degrees C and one hundred fifty (150) degrees F or sixty-five (65) degrees C, excluding normal household wastes.

Pollutants, substances, or Wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

Section 2. “National Categorical Pretreatment Standards” The Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated into these Rules and Regulations.

- A. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a Pollutant in Wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- B. When Wastewater subject to a Categorical Pretreatment Standard is mixed with Wastewater not regulated by the same standard, the Superintendent shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(c).
- C. A User may obtain a variance from a Categorical Pretreatment Standard if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the Categorical Pretreatment Standard.
- D. A User may obtain a net gross adjustment to a Categorical Pretreatment Standard in accordance with 40 CFR 403.15.

Section 3. “Modification of Categorical Pretreatment Standards” Pursuant to 40 CFR 403.7, where the POTW achieves consistent removal of Pollutants limited by a Categorical Pretreatment Standard, the District may apply to the EPA for modifications of the Discharge limits for a specific Pollutant covered in the relevant National Categorical Pretreatment Standards in order to reflect the POTW's ability to remove said Pollutant. The District may modify Pollutant Discharge limits contained in a Categorical Pretreatment Standard only if the requirements of 40 CFR 403.7 are fulfilled and prior written approval from the EPA is obtained.

Section 4. “State Requirements” Requirements and limitations on discharges set by the Maine Department of Environmental Protection (DEP) shall apply in any case where the DEP requirements or limitations are more stringent than Federal requirements or limitations or the requirements and limitations contained in these Rules and Regulations.

Section 5. “Local Limits” No person shall discharge Wastewater containing any Pollutants specified in the Kennebunk Sewer District's Local Limits adopted by order of the Board of Trustees in excess of the limitations for each of said Pollutants as specified in said

order. A copy of the current Local Limits order is attached as Addendum B hereto and is hereby incorporated; the Local Limits order may be revised by the Board of Trustees by amendment of Addendum B to these Rules and Regulations. Compliance with the provisions of this Section 5 shall be assessed on the basis of samples of the person's Wastewater Discharge collected at each point of the connection between the person's building, structure, facility or installation and the POTW. If a Categorical Pretreatment Standard found in 40 CFR, Chapter I, Subchapter N, Parts 405-471 and hereby incorporated in these Rules and Regulations establishes limitations for Users in a particular industrial subcategory which are more stringent than the limitations specified in Addendum B, those more stringent limitations shall immediately apply to those subject to that Categorical Pretreatment Standard. Compliance with Pretreatment Standard limitations shall be determined in accordance requirements set forth in 40 CFR § 403 12(b)(5).

Section 6. "Right of Revision" The District reserves the right to establish, by amendment to these Rules and Regulations or in Wastewater Discharge or Industrial User permits, more stringent requirements on Discharges to the POTW.

Section 7. "Dilution" No User shall ever increase the use of process water, or in any way attempt to dilute a Discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a Discharge limitation contained in any Categorical Pretreatment Standard or Pretreatment Standard or Local Limit Requirement, these Rules and Regulations or any permit issued hereunder unless expressly authorized by an applicable Pretreatment Standard or Requirement.

#### Section 8. "Pretreatment of Wastewater"

##### A. Pretreatment Facilities

Users shall provide Wastewater treatment as necessary to comply with these Rules and Regulations, including the Local Limits included as Addendum B hereto, and shall achieve compliance with all Categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 1 of this Article within the time limitations specified by EPA, the State, or the District, whichever is the most stringent. Any facilities necessary for compliance with the above shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the District for review, and shall be accepted by the District before such facilities are constructed or operating procedures are initiated. The user shall reimburse the District for any expense, including the cost for the District to obtain expert advice or assistance in order to review and to accept the facilities and operating procedures. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a Discharge acceptable to the District under the provisions of these Rules and Regulations. Any subsequent changes in the facilities

or operating procedures shall be reported to and be acceptable to the District prior to the User's initiation of the changes.

**B. Additional Pretreatment Measures**

1. Whenever deemed necessary, the Superintendent may require Users to restrict their Discharge during peak flow periods, designate that certain Wastewater be discharged only into specific sewers, relocate and/or consolidate points of Discharge, separate sewage wastestreams from industrial wastestreams, impose other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of these Rules and Regulations.

2. The Superintendent may require any person discharging into the POTW to install and maintain, on its property and at its expense, a suitable storage and flow-control facility to ensure equalization of flow. A Wastewater Discharge permit may be issued solely for flow equalization.

3. Grease, oil, and sand interceptors shall be provided for the proper handling of liquid wastes containing floatable grease or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required on services functioning solely for private living quarters or private dwelling units. All interceptors shall be of a type and capacity approved by the District, and shall be located as to be readily and easily accessible for cleaning and inspection.

External grease interceptors shall be required for all new restaurants and food preparation establishments if the food preparation or kitchen area includes any of the following: a garbage disposal, dishwasher, fryalator, oven, grill or top and hood ventilation system. Restaurants and food preparation establishments meeting the above criteria that currently have an internal grease trap (or no trap at all) shall be required to install a subsurface grease interceptor if changes are made to the internal plumbing of their existing kitchen which would require a plumbing permit from the Town's Codes Office. The minimum size grease interceptor shall be 1000 gallons and the design shall be approved by the District prior to installation.

In hardship cases due to lack of space of the property owned by the applicant, and with the approval of the superintendent, an automatic/ mechanical (self cleaning) grease removal unit may be used instead of an external grease interceptor. The automatic grease removal unit must be sized in accordance with the manufacturer's written recommendations. The water temperature of the influent, as it enters the unit, shall not exceed one hundred fifty (150) degrees F. Dishwasher wastewater shall not be discharged into an automatic grease removal unit, however, the wastewater from the pre-rinse station prior to the dishwasher shall discharge to the grease removal unit.

New restaurants and food preparation establishments having only a sink shall have at a minimum an automatic/mechanical (self cleaning) grease removal unit. This unit shall be sized in accordance with the manufacturer's written recommendations. The water temperature of the influent, as it enters the unit shall not exceed one hundred fifty (150) degrees F. Dishwasher wastewater shall not be discharged into an automatic grease removal unit, however, the wastewater from the pre-rinse station prior to the dishwasher shall discharge to the grease removal unit.

Internal grease traps shall be required of all existing restaurants and commercial food preparation establishments and shall have a minimum capacity of 25 gallons per minute flow. All grease traps shall be of a type and capacity approved by the District, and shall be located as to be readily and easily accessible for cleaning and inspection.

In maintaining external grease interceptors the owner(s) shall be responsible for the proper removal and disposal by legal and environmentally safe methods of the captured material, and shall maintain records of the date, name of hauler, quantity hauled, and means of disposal. Signed copies of these records shall be submitted every 6 months to the District. Any removal and hauling of the collected materials not performed by owner(s)' personnel shall be performed by state licensed waste disposal firms. Owners of internal grease interceptors shall be responsible for the proper removal and disposal by legal and environmentally safe methods of the captured material, and shall maintain records of the date and means of disposal.

4. Where 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.

5. When required by the District, the owner of any property serviced by a building sewer into which industrial wastewaters are discharged shall install a suitable control manhole together with such necessary monitoring equipment and other appurtenances to facilitate observation, sampling and measurement of the wastewaters in the building sewer. Such manholes and equipment, when required, shall be safely and accessibly located, and shall be constructed in accordance with plans reviewed by the District. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. The owner shall, if required by the District, perform flow measurements and analyses of the wastewaters at his expense.

6. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

### C. Availability of Records

All records relating to compliance with applicable Pretreatment Standards and Pretreatment Requirements as defined in 40 CFR §403.3, (j) and (r) shall be made available to officials of the EPA, DEP, or District upon request. In addition, pursuant to the public participation requirements of 40 CFR Part 25, the District shall annually publish in the largest daily newspaper of general circulation in the municipality in which the POTW is located, a list of the Users which, at any time during the preceding twelve (12) months, were in significant noncompliance with applicable Pretreatment Standards or Pretreatment Requirements.

Section 9. “Accidental Discharge/Slug Control Plans” At least once every two (2) years, the District shall evaluate whether each Significant Industrial User needs an accidental discharge/slug control plan. The District may require any User to develop, submit for approval, and implement such a plan. Alternatively, the District may develop such a plan for any User. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including nonroutine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the District of any accidental or slug discharge, as required by Article VIII, Section 3 of these Rules and Regulations; and
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

Section 10. No statement contained in these Rules and Regulations, except for Section 1 hereof, shall be construed as preventing any special agreement or arrangement between the District and any industrial User whereby a Wastewater of unusual strength or character may be accepted by the District for treatment, provided that such agreements do not contravene any requirements of existing federal or State laws, and/or regulations promulgated thereunder, are compatible with any User Charge System in effect, and do not violate applicable Categorical Pretreatment Standards or the Local Limits included as Addendum B.

- A. Special agreements may not, under any circumstances, be less stringent than any corresponding Federal limitations established for the parameter of concern. Any Industrial Discharge Permit (IDP) established is subject to a mandatory annual

evaluation. In addition, if at any time during the year the Industrial User's process(es) or Discharge(s) changes from the conditions to which the IDP applies, or if a new Industrial User connects to the District's POTW whose Discharge may impact the total industrial allocation of the specific parameter for which the IDP has been reached, the District may at that time reevaluate the IDP and change the conditions of the IDP or revoke the IDP entirely.

Section 11. Septic tank waste (septage) may be accepted into the Sewer System, at a designated receiving structure within the POTW area and at such times as are established by the Superintendent, provided such waste does not contain toxic Pollutants or materials, and provided such Discharge does not violate any other special requirements established by the District. Permits to use such facilities shall be under the jurisdiction of the District or its superintendent. Fees for disposing of septage shall be established by the Board of Trustees. The POTW Superintendent, acting on behalf of the District and its Trustees, shall have authority to limit the disposal of such wastes if such disposal would interfere with the POTW operation. Procedures for the disposal of such wastes shall be in conformance with the operating policy of the District's POTW Superintendent and disposal shall be accomplished under the Superintendent's supervision unless specifically permitted otherwise.

## ARTICLE VII Control Mechanism

Section 1. "Wastewater Analysis" When requested by the Superintendent, a User must submit information on the nature and characteristics of its Wastewater within thirty (30) days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require Users to update this information.

### Section 2. "Industrial Discharge Permit Requirement"

- A. No Significant Industrial User shall discharge wastewater directly or indirectly into the POTW without first obtaining an Industrial Discharge Permit from the District.
- B. The Superintendent may require other Industrial Users to obtain Industrial Discharge Permits as necessary to carry out the purposes of, these Rules and Regulations.
- C. Any violation of the terms and conditions of an Industrial User Permit shall be deemed a violation of these Rules and Regulations and subjects the Industrial User permittee to the sanctions set out in Article XVI of these Rules and Regulations. Obtaining an Industrial Discharge Permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

Section 3. “Industrial Discharge Permitting: Existing Connections” Except as otherwise provided in these Rules and Regulations, any Industrial User Permits issued to an Industrial User prior to the effective date of these Rules and Regulations shall remain valid until their stated expiration date; provided, however, that upon the expiration of any such Industrial User Permits, the Industrial User shall apply for a new Industrial Discharge Permit in accordance with these Rules and Regulations.

Section 4. “Industrial Discharge Permitting: New Connections” Any industrial User required to obtain an Industrial User Permit who proposes to begin or recommence discharging into the POTW must obtain such a permit prior to beginning or recommencing such Discharge. An application for this permit, in accordance with Article VII, Section 5 of these Rules and Regulations, must be filed at least sixty (60) days prior to the date upon which any Discharge is anticipated to begin or recommence.

Section 5. “Industrial Discharge Permit Application Contents” All Industrial Users required to obtain an Industrial Discharge Permit must submit a permit application on a form similar to Addendum C hereto. The District shall require all Industrial Users to submit as part of an application the following information:

- A. The name and address of the facility, including the name of the operator and owners.
- B. A list of all environmental control permits held by or for the facility.
- C. A brief description of the nature and average rate of production and the Standard Industrial Classification ('SIC') of the operations carried out by the Industrial User at such facility. This description should include a schematic process diagram which indicates points of discharge to the POTW from the facility.
- D. An identification of the Categorical Pretreatment Standards applicable to each regulated process.
- E. Wastewater constituents and characteristics including any Pollutants in the Discharge which are limited by any Federal, State or local standard sampling and analysis will be undertaken in accordance with 40 CFR Part 136.
- F. Time and duration of the Discharge

- G. Daily maximum, daily average, and monthly average Wastewater flow separately by regulated Discharge streams, including any seasonal variations, if any.
- H. Description of activities, facilities and plant processes on the premises, including a list of all raw materials and chemicals used at the facility which are or could accidentally or intentionally be discharged.
- I. The site plans, floor plans, mechanical plans, plumbing plans, and details to show all sewers, floor drains and appurtenances by size, location and elevation.
- J. Each product produced by type, amount, process or processes, and rate of production where production based Categorical Pretreatment Standards may apply.
- K. Type and amount of raw materials processed (average and maximum per day) where production-based National Categorical Pretreatment Standards may apply.
- L. Number and type of employees and hours of operation, and proposed or actual hours of operation of the pretreatment system.
- M. Whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the Industrial User to meet all applicable Federal, State and local standards. If additional pretreatment and/or O&M will be required to meet the standards, then the Industrial User shall indicate the shortest time schedule necessary to accomplish installation or adoption of such additional treatment and/or O&M. The completion date in this schedule shall not be longer than the compliance date established for the applicable Pretreatment Standard. The following conditions apply to this schedule:
  - 1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction (as required) and operation of additional pretreatment required for the Industrial User to meet the applicable Pretreatment Standards (such events include hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, beginning operation and conducting routine operation).

No increment referred to shall exceed nine months, nor shall the total compliance period exceed eighteen months.

2. No later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the District including at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by User to return to the established schedule. In no event shall nine months elapse between such progress reports to the District.
- N. Notification to the District of any proposed or existing Discharge listed or characteristic hazardous waste as required by 40 CFR §403.12(p) and Article VIII, Section 6. In those instances in which the Industrial User provides notification of the Discharge of hazardous waste, the Industrial User shall also provide the following certification: *I certify that [the Industrial User] has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree [the Industrial User] has determined to be economically practical.*
- O. A schedule of actions to be taken to comply with Discharge limitations.
- P. Any other information which may be needed to meet the baseline monitoring requirements applicable to Industrial Users subject to Categorical Pretreatment Standards.
- Q. Any other information as may be deemed by the District to be necessary to evaluate the permit application.

Section 6. “Application Signatories and Certification” All Industrial Discharge Permit applications and Industrial User reports must be signed by an Authorized Representative of the User and must contain the following certification statement:

*'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.*

Section 7. “Industrial Discharge Permit Decisions” The District will evaluate the data furnished by the Industrial User and may require additional information. After evaluation of the data, the District may issue a permit subject to the terms and conditions provided herein.

Section 8. “Industrial Discharge Permit Contents” Industrial User Permits shall include such conditions as are reasonably deemed necessary by the District to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant effluent, protect worker health and safety, facilitate treatment plant sludge management and disposal, protect ambient air quality, and protect against damage to the Facility. Permits may contain, but need not be limited to, the following:

- A. Limits on the average and/or maximum rate of Discharge, time of Discharge, and/or requirements for flow regulation and equalization.
- B. Limits on the average and/or maximum concentrations, mass, or other measure of identified wastewater constituents or properties, including those determined in accordance with the Local Limits specified in Addendum B.
- C. Requirements for the installation of pretreatment technology or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of Pollutants into the POTW.
- D. Development and implementation of spill control plans or other special conditions including additional management practices necessary to adequately prevent accidental Discharges.
- E. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged in the POTW.
- F. The unit charge or schedule of user charges and fees for the management of the Wastewater discharged to the POTW.
- G. Requirement for installation and maintenance of inspection and sampling facilities.
- H. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedules.

- I. Compliance schedules but in no event may a compliance deadline in a permit be later than a Categorical Pretreatment Standard compliance deadline.
- J. Requirements for submission of technical reports or discharge reports.
- K. Requirements for maintaining and retaining plant records relating to Wastewater Discharge as specified by the District and affording the District access thereto.
- L. Requirements for notification of any new introduction of Wastewater constituents or of any substantial change in the volume or character of the Wastewater being introduced into the Facility. Notification must be filed at least sixty (60) days prior to the date upon which any changes in Wastewater constituents or volume or character are anticipated to be introduced.
- M. Requirements for the notification of any change in the manufacturing and/or pretreatment process used by the Industrial User.
- N. Requirements for notification of excessive, accidental, or slug discharges.
- O. Other conditions as deemed appropriate by the District to ensure compliance with these Rules and Regulations, and State and Federal laws, rules, and regulations.
- P. A statement that compliance with the Permit does not relieve the Industrial User of responsibility for compliance with all applicable Federal Pretreatment Standards, including those which become effective during the term of the Permit.
- Q. A statement of Permit duration in accordance with Sec. 9 hereof, and in no case more than five (5) years.
- R. A statement of Permit transferability in accordance with Sec. 11 hereof;
- S. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule, which schedule shall not extend the time for compliance beyond that required by applicable federal, state or local law.

Section 9. "Permit Issuance Process"

- A. Permit Duration: Industrial Discharge Permits shall be issued by the District for a specified time period, not to exceed five (5) years. An Industrial User Permit may be issued for a period less than five (5) years at the discretion of the District.
- B. Permit Appeals: Parties aggrieved by the District's action seeking judicial review of the District's action must do so by filing a complaint in the Maine Superior Court for York County within thirty (30) days of the District's decision.

Section 10. "Industrial Discharge Permit Modification" The District may modify the Industrial User Permit for good cause including, but not limited to, the following:

- A. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements.
- B. To address material or substantial alterations or additions to the Industrial User's operation, processes, or discharge, volume or character which occur after the issuance of the current Industrial User Permit.
- C. A change in any condition of either the Industrial User or the POTW that requires either a temporary or permanent reduction or elimination of the permitted Discharge.
- D. Information indicating that the permitted Discharge poses a threat to the POTW, District personnel or the receiving waters.
- E. Violation of any terms or conditions of the Industrial User Permit.
- F. Misrepresentation or failure to disclose fully all relevant facts in the Industrial User Permit application or in any required reporting.
- G. Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR §403.13.
- H. To correct typographical or other errors in the Industrial User Permit.
- I. To reflect transfer of the facility ownership and/or operation to a new Industrial User.

- J. Upon a written request of the Industrial User, provided such request does not create a violation of any applicable requirements, standards, laws or rules and regulations.

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

Section 11. “Industrial Discharge Permit Transfer” Industrial User Permits may be reassigned or transferred to a new owner and/or operator whether by merger, sale of assets or otherwise, with prior written approval of the District with the following stipulations:

- A. The Industrial User must give at least forty five (45) days advance notice of the proposed transfer to the District.
- B. The notice must include a written certification by the new owner which:
  - 1. States that the new owner has no immediate intent to change the facility's operations and processes.
  - 2. Identifies the specific date on which the transfer is to occur, and
  - 3. Acknowledges full responsibility for complying with the existing Industrial User Permit.

Failure to provide advance notice of a transfer renders the Industrial Discharge Permit void as of the date of facility transfer.

Section 12. “Permit Revocation” The District may revoke an Industrial Discharge Permit for any of the following:

- A. Failure to notify the Superintendent of significant changes to the Wastewater prior to the changed Discharge;
- B. Failure to provide prior notification to the Superintendent of changed conditions;
- C. Misrepresentation or failure to fully disclose all relevant facts in the Industrial Discharge Permit application;
- D. Falsifying self-monitoring reports;

- E. Tampering with monitoring equipment;
- F. Refusing to allow the Superintendent and/or Superintendent's delegee timely access to the facility premises and records;
- G. Failure to meet effluent limitations including, but not limited to these Rules and Regulations, Categorical Pretreatment Standards, Pretreatment Requirements and Local Limits;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a Wastewater survey or the Industrial Discharge Permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility;
- M. Any Pass-Through or Interference; or
- N. Any other activity which may threaten the Facility, the District's employees or the public.

Section 13. "Industrial Discharge Permit Reissuance" The Industrial User shall apply for Industrial User Permit reissuance by submitting a complete Industrial User Permit application a minimum of sixty (60) days prior to the expiration of the Industrial User's existing Industrial User Permit.

Section 14. "Continuation of Expired Industrial Discharge Permits" An expired Industrial User Permit will continue to be effective and enforceable until the renewal Industrial User Permit is issued if:

- A. The Industrial User has submitted a complete Industrial User Permit application at least sixty (60) days prior to the expiration date of the Industrial User's existing Industrial Discharge Permit.
- B. The District's failure to issue the Industrial Discharge Permit prior to expiration of the previous Industrial Discharge Permit is not due to any act or failure to act on part of the Industrial User.

## ARTICLE VIII

### Reporting Requirements, Monitoring and Inspections

#### Section 1.

##### A. Reporting Requirements

Baseline Report: Within 180 days following the effective date of a Categorical Pretreatment Standard, an existing Industrial User subject to said Standard and currently discharging to or scheduled to discharge to the POTW shall submit to the District a report which shall contain the following information:

1. Identifying Information: The name and address of the facility, including the name of the operator and owner.
2. Environmental Permits: A list of environmental control permits held by or for the facility.
3. Description of Operation: A brief description of the nature, average rate of production, and Standard Industrial Classifications 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 POTW from the regulated processes.
4. Flow Measurement, Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
5. Measurement of Pollutants
  - (a) The Categorical Pretreatment Standards applicable to each regulated process.
  - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Superintendent, of regulated Pollutants in the Discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be obtained and analyzed in accordance with

procedures set out in Section 9 of Article VIII of these Rules and Regulations.

6. Certification. A statement, reviewed by the Authorized Representative of the User and certified by a qualified professional, indicating whether Pretreatment Standards and Requirements are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
7. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the 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. A compliance schedule pursuant to this section must meet the requirements of these Rules and Regulations.
8. Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Article VII, Section 6 of these Rules and Regulations.

At least ninety (90) days prior to commencement of Discharge, New Sources and sources that become Industrial Users subsequent to the promulgation of an applicable Categorical Pretreatment Standard shall be required to submit to the District a report which contains the information required by Section 1A above. Reports by New Sources shall include information on the method of pretreatment the New Source intends to use to meet applicable Pretreatment Standards. The report shall be signed by an Authorized Representatives of the User and shall contain the certification statement in Article VII, Section 6 of these Rules and Regulations.

- B. Compliance Schedule Progress Reports: If the report described in Article VIII, Section 1 above states that additional pretreatment and/or Operation and Maintenance (O&M) will be required to meet the Pretreatment Standards and Requirements, the Industrial User shall submit to the District a compliance schedule as described in Article VII (5)(M). Not later than fourteen (14) calendar days following each date in the compliance schedule and the final date for compliance, the Industrial User shall submit a progress report to the District as prescribed under 40 CFR §403.12(c) in writing stating, at a minimum, whether or not the Industrial User complied with this 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 the delay, if any, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the District. The report shall be signed by an Authorized Representative of the User and shall contain the certification statement in Article VII, Section 6 of these Rules and Regulations.

- C. Compliance Deadline Report: Within ninety (90) days following the date for the final compliance with applicable Pretreatment Standards or Requirements or, in the case of a New Source, following commencement of the introduction of Wastewater into the POTW, any User subject to Pretreatment Standards or Requirements shall submit to the District a report in writing as prescribed under 40 CFR §403.12(d) indicating the nature and concentration of all pollutants in the discharge which are limited by Pretreatment Standards or Requirements, and the average and maximum daily flow of the Wastewater containing such Pollutants. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the Industrial User into compliance with the applicable Pretreatment Standards or Requirements. This report shall be signed by an Authorized Representative of the Industrial User. The District may require such follow-up reports as deemed necessary to monitor the actions taken by the User to come into compliance with the applicable Pretreatment Standards or Requirements. The report shall also contain the certification statement in Article VII, Section 6 of these Rules and Regulations.
  
- D. Periodic Continued Compliance Reports: Any Industrial User subject to a Pretreatment Standard or Requirement, after the compliance date for such Pretreatment Standard or Requirement, or, in the case of a New Source, after commencement of the Discharge into the POTW, shall submit to the District during the months of June and December, unless required more frequently in the applicable Pretreatment Standard or Requirement or by the District, a report in writing as prescribed under 40 CFR §403.12(e) containing the results of sampling and analysis of the Discharge, indicating the average and maximum daily flows and nature and concentration of Pollutants in the Discharge which are limited by such Pretreatment Standard or Pretreatment Requirement. The reports required under this Article VIII, Section 1 shall be signed by an Authorized Representative of the User, and shall contain the certification described in Article VII, Section 6 of these Rules and Regulations.

1. All Wastewater samples must be representative of the Industrial 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 the sample results are unrepresentative of its Discharge.
  2. If an Industrial User subject to the reporting requirement in this subparagraph monitors any Pollutant more frequently than required by the District the results of this monitoring shall be included in the report.
- E. Non-Categorical Significant Industries: Reporting of self-monitoring results shall be at a frequency determined by the District and designated in the industry's Industrial User Permit, but in no case shall the frequency be less than once every six months.
- F. Non-Significant Industries (N-S-I): Reporting of self-monitoring results shall be at a frequency determined by the District and designated in the N-S-I's Industrial User Permit.
- G. Elimination or change of Discharge: The Industrial User shall notify the District in writing sixty (60) days prior to the permanent elimination of a Discharge or any modifications in the waste collection, treatment and disposal facilities, changes in operational procedures, or other significant activities which alter the volume, nature or frequency of the Discharge as specified in the industrial User's Permit application.

Section 2. "Reports of Changed Conditions" Each User must notify the Superintendent of any planned significant changes to the User's operations or system which might alter the nature, quality, or volume of its Wastewater at least forty-five (45) days before the change.

- A. The Superintendent may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an Industrial User Permit application hereunder.
- B. The District may issue an Industrial User Permit under Article VII, Section 7 or modify an existing Industrial User Permit under Article VII, Section 10 in response to changed conditions or anticipated changed conditions.

- C. For purposes of this Sec. 2, significant changes include, but are not limited to, flow or waste load strength increases of twenty percent (20%) or greater, and the Discharge of any previously unreported Pollutants.

### Section 3. "Report of Potential Problems"

- A. In the case of any Discharge, including, but not limited to, accidental Discharges, Discharges of a nonroutine, episodic nature, a noncustomary batch Discharge, or a Slug load, that may cause potential problems for the POTW, the User shall immediately telephone and notify the Superintendent of the incident. This notification shall include the location of the Discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- B. Within five (5) days following such Discharge, the User shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) of the Discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a Discharge described in paragraph A, above. Employers shall ensure that all employees who may cause such a Discharge to occur are advised of the emergency notification procedure.

Section 4. "Reports from Unpermitted Users" All Users not required to obtain an Industrial User Permit shall provide appropriate reports to the Superintendent as the Superintendent may require.

Section 5. "Notice of Violation/Repeat Sampling and Reporting" If sampling performed by a User indicates a violation of the Industrial User Permit, these Rules and Regulations or the Pretreatment Standards or Requirements or Local Limits, the User must notify the Superintendent within twenty-four (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 Superintendent within thirty (30) days after becoming aware of the violation. The User is not required to resample if the District monitors at the User's facility at least once a month.

Section 6. "Notification of Hazardous Waste Discharge":

- A. Any User shall notify the District, the EPA Regional Waste Management Division Director and the Director of DEP's Division of Solid and Hazardous 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 shall include the name of the hazardous waste as set forth in 40 CFR Part 261, or 38 MRSA, Section 1301 et seq., the EPA hazardous waste the type of Discharge (continuous, batch, or other). If the User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during the calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve months. All existing Users must file such notifications by February 19, 1991. All Users who commence discharging after August 23, 1990 shall file the notification no later than one hundred eighty (180) days after the Discharge of the listed or characteristic waste. Any notification under this Section need be submitted only once for each hazardous waste discharged. However, all Industrial Users must notify the District in advance, in accordance with Section 2 or this Article, of any change in their Wastewater Discharge. The notification requirement set forth herein does not apply to any Pollutants already reported under the self-monitoring requirements set forth in Section 1 of this Article. Any such notification shall in no way remove the liability of the User for any damages caused by introduction of such hazardous waste.
- B. Users are exempt from the requirements of Paragraph A above 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 15 kilograms of non-acute hazardous waste as specified in 40 CFR §261.30(d) and 261.33(e) requires a one-time notification. Subsequent months during which the 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 hazardous waste, the User must notify the District, the EPA Regional Waste Management Division Director, and the Director of DEP's

Division of Solid and Hazardous Waste of the discharge of such substance within ninety (90) days the effective date of such regulations.

- D. In the case of any notification made under this Section, a User shall certify a program in place to reduce the volume and toxicity of hazardous wastes to the degree it has determined to be economically practical.

#### Section 7. "Record Keeping Requirements"

- A. An Industrial User subject to the reporting requirements set forth in Section 1 of this Article shall maintain records of all information resulting from any monitoring activities required thereunder. Such records shall include, for all samples:
  - 1. The date, exact place, method, and time of sampling and the names of the persons taking the samples;
  - 2. The dates analyses were performed;
  - 3. Who performed the analyses
  - 4. The analytical techniques/methods used
  - 5. The results of such analyses; and
  - 6. The results of any quality control procedures which may be required by the District.
- B. The Industrial User shall keep copies of all such records and reports of activities and results for a minimum of three (3) years, and shall make those records available for inspection and copying by EPA, DEP, with or without notice. This period of retention shall be extended in the event of any unresolved litigation regarding the Discharge of trial User or the operation of the POTW pretreatment a longer retention period is requested by the District, DEP or EPA.

#### Section 8. "Monitoring Facilities"

- A. The District may require each Industrial User to provide and operate, at their own expense, monitoring facilities to allow inspection, measurement of the Building Sewer and/or internal drainage systems. The monitoring facility should normally be situated on the Industrial User's premises, but the District

may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

- B. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition by and at the expense of the Industrial User.
- C. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the District's Requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification to the Industrial User by the District.

#### Section 9. "Inspection, Analysis and Sampling"

- A. The Superintendent and any designees shall have the right to enter the premises of any User to determine whether the User is complying with these Rules and Regulations and any Industrial User Permit issued hereunder, and may inspect the facilities of any User to ascertain whether the purpose and requirements of these Rules and Regulations are being met. Persons or occupants of premises where Wastewater is created or discharged shall allow the District or its representative ready access at all times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or the performance of any of their duties. The District, DEP, and EPA shall have the right to set up on the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring, and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from the District, DEP and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

#### B. Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of an Industrial User Permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40

CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

### C. Sample Collection

1. Except as indicated in Subparagraph 2, below, the User must collect Wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Superintendent may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the User demonstrates that this will provide a representative sample of the effluent being discharged. In addition, the grab samples may be required to show compliance with instantaneous discharge limits.
2. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

### Section 10. "Confidentiality of Information"

- A. In accordance with 40 CFR §403.14 and 1 MRS §401 et. seq., any information and data concerning an Industrial User which is contained in or obtained from reports, questionnaires, Permit applications, Permits, monitoring programs, and inspections shall be available to the public and governmental agencies without restriction, unless the User specifically claims, and is able to demonstrate to the satisfaction of the District, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User in accordance with applicable law. Any such claim of confidentiality must be asserted at the time of submission in the manner prescribed on the application form or instructions and the words "CONFIDENTIAL BUSINESS INFORMATION" must be stamped or written on each page containing such information. If no such claim is made, the District may make the information available to the public without further notice.
- B. Notwithstanding any claim of confidentiality, any information and data provided to the District which is effluent data as defined at 40 CFR §2.302 (including, but not limited to, wastewater constituents and characteristics), shall be available to the public without restriction. All other information and data shall be available to the public at least to the extent provided by 40 CFR §2.302.

- C. Information accepted by the District as confidential shall not be made available for inspection by the public, except as provided by 40 CFR §2.302 and 1 MRSA §401 et. seq., but shall be made available upon written request to governmental agencies for uses related to these Rules and Regulations, the National Pollutant Discharge Elimination System (NPDES) Permit, DEP license, and the industrial pretreatment program; provided, however, that such portions of a report shall be available for use by the State or any state agency, the District, or by the United States or EPA in criminal or civil judicial or administrative enforcement proceedings involving the User.

Section 11. "Publication of Users in Significant Noncompliance" The District shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the Users which, during the previous twelve (12) months, were in significant noncompliance with significant applicable pretreatment standards and requirements. The term "significant noncompliance" shall mean:

- A. Chronic violations of Wastewater discharge limits or Pretreatment Standards, defined here as those in which sixty-six percent (66%) or more of Wastewater measurements taken during a six (6) month period exceed the daily maximum limit or average limit for the same Pollutant parameter by any amount;
- 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 daily maximum limit or the average limit 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 Discharge violation that the District believes 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 Pollutants 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 Industrial User Permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical

pretreatment standard deadlines, periodic selfmonitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violation(s) which the District determines will adversely affect the operation or implementation of the local pretreatment program.

Section 12. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in these Regulations shall be determined in accordance with Standard Methods or equivalent USEPA methods as outlined in 40 CFR, Part 136 and 261, and shall be determined at the control manhole provided and be based on suitable samples taken at the manhole. In the event that no special manhole has been required, the control manhole shall be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out as outlined in the USEPA Handbook for Sampling and Sample Preservation of Water and Wastewater to reflect the effect of constituents upon the District's facilities 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 discharges, whereas pHs are determined from periodic grab samples. The owner shall submit on the first of the month the results of any monitoring and testing required by the District. These records shall be available for review by local, state and federal agencies.

All industries discharging into a public sewer shall perform such monitoring of their discharges as the District may reasonably require and as outlined in these Rules and Regulations, including installation, use, and maintenance of appropriate sampling and monitoring equipment, keeping records and reporting the results of such monitoring to the District. Such records shall be made available upon request by the District to other agencies having jurisdiction over discharges to the receiving waters.

Section 13. The District will develop and enforce pretreatment regulations for existing and new sources of pollution that are discharged or proposed to be discharged into the municipally owned wastewater treatment facilities as set forth in Title 40, Chapter 1, Part 128 and Part 403 of the Final Rules of the United States Environmental Protection Agency.

Section 14. The District shall require forty-five (45) days' notification of any new proposed discharge having a daily flow greater than 2 percent of the design average daily flow and organic load of the District's facilities. In addition, changes in volume or character of wastewater greater than twenty (20) percent over that being discharged at the time of issuance of the last permit shall require the same notification.

ARTICLE IX  
Sewer Extensions

Section 1. Sewer extensions may be constructed only after approval by a majority vote of the Board of Trustees. All sewer extensions within the District shall be designed by an engineer registered in the State of Maine and shall be constructed, tested, operated and maintained in compliance with the Kennebunk Sewer District's Sewer Extension Design Specifications.

Section 2. Property owners, builders, developers or other interested persons may, after making an application with the District, seek approval of the Board of Trustees to construct, at their own expense, a sewer extension. The Board will approve construction of such a sewer extension:

- A. If the applicant satisfies the Board that the construction, testing, operation and maintenance of the extension will all be done in compliance with these regulations, the Kennebunk Sewer Extension Design Specifications, town ordinances, and all other applicable regulations or statutes; and
- B. If the Board finds that the construction of the sewer extension is warranted either to serve existing or potential users.

Section 3. Any person applying to construct a sewer extension shall pay an application fee and shall deposit with the District sufficient moneys to cover the estimated expense to engage an engineer who will review the construction plans to insure that the plans meet the requirements of the Sewer Extension Design Specifications and who will provide continuous full time inspection of the construction to assure the District that the Sewer Extension is constructed in conformance with the plans and the Sewer Extension Design Specifications. With respect to either the design or construction of a sewer extension, the decision of the District's engineer about matters of quality or methods of construction shall be final.

Section 4. A privately constructed sewer extension shall be designed and constructed to anticipate and allow for all possible future system extensions or developments within the drainage area.

Section 5. Until ownership of a privately constructed sewer extension is conveyed to the District as provided by Article X herein, the owner of a sewer extension shall be responsible for and shall pay all costs incurred to design, construct, test, operate and maintain such sewer extension.

Section 6. Any private person who constructs and/or owns a sewer extension shall indemnify and hold harmless the Kennebunk Sewer District, the Town of Kennebunk, and their authorized employees and representatives, against any and all claims, liabilities, or actions for damages incurred with or in any way connected with the design, construction, testing, operation and/or

maintenance of such sewer extension. Further, any contractor constructing such an extension must present a certificate of insurance showing minimum liability coverage of \$1,000,000 for bodily injury and \$100,000 for property damage including underground collapse and completed operations coverage with the District listed as additional insured before a permit for construction of a sewer extension will be issued. Higher coverage may be required if the Manager of the District deems it appropriate.

Section 7. A sewer extension constructed by a private person shall not be connected to the District's facilities until:

- A. The completed extension has passed all testing requirements set forth in the Kennebunk Sewer District Sewer Extension Design Specifications;
- B. The engineer supervising construction certifies that the sewer extensions was constructed in accordance with the plans and the Sewer District Extension Design Specifications.
- C. All the expenses the District incurred to review the construction plans and to inspect and monitor construction are paid;
- D. Reproducible mylar record drawings of the completed sewer have been provided to the District; and
- E. All other applicable fees have been paid.

## ARTICLE X

### Transfer of Ownership of Private Sewer Systems

Section 1. The owner of a private sewer system, constructed prior to the effective date of these regulations, may request that the District take over ownership of the private sewer system, and after reviewing the owner's application and finding that the owner has met the requirements contained herein, the Board of Trustees may accept a transfer of ownership and responsibility for the private sewer system.

Section 2. The owner of a private sewer system constructed after the effective date of these regulations shall within six months after the private system is connected to the District's system request that the District take over ownership of private sewer system, and after reviewing the owner's application and finding that the owner has met the requirements contained herein, the District shall accept a transfer of ownership and responsibility for the private sewer system.

Section 3. Before the District takes over ownership of any private sewer system, the owner must establish that the sewer, including pump stations and other equipment, meets all requirements

of the Sewer Extension Design Specifications as existing and in force at the time the Board agrees to take over ownership.

Section 4. Before the District takes over ownership of any private sewer system, the owner shall have the private sewer system tested to establish that it meets or exceeds the exfiltration and infiltration standards set forth in the Sewer Extension Design Specifications. The testing shall be done in accordance with the procedures set forth in the Sewer Extension Design Specification unless the Manager of the District certifies that such tests are not necessary or feasible, in which case the Manager may specify alternative methods of testing.

Section 5. The transfer of all personal property associated with the private sewer system shall be evidenced by a good and sufficient bill of sale in a form acceptable to the Board of Trustees and shall be free and clear of any and all claims or encumbrances.

Section 6. The Board shall determine the extent to which a transfer of real property associated with the private sewer system may be accomplished by easement or by conveyance of a fee interest. All easements shall be conveyed by good and sufficient easement deeds in a form acceptable to the District. All fee interests shall be conveyed by warranty deed. Regardless of whether an easement or fee is conveyed, the conveyance shall be free of any and all claims or encumbrances. Further, the owner of the private sewer system shall provide the District with a survey in recordable form describing any interest in real property which the owner proposes to convey to the District.

Section 7. At the time of the transfer the owner shall execute a written warranty in a form acceptable to the Board of Trustees guaranteeing that the private sewer system meets each and every requirement contained herein, and that for a period of eighteen months from the date of the transfer, the private sewer system and all equipment associated with it will operate without the need for any repairs other than normal maintenance. Further, the owner will provide the District with a bond or letter of credit in a form and amount acceptable to the Board of Trustees which will be payable in the event that the private sewer system is repaired during the warranty period and the owner does not make timely payment for those repairs.

Section 8. The owner will pay all cost or expenses, including but not limited to attorney's and engineering fees, which the District incurs in order to accomplish the transfer of ownership of a private sewer system.

## ARTICLE XI Powers and authority of Inspectors

Section 1. Duly authorized representatives of the District bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to discharge to the public sewer system in accordance

with the provisions of these regulations and other applicable regulations, ordinances or statutes but only at reasonable times and upon reasonable notice. Users who have Industrial Discharge Permits shall comply with the Inspection requirements outlined in Section 6 in these Regulations. The District and its representatives shall have authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industrial process bearing on the kind and source of discharge to the District's facilities or waterways. Any information so obtained and considered as proprietary shall be held so by the District.

Section 2. The District and other duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all private properties through and over which the District holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the District's facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Section 3. In the event a duly authorized representative of the District, acting under the authority provided in Section 1 above, is denied access to property or if for any other reason the Superintendent or Manager of the District deems it appropriate, the Superintendent or Manager of the District may apply to a District Judge of the Maine District Court for a warrant to inspect particularly described property for the purposes authorized described in these Regulations. Application shall be made pursuant to and in compliance with provisions of Rule 80E of the Maine Rules of Civil Procedure.

## ARTICLE XII Sewer Service Charges

Section 1. "Purpose" The Board of Trustees for the District shall establish sewer service charges which with the addition of impact and equity buy-in fees shall produce sufficient revenues to pay accrued interest and principal on the District's debt, provide for necessary capital expenditures, and pay all expenses incurred to operate and maintain the District's facilities.

### Section 2. "Definitions"

- A. "Church user" shall mean any church, synagogue or other place for conducting religious services. Each church user shall be treated as a commercial user with zero(0) water usage.
- B. "Commercial user" shall mean each separately owned, non-residential building, condominium, or other property used for wholesale, retail, or service business purposes, and any not-for-profit institution or agency.

- C. "Commercial unit" shall mean the annual cubic feet of water used by a commercial user divided by twelve thousand. If the quotient is one or less, then the commercial user will be deemed to use one commercial unit. If the quotient is more than one, then it shall be rounded to the nearest tenth and the commercial user shall be deemed to use the number of units equal to that rounded figure. The annual cubic feet of water used by a commercial user shall be determined by reviewing the KKWWD records, by metering water used by the commercial user or by the District estimating the quantity of water used, by whatever method is, in the opinion of the Superintendent, the most accurate.
- D. "Debt service charge" shall mean the District's annual budgeted debt service obligation (as reduced by impact and equity buy-in fees) divided by the total number of residential and commercial units, including the total number of ready to serve units.
- E. "Fixed expense charge" shall mean the District's annual budgeted amount for expenses which do not vary with the volume of sewerage treated divided by the total number of residential and commercial units but not including the total number of ready to serve units.
- F. "Governmental user" shall mean any legislative, judicial, executive, administrative, and regulatory user of the federal, state and/or local governments. Each "governmental user" shall be treated as a commercial user.
- G. "Industrial user" shall mean any business establishment not otherwise defined herein. Each industrial user shall be treated as a commercial user.
- H. "Ready to Serve unit" shall mean a residence or other building which is within 200' of but is not connected to an accessible sewer.
- I. "Residential user" or "residential unit" shall mean an individual dwelling unit. By way of example, an apartment with four dwelling units shall, regardless of occupancy or ownership, constitute four separate residential users.
- J. "User" shall mean any person or entity which discharges sewerage, either directly or indirectly, into the District's system.
- K. "Vacant but developable land" shall mean land which is vacant and unimproved, but which could be improved pursuant to the Kennebunk Zoning Regulations and which is within 200' of an accessible sewer.

- L. "Variable expense charge" shall mean the District's annual budgeted amount for expenses which vary with the volume of sewerage treated divided by the aggregate number of cubic feet used by all users.

Section 3. "Residential User Service Charge" Each residential unit shall annually be charged a User Service Charge calculated as follows:

- A. Each residential unit shall annually pay one debt service charge.
- B. Each residential unit shall annually pay one fixed expense charge.
- C. Each residential unit shall annually pay a variable expense equal to the variable expense charge times the number of cubic feet of water used by that unit. The amount of water used by that unit shall be determined by reviewing the KKWWD records or if there are no such records for the unit then by assuming that the unit used an amount equal to the average used by all residential units.

Section 4. "Commercial/Industrial User Service Charge" Each commercial User shall annually be charged a User Service Charge calculated as follows:

- A. Each commercial user shall annually pay an amount for debt service equal to the debt service charge times the number of commercial units calculated for that commercial user.
- B. Each commercial user shall annually pay an amount for fixed expenses equal to the fixed expense charge times the number of commercial units calculated for that commercial user.
- C. Each commercial user shall annually pay a variable expense equal to the variable expense charge times the number of cubic feet of water used by that commercial user.
- D. Each industrial user discharging wastewater which requires additional treatment that is normally necessary shall be charged a surcharge as provided in the section below.

Section 5. "Ready to Serve Charges" Each Ready to Serve customer shall annually pay one debt service charge.

Section 6. "Vacant Lots" Vacant but developable land shall annually be charged a per foot fee for frontage adjacent to an accessible sewer. The per foot charge shall be determined and set by the Board of Trustees on an annual basis.

Section 7. "Catch Basin Charges" Yearly the Board of Trustees shall establish an annual charge to be paid for each catch basin discharging into the District's system.

Section 8. "Surcharge for Treatment of Certain Discharges" If a user discharges wastewater which because of its unusual contents or quantity requires treatment beyond what is normally necessary, then, in addition to user service charges, that user shall pay an additional charge determined by the Superintendent to compensate the District for the additional treatment. Sump pumps, floor drains, roof drains and other devices or methods used to deliver water other than wastewater to the District's collection and treatment systems shall be subject to this section.

Section 9. "Person Responsible for Paying the Charge" The property owner shall be responsible for paying all sewer user charges attributed to his parcel of land. If the property owner cannot be readily identified, then the person against whom the property tax for real estate is assessed shall be deemed the owner of the property and shall be responsible for paying the sewer user charges.

Section 10. "Billing" The sewer service charge shall be paid in quarterly installments. The billing dates are March 1, June 1, September 1, and December 1, and all bills shall be paid in full within 30 days of those dates. Interest at the rate determined at the Town of Kennebunk's last annual town meeting shall be added to bills not paid within 30 days. In the event the District institutes legal proceedings to collect sewer user fees, then it shall be entitled to recover its costs and reasonable attorney's fees.

Section 11. "Review of User Sewer Charge" Any user who believes his sewer service charges are improperly calculated or are inequitable may petition the board for the review of the charges. After notice to the user, the board will hold an informal hearing, and if the user carries his burden by demonstrating that his charges are improperly calculated or inequitable, the board shall properly and/or equitably re-compute his charges.

### ARTICLE XIII

#### Impact Fees

*[This Article XIII shall remain effective through March 30, 2010]*

Section 1. The Board shall assess a special charge known as an impact fee. That special charge shall be determined and assessed as set out below:

Section 2. An impact fee shall be levied on all new units connecting to the District's facilities whether such connection is direct or through a private sewer system or otherwise.

Section 3. An impact fee shall also be levied whenever there is a change in an existing use and the change results in a projected increase in the number of gallons per day discharged into the

District's system as determined in accordance with Addendum D below. The impact fee for a change in use shall be calculated based on the projected net change in gallons discharged.

Section 3(a). An impact fee shall also be levied to pay for projects identified by the District needing infrastructure improvements necessitated by the increase in flow predicted to occur because of new development, and/or expansion of existing development, in areas currently serviced by the sewer system. The District shall determine whether infrastructure improvements are necessary by retaining the services of an engineering firm to study the area in question. The impact fee will be assessed according to the formula set forth in Section 5 infra, based upon infrastructure improvements that need to be made to the District's existing system as recommended by the engineering study.

Section 4. More than one impact fee may be assessed on a property. The property owner where the unit is located shall be responsible for paying each such impact fee. If the property owner cannot be readily identified, then the person against whom the property tax for the real estate is assessed shall be deemed the owner of the property and shall be responsible for paying the impact fee. The Impact Fee shall be paid prior to issuance of a building permit, and in those cases where no building permit is required, the fee shall be paid prior to issuance of the Sewer Connection Permit or occupancy permit, whichever is sought first.

Section 5. Annually, or more frequently if the Board so chooses, the Board shall determine the amount of the impact fee to be assessed for a single unit. A single unit is defined as a single family home and for purposes of these regulations it is assumed that a single family home discharges 250 gallons per day. Addendum D, which is reproduced below, lists various use classifications and specifies the number of units each such classification is deemed to use. If a use is not reflected in the classification of uses from Addendum D, then the District may employ the Maine State Plumbing Code or other industry recognized publication in establishing the design flow for said use. The impact fee assessed for each such classification is determined by:

- A. Multiplying the number of units for the classification times the impact fee assessed for a single unit; or
- B. By dividing the impact fee for a single unit by 250 to obtain a per gallon charge, multiplying the per gallon charge times the projected gallons discharged per square foot for the classification and then multiplying that product times the actual gross square footage of the particular use. The actual gross square footage of the particular use shall be taken from the plans submitted to the Town of Kennebunk when application is made for a building permit.
- C. In the event that a particular use is not classified on Table 1, the impact fee charged for that use will be based on the quality and/or quantity of effluent discharged into

the sewer system. A single unit of discharge for a non-classified use will be calculated using the most appropriate of the following:

1. A single unit is the equivalent of 250 gallons of discharge per day.
2. A single unit is the equivalent of .626 pound of BOD discharged per day.
3. A single unit is the equivalent of 1.4 pounds of C.O.D. discharged per day.
4. The impact fee for non-classified uses shall equal the product of the fee for a single unit times the number of units, or parts thereof, as determined in accordance with subparagraph (1), (2), or (3) above.

- D. In the case of an Industrial use which discharges effluent that requires a special treatment or chemical conditioning, the user must obtain an Industrial Discharge Permit and the impact fee for that user shall be determined by the District and/or its engineers after taking into account the special treatment or chemical conditioning required.

Section 6. The owner of any residential building (including a multi-unit structure) which was legally occupied prior to the construction of a sewer servicing that building shall have the option of paying impact fees either as provided in Section 4 above or in five installments. The first such installment shall equal one-fifth of the total impact fee and is due when the user obtains a Sewer Connection Permit. The balance of the impact fee (s) shall accrue interest at a rate equal to the weighted average interest rate the District pays on its most recent bonded indebtedness and all accrued interest and one-fifth of the total impact fee (s) shall be due and payable on April 30th of each of the next four years. Any owner opting to pay the impact fee (s) in five installments shall sign a written agreement in which the owner, among other things, promises and agrees to pay each such installment when due, promises and agrees that any delinquent installment will, as otherwise provided in these regulations, be a lien on the property, and promises and agrees to inform any person to whom the property is transferred that impact fee(s) for the property remain to be paid and that fees not paid when due will be a lien on the property. The owner will sign the written agreement when the first installment is due.

Section 7. If any industrial user's impact fee exceeds by more than 10% the impact fee for a light industrial user as calculated using Addendum D, then the impact fee for that user shall be paid as follows:

- A. An amount equal to the impact fee which a light industrial user occupying the same facilities would pay under Addendum D shall be due and payable as provided in Section 4 above.

- B. The balance of the impact fee with interest at a rate equal to the weighted average interest the District pays on its most recent bonded indebtedness (which interest shall be adjusted to equal the weighted average rate the District pays on each subsequent bond issue), shall be amortized over twenty years and shall be paid in annual installments for so long as the property is used for the same purpose or for twenty years, whichever period is shorter. If the purpose for which the property is used changes at any time during the twenty year period, then the impact fee for the new user shall be recalculated in accordance with the regulations and rates then in effect. Each new user shall be credited with all impact fees, less interest, already paid, and the balance, if any, for each new user shall thereafter be amortized and paid in annual installments with interest as provided above over the remainder of the twenty years or until such time as the use again changes. Under no circumstances will a change in use require that the District reimburse any impact fees already paid. All annual payments shall terminate twenty years after the first annual payment is received; however, if after the twenty year period there is another change in use and the regulations as then in effect require payment of additional impact fees, those additional fees shall be payable as provided in this Article. Each annual payment shall be due on December 31.

Section 8. If a user's effluent requires special treatment or chemical conditioning, then the District shall charge the user an additional fee sufficient to reimburse the District for the user's fair share of any capital expenditure the District incurs in order to accept and/or treat the user's effluent.

Section 9. All revenue received from the payment of impact fees collected pursuant to Sections 3 and 3(a) shall be deposited in separate special interest bearing accounts called the "Impact Fund Section 3 Account" and "Impact Fund Section 3(a) Account". In accordance with policies adopted by the Board of Trustees, the Trustees, by a majority vote, shall determine in each instance to what extent these impact funds shall be used to pay the cost to improve, enlarge and expand the District's Wastewater Treatment facilities and improve the District's existing infrastructure systems. Moneys in either fund shall not be used to pay the District's ordinary operating costs or expenses.

Section 10. Should property require connection(s) to the District's facilities that has been previously charged a sewer service/use fee, then those charges will be credited against impact fees for the property.

### ARTICLE XIII

#### Impact Fees

[Effective April 1, 2010, the foregoing Article XIII shall be replaced with the following Article XIII]

Section 1. The Board shall assess a special charge known as an impact fee. That special charge shall be determined and assessed as set out below:

Section 2. [*Repealed.*]

Section 3. [*Repealed.*]

Section 3(a). An impact fee shall be levied to pay for projects identified by the District needing infrastructure improvements necessitated by the increase in flow predicted to occur because of new development, and/or expansion of existing development, in areas currently serviced by the sewer system. The District shall determine whether infrastructure improvements are necessary by retaining the services of an engineering firm to study the area in question. The impact fee will be assessed according to the formula set forth in Section 5 *infra*, based upon infrastructure improvements that need to be made to the District's existing system as recommended by the engineering study.

Section 4. An impact fee may be assessed on a property in addition to an equity buy-in fee, *infra*. The property owner where the unit is located shall be responsible for paying each such impact fee. If the property owner cannot be readily identified, then the person against whom the property tax for the real estate is assessed shall be deemed the owner of the property and shall be responsible for paying the impact fee.

Section 5. Annually, or at other intervals chosen by the Board, the Board shall determine the amount of the impact fee to be assessed for a single unit. A single unit is defined as a single family home and for purposes of these regulations it is assumed that a single family home discharges 250 gallons per day. Addendum D, which is reproduced below, lists various use classifications and specifies the number of units each such classification is deemed to use. If a use is not reflected in the classification of uses from Addendum D, then the District may employ the Maine State Plumbing Code or other industry recognized publication in establishing the design flow for said use. The impact fee assessed for each such classification is determined by:

- A. Multiplying the number of units for the classification times the impact fee assessed for a single unit; or
- B. By dividing the impact fee for a single unit by 250 to obtain a per gallon charge, multiplying the per gallon charge times the projected gallons discharged per square foot for the classification and then multiplying that product times the actual gross square footage of the particular use. The actual gross square footage of the particular use shall be taken from the plans submitted to the Town of Kennebunk when application is made for a building permit.

- C. In the event that a particular use is not classified on Table 1, the impact fee charged for that use will be based on the quality and/or quantity of effluent discharged into the sewer system. A single unit of discharge for a non-classified use will be calculated using the most appropriate of the following:
1. A single unit is the equivalent of 250 gallons of discharge per day.
  2. A single unit is the equivalent of .626 pound of BOD discharged per day.
  3. A single unit is the equivalent of 1.4 pounds of C.O.D. discharged per day.
  4. The impact fee for non-classified uses shall equal the product of the fee for a single unit times the number of units, or parts thereof, as determined in accordance with subparagraph (1), (2), or (3) above.
- D. In the case of an Industrial use which discharges effluent that requires a special treatment or chemical conditioning, the user must obtain an Industrial Discharge Permit and the impact fee for that user shall be determined by the District and/or its engineers after taking into account the special treatment or chemical conditioning required.

Section 6. The owner of any building (including a multi-unit structure) which was legally occupied prior to the construction by the Kennebunk Sewer District or Town of Kennebunk of a sewerage line servicing that building shall have the option of paying impact fees either as provided in Section 4 above or in five installments. The first such installment shall equal one-fifth of the total impact fee and is due when the user obtains a Sewer Connection Permit. The balance of the impact fee (s) shall accrue interest at a rate equal to the weighted average interest rate the District pays on its most recent bonded indebtedness and all accrued interest and one-fifth of the total impact fee (s) shall be due and payable on April 30th of each of the next four years. Any owner opting to pay the impact fee (s) in five installments shall sign a written agreement in which the owner, among other things, promises and agrees to pay each such installment when due, promises and agrees that any delinquent installment will, as otherwise provided in these regulations, be a lien on the property, and promises and agrees to inform any person to whom the property is transferred that impact fee(s) for the property remain to be paid and that fees not paid when due will be a lien on the property. The owner will sign the written agreement when the first installment is due.

Section 7. Whenever there is a change or expansion of existing use, in which impact fees and/or equity buy-in fees exceed \$5,000 collectively, the owner shall have the option of paying impact fees either as provided in Section 4 above or in five installments. The first such installment shall equal one-fifth of the total impact fee and is due when the user obtains a Sewer Connection Permit. The balance of the impact fee (s) shall accrue interest at a rate equal to the weighted average interest rate the District pays on its most recent bonded indebtedness and all accrued interest and

one-fifth of the total impact fee (s) shall be due and payable on April 30th of each of the next four years. Any owner opting to pay the impact fee (s) in five installments shall sign a written agreement in which the owner, among other things, promises and agrees to pay each such installment when due, promises and agrees that any delinquent installment will, as otherwise provided in these regulations, be a lien on the property, and promises and agrees to inform any person to whom the property is transferred that impact fee(s) for the property remain to be paid and that fees not paid when due will be a lien on the property. The owner will sign the written agreement when the first installment is due.

Section 8. If a user's effluent requires special treatment or chemical conditioning, then the District shall charge the user an additional fee sufficient to reimburse the District for the user's fair share of any capital expenditure the District incurs in order to accept and/or treat the user's effluent.

Section 9. All revenue received from the payment of impact fees collected pursuant to Section 3(a) shall be deposited in separate special interest bearing accounts called the "Impact Fund Section 3(a) Account(s)". In accordance with policies adopted by the Board of Trustees, the Trustees, by a majority vote, shall determine in each instance to what extent these impact funds shall be used to pay the cost to improve, enlarge and expand the District's Wastewater Treatment facilities and improve the District's existing infrastructure systems. Moneys in either fund shall not be used to pay the District's ordinary operating costs or expenses.

Section 10. Should property require connection(s) to the District's facilities that has been previously charged a ready to serve charge pursuant to Article XII, Section 5, then those charges will be credited against impact fees for the property. However, under no circumstances will the District reimburse or refund any ready to serve charges already paid.

#### ARTICLE XIV

##### Equity Buy-In Fees

*[This Article XIV is Effective April 1, 2010]*

Section 1. The Board shall assess a special charge known as an equity buy-in fee based on the value of the entire Kennebunk Sewer District wastewater system, which has been paid for by existing users. The District shall retain the services of an engineering firm to determine the replacement cost of the system, with deductions for accumulated depreciation, outstanding debt, and any grant funding to arrive at a system valuation. This system valuation shall be divided by the total capacity of the system in gallons per day to determine the equity buy-in fee per gallon per day to be contributed by any new or expanded users. The equity buy-in fee shall be determined and assessed as set out herein:

Section 2. An equity buy-in fee shall be levied on all new units connecting to the District's facilities whether such connection is direct or through a private sewer system or otherwise.

Section 3. An equity buy-in fee shall also be levied whenever there is a change in an existing use and the change results in a projected increase in the number of gallons per day discharged into the District's system as determined in accordance with Addendum D below. The equity buy-in fee for a change in use shall be calculated based on the projected net change in gallons discharged.

Section 4. The property owner where the unit is located shall be responsible for paying the equity buy-in fee. If the property owner cannot be readily identified, then the person against whom the property tax for the real estate is assessed shall be deemed the owner of the property and shall be responsible for paying the equity buy-in fee.

Section 5. Annually, or at other intervals chosen by the Board, the Board shall determine the amount of the equity buy-in fee to be assessed for a single unit. A single unit is defined as a single family home and for purposes of these regulations it is assumed that a single family home discharges 250 gallons per day. Addendum D, which is reproduced below, lists various use classifications and specifies the number of units each such classification is deemed to use. If a use is not reflected in the classification of uses from Addendum D, then the District may employ the Maine State Plumbing Code or other industry recognized publication in establishing the design flow for said use. The equity buy-in fee assessed for each such classification is determined by:

- A. Multiplying the number of units for the classification times the equity buy-in fee assessed for a single unit; or
- B. By dividing the equity buy-in fee for a single unit by 250 to obtain a per gallon charge, multiplying the per gallon charge times the projected gallons discharged per square foot for the classification and then multiplying that product times the actual gross square footage of the particular use. The actual gross square footage of the particular use shall be taken from the plans submitted to the Town of Kennebunk when application is made for a building permit.
- C. In the event that a particular use is not classified on Table 1, the equity buy-in fee charged for that use will be based on the quality and/or quantity of effluent discharged into the sewer system. A single unit of discharge for a non-classified use will be calculated using the most appropriate of the following:
  - 1. A single unit is the equivalent of 250 gallons of discharge per day.
  - 2. A single unit is the equivalent of .626 pound of BOD discharged per day.
  - 3. A single unit is the equivalent of 1.4 pounds of C.O.D. discharged per day.

4. The equity buy-in fee for non-classified uses shall equal the product of the fee for a single unit times the number of units, or parts thereof, as determined in accordance with subparagraph (1), (2), or (3) above.

D. In the case of an Industrial use which discharges effluent that requires a special treatment or chemical conditioning, the user must obtain an Industrial Discharge Permit and the equity buy-in fee for that user shall be determined by the District and/or its engineers after taking into account the special treatment or chemical conditioning required.

Section 6. The owner of any building (including a multi-unit structure) which was legally occupied prior to the construction by the Kennebunk Sewer District or Town of Kennebunk of a sewerage line servicing that building shall have the option of paying equity buy-in fees either as provided in Section 4 above or in five installments. The first such installment shall equal one-fifth of the total equity buy-in fee and is due when the user obtains a Sewer Connection Permit. The balance of the equity buy-in fee (s) shall accrue interest at a rate equal to the weighted average interest rate the District pays on its most recent bonded indebtedness and all accrued interest and one-fifth of the total equity buy-in fee (s) shall be due and payable on April 30th of each of the next four years. Any owner opting to pay the equity buy-in fee (s) in five installments shall sign a written agreement in which the owner, among other things, promises and agrees to pay each such installment when due, promises and agrees that any delinquent installment will, as otherwise provided in these regulations, be a lien on the property, and promises and agrees to inform any person to whom the property is transferred that equity buy in fee(s) for the property remain to be paid and that fees not paid when due will be a lien on the property. The owner will sign the written agreement when the first installment is due.

Section 7. Whenever there is a change or expansion of existing use, in which impact fees and/or equity buy-in fees exceed \$5,000 collectively, the owner shall have the option of paying equity buy-in fees either as provided in Section 4 above or in five installments. The first such installment shall equal one-fifth of the total equity buy-in fee and is due when the user obtains a Sewer Connection Permit. The balance of the equity buy-in fee (s) shall accrue interest at a rate equal to the weighted average interest rate the District pays on its most recent bonded indebtedness and all accrued interest and one-fifth of the total equity buy-in fee (s) shall be due and payable on April 30th of each of the next four years. Any owner opting to pay the equity buy-in fee (s) in five installments shall sign a written agreement in which the owner, among other things, promises and agrees to pay each such installment when due, promises and agrees that any delinquent installment will, as otherwise provided in these regulations, be a lien on the property, and promises and agrees to inform any person to whom the property is transferred that impact fee(s) for the property remain to be paid and that fees not paid when due will be a lien on the property. The owner will sign the written agreement when the first installment is due.

Section 8. If a user's effluent requires special treatment or chemical conditioning, then the District shall charge the user an additional fee sufficient to reimburse the District for the user's fair share of any capital expenditure the District incurs in order to accept and/or treat the user's effluent.

Section 9. All revenue received from the payment of equity buy-in fees collected pursuant to this Article shall be deposited in a separate special interest bearing account called the "Equity Buy-In Account." In accordance with policies adopted by the Board of Trustees, the Trustees, by a majority vote, shall determine in each instance to what extent these equity buy-in funds shall be used to pay the cost to improve, enlarge and expand the District's Wastewater Treatment facilities and /or the existing infrastructure systems. Moneys in this fund shall not be used to pay the District's ordinary operating costs or expenses.

Section 10. Should property require connection(s) to the District's facilities that has been previously charged ready to serve charge pursuant to Article XII, Section 5, then those charges will be credited against equity buy-in fees for the property. However, under no circumstances will the District reimburse or refund any ready to serve charges already paid.

#### ARTICLE XV

##### Liens on Real Estate for Unpaid Fees

Section 1. There shall be a lien on real estate served or benefited by a public sewer to secure the payment of sewer service charges, impact fees, or other fees or charges duly established hereunder which shall take precedence over all other claims on such real estate, excepting only claims for taxes as provided for in M.S.R.A. Title 38, Chapter 11, Subchapter III, Section 1208. In addition, the District, acting through its Treasurer, may bring a civil action against the party so charged for the amount of said sewer service charges, Impact Fees, Equity Buy-In Fees, or other fees or charges in any court competent to try the same, and in such action may recover the amount of such charges or other fees with legal interest on the same from the date of said charge or fee plus costs.

#### ARTICLE XVI

##### Validity

Section 1. All District rules and regulations or parts thereof in conflict herewith are hereby repealed.

Section 2. The invalidity of any section, clause, sentence, or provision of the Sewer Rules and Regulations shall not affect the validity of any other part of these rules and regulations which shall remain in effect without such invalid part or parts.

#### ARTICLE XVII

##### Enforcement, Administrative and Legal Action and Penalties

Section 1. No Persons shall break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the POTW. Any person(s) violating this provision may be subject to arrest under the charge of criminal mischief as set forth in 17-A MRSA § 806.

## Section 2. Notification of Violation

- A. When the Superintendent finds that a User has violated or continues to violate, any provision of these Rules and Regulations, an Industrial User Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may serve upon that User a written Notice of Violation.
- B. Within ten (10) days of the receipt of this Notice of Violation, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Superintendent. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation.
- C. Nothing in this section shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.
- D. If the User fails to respond to the Notice of Violation within the specified times noted above, or fails to provide the required information specified in the Notice of Violation, the District will take whatever measures necessary to correct or alleviate the violation.
- E. The District may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents will include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the Administrative Orders issued pursuant to Sections 3.B and 3.C of this Article of these Rules and Regulations.

## Section 3. Administrative Enforcement & Remedies

### A. Show Cause Hearing and Orders

Prior to issuing an Order hereunder, the Superintendent shall order a User that has violated, or continues to violate, any provision of these Rules and Regulations, an

Industrial User Permit or order issued hereunder, or any other Pretreatment Standards or Requirements, to appear before the Superintendent and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least seven (7) days prior to the hearing. Such notice may be served on any authorized representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

B. Compliance Orders

When the Superintendent finds that a User has violated, or continues to violate, any provision of these Rules and Regulations, an Industrial User Permit to order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may issue an order to the User responsible for the Discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, Sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

C. Cease and Desist Orders

When the Superintendent finds that a User has violated, or continues to violate, any provisions of these Rules and Regulations, an Industrial User Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Superintendent may issue an order to the User directing it to cease and desist all such violations and directing the User to:

1. Immediately comply with all requirements; and

2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the Discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

D. Emergency Suspension Orders

The Superintendent may immediately suspend a User's Discharge, after informal notice to the User and without a Show Cause Hearing under Paragraph A above, whenever such suspension is necessary to stop an actual or threatened Discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Superintendent may also immediately suspend, after notice and opportunity to respond, a User's Discharge which threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

1. Any User notified of a suspension of its Discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless termination of Discharge proceedings in Paragraph E below are initiated against the User.
2. A User that is responsible, in whole or in part, for any Discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Superintendent prior to the date of any show cause or termination hearing under Paragraph A or E of this Article.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this Paragraph D.

E. Termination of Discharge Order

In addition to the above, any User who violates the following conditions is subject to Discharge termination:

1. Violation of Industrial User Permit conditions;
2. Failure to accurately report the Wastewater constituents and characteristics of its Discharge;
3. Failure to report significant changes in operations or Wastewater volume, constituents, and characteristics prior to Discharge;
4. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
5. Violation of the Pretreatment Standards of these Rules and Regulations. Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Sec. 3A of this Article of these Rules and Regulations why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar against, or a prerequisite for, taking any other action against the User.

F. Administrative Penalties

The Superintendent may assess administrative penalties not exceeding \$1,000 per day for each violation by an Industrial user of any Pretreatment Standard or Requirement adopted by the District and contained in these Rules and Regulations; provided, however, that if the District assesses administrative penalties under this Section, it may not also seek civil monetary penalties under Section 5 of this Article for the same violation(s).

G. Appeals Process

1. Whenever the User receiving written notice from the Superintendent of an administrative order or penalty hereunder shall deem itself aggrieved by that administrative order or penalty made by the Superintendent, that User may file an appeal in writing and stating the grounds therefor to the Board of Trustees within ten (10) days of the date of the written notice, and the User shall be afforded a hearing on the matter before the Board of Trustees. Unless by the authority of the Board of Trustees the administrative order or penalty is revoked, such an administrative order or penalty shall remain in force and be forthwith complied with by the User.

2. In cases of applicability or interpretation of these Rules. and Regulations, the Board of Trustees may revoke such order made by the Superintendent.
3. In cases where compliance with such order made by the Superintendent would cause undue hardship, the Board of Trustees may extend the time limit of such order or may permit exceptions to, or waive requirements of, or grant a variance from the specific provisions of these Rules and Regulations, subject always to the rule that the Board of Trustees shall give due consideration to the purposes of this article in eliminating existing pollution, preventing further pollution and promoting the public health and safety and welfare.
4. The District Board of Trustees must conduct their proceedings in accordance with the Maine Administrative Procedures Act, 5 MRSA Chapter 5, Subchapter IV. An aggrieved party may appeal the decision of the Board of Trustees in accordance with the Maine Rules of Civil Procedures, Rule 80B.

#### Section 5. Judicial Enforcement and Remedies

When the District finds that a User has violated, or continues to violate, any provisions of these Rules and Regulations, an Industrial User Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, in addition to or separate from any penalty provided for by these Rules and Regulations or by State or Federal laws or regulations, the District may bring a civil action to seek injunctive relief against a User that violates any Pretreatment Standard, these Rules and Regulations or the Industrial User Permit administered by the District. The District may, separately or in addition to such injunctive relief, seek a civil penalty of up to \$1,000 per day for each violation by an Industrial User of any Pretreatment Standard or Requirement, these Rules and Regulations or the Industrial User Permit.

#### Section 6. Remedies Nonexclusive

The remedies provided for in these Rules and Regulations are not exclusive. The Superintendent may take some, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the District's Enforcement Response Plan. However, the Superintendent and/or the District may take other action against any User when the circumstances warrant. Further, the Superintendent and/or the District is empowered to take more than one enforcement action against any noncompliant User.

#### Section 7. Affirmative Defenses to Discharge Violations

##### A. Upset

1. 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 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.
2. An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of paragraph (3), below, are met.
3. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and the User can identify the cause(s) of the upset;
  - b. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
  - c. The User has submitted the following information to the Superintendent within twenty-four (24) hours of becoming aware of the upset; if this information is provided orally, a written submission must be provided within five (5) days:
    - 1) A description of the indirect Discharge and cause of noncompliance;
    - 2) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
    - 3) Steps being taken and/or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.
4. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

5. 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.
6. Users shall control production of all Discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the POTW 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.

B. Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with Article VI Sec. 1 A or B (1) through (12) of these Rules and Regulations if it can prove that it did not know, or have reason to know, that its Discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

1. A Local Limit exists for each Pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or
2. No Local Limits exists, but the Discharge did not change substantially in nature or constituents from the user's prior Discharge when the District was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

C. Bypass

1. For the purposes of this section,
  - a. "Bypass" means the intentional diversion of wastestreams from any portion of a User's treatment facility.
  - b. "Severe property damage" means substantial physical damage to property, damage to the Wastewater Treatment Works, which causes it 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 causes by delays in production.

2. A 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 C3 and C4 of this Section 7.
3.
  - a. If a User knows in advance of the need for a bypass, it shall submit prior with notice to the Superintendent, at least sixty (60) days before the date of the bypass, if possible.
  - b. A User shall submit oral notice to the Superintendent of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the 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 Superintendent may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

4.
  - a. Bypass is prohibited, and the Superintendent and/or the District may take an enforcement action against a User for a bypass, unless
    - 1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - 2) 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
    - 3) The User submitted notices as required under paragraph C3 of this Section 7.

- b. The Superintendent may approve an anticipated bypass, after considering its adverse effects, if the Superintendent determines that it will meet the three conditions listed in paragraph C4 of this Section 7.

ARTICLE XVIII  
Miscellaneous

Section 1. The Board of Trustees of the Kennebunk Sewer District shall have authority to amend these regulations. Such amendments shall be passed by majority vote of the Board.

Section 2. Prior to the adoption of any such amendment, the Trustees shall hold a public hearing regarding the proposed amendment. The Trustees shall publish notice of the hearing to consider the proposed amendment no less than once in a newspaper having a general circulation in the District not less than seventeen (17) days nor more than twenty-four (24) prior to the hearing. The District shall also post the proposed amendment and notice of the hearing in a conspicuous public place at least seventeen (17) days prior to the hearing.

**ADDENDUM A**  
**DISCHARGE SCREENING LEVELS**

<u>COMPOUND</u>	<u>mg/l</u>	<u>Basis</u>
Acrylonitrile	1.19	GVT
Acetone	1545	GVT
Aldrin	0.38	GVT
Arochlor 1242 (PCB-1242)	0.01	GVT
Arochlor 1254 (PCB-1254)	0.005	GVT
Benzene	0.14	GVT
Bis(2-Chloromethyl)ether	0.0005	GVT
Bromodichloromethane	0.77	GVT *
Bromoform	0.24	GVT
Bromomethane	0.002	GVT
Carbon disulfide	0.06	GVT
Carbon tetrachloride	0.03	GVT
Chlordane	1.27	GVT
Chlorobenzene	2.31	GVT
Chlorodibromomethane	53.3	GVT *
Chloroethane	0.42	GVT
Chloroform	0.41	GVT
Chloromethane	0.07	GVT
1,2-Dichlorobenzene	0.375	GVT
1,3-Dichlorobenzene	90	LEL
1,4-Dichlorobenzene	3.55	GVT
Dichlorofluoromethane	0.04	GVT
1,1-Dichloroethane	4.58	GVT
1,2-Dichloroethane	85	LEL
trans-1,2-Dichloroethylene	0.28	GVT
1,2-Dichloropropane	3.62	GVT
1,3-Dichloropropene	0.08	GVT
Dieldrin	13	GVT
Diethyl phthlate	107	GVT
4,6-Dinitro-o-creosol	10.788	GVT
Dinitrotolulene	7.21	GVT
Endrin	4.9	GVT
Ethyl benzene	1.59	GVT
Ethylene dichloride	1.05	GVT
Formaldehyde	0.06	GVT
Heptachlor	0.003	GVT
Hexachloro-1,3-butadiene	0.0002	GVT

## DISCHARGE SCREENING LEVELS(cont.)

<u>COMPOUND</u>	<u>mg/l</u>	<u>Basis</u>
Hexachloroethane	0.093	GVT
Hexachlorocyclopentadiene	658	GVT
Hydrogen Sulfide	0.04	GVT *
Methyl Chloride	0.06	GVT
Methyl ethyl ketone	249	GVT
Methylene chloride	2.06	GVT
Naphthalene	2.65	GVT
Nitrobenzene	9.41	GVT
Pentachlorophenol	4.37	GVT
Phenol	1024	GVT
Sulfate	1500	
Sulfide	0.04	
1,1,2,2-Tetrachloroethane	0.44	GVT
Tetrachloroethylene	0.53	GVT
Tolulene	1.36	GVT
Toxaphene	0.003	GVT
1,2,4-Trichlorobenzene	0.39	GVT
1,1,1-Trichloroethane	1.55	GVT
1,1,2-Trichloroethane	1.15	GVT
Trichloroethylene	0.71	GVT
Trichlorofluoromethane	1.23	GVT
Vinyl Chloride	0.0003	GVT
Vinylidene chloride	0.003	GVT

GVT = Gas/vapor toxicity based screening level

LEL = Lower explosive limit based screening level

Source: EPA Guidance to Protect POTW Workers from Toxic And Reactive Gases and Vapors, June 1992

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 \* No published values-screening levels calculated by comparing to compounds of similar structure. These values should be reviewed periodically and Updated accordingly.

\*\* Calculated by converting the TLV-TWA to a concentration in the waste stream.

**ADDENDUM B**  
**Local Limits**  
**TO BE DETERMINED**

## ADDENDUM C

### KENNEBUNK SEWER DISTRICT INDUSTRIAL DISCHARGE PERMIT APPLICATION

#### SECTION A –GENERAL INFORMATION

Check one: ( ) existing discharge  
( ) proposed discharge

1. Business Name of Applicant: \_\_\_\_\_

2. Mailing Address : \_\_\_\_\_

\_\_\_\_\_

3. Facility Address: \_\_\_\_\_

\_\_\_\_\_

4. Person to whom permit should be mailed: \_\_\_\_\_

Title: \_\_\_\_\_

5. Designated signatory authority of the facility in accordance with 40 CFR 403.12:  
(Attach similar information for each authorized representative)

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone# \_\_\_\_\_

6. Person to contact concerning information provided herein:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Telephone# \_\_\_\_\_

I have personally examined and am familiar with the information submitted in this document and attachments. Based upon my inquiry of those individuals immediately responsible for obtaining the information reported herein, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and/or imprisonment.

Date

Signature of Official

(Seal if applicable)

**SECTION B- PRODUCT AND/OR SERVICE INFORMATION:**

Type of Business(Manufacture, Distributor, Retail, Etc.):\_\_\_\_\_

Applicable **S.I.C.** codes:\_\_\_\_\_

Brief narrative description of manufacturing or service activity:\_\_\_\_\_

Are processes subject to EPA’s categorical pretreatment standards? YES \_\_\_ NO \_\_\_

If yes, please give subcategory designation:\_\_\_\_\_

List raw materials used in your process/production operations together with material **CAS** numbers and quantities of each (pounds/year) containing any of the following:

- |                     |          |          |
|---------------------|----------|----------|
| Acetone             | Aluminum | Ammonia  |
| Arsenic             | Cadmium  | Chromium |
| Copper              | Cyanide  | Lead     |
| Lime(Calcium Oxide) | Mercury  | Nickel   |
|                     | Phenol   |          |
| Silver              | Sulfate  | Sulfides |
| Toluene             | Xylene   | Zinc     |

Are Material Safety Data Sheets readily available and in compliance with applicable “Right to Know” laws?\_\_\_\_\_

Type and Quantity of Finished Product per Year (Pounds/Year)\_\_\_\_\_

**SECTION C – PLANT OPERATION CHARACTERISTICS**

Hours of Operation:

Color House: Per Day\_\_\_\_\_ Days Per Week\_\_\_\_\_

Finishing: Per Day\_\_\_\_\_ Days Per Week\_\_\_\_\_

Other: Per Day\_\_\_\_\_ Days Per Week\_\_\_\_\_

Total Number of Employees: Shift #1:\_\_\_\_\_ Shift #2:\_\_\_\_\_ Shift #3:\_\_\_\_\_

Is a Spill Prevention Control Plan and/or Emergency Plan established for the facility?  
 YES \_\_\_\_\_ NO \_\_\_\_\_ (If yes, please attach a copy)

Are your processes subject to seasonal variations? Explain. Provide a brief description of the process. Attach explanation if more room is needed.

Number of production days per year: \_\_\_\_\_

Number of color mills in operation: \_\_\_\_\_

**SECTION D – WATER**

Source of water:	Production Day	Maximum	Minimum
Municipal Agency	_____	_____	_____
If from agency, Name of Agency and Account Number _____			
_____			

River or Pond	_____	_____	_____
Other	_____	_____	_____
Total	_____	_____	_____

**Water Consumption:**

	Production Day	Maximum	Minimum
Sanitary (gal/day)	_____	_____	_____
Process Water	_____	_____	_____
Cooling Water	_____	_____	_____
Other	_____	_____	_____
Total Water Usage	_____	_____	_____

Describe any raw water treatment process used: \_\_\_\_\_

Describe any water recycling or material reclamation process used: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Is water consumed in product? Explain \_\_\_\_\_

**SECTION E – WASTEWATER**

Wastewater Discharged to Public Sewer:

	Production Day	Maximum	Minimum
Sanitary (gal/day)	_____	_____	_____
Process Water	_____	_____	_____
Wastewater Discharged From:			
Color House	_____	_____	_____
Finishing	_____	_____	_____
Cooling Water	_____	_____	_____
Storm water	_____	_____	_____
Boiler blowdown	_____	_____	_____
Compressor Condensate	_____	_____	_____
Water Curtain	_____	_____	_____
Other	_____	_____	_____
Total Wastewater	_____	_____	_____

Water disposal other than to public sewer \_\_\_\_\_ Percent of Total \_\_\_\_\_

Have individual waste streams previously been analyzed within the past six months?  
YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, please attach copy of most recent analyses.

If no, a complete analysis of the wastestream is required. A complete analyses of the wastestream shall consist of testing by a certified laboratory on a composite sample taken over a twenty four hour production day for both conventional and priority pollutants. The following information must be included as part of the analysis. Provide laboratory PDL's to KSD prior to testing to insure testing limits will be acceptable.

Name and Address of Certified Laboratory \_\_\_\_\_

Sample chain of custody form indicating who collected the sample, source of the wastewater and sample point, when sample was collected, when sample was delivered to Laboratory, and what, if any, preservation was used.

Conventional pollutants shall include pH, Biochemical Oxygen Demand (BOD), total Solids, dissolved solids, total suspended solids, total phosphorus, orthophosphate, ammonia (as N), nitrate, nitrite, oil and grease, sulfate and sulfide.

Priority pollutants shall consist of EPA's thirteen priority pollutant metals, total cyanide, sixty-eight acid/base neutral extractables, thirty-five volatile organics, and Twenty pesticides. See attachment 1.

Describe waste liquids, if any, that are hauled away for disposal and list the destination and hauler of each type of waste: \_\_\_\_\_

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#### SECTION F – PRETREATMENT

Briefly describe pretreatment process (provide sketches, etc. where appropriate: \_\_\_\_\_

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Are wastewater drainage lines (sewers) and storm and roof drainage lines (clean water) identified and segregated? Explain and provide current map of all facility drainage indicating direction of flows.

Do suitable areas exist within your facilities drainage system to sample individual process areas (sampling manholes, etc.)? *Please indicate such areas on facility drainage map.*

*Attachment # 1 :*

*Conventional Pollutant List:*

- |                     |                           |                     |
|---------------------|---------------------------|---------------------|
| 1. pH               | 2. BOD5                   | 3. Total Solids     |
| 4. Dissolved Solids | 5. Total Suspended Solids | 6. Total Phosphorus |
| 7. Orthophosphate   | 8. Ammonia (as N )        | 9. Nitrate          |
| 10. Nitrite         | 11. Oil and Grease        | 12. Sulfide         |
| 13. Sulfate         |                           |                     |

*Priority Pollutants List:*

Metals:

- |             |              |             |
|-------------|--------------|-------------|
| 1. Antimony | 2. Arsenic   | 3. Cadmium  |
| 4. Lead     | 5. Selenium  | 6. Thallium |
| 7. Mercury  | 8. Beryllium | 9. Chromium |
| 10. Copper  | 11. Nickel   | 12. Silver  |
| 13. Zinc    | 14. Cyanide  |             |

Acid/Base Neutral Extractables:

- |                             |                             |                                 |
|-----------------------------|-----------------------------|---------------------------------|
| 1. N-Nitrosodimethylamine   | 2. Phenol                   | 3. Aniline                      |
| 4. Bis(2-chloroethoxy)ether | 5. 2-Chlorophenol           | 6. 1,3-Dichlorobenzene          |
| 7. 1,4-Dichlorobenzene      | 8. Benzylalcohol            | 9. 1,2-Dichlorobenzene          |
| 10. 2-Methylphenol          | 11. 4-Methylphenol          | 12. Bis(2-chloroisopropyl)ether |
| 13. Hexachloroethane        | 14. Nitrobenzene            | 15. N-Nitroso-di-N-propylamine  |
| 16. Isophorone              | 17. 2-Nitrophenol           | 18. 2,4-Dimethylphenol          |
| 19. Benzoic acid            | 20. 2,4-Dichlorophenol      | 21. Bis(2-chloroethoxy)methane  |
| 22. 1,2,4-Trichlorobenzene  | 23. Naphthalene             | 24. 4-Chloroaniline             |
| 25. Hexachlorobutadiene     | 26. 4-Chloro-3-methylphenol | 27. 2-Methylnaphthalene         |
| 28. 2,4,6-Trichlorophenol   | 29. 2,4,5-Trichlorophenol   | 30. Hexachlorocyclopentadiene   |
| 31. 2-Chloronaphthalene     | 32. 2-Nitroaniline          | 33. Dimethylphthalate           |
| 34. Acenaphthylene          | 35. 2,6-Dinitrotoluene      | 36. 3-Nitroaniline              |
| 37. Acenaphthene            | 38. 2,4-Dinitrophenol       | 39. 4-Nitrophenol               |
| 40. Dibenzofuran            | 41. 2,4-Dinitrotoluene      | 42. Diethylphthalate            |
| 43. Fluorene                | 44. 4-Nitroaniline          | 45. 4-Chlorophenyl-phenylether  |
| 46. N-Nitrosodiphenylamine  | 47. Azobenzene              | 48. 4,6-Dinitro-2-methylphenol  |
| 49. Hexachlorobenzene       | 50. Pentachlorophenol       | 51. 4-Bromophenyl-phenylether   |
| 52. Phenanthrene            | 53. Anthracene              | 54. Di-N-butylphthalate         |
| 55. Fluoranthene            | 56. Benzidine               | 57. Pyrene                      |
| 58. Butylbenzylphthalate    | 59. 3,3-Dichlorobenzidine   | 60. Chrysene                    |
| 61. Di-N-octylphthalate     | 62. Benzo(B)fluoranthene    | 63. Bis(2-ethylhexyl)phthalate  |
| 64. Benzo(K)fluoranthene    | 65. Benzo(A)pyrene          | 66. Ideno(1,2,3,-CD)pyrene      |

67. Dibenz(A,H)anthracene 68. Benzo(G,H,I,)perylene

**Volatile Organics:**

- |                               |                            |                               |
|-------------------------------|----------------------------|-------------------------------|
| 1. Chloromethane              | 2. Bromomethane            | 3. Vinyl chloride             |
| 4. Chloroethane               | 5. Methylene chloride      | 6. Acetone                    |
| 7. Carbon disulfide           | 8. Trichlorofluoromethane  | 9. 1,1-Dichloroethene         |
| 10. 1,2-Dichloroethene(total) | 11. Chloroform             | 12. Methyl ethyl ketone       |
| 13. 1,2-Dichloroethane        | 14. 1,1,1-Trichloroethane  | 15. Carbon Tetrachloride      |
| 16. Vinyl acetate             | 17. Bromodichloromethane   | 18. Cis-1,3,-Dichloropropene  |
| 19. Trichloroethene           | 20. Benzene                | 21. Trans-1,3-Dichloropropene |
| 22. Dibromochloropropane      | 23. 1,1,2-Trichloroethane  | 24. 1,2-Dichloropropane       |
| 25. Bromoform                 | 26. Methyl isobutyl ketone | 27. 2-Chloroethyl vinyl ether |
| 28. Tetrachloroethene         | 29. Toluene                | 30. 1,1,2,2-Tetrachloroethane |
| 31. Chloroobenzene            | 32. Ethylbenzene           | 33. M-Xylene                  |
| 34. O,p-Xylene                | 35. Styrene                |                               |

*Priority Pollutant List:*

**Pesticides:**

- |                        |                        |                     |
|------------------------|------------------------|---------------------|
| 1. Aldrin              | 2. Alpha-BHC           | 3. Beta-BHC         |
| 4. Gamma-BHC           | 5. Delta-BHC           | 6. Chlordane        |
| 7. 4,4'-DDT            | 8. 4,4'-DDE            | 9. 4,4'-DDD         |
| 10. Dieldrin           | 11. Endosulfan I       | 12. Endosulfan II   |
| 13. Endosulfan sulfate | 14. Endrin             | 15. Endrin aldehyde |
| 16. Heptachlor         | 17. Heptachlor epoxide | 18. Toxaphene       |
| 19. Endfinketone       | 20. Methoxychlor       |                     |

## ADDENDUM D

### IMPACT FEE SCHEDULE

And

### EQUITY BUY IN FEE

CLASSIFICATION	gpd estimate
Offices	.06 gpd/ft <sup>2</sup>
Medical/Dental	.4 gpd/ft <sup>2</sup>
Industrial (light-dry process)	.067 gpd/ft <sup>2</sup>
<u>Industrial</u>	.15 gpd/ft <sup>2</sup>
Bank	.10 gpd/ft <sup>2</sup>
Bakery	.15 gpd/ft <sup>2</sup>
Retail	.05 gpd/ft <sup>2</sup>
Supermarket	.05 gpd/ft <sup>2</sup>
Restaurant	1.5 gpd/ft <sup>2</sup>
Auto Sales/Garage	.05 gpd/ft <sup>2</sup>
Auto Body Shop	.05 gpd/ft <sup>2</sup>
Government Building	.10 gpd/ft <sup>2</sup>
Funeral Home	.05 gpd/ft <sup>2</sup>
Beauty Salon	100 gpd/chair (MPC)
Barber Shop	100 gpd/chair (MPC)
Lodge Hall	.03 gpd/ft <sup>2</sup>
Dry Cleaner	.15 gpd/ft <sup>2</sup>
Utilities	.10 gpd/ft <sup>2</sup>
Health Club	.15 gpd/ft <sup>2</sup>
Veterinarians	.65 gpd/ft <sup>2</sup>
Taverns, Bars	.90 gpd/ft <sup>2</sup>

Warehouse	.01 gpd/ft <sup>2</sup>
Boarding House	50 gpd/bed + 250gpd per edu
Hotels/Motels	100 gpd/unit
Single Family Home (or apartment)	250 gpd/unit
Duplex (Any combination of plexes <4)	500 gpd/2 units 250 gpd x n
Multiplex (4 or more units / building)	180 gpd / unit
Mobile Home	250 gpd
Retirement Housing Complex	120 gpd/unit
Bowling Alley	75 gpd/lane
Laundry	400 gpd/20 lb machine
Service Stations w/rest rooms	500 gpd/island 300 for second island
Hospitals	150 gpd/bed
Nursing Homes	100 gpd/bed
Day Care	10 gpd/child
Schools	10 gpd/student
Campgrounds (no hookups)	60 gpd/site
Campgrounds (w/hookups)	75 gpd/site
Visitor Center	400 gpd/toilet, 200 gpd/urinal
Marina	100gpd+10gpd/slip + 400 gpd/washer
Church (sanctuary)	1 edu
Car Wash	to be determined
Fast-food Restaurant (no table service)	20 gpd/seat
Community Meeting Hall	.015 gpd/ ft <sup>2</sup>
Public Restrooms	400 gpd/toilet