

TOWN OF EDGARTOWN
SEWER
RULES AND REGULATIONS

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TOWN OF EDGARTOWN

SEWER RULES AND REGULATIONS

Rules and regulations governing the use of public and private sewers and drains, private sewage disposal, the installations and connection of building sewers, and the discharge of waters and wastes into the public sewer system; and providing penalties for violations thereof; in the Town of Edgartown, County of Dukes County, Commonwealth of Massachusetts. Be it ordained and enacted by the Wastewater Commission of the Town of Edgartown as follows.

ARTICLE I DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in these rules and regulations shall be as follows.

"BOD" (Denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees centigrade, expressed in milligrams per liter of solution.

"BUILDING DRAIN" shall mean that part of the lowest horizontal piping of a drainage system which received the discharge from soil, waste, and other drainage pipes inside walls of the building and conveys it to the building wall.

"BUILDING SEWER" shall mean the extension from the building drain to the public sewer or other place of disposal.

"COMBINED SEWER" shall mean a sewer receiving both surface runoff and sewage.

"COMPANY" shall mean any industrial or commercial establishment with a liquid waste discharge.

"GARBAGE" shall mean the solid waste produced from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

"INDUSTRIAL WASTE" shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

"MAY" is permissive.

"NATURAL OUTLET" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

"OPERATOR" shall mean any licensed Operator of Sewage Works and / or Water Pollution Control Facilities acting as an agent of the Wastewater Commission.

"pH" shall mean the logarithm of the weight of hydrogen ions in grams per liter of solution.

"PERSON" shall mean any individual, firm, company, association, society, corporation, or group.

"PROPERLY SHREDDED GARBAGE" shall mean the wastes from the preparation, cooking, and dispensing, of food that have been shredded to such a degree that all particles will

be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one half (1/2) inch (1.27) centimeters in any dimension.

"PUBLIC SEWER" shall mean a sewer in which all abutting properties have equal rights and is controlled by a public authority.

"SANITARY SEWER" shall mean a sewer which carries sewage and to which storm, surface, and Ground water are not intentionally admitted.

"SEPTAGE" shall mean wastewater originating from an onsite septic disposal system that is undergoing putrefaction under anaerobic conditions.

"SEWAGE" shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

"SEWAGE WORKS" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

"SEWER" shall mean a pipe or conduit for carrying sewage.

"SHALL" is mandatory.

"SLUG" shall mean any discharge of water, sewage, or industrial waste 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 of flows during normal operation.

"STORM DRAIN" (sometimes termed storm sewer) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

"SUSPENDED SOLIDS" shall mean the solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, which are removable by laboratory filtering.

"TOWN" shall mean the Town of Edgartown, in the County of Dukes County, Commonwealth of Massachusetts, acting through its Wastewater Commissioners.

"WATERCOURSE" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

"WATER POLLUTION CONTROL FACILITY" shall mean the arrangement of devices and structures used for treating sewage.

**ARTICLE II
USE OF PUBLIC SEWERS REQUIRED**

SEC. 1 UNSANITARY DISPOSAL OF OBJECTIONABLE WASTE

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property or in any area under the jurisdiction of the Town, any human or animal excrement, garbage, or other objectionable waste.

SEC. 2 UNLAWFUL DISCHARGE OF SEWAGE

It shall be unlawful to discharge to any outlet in any area under the jurisdiction of the Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of these rules and regulations.

SEC. 3 UNSATISFACTORY DISPOSAL FACILITIES

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

SEC. 4 REQUIRED CONNECTION TO PUBLIC SEWER SYSTEM

Where there is no private sewage disposal or where inadequate private disposal facilities exist, the owner of all homes, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town of Edgartown and abutting on any street, ally, or right of way in which there is located a public sanitary or combined sewer of the Town, is hereby required, at his expense, to install suitable toilet facilities directly with the proper public sewer in accordance with the provisions of these rules and regulations, within ninety (90) days after date of official notice to do so.

**ARTICLE III
PRIVATE SEWAGE DISPOSAL**

SEC. 1 DIRECT CONNECTION TO THE PUBLIC SEWER

At such time as a public sewer becomes available to a property served by an inadequate private sewage disposal system, as provided in ARTICLE II, SEC. 4, a direct connection shall be made to the public sewer in compliance with these rules and regulations and any septic tanks, cesspools, and similar disposal facilities shall be abandoned and filled with suitable material.

SEC. 2 PRIVATE SEWAGE DISPOSAL FACILITIES

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.

SEC. 3 NON INTERFERENCE OF OUTSIDE COMPLIANCE

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by any other Board or Committee within the Town of Edgartown.

SEC. 4 TIME OF COMPLETION OF THE SEWER CONNECTION

When a public sewer becomes available, the building sewer shall be connected to said sewer within three hundred and sixty five (365) days and the private sewage disposal system shall be cleaned of liquid and sludge and filled with clean bank run gravel or dirt.

ARTICLE IV
BUILDING SEWERS AND CONNECTIONS

SEC. 1 UNAUTHORIZED DISTURBANCE OF PUBLIC SEWERS

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 Wastewater Commission.

SEC. 2 SEWER CONNECTION APPLICATIONS

(a) PERMIT CLASSES

There shall be two (2) classes of building sewer permits; one for residential and one for commercial service.

(b) APPLICATION FORM

In either case, the owner or his agent shall make an application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Operator.

(c) PERMIT FEE

A permit and inspection fee of two hundred fifty (\$250.00) dollars for a residential sewer permit, and two hundred and fifty (\$250.00) dollars for a commercial building sewer permit shall be paid to the Town at the time the application is filed. A revised permit and inspection fee of one hundred fifty (\$150.00) shall be paid to the Town when making any building permit required renovations to a connected property.

(d) APPLICATION REVIEW

Upon receipt of the application and fee, the Wastewater Commission will conduct a review of the application to determine compliance with these rules and regulations, and compliance with all other concerned agencies before a permit will be granted. This review will be for a period not to exceed forty-five (45) days unless special conditions require additional time. Wastewater Commission review of those applications requiring any additional approval from any outside agencies such as the Martha's Vineyard Commission, or the Commonwealth of Massachusetts' Department of Environmental Protection (DEP), etc. will be suspended until such time that the application is returned to the Wastewater Commission and all conditions of the outside reviewing agency have been met.

(e) PERMIT VALIDITY

Sewer connection permits will be valid for twelve (12) months after the date of issue by the Wastewater Commission. Permits will expire after the twelve (12) month period unless they are renewed by the Wastewater Commission, on the request of the applicant, for one additional twelve (12) month period, after which they will become null and void.

(f) PERMIT CONDITIONS

The permit is valid only for the original conditions for which it was issued. A change of use and or an increase in flow to which was granted on the application will require Wastewater Commission review and a new permit if said change or increase is granted.

(g) SEATING CAPACITY

Commercial applications for food service establishments (restaurants, deli's, take outs, bakeries, etc.) will be assigned a specific number of seats (seating capacity) for wastewater flow calculation and billing purposes, based on inspections done by either the Building Inspector or the Fire Marshall. Those food service establishments presently served by the municipal sewer system will be assigned the seating capacity as determined by either the Building Inspector or the Fire Marshall. Any request to increase the number of seats at any time will require another inspection and be considered a change in use due to an increase in flow and will require Wastewater Commission approval and require a new permit. Those food service establishments without seating for their customers will be assigned an equivalent number of seats based on inspections.

(h) WITHDRAWAL FROM A PERMIT

Once a permit is granted the applicant will have thirty (30) days to request in writing that the application be withdrawn, the permit voided, and the fee be returned. No more than 75% of the application fee will be refunded.

SEC. 3 ALL COSTS TO BE BORNE BY OWNER

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

SEC. 4 SEPARATE BUILDING SEWERS

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear of the building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

SEC. 5 USE OF OLD SEWERS

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Operator, to meet all the requirements of these rules and regulations.

SEC. 6 SEWER INSTALLATION REQUIREMENTS

The size, slope, alignment, and materials of construction of a building sewer, and the methods to be used in excavation, placing of the pipe, jointing, testing, and backfilling the trench, and making a gas and water tight connection of the building sewer into the public sewer shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the Town of Edgartown. In the absence of code provisions or amplification thereof, the materials and procedures set forth in the appropriate sections of the Commonwealth of Massachusetts, Department of Environmental Protection (DEP) "GUIDELINES OF THE DESIGNS, CONSTRUCTION, OPERATION, & MAINTENANCE OF SMALL SEWAGE FACILITIES" shall apply. Any deviation from the prescribed procedures and materials must be approved by the operator before installation.

SEC. 7 BUILDING SEWER ELEVATION

Whenever possible, the building sewer shall be brought from the building at an elevation above the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

SEC. 8 CONNECTION OF UNCONTAMINATED WATER SOURCE PROHIBITED

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer system.

SEC. 9 INSPECTION OF BUILDING SEWER CONNECTION

The applicant for the Building sewer permit shall notify the Operator when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the operator or his representative.

SEC. 10 PROTECTING THE PUBLIC DURING INSTALLATION

All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

**ARTICLE V
USE OF PUBLIC SEWERS**

SEC. 1 UNCONTAMINATED WATER

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

SEC. 2 STORM SEWERS

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Operator. Commercial cooling water or unpolluted process waters may be discharged, on approval of the Operator, to a storm sewer, combined sewer, or natural outlet.

SEC. 3 PROHIBITED WATERS OR WASTES

No person shall discharge or cause to be discharged any of the following described waters and/or wastes to any public sewer without prior approval of the operator...

(a) FLAMMABLE SUBSTANCES

Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

(b) TOXIC SUBSTANCES

Any waters or wastes containing toxic or poisonous solids, liquids, or gasses in sufficient quantity, either singularly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanide in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.

(c) ACIDIC SUBSTANCES

Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(d) OBSTRUCTIONS

Solids or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as but not limited to ashes, cinders, sand, mud, straw, shavings, metals, glass, rags, feathers, tar, plastics, wood, etc. either whole or ground by garbage grinders.

SEC 4 PROHIBITED SUBSTANCES

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

(a) TEMPERATURE

Any liquid or vapor having a temperature higher than one hundred and fifty degree Fahrenheit (150F)

(b) GREASE & OTHER VISCOUS SOLIDS

Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred milligrams per liter (100 mg/l), or containing substances which may solidify or become viscous at temperatures between thirty two (32) and one hundred and fifty (150) degrees Fahrenheit (0 to 65 Degrees Celsius)

(c) GARBAGE GRINDERS & SHREDDING OF GARBAGE

Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4HP) horsepower (0.76 metric HP), or greater shall be subject to the review and approval of the Operator.

(ARTICLE XIII, SEC 6, supersedes ARTICLE V SEC 4, subsection (c) by prohibiting the new installation of garbage grinders.)

(d) ACIDIC WASTES

Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not.

(e) TOXIC SUBSTANCES

Any waters or wastes containing iron, chromium, copper, zinc, and/or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Operator for such materials.

(f) TASTE OR ODOR PRODUCING SUBSTANCES

Any waters or wastes containing phenols or other taste and/or odor producing substances, in such concentrations exceeding limits which may be established by the Operator as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal , or other public agencies of jurisdiction for such discharge to the receiving waters.

(g) RADIOACTIVE WASTE

Any radioactive waste or isotopes of such half life or concentration as may exceed limits established by the Operator in compliance with applicable State or Federal Regulations.

(h) HIGH pH

Any waters or wastes having a pH in excess of 9.5.

(i) EXCESSIVE LOADINGS (materials which exert or cause):

a) INERT SUSPENDED GROWTH:

Unusual concentrations of inert suspended solids, such as, but not limited to sodium chloride, and sodium sulfate.

b) DISCOLORIZATION

Excessive discolorization

c) BOD

Unusual Biochemical Demand (BOD), Chemical Demand (COD), or Chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(d) SLUGS

Unusual volume of flow or concentration of wastes constituting "SLUGS" as defined herein (SEE ARTICLE 1, SEC. 20).

(J) SUBSTANCES NOT AMENABLE TO TREATMENT

Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such a degree that the sewage treatment effluent cannot meet the requirements of other agencies having jurisdiction over the discharge to the receiving waters, i.e. phosphates, & nitrates.

SEC. 5 POWERS OF THE OPERATOR

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possesses the characteristics enumerated in SEC 4 of this article, and which in the judgment of the Operator may have deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Operator may;

a) REJECT THE WASTES

b) REQUIRE PRETREATMENT

To an acceptable condition for discharge to the public sewers. (If the Operator permits an industry to pretreat or equalize its waste flows, the design and installation shall be subject to the review and approval of the Operator and subject to the requirements of all applicable codes, rules, regulations, and laws.)

c) REQUIRE PAYMENT

To cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of SEC. 9. Of this article.

SEC. 6 INTERCEPTORS REQUIRED

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Operator, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptor facilities shall be of a type and capacity approved by the Operator and shall be located as to be readily and easily accessible for cleaning and inspection.

SEC. 7 OPERATION OF PRELIMINARY TREATMENT FACILITIES

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

SEC. 8 OBSERVATION MANHOLE REQUIRED

When required, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Operator. 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.

SEC. 9 SAMPLING REQUIRED

All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in these rules and regulations shall be determined in accordance with the latest edition of " STANDARD METHODS FOR THE EXAMINATION OF WATER AND WASTEWATER", published by the American Public Health Association, and shall be determined by the control manhole provided, or upon suitable samples taken at said control manhole.

In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence hazards to life, limb, and property.

The particular analysis 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 24 hour composites of all outfalls whereas pH is determined from period grab samples.

SEC. 10 ACCEPTANCE OF INDUSTRIAL OR COMMERCIAL WASTE

No statement contained in this article shall be construed as preventing any special agreement between the Town and an industrial or commercial concern whereby industrial or commercial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore by the industrial or commercial establishment.

SEC. 11 APPLICATIONS FOR COMMERCIAL AND INDUSTRIAL SEWER CONNECTION.

Applications for commercial and industrial sewer connections will be reviewed on a case by case basis to determine the project's maximum expected daily quantity of sewage flow and its impact on the sewer system and the treatment facility. This flow will be computed by using the " COMMONWEALTH OF MASSACHUSETTS', DEPARTMENT OF ENVIRONMENTAL PROTECTION, DIVISION OF WATER POLLUTION CONTROL'S 314 CMR 7.15" " SEWAGE FLOW ESTIMATES". In addition to filing the application, the applicant will also supply the Operator with the following information.

- a) The types and number of establishments that will be located in the project.
- b) The number of persons working in or using the establishment
- c) The number of guest rooms
- d) The square footage of each establishment
- e) The seating capacity

f) The volume of all large appliances such as commercial sinks, dishwashers, clothes washers, etc., and the daily frequency of use of each appliance.

Estimated sewage flow not listed in the engineering data will be considered in relation to actual meter readings of established flows from known or similar installations.

**ARTICLE VI
PROTECTION FOR DAMAGE**

SEC. 1 UNAUTHORIZED ACTIVITIES

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct or other appropriate charges.

**ARTICLE VII
POWERS AND AUTHORITY OF INSPECTORS**

SEC. 1 PERMISSION TO ENTER ALL PROPERTIES

The Operator, and other duly authorizes employees of the Town bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of these rules and regulations. The Operator or his representatives shall not have authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers, waterways or facilities for waste treatment.

SEC. 2 COMPANY HELD HARMLESS

While performing the necessary work on private properties referred to in ARTICLE VII SEC. 1 above, the Operator or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company. The company shall be held harmless for injury or death to the Town employee. The Town shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in ARTICLE V SEC. 8.

SEC. 3 EASEMENTS HELD BY THE TOWN

The Operator and other duly authorized employees of the Town having proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works 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.

ARTICLE VIII PENALTIES

SEC. 1 NOTICE OF VIOLATION

Any person found to be violating any of these rules and regulations except ARTICLE V shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations

SEC. 2 CONTINUING VIOLATION

Any person who shall continue any violation beyond the time limit provided for in the notice sent under ARTICLE VIII, SEC.1 shall be subject to a civil penalty as provided for by G. L. c. 83, § 10 not exceeding \$5,000.00 for each day of a violation of a rule or regulation. Civil penalties shall be assessed in accordance with the fine schedule set out in Section 5, which may be amended from time to time.
(See M.G.L. c. 83, Sec. 10).

SEC. 3 TERMINATION OF SERVICE

Any person violating any of the provisions of these rules and regulations shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation and subject to termination of the sewer service.

SEC. 4 VIOLATION OF SEPTAGE ACCEPTANCE POLICIES

Any person/company found violating any provisions of ARTICLE XV such as but not limited to discharging septage into the collection system without prior approval, or discharging waste from another town without prior approval shall immediately lose the ability to use the Edgartown facility for a period of 30 days for the first offense, as well as a \$ 1,000.00 fine, 90 days for the second, as well as a \$ 2,500.00 fine, and 180 days for the third, as well as a \$ 5,000.00 fine. Violations beyond this and violations that occur during a suspension shall result in criminal charges being brought against such individual or company.

SEC. 5 FINE SCHEDULE

For One (1) to Thirty Days (30) – a fine of up to one thousand dollars (\$1000.00) for each violation.

For Thirty-One (31) to Sixty Days (60) – a fine of up to twenty-five hundred dollars (\$2500.00) for each violation.

For Sixty-One (61) to Ninety Days (90) – a fine of up to five thousand dollars (\$5000.00) for each violation.

For violations exceeding Ninety Days (91 or more days) – maximum fine of five thousand dollars (\$5000.00) for each violation or Termination of Service.

ARTICLE IX USER CHARGE SCHEDULE

The Edgartown Wastewater Commission at their meeting of April 1st, 1996, adopted the following revisions to the Town of Edgartown Sewer Rules and Regulations, Article IX, All Sections. Pursuant to M.G.L. Chapter 83, Section 10 these revisions shall supersede the previously adopted ARTICLE IX unless otherwise provided. Copies of these revisions are available for public inspection, at the Wastewater Treatment Facility.

SEC. 1 WHEN COMPUTED

The user charge shall be computed each year to reflect actual changes in the amounts of monies needed to fund the operation and maintenance of the Wastewater Department.

SEC. 2 CHARGE PERIOD

The user charge year shall be for the present fiscal year which covers the period from July 1 to June 30.

SEC. 3 ALLOCATION OF USER CHARGES TO OPERATING COSTS

The user charge shall be so computed that the revenue generated will be sufficient to defray the costs of operation and maintenance of the public sewer system, treatment facility, and related equipment.

SEC. 4 COMPUTATION OF THE USER CHARGE

The computation of the user charge schedule shall be based upon the total number of outlets to drain currently connected to the sewer system and shall take into account the revenues generated by food service surcharges, septage treatment income, and indirect costs associated with municipal buildings and services provided by the wastewater department.

SEC. 5 WEIGHING OF DRAINS

Drains capable of producing wastewater and materials from residential, commercial, nonprofit, and municipal buildings.

- a) **Sinks:** One user charge unit per sink drain.
- b) **Dishwashers:** One user charge unit per dishwasher.
- c) **Commercial laundry washers:** One user charge unit plus one additional user charge unit for each ten (10) occupancy units, or portion thereof, served by the washer over the initial ten (10) occupancy units.
- d) **Residential laundry washers:** one user charge unit per washer.

- e) **Toilets, urinals, tubs, & showers:** one user charge unit per fixture.
- f) **Coin operated laundries:** Ten (10) user charge units per washing machine.
- g) **Garbage grinders:** One user charge unit for each quarter (1/4) horse power.

SEC. 6 PUBLISHING THE USER CHARGE

The user charge schedule for each user charge year shall be computed, approved, recorded, and published prior to July 30 of each year.

SEC. 7 BILLING DATE AND OVERDUE BILLS

User charge bills will be mailed on or about August 1st, of each year. All accounts not paid within sixty (60) calendar days of the billing date will be charged interest at an annual rate of fourteen percent (14 %) (July 8, 1990) also (M.G.L. C 40, SS 42A & 42B).

SEC. 8 ABATEMENTS

Abatements shall be given for errors in billing calculations provided such errors are brought to the Boards attention sixty (60) calendar days of the billing date.

Abatements may be granted for financial hardship if it is in the opinion of the Wastewater Commissioners that such abatement is warranted.

SEC. 9 RESPONSIBILITY FOR PAYMENT OF THE SEWER USER CHARGE

The owner of record, having been issued a sewer connection permit, shall be responsible for payment of the sewer user charge. The property shall be identified by the Town of Edgartown, Assessor' map and parcel number. The owner of record shall be defined as that person (or those persons) whose name is listed as the property owner, and is recorded at the Registry of Deeds as of July 1 of the current fiscal year. Former property owners are responsible for all unpaid sewer user charges assessed to them prior to the July 1st date. Upon notification of the sale of a property, the Town of Edgartown reserves the right to impose a lien on any property having an unpaid sewer charge. Sale of the property, by the original owner, does not relinquish his or her responsibility.

SEC. 10 INACTIVE ACCOUNTS

A sewer connection permit may be considered as an inactive account if the owner of record can provide satisfactory documentation, in the form of water or electrical usage, that the premises has been unoccupied for a period of 366 consecutive days. Those accounts that are deemed to be inactive shall be placed in an inactive file and not billed for the current fiscal year. The status of inactive accounts shall be checked from time to time and reviewed annually. When an inactive account has been reoccupied and reconnected to the utilities, the permit shall be considered

active and billed from the period when the utilities were reconnected to the end of the current fiscal year, at the prevailing rate.

**ARTICLE X
SEWER SYSTEM EXTENSION**

SEC. 1 REQUEST TO INSTALL SEWERS

Upon the request of one or more owners of property abutting Town streets in which a public sanitary sewer has not been installed, but along which streets future construction of sanitary sewer service lines is contemplated, the Commission will consider the installation of such service.

SEC. 2 CONFORMANCE OF STANDARDS

Public sanitary sewer service installed pursuant to (ARTICLE X, SEC. 1) shall conform to specifications and standards set by the Wastewater Commission and must be compatible with any future extension of the public sanitary sewer system.

SEC. 3 REJECTION OF REQUEST

Any and all requests for installation of public sanitary sewer service under this article may be rejected by the Wastewater Commission at its entire discretion.

ARTICLE XI
VALIDITY

SEC. 1 CONFLICTING RULES

All rules and regulations or parts of rules and regulations in conflict herewith are hereby repealed.

SEC. 2 INVALIDITY

The invalidity of any section, clause, sentence, or provision of these rules and regulations shall not affect the validity of any other part of these rules and regulations which can be given effect without such invalid part or parts.

**ARTICLE XII
RULES AND REGULATIONS IN FORCE**

SEC. 1 REGULATIONS IN FORCE

These rules and regulations shall be in force and effect from and after its passage, approval, recording, and publication as provided by law.

SEC. 2 ADOPTION OF REGULATIONS

Unanimously passed and adopted by the Wastewater Commission of the Town of Edgartown, Commonwealth of Massachusetts on the 23rd day of January 1980.

SEC. 3 APPROVAL OF REGULATIONS

Approved this 23rd day of January, 1980.

SEC. 4 AMENDMENT OF REGULATION

- A) Amended on this 23rd day of July 1985 by the addition of ARTICLE XIII, "TEMPORARY RULES AND REGULATIONS FOR NEW SEWER CONNECTION APPLICATIONS).
- B) Amended on the 3rd day of May 1988 by the revision of ARTICLE IV, SEC. 2 " SEWER CONNECTION APPLICATIONS": and "ARTICLE XIII "TEMPORARY RULES AND REGULATIONS FOR NEW SEWER CONNECTION APPLICATIONS" in its entirety; and the adoption of ARTICLE XIV, "NON SEWERED USES OF THE WASTEWATER TREATMENT PLANT".
- C) Amended on the 30th day of May, 1990 by the revision of ARTICLE IV, SEC. 2, "SEWER CONNECTION APPLICATIONS" in its entirety.
- D) Amended on the 30th day of May, 1991 by the revision of ARTICLE XIII, SEC. 9 " TEMPORARY RULES AND REGULATIONS FOR NEW SEWER CONNECTION APPLICATIONS".
- E) Amended on the 29th day of August, 1991 by the revision of ARTICLE IX, SEC. 9, & 10 "USER CHARGE SCHEDULE".
- F) Amended on the 19th day of December, 1995 by restructuring the Septage Disposal Fee.
- G) Amended on the 30th day of January, 1996 by restructuring the Septage Disposal Fee.
- H) Amended on the 18th day of March, 1996 by the revision of ARTICLE IX, SEC.3, "ALLOCATION OF USER CHARGES TO OPERATING COSTS"

- I) Amended on the 9th day of May, 1996 by rescinding ARTICLE XIII.
- J) Amended on the 13th day of June, 1996 with the addition of a new ARTICLE XIII, TEMPORARY RULES AND REGULATIONS.
- K) Amended on the 7th day of January, 1997 by changing Article XV, Section 1 and Section 2.
- L) Amended on the 1st, day of April, 1997 by changing ARTICLE IX, ALL
- M) Amended on the 1st, day of April, 1997 by changing ARTICLE XIII, ALL
- N) Amended on the 15th, day of April, 1997 by changing ARTICLE XIII, SEC. 1, 4, 7, & 8
- O) Amended on the 2nd, day of December, 1997 by changing ARTICLE XIII, SEC. 1 & 4.
- P) Amended on the 12th day of August, 1998 by adding to Article XV, SEC. 7
- Q) Amended on the 1st day of May, 2000 by replacing Article XV
- R) Amended on the 28 day of March, 2001 by Adding Section 4 to Article VIII, and by changing Article II, Section 4, and Article XIII, Section 5.
- S) Amended on the 1st day of July, 2003 by deleting Article IV, Sec. 2C & 2E, amending Article V, Sec. 3 & 11, deleting Article V, Sec. 12 & 13, amending Article IX, Sec. 8, Deleting Article X, Sec. 2, 3, & 4, amending Article XV

**ARTICLE XIII
TEMPORARY RULES AND REGULATIONS
FOR NEW SEWER CONNECTION APPLICATIONS AND AMENDMENTS TO
EXISTING SEWER CONNECTION APPLICATIONS**

SEC. 1 Validity of prior Rules & Regulations

This Article XIII replaces in the entirety Article XIII as existing on December 2nd, 1997. All applications submitted prior to December 2nd, 1997 shall be reviewed under the then existing Article XIII.

SEC. 2 Purpose

The purpose of this new Article XIII is to replace the existing Article XIII until the Town of Edgartown deems it necessary to institute restrictions on new and existing permits and applications.

SEC. 3 Scope and duration of these temporary Rules & Regulations

This Article XIII shall remain in force until repealed or amended by the Wastewater Commission.

SEC. 4 Applications, (New & Existing)

a) Residential:

Applications for residential sewer connection permits may be approved provided the applicant conforms to all other requirements set forth in these Rules and Regulations.

b) Commercial (non food service) & (food service)

Applications for commercial sewer permits may be approved if the applicant conforms to all other requirements set forth in these Rules & Regulations.

SEC. 5 Application review (Benefits)

The Wastewater Commission may approve applications under this Article XIII if, in the opinion of the Commissioners, the Town will benefit from such approval.

No such application shall be granted unless the applicant agrees, as a condition of such permit, to construct, at no cost to the Town and to the Town's specifications as to workmanship, design, and materials, the necessary extensions to the Public Sewer.

SEC. 7 Additional applications

From the date of adoption of Article XIII forward, once a sewer connection application has been considered and approved relative to a certain property, any additional applications relative to that property shall be considered as new by the Wastewater Commission and require a review.

SEC. 8 Miscellaneous

Notwithstanding the provisions of Article V, Sec. 4 (c) of these Rules and Regulations, no garbage grinders will be permitted in connection with an application under this Article XIII.

SEC. 9 Hardship

Notwithstanding an applicant's failure to meet one or more of the criteria set forth in this Article XIII, the Town may grant a sewer connection permit under this Article XIII if (i) the applicant can demonstrate that he/she would suffer immediate and severe hardship, financial or otherwise, which hardship is not self imposed, and (ii) such relief will not otherwise conflict with the purpose and intent of these Rules & Regulations.

ARTICLE XIV
MARINE WASTEWATER PUMPOUT FACILITY

SEC. 1 MARINE WASTEWATER PUMPOUT FACILITY

Wastewater from marine holding tanks shall be discharged into the Marine Wastewater Pumpout Facility located on Memorial Wharf.

**ARTICLE XV
SEPTAGE PRE TREATMENT FACILITY**

These are the conditions under which septage from on-site systems, vehicle holding tanks, and chemical / portable toilets shall be accepted for disposal in the Edgartown Septage Pre Treatment Facility.

SEC. 1 SEPTAGE PRE TREATMENT FACILITY

(A) The pre treatment facility shall be open Monday through Thursday from 7:00 AM to 3:00 PM, and on Friday from 7:00 AM to 12:00 Noon. The Facility will also be open Saturday, Sunday, and Holidays from 8:00 AM to 11:30 AM. Any septage received outside these hours shall be subject to a \$ 100.00 surcharge

(B) Only septage from Edgartown shall be accepted, unless prior approval has been given pursuant to Article XV, Sec. 6, (all).

(C) The Operator may, entirely at his own discretion, open or close the facility at any time for any reason.

(D) The facility may be opened to accept an occasional emergency pumpout. Prior approval is required before showing up at the facility with said load.

(E) The facility may be closed on those days when the acceptance of septage from on- site systems would contribute to the overloading of the treatment facility.

(F) The Operator may accept, from both residents and non residents, septage from vehicle holding tanks, chemical, and portable toilets provided that the characteristics of this septage complies with the provisions set forth herein.

SEC. 2 RECORDING OF SEPTAGE

Recording of septage shall be required for all material brought to the

SEC. 3 pH

(a) DETERMINATION OF THE pH OF THE SEPTAGE

The operator may require the driver, prior to connecting his truck to the pre treatment facility headworks, to collect a sample of the septage from his load and bring it to the facilities laboratory. The Operator will then analyze the sample to determine the pH, and enter the results on the permit.

(b) SEPTAGE REQUIRING NEUTRALIZATION PRIOR TO DISCHARGE

Septage having a pH less than 5.5 shall be required to be neutralized with a buffering agent such as lime, baking soda, or caustic soda. The driver or the customer shall do the neutralizing. After neutralizing, the septage will again be analyzed to determine the pH value and the original permit updated to reflect the new value.

(c) SEPTAGE HAVING AN ACCEPTABLE pH

Septage having a pH within the accepted limits shall be permitted to be discharged into the pre treatment facility.

SEC. 4 WASTES NOT AMENABLE TO TREATMENT

(a) WASTES NOT PERMITTED

Any wastewater containing milk or milk by products, grease, fats, wax, or oils, whether emulsified or not, in excess of one hundred milligrams per liter (100 mg/l), or containing substances which may solidify or become viscous at temperatures between thirty two (32 F) and one hundred and fifty (150 F) degrees Fahrenheit (0 - 65 C) Celsius, shall not be permitted.

(b) COMPLIANCE

Generally all septage to be treated at the Edgartown Wastewater Treatment Facility must comply with the provisions set forth in ARTICLE V, SEC. 3 & 4, inclusive of these rules and regulations.

SEC. 5 RESPONSIBILITIES OF THE DRIVER

- (a) The driver's company and each of his vehicles shall be licensed by the Town of Edgartown's Board of Health to service septic systems.
- (b) The driver shall provide the Operator with accurate pumpout information on the discharge permit.
- (c) The driver shall collect and bring all samples to the laboratory.
- (d) The driver shall make the hose connection between the vehicle and the facility.
- (e) The driver shall keep the septage discharge area clean. Any spillage or leaking from the truck or hose must be cleaned up by the driver immediately.
- (f) The driver shall maintain his vehicle and equipment in good working condition. Vehicles with defective equipment such as leaking hoses, fittings, valves, piping, tanks, etc. shall be prevented from using the disposal facility.

SEC. 6 OUT OF TOWN SEPTAGE

(a) SEPTAGE GENERATED FROM OUTSIDE EDGARTOWN

Requests received from non Edgartown sources may be approved for disposal and treatment provided that;

- (1) The applicant agrees to comply with the provisions of the sewer rules and regulations, and the requirements of the Edgartown Board of Health.
- (2) The acceptance of the wastewater does not prevent or otherwise restrict any Edgartown resident from having access to the pre treatment facility.
- (3) The fee to dispose of septage generated from outside the Town of Edgartown shall be determined prior to said material being delivered at the facility by the Wastewater Commissioners.
- (4) The acceptance of waste from any out of town source does not have any adverse effects on the treatment plant or the processes used at the facility.

(b) THE DISCHARGE OF SEPTAGE FROM A NON SEWERED SOURCE DIRECTLY INTO THE SEWER SYSTEM

(1) MAINTENANCE OF THE SEPTAGE PRE TREATMENT FACILITY

The Operator may permit the direct discharge of septage to the sewer collection system when the septage pre treatment facility has to be shut down for an extended period for routine maintenance and repairs.

(2) OVERLOADING OF THE SEPTAGE PRE TREATMENT FACILITY

The Operator may also permit the direct discharge of septage to the municipal sewer collection system (sewers, manholes, and wetwells), when it has been determined, by the Operator that the non sewered system has experienced an equipment malfunction requiring it to be immediately dewatered in order to make the necessary repairs and the volume generated from this dewatering would surcharge the septage pre treatment facility.

(3) PERMISSION OF THE OPERATOR

Only the Operator shall determine the amount to be discharged and the location in the sewer collection system for the discharge of the septage. Any unauthorized discharge into the collection system shall be considered as trespassing and a violation of these rules and regulations.

SEC. 7 FAILED SYSTEMS REQUIRING PUMPOUTS

Any residential or commercial on-site wastewater disposal system which is deemed to be failed pursuant to CMR 15.3 (all) and has an order issued to the property from the Edgartown Board of Health, shall be allowed to have their pumpouts disposed of at the Wastewater Facility for ½ of

the current rate which is normally charged, providing a letter requesting the reduced rate is submitted to the Wastewater Commission along with a copy of the Order to Upgrade issued by the Board of Health. The reduced rate shall remain in effect for a period of 60 days from the Order to Upgrade, unless an extension is granted by the Wastewater Commission.

The Wastewater Commission may grant an extension if it is determined that the extension is needed due to delays caused by someone other than the home owner.