



**Town of Hermon**  
**Town Council Meeting**  
**Public Safety Meeting Room**  
**July 27, 2017 - 7:00 PM**

**AGENDA**

Council Meetings may be viewed live online and are archived after the meeting has taken place – check [hermon.net](http://hermon.net) for link.

**\*\*\*ALL ITEMS ARE SUBJECT TO APPROPRIATE COUNCIL ACTION\*\*\***

- I. CALL TO ORDER BY CHAIRPERSON**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. REVIEW CONSENT CALENDAR: REGULAR BUSINESS, APPOINTMENTS, SIGNATURES, And APPROVAL OF MINUTES:**
  - MINUTES. -APPROVE** May 18, 2017
  - WARRANTS. -SIGN** July 27, 2017
  - RESOLVES. -SIGN**
  - QUITCLAIMS -SIGN**
- V. NEWS, PRESENTATIONS AND RECOGNITIONS**
- VI. PUBLIC ITEMS OR COMMENTS** (*Items Not Already on Agenda*)
- VII. PUBLIC HEARINGS**
  - #1. Hold Public Hearing – Concourse Gathering Permit – Penobscot Snowmobile Club**
- VIII. COMMITTEE REPORTS**



## **IX. SCHEDULED AGENDA ITEMS**

### **A. OLD BUSINESS**

- #2. Consider** approving Concourse Gathering Permit – Penobscot Snowmobile Club
- #3. Consider** authorizing payment of Engineering Service Invoice – Rec Department Construction
- #4. Consider** authorizing payment of Engineering Service Invoice – Elementary School Construction

### **B. NEW BUSINESS**

- #5. Consider** authorizing Sewer Reserve Account Expenditure

### **C. WORKSHOPS**

- #6. Review and Discuss** proposed Sewer Ordinance.

### **D. OTHER ITEMS (from Table Package)**

## **X. APPOINTMENTS**

## **XI. MANAGER STATUS REPORT:**

## **XII. FINAL PUBLIC ITEMS OR COMMENT** (*Items Not Already on Agenda*)

## **XIII. COUNCIL ITEMS:**

## **XIV. EXECUTIVE SESSION:**

## **XV. ADJOURNMENT:**

**Explanatory note #1:** All items in the CONSENT CALENDAR are considered routine and are proposed for adoption by the Town Council with one motion without DISCUSSION or deliberation. If DISCUSSION on any item is desired, any member of the Council or public may request the removal of an item for it to be placed in the regular agenda prior to the motion to approve the Consent Agenda.

**Explanatory Note #2:** In the interest of effect decision-making: At 10:00 p.m., the Chairman shall poll the Council and Town Manager to identify remaining items which shall be carried forward to the next Regular Meeting.

**Explanatory Note #3:** A Councilor who feels the need for the Council excusing his/her absence will make the request to the Town Manager or the Town Clerk prior to the meeting.



**Town of Hermon**  
**Public Safety Meeting Room**  
**May 18, 2017**  
**Town Council Meeting**  
**7:00 PM**  
**MINUTES**

\*\*\* Televised live on Cable Channel 121.111 \*\*\*

Council Meetings may be viewed live online and are archived after the meeting  
has taken place – check hermon.net for link.

\*\*\*ALL ITEMS ARE SUBJECT TO APPROPRIATE COUNCIL ACTION\*\*\*

**I. CALL TO ORDER BY CHAIRPERSON**

Chair Thomas called the meeting to order at 7:00pm.

**II. PLEDGE OF ALLEGIANCE**

Chair Thomas led those in attendance in the Pledge of Allegiance.

**III. ROLL CALL**

**Members Present:** Anne Freeman, Donna Ellis, Steve Thomas, Doug Sinclair, Jeanne Jacques, John Snyder and Steve Watson

**Members Absent:** None

**Others Present:** Town Manager Howard Kroll, Town Clerk Ruth A. Nickerson, Attorney Ed Bearor, Senator Geoff Gratwick, Donna Pulver, Len Cole, Wendy Wiles-Scott and Katie Foster

**IV. REVIEW CONSENT CALENDAR: REGULAR BUSINESS, APPOINTMENTS, SIGNATURES, And APPROVAL OF MINUTES:**

**MINUTES. -APPROVE**

**WARRANTS. -SIGN** 05/19/2017

**Councilor Freeman moved to approve the Consent Calendar as presented. Councilor Jacques seconded the motion. A Roll Call vote was unanimous in favor of the motion.**  
*The motion carries.*



## **V. NEWS, PRESENTATIONS AND RECOGNITIONS**

### **#1. Presentation –Ed Bearor – Sewer Update**

Attorney Ed Bearor informed the Town Council that an issue has developed with the City of Bangor's Sewer Department regarding the billing and collection of user fees. He told how the current Sewer Ordinance, adopted in 1990, should be amended. He compared the proposed ordinances to the Town of Hampden who has a similar arrangement with the City. Mr. Bearor offered a few solutions to the current situation. Those included: developing our own sewer department, paying Bangor in bulk on a quarterly basis while collecting fees and billing Hermon users directly, and filing property liens properly. He then acknowledged that while the City does not expect us to reach an agreement with them in the next 30 days it is very important we resolve the situation and move forward. Attorney Bearor stated he would begin working on changes to the current ordinance as soon as the Council gives him the go. In response to Chair Thomas, Manager Kroll clarified that developing a Sewer Department would be significantly different than the creation of a Sewer District.

## **VI. PUBLIC ITEMS OR COMMENTS *(Items Not Already on Agenda)***

Senator Geoff Gratwick offered a brief report from Augusta. The current session started in January. Committees have all reported their findings and the Appropriation Committee is now hard at work. The current session is scheduled to close on June 23. There have been a number of issues up for discussion this session, the top two being the opiate crisis taking place across our state and economic development. He told that areas of current distress include the Department of Health and Human Services and the 6.8 billion dollar biennial budget which is to be balanced by June 23. Gratwick stated that DHHS is almost non-functional in a certain way with its major philosophical divide, telling how the Commissioner and he have a very different view of caring for people. Additionally, the budget will require a 2/3 vote for approval which will require a lot of work to be done in the next five weeks. The Senator closed by stating, "Life is very interesting in Augusta."

Chair Thomas asked Senator Gratwick if school funding will work itself out. The Senator informed the Council that it is currently unclear; however the Governor wants to change the current EPS formula which will heavily burden communities and make the development of a local school budget very challenging.

## **VII. PUBLIC HEARINGS**

### **#2. Hold Public Hearing – 2017-2018 FY Budget**

Manager Kroll reviewed the 17/18 budget with those in attendance. He told how several meetings and workshops have taken place. The result is a \$42,000 decrease in the net municipal budget, a \$44,000 increase in county tax and a \$402,678 increase in the School Budget. This will result in a \$.80 increase in our mill rate.



Chair Thomas opened the public hearing at 7:23pm. He opened the floor for any public comment for or against the proposed 2017-2018 budget. There were no comments. The public hearing closed at 7:24pm.

**#3. Hold Public Hearing – Sports Arena Liquor License**

In response to Chair Thomas, Manager Kroll stated that there have been no comments received regarding the Liquor License Application submitted by the Sports Arena on Hammond Street.

Chair Thomas opened the public hearing at 7:24pm. He opened the floor for any public comment for or against The Sports Arena's Liquor License. There were none. The public hearing closed at 7:25pm.

**VIII. COMMITTEE REPORTS**

None

**IX. SCHEDULED AGENDA ITEMS**

**A. OLD BUSINESS**

**#4. Consider approving Application for Liquor License – Sports Arena**

**Councilor Snyder moved to approve R16-17-75. Councilor Freeman seconded the motion. The motion was accepted without doubt.**  
*The motion carries.*

**#5. Consider approving 2017-2018 FY Budget**

**Councilor Watson moved to approve R16-17-74. Councilor Sinclair seconded the motion. A Roll Call vote was unanimous in favor of the motion.**  
*The motion carries.*

**B. NEW BUSINESS**

None

**C. WORKSHOPS**

None

**D. OTHER ITEMS (from Table Package)**

None

**X. APPOINTMENTS**

None



**XI. MANAGER STATUS REPORT:**

**Newburgh Road** construction project began before our public meeting regarding the project which is scheduled for next week. I apologize for that. A public meeting will be held next Thursday. 30 feet from the center line of the road belongs to the State. Reclamation, and driveway entrances are next, in addition to the significant number of trees that have been downed.

**XII. FINAL PUBLIC ITEMS OR COMMENT** (*Items Not Already on Agenda*)

**XIII. COUNCIL ITEMS:**

**Councilor Sinclair** was pleased to state that he witnessed the first person using the new sidewalk.

**XIV. EXECUTIVE SESSION:**

**#6. Executive Session per 1 M.S.R.A. § 405(6)(C) to discuss a Real Estate Matter.**

**#7. Executive Session per 1 M.S.R.A. § 405(6)(C) to discuss a Real Estate Matter.**

**Councilor Snyder** moved to go into Executive Session to discuss a Real Estate Matter per 1 M.R.S.A. section 405-6-C. **Councilor Watson** seconded the motion. A Roll Call vote was unanimous in favor of the motion.

*The motion carries.*

**2 separate sessions took place, discussing two different real estate matters.**

**No action resulted from either session.**

**Councilor Ellis** moved to exit Executive Session at 8:23pm. **Councilor Freeman** seconded the motion. A show of hands was unanimous in favor of the motion.

*The motion carries. Executive Session Closed.*

**XV. ADJOURNMENT:**

**Councilor Sinclair** moved to adjourn the meeting at 8:24pm. **Councilor Snyder** seconded the motion. With no objection the meeting was adjourned.

**Respectfully Submitted,**

**Ruth A. Nickerson, CCM**  
**Town Clerk**

## **MEMORANDUM**

To: Members of the Hermon Town Council  
From: Howard Kroll, Town Manager  
Re: 27 July 2017 Town Council Meeting  
Date: 21 July 2017

**#3. Consider- Authorizing Town Manager to spend \$10,171.20 from the Recreation Reserve Account(HERM09) toward the Recreation Department construction project**

Staff is seeking Town Council authorization to spend \$10, 171.20 from the Recreation Reserve (HERM09) toward the purchase of engineering services for the Recreation Department construction project at the Patricia A. Duran Elementary School. Invoice #2.

***Town Manager recommends authorization.***

**#4 Consider – Authorizing Town Manager to spend \$74,450.25 from the School Capital Reserve Account (HERM21) toward the Elementary School project**

Staff is seeking Town Council authorization to spend \$74,450.25 from the School Capital Reserve Account (HERM21) toward the purchase of engineering services for the Elementary School construction project at the Patricia A. Duran Elementary School. INVOICE #2.

***Town Manager recommends authorization.***

**#5 Consider – Authorizing Town Manager to spend \$24,999.00 from the Sewer Reserve Account (HERM12) toward the installation of a sewer connection across the Coldbrook Road**

Staff is seeking Town Council authorization to spend \$24,999.00 from the Sewer Reserve Account (HERM12) toward the purchase of services to install a sewer connection across the Coldbrook Road.

***Town Manager recommends authorization.***

## **WORKSHOP**

### **#6 Consider- Repealing the Sewer Ordinance and replacing it in its entirety with a new version entitled: "Town of Hermon Sewer Ordinance"**

Town of Hermon Staff are seeking Town Council's consideration to repeal the sewer ordinance and replace it in its entirety with a new ordinance entitled: "Town of Hermon Sewer Ordinance."

In 1996 the Town of Hermon signed a 30 year agreement with the City of Bangor to allow Bangor Sewer Department to serve selected areas of the Town within a close proximity of the town border. After 21 years it is evident that the agreement is outdated and puts the town at huge financial risk for maintenance, repair, capital improvement and unfortunately but most important to mention the unpaid bills of those businesses or residents who fail to pay the City of Bangor in a timely manner.

The agreement forces the Town to pay the City of Bangor all outstanding debt after 60 days of non-payment. Currently the Town has NO mechanism to (1) bill the unpaid amount to that individual business or property owner and (2) recover the paid amount the Town would pay the City of Bangor in the event we would need to pay.

Currently there is over \$110,000 in unpaid bills from various users on the Bangor system.

**The Town will need to hold a special town meeting to pay this if the users fail to pay the City of Bangor over the next 60 days.**

The Town needs to have the ability to recover all costs associated with this process. This includes legal fees, interest, lien costs and court costs.

***Town Manager recommends Town Council consider the proposed ordinance repeal and replacement in its entirety at a future scheduled meeting and further authorization to hold a public hearing and potential approval at the 10 August 2017 meeting.***



# 1.

7-27-17

### **Legal Notices**

#### **PUBLIC HEARING**

By Order of the Hermon Town Council a Public Hearing is scheduled to take place on Thursday, July 27, 2017 to hear public comment regarding the Concourse Gathering Permit Application submitted by the Penobscot Snowmobile Club. The application is on file in the Town Clerk's office and is available for review during regular business hours.

Published on: July 20, 2017.

**CONCOURSE GATHERING PERMIT APPLICATION**

(To be filed no more than 60 days before event, nor 45 days less than event)

A \$50.00 filing fee is to be submitted with this complete application

Commencing Date and Time of Event: AUGUST 19-20 AND  
SEPT. 30  
 Termination Date and Time : \_\_\_\_\_

Any person aggrieved by the denial of the Municipal Officers to issue a concourse gathering permit shall have the right to appeal the denial of the concourse gathering permit. The appeal shall be taken within seven days after notice. The Board of Appeals shall act upon the appeal at their next regularly scheduled meeting.

**APPLICANT INFORMATION:**

Name: PENOBSCOT SNOWMOBILE  
 Address: 795 BOG RD.  
 Telephone Number: 852-8961 - Byron Ogden

**Chair of the Event INFORMATION:**

Name: Byron Ogden  
 Address: \_\_\_\_\_  
 Telephone Number: 852-8961

If the event is to be held by, and on behalf of or for, any other person other than the applicant the following authorization is required.

I have authorized \_\_\_\_\_ to apply for a  
 concourse gathering permit on behalf of \_\_\_\_\_  
 Individual or Organization name

\_\_\_\_\_  
 Authorizing signature and title if applicable\_\_\_\_\_  
 Date

If Event is for an ORGANIZATION:

Name of the Chairman: Byron Ogden

Address of the Chairman: 2150 OHIO BANGOR

Telephone Number of the Chairman: 852-8961

Other officials of organization:

ANDREW WITHAM - PRES.  
Name/Title

SANDRA DORR - TREASURER  
Name/Title

NICK POMEROY U. PRES.  
Name/Title

Byron Ogden - DIRECTOR  
Name/Title

Location of planned event: 795 BOG RD

**PROPERTY OWNER INFORMATION:**

Name: PENOB. SNOW MOBILE

Address: 795 BOG RD.

Telephone Number: 852-8961

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

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

Telephone Number: \_\_\_\_\_

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

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

Telephone Number: \_\_\_\_\_

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

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

Telephone Number: \_\_\_\_\_

As property owner(s) of the site being provided for the concourse gathering event, I/we authorize the use of the site for such event.

Property owner signature: NA

Date: \_\_\_\_\_

Property owner signature: \_\_\_\_\_

Date: \_\_\_\_\_

Property owner signature: \_\_\_\_\_

Date: \_\_\_\_\_

Property owner signature: \_\_\_\_\_

Date: \_\_\_\_\_

Description of event (include all of the following that apply. Number of people, number and kind of animals, number and types of vehicles)

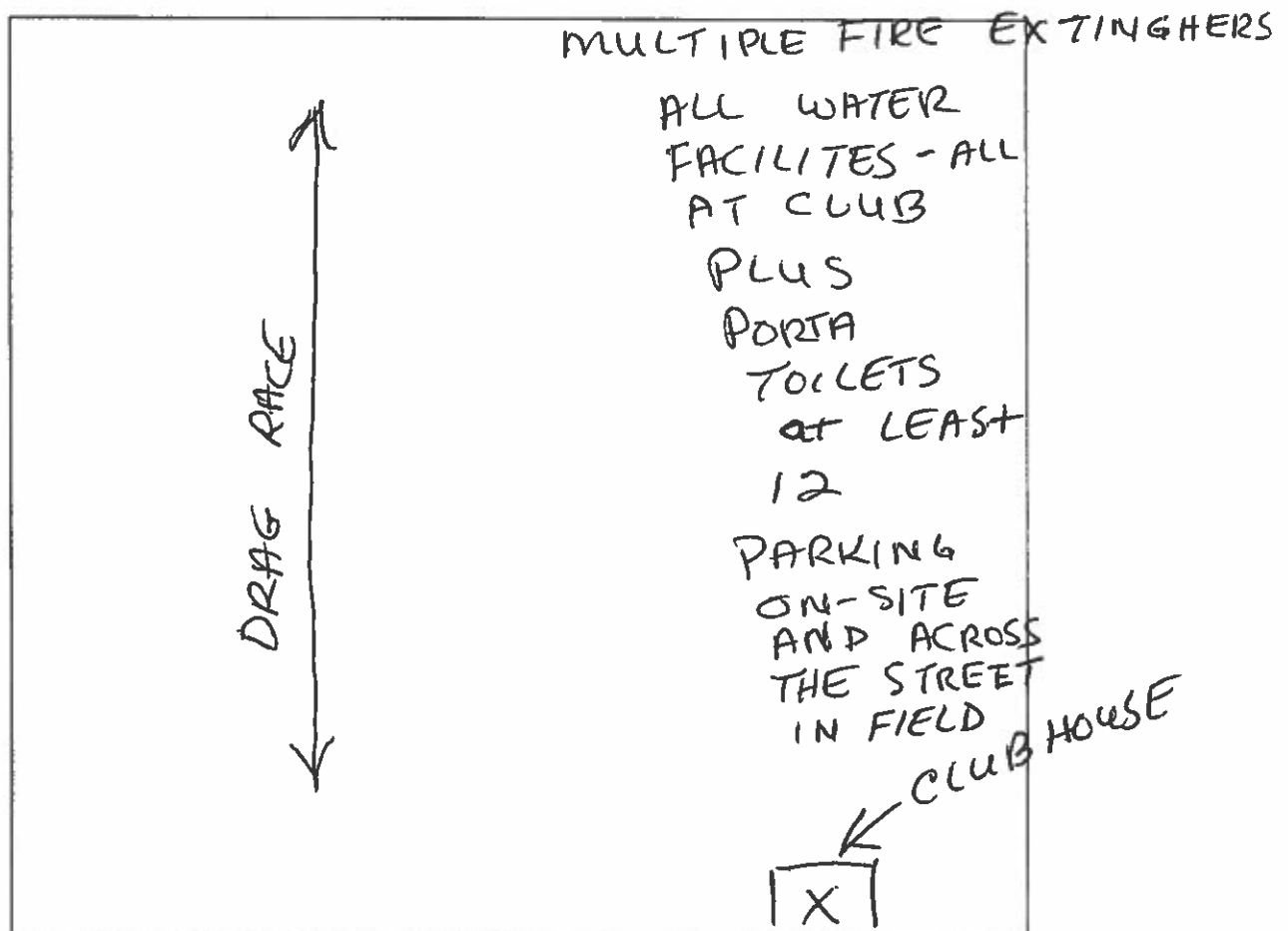
DRAG - RACES

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Provide a freehand Plan View Drawing of the site(s) showing the location and size of the site; location and extent of water supply facilities; location and extent of sanitary facilities; location and extent of fire protection facilities; location and extent of first aid facilities; location and extent of dining facilities; location and extent of off street parking facilities; and other pertinent data. Attach additional sheet if necessary.



Attach with this application a corporate surety bond from a company authorized to do business in the State of Maine insuring that after the event is over and the mass of people have vacated the site or sites, the grounds shall be left in a clean and neat fashion, and damages to public and/or private property arising out of or in connection with the event will be paid promptly. Such bond shall be in the amount of five thousand (\$5,000.00) for each one thousand (1,000) persons or fractional part thereof, expected to be there.

**The Municipal Officers may request any additional information which is deemed reasonably necessary for a fair determination to issue the concourse gathering permit herein applied for.**

**Additional information requested:**

\_\_\_\_\_  
—  
\_\_\_\_\_  
—  
\_\_\_\_\_  
—

\_\_\_\_\_  
**Council Chair**

\_\_\_\_\_  
**Date**

**Additional information attached, reviewed and deemed**

\_\_\_\_\_  
**Acceptable**

\_\_\_\_\_  
**Unacceptable**

\_\_\_\_\_  
**Council Chair**

\_\_\_\_\_  
**Date**

**The Municipal Officers deemed it appropriate to waive the following requirements of this permit application:**

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**Council Chair**

**Date**

The Municipal Officers of the Town of Hermon at a Public Meeting convened approved **the Concourse Gathering Permit herein attached.**

**SIGNED** this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ by the Town Council:

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2000

**00000000000000000000**

SECTION NO:	2
D&B Job #:	4708

Distribution to: [x] OWNER

[x] ARCHITECT

1) CONTRACTOR

**FROM:** 14-Jun-17  
**TO:** 17-Jul-17

Invoice Date

## 17-Jul-17

Application is made for Payment, as shown below, in connection with the Contract Continuation Sheet, AIA Document G703, is attached.

ADDITIONS	DEDUCTIONS
<p>1. <u>Interest on National Debt</u></p> <p>2. <u>Interest on State and Local Bonds</u></p> <p>3. <u>Interest on U.S. Savings Bonds</u></p> <p>4. <u>Interest on U.S. Government Securities</u></p> <p>5. <u>Interest on U.S. Treasury Notes</u></p> <p>6. <u>Interest on U.S. Treasury Bonds</u></p> <p>7. <u>Interest on U.S. Treasury Inflation-Protected Securities</u></p> <p>8. <u>Interest on U.S. Treasury Zero-Coupon Bonds</u></p> <p>9. <u>Interest on U.S. Treasury Floating Rate Notes</u></p> <p>10. <u>Interest on U.S. Treasury Short-Term Notes</u></p> <p>11. <u>Interest on U.S. Treasury Long-Term Bonds </u></p>	<p>1. <u>Interest on U.S. Treasury Inflation-Protected Securities</u></p> <p>2. <u>Interest on U.S. Treasury Zero-Coupon Bonds</u></p> <p>3. <u>Interest on U.S. Treasury Floating Rate Notes</u></p> <p>4. <u>Interest on U.S. Treasury Short-Term Notes</u></p> <p>5. <u>Interest on U.S. Treasury Long-Term Bonds</u></p> <p>6. <u>Interest on U.S. Treasury Notes</u></p> <p>7. <u>Interest on U.S. Treasury Bonds</u></p> <p>8. <u>Interest on U.S. Treasury Securities</u></p> <p>9. <u>Interest on U.S. Savings Bonds</u></p> <p>10. <u>Interest on State and Local Bonds</u></p> <p>11. <u>Interest on National Debt</u></p>

1. ORIGINAL CONTRACT SUM.....	\$41,600.00
2. Net change by All Revisions .....	\$0.00
3. CONTRACT SUM TO DATE (Line 1+2).....	\$41,600.00
4. TOTAL COMPLETED AND STORED.....	\$20,800.00
A. TOTAL COMPLETED TO DATE.....	\$20,800.00
B. TOTAL STORED TO DATE.....	\$0.00
5. RETAINAGE:	
a. 2.2% of completed work .....	\$20,800.00
b. 2.2% of Stored Material .....	\$0.00
TOTAL RETAINAGE (Line 5A + 5B).....	\$457.60
6. TOTAL EARNED LESS RETAINAGE.....	\$20,342.40
(Line 4 less Line 5 total)	
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate).....	\$10,171.20

8. CURRENT PAYMENT DUE.....	\$10,171.20
9. BALANCE TO FINISH PLUS RETAINAGE.....	\$21,257.60

**\$21,257.60**

**\$21,257.60**

**\$21,257.60**

*Wendy Clancy*  
**WENDY J CLANCY**  
 Notary Public - Maine  
 My Commission Expires  
 December 9, 2021

**\$10.171.20**

AMOUNT CERTIFIED ..... (Attach explanation if amount certified differs from the amount applied for.)  
 ARCHITECT, OWNER OR OWNER'S REPRESENTATIVE

By: \_\_\_\_\_ Date: \_\_\_\_\_

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

Alondra Tran - 27 July 17



# CONTINUATION SHEET

Page 1 of 1

Contractor's signed Certification is attached.  
In tabulation below, amounts are stated to the nearest dollar.  
Use column I on Contracts where variable retainage for line items may apply.

**Herrmon Rec**  
0

Invoice Date 17-Jul-17  
11/25/2013  
2/16/2014

A ITEM NO.	B DESCRIPTION OF WORK  7 month duration	Harriman	D WORK COMPLETED		F MATERIALS PRESENTLY STORED		G TOTAL COMPLETED AND STORED		H BALANCE TO FINISH (C - G)	
		Schedule of Values	FROM PREVIOUS APPLICATION	THIS PERIOD				% 12/11/2013		
	CA Pre-Con	\$39,600.00	\$9,900.00	\$9,900.00	\$0.00	\$19,800.00	50%	\$19,800.00		
	D&B Pre-Con	\$2,000.00	\$500.00	\$500.00	\$0.00	\$1,000.00	50%	\$1,000.00		
	Total	\$41,600.00	\$10,400.00	\$10,400.00	\$0.00	\$20,800.00	50%	\$20,800.00		
	Original Contract Total	\$41,600.00								

CO#	PCO #	Contract Revisions	C	D	E	F	G	H
			\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%
			\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%
			\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%
			\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%
			\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		Total Revisions	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

**CONDITIONAL WAIVER OF LIEN**

Town of Hermon  
Rec Department

The **Undersigned** has been employed to furnish labor and/or material for the premises owned by **Town of Hermon** and located on or about **333 Billings Rd, Hermon, ME 04401** (the "Premises"); and

The **Undersigned**, upon receipt of the sum of **\$10,171.20** does hereby **WAIVE and RELEASE** any and all lien, right of lien or claim of whatsoever kind or character on said described Premises, including, without limitation, all buildings, improvements, etc. on account of any and all labor or material, or both, furnished for or incorporated into the Premises by the undersigned up to and including **July 17, 2015**.

Further, the undersigned hereby **COVENANTS AND REPRESENTS** that all of the subcontractors, suppliers, mechanics, and laborers engaged by the undersigned have been paid in full or shall be immediately paid from the proceeds of this current payment for work done and/or materials furnished to said property through the date shown below. The undersigned hereby **AGREES TO INDEMNIFY, DEFEND, AND HOLD HARMLESS** the Owner, **Town of Hermon**, from any and all claims by any party whatsoever based upon work done and/or materials furnished in connection with this construction by the undersigned and his subcontractors or suppliers through the date shown above.

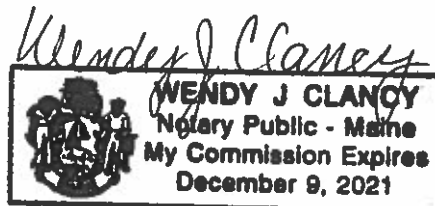
**Dunbar & Brawn Construction**

*Alan E. Brawn*

\_\_\_\_\_  
Signature

Alan Brawn VP/CFO

\_\_\_\_\_  
Printed Name and Title



Consulting Engineers  
687 Stillwater Avenue  
Old Town, ME 04468

Invoice Number: 631  
Invoice Date: Jul 13, 2017

DUNBAR & BRAWN  
223 HILDRETH STREET NORTH  
BANGOR, ME 04401

HERMON ELEMENTARY SCHOOL  
REC CENTER  
FROM 6-4-17 TO 7-8-17

Quantity	Description	Rate	Unit	Amount
	Deliverables @ 50%		<Each>	9,900.00
	1706 OK SD 7/17/17	1708 010 013 5		

**Fax:** 207-827-8234

PAGE ONE OF 2 PAGES

CALLATION NO:	2	Distribution to:	
D&B Job #:	1706	<input checked="" type="checkbox"/> OWNER	
FROM:	14-Jun-17	<input checked="" type="checkbox"/> ARCHITECT	
TO:	17-Jul-17	<input type="checkbox"/> CONTRACTOR	
Contract Date:	May 1, 2017	Invoice Date	17-Jul-17

Application is made for Payment, as shown below, in connection with the Contract.

Continuation Sheet, AIA Document G703, is attached.

Change Orders approved in previous months by Owner	ADDITIONS	DEDUCTIONS
1	1	1
2	2	2
3	3	3
4	4	4
5	5	5
6	6	6
7	7	7
8	8	8
9	9	9
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94	94	94
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99	99	99
100	100	100

		\$0.00	\$0.00
Approved this Month			
Number	Date Approved		
TOTALS		\$0.00	\$0.00
NET CHANGE BY CHANGE ORDERS			

**Contractor: DUNBAR & BRAUN CONSTRUCTION**

Submitted By: Ac. 1.

Alan E. Bryman, VP

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED .....	\$74,450.25
(Attach explanation if amount certified differs from the amount applied for.)	
ARCHITECT, OWNER OR OWNER'S REPRESENTATIVE	

By: \_\_\_\_\_ Date: \_\_\_\_\_

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

Acorda Tren - 27 July 17

Wendy J Clancy  
WENDY J CLANCY  
Notary Public - Maine  
My Commission Expires  
December 9, 2021

# CONTINUATION SHEET

Page 1 of 1

Contractor's signed Certification is attached.

In tabulation below, amounts are stated to the nearest dollar.

Use column I on Contracts where variable retainage for line items may apply.

Hermion Elementary

0

Invoice Date

17-Jul-17

11/25/2013

2/16/2014

A ITEM NO.	B DESCRIPTION OF WORK  7 month duration	Harriman	D WORK COMPLETED FROM PREVIOUS APPLICATION	E WORK COMPLETED THIS PERIOD	F MATERIALS PRESENTLY STORED	G TOTAL COMPLETED AND STORED	% 12/11/2013	H BALANCE TO FINISH (C - G)
		Schedule of Values						
	CA Pre-Con	\$302,500.00	\$75,625.00	\$75,625.00	\$0.00	\$151,250.00	50%	\$151,250.00
	D&B Pre-Con	\$2,500.00	\$500.00	\$500.00	\$0.00	\$1,000.00	40%	\$1,500.00
	Total	\$305,000.00	\$76,125.00	\$76,125.00	\$0.00	\$152,250.00	50%	\$152,750.00
	Original Contract Total	\$305,000.00						

CO#	PCO #	Contract Revisions	C	D	E	F	G	H
			\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
			\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
			\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
			\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
			\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		Total Revisions	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

**CONDITIONAL WAIVER OF LIEN**

Town of Hermon  
Elementary School

The **Undersigned** has been employed to furnish labor and/or material for the premises owned by **Town of Hermon** and located on or about **333 Billings Rd, Hermon, ME 04401** (the "Premises"); and

The **Undersigned**, upon receipt of the sum of **\$74,450.25** does hereby **WAIVE and RELEASE** any and all lien, right of lien or claim of whatsoever kind or character on said described Premises, including, without limitation, all buildings, improvements, etc. on account of any and all labor or material, or both, furnished for or incorporated into the Premises by the undersigned up to and including **July 17, 2018.**

Further, the undersigned hereby **COVENANTS AND REPRESENTS** that all of the subcontractors, suppliers, mechanics, and laborers engaged by the undersigned have been paid in full or shall be immediately paid from the proceeds of this current payment for work done and/or materials furnished to said property through the date shown below. The undersigned hereby **AGREES TO INDEMNIFY, DEFEND, AND HOLD HARMLESS** the Owner, **Town of Hermon**, from any and all claims by any party whatsoever based upon work done and/or materials furnished in connection with this construction by the undersigned and his subcontractors or suppliers through the date shown above.

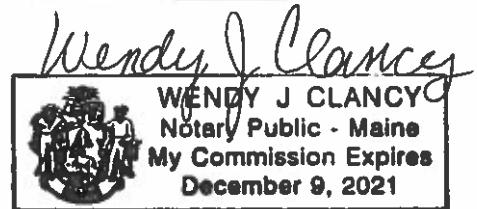
**Dunbar & Brawn Construction**

*U. S. B.*

Signature

Alan Brawn VP/CFO

Printed Name and Title



Consulting Engineers  
687 Stillwater Avenue  
Old Town, ME 04468

Invoice Number: 632  
Invoice Date: Jul 13, 2017

DUNBAR & BRAWN  
223 HILDRETH STREET NORTH  
BANGOR, ME 04401

HERMON ELEMENTARY SCHOOL  
NEW ADDITION  
FROM 6-4-17 TO 7-8-17

Quantity	Description	Rate	Unit <Each>	Amount
	Deliverables @ 50%			75,625.00
	1706 Law	1706 00013 5		

**Office:** 207-827-8001  
**Fax:** 207-827-8234

# 6.  
7-27-17

**TOWN OF HERMON, MAINE  
SEWER ORDINANCE**

ADOPTED by Hermon Town Council, May 18, 1994

AMENDED: Hermon Town Council, July \_\_, 2017

CERTIFIED BY: \_\_\_\_\_  
Ruth Nickerson, Town Clerk

Affix Seal



TOWN OF HERMON, MAINE  
SEWER ORDINANCE

TABLE OF CONTENTS

	Page
Preamble	
ARTICLE 1 - GENERAL ADMINISTRATION	
1.1 Definitions -----	4
1.2 Powers and Authority of Inspectors -----	12
1.3 Repeal of Prior Ordinance -----	12
1.4 Conflict with Other Ordinances -----	12
1.5 Severability -----	13
1.6 Effective Date -----	13
ARTICLE 2 – USE OF PUBLIC SEWERS REQUIRED	
2.1 Discharges-----	13
2.2 Discharges to Land-----	13
2.3 Private Sewers -----	13
2.4 Connections of Plumbing Facilities to Public Sewers -----	13
2.5 Waiver from Connecting to Public Sewer -----	13
ARTICLE 3 – PRIVATE SEWAGE DISPOSAL	
3.1 Unavailability of Public Sewers-----	13
3.2 Construction of Private Subsurface Disposal Systems -----	13
3.3 State Department of Health Recommendations-----	14
3.4 Conversion to Public Sewer -----	14
3.5 Additional Requirements-----	14
3.6 Septage Disposal -----	14
ARTICLE 4 – BUILDING SEWERS AND CONNECTIONS TO PUBLIC SEWERS	
4.1 State Plumbing Code -----	15
4.2 Connections to Public Sewers-----	15
4.3 Permits and Connection Fees-----	16
4.4 Shared Building Sewers-----	16
4.5 Quality and Weight of Materials-----	16
4.6 Size and Slope of Sewer -----	16
4.7 Elevation and Location of Sewer -----	16
4.8 Building Drains-----	17
4.9 Excavations and Backfilling-----	17
4.10 Joints and Connections -----	17
4.11 Connections -----	17
4.12 Inspections; and Connection to Public Sewers-----	19
4.13 Building Sewers Requiring Frequent Maintenance -----	19
4.14 Infiltration -----	19
4.15 Costs and Expenses Borne by the Owner-----	20

	Page
<b>ARTICLE 5- SEWER EXTENSIONS</b>	
5.1 Sewer Extensions Constructed by the Town -----	20
5.2 Sewer Extensions Constructed by Private Developer-----	20
5.3 Requirements for Extending Sanitary Sewer Systems-----	20
5.4 Testing -----	24
5.5 Transfer of Ownership to the Town -----	27
5.6 Privately Owned Sewer Extensions -----	27
5.7 Requirement for Building Permits-----	27
<b>ARTICLE 6 – USE OF PUBLIC SEWERS</b>	
6.1 Unlawful Deposits and Discharges -----	27
6.2 Storm Sewers -----	27
6.3 General Sewer Use Requirements -----	28
6.4 Wastewater Surveys -----	33
6.5 Wastewater Discharge Permits-----	34
6.6 Reporting Requirements -----	38
6.7 Compliance Monitoring; Right of Entry-----	42
6.8 Confidential Information-----	43
6.9 Publication of User in Significant Non-Compliance-----	43
6.10 Administrative Enforcement Remedies -----	43
6.11 Judicial Enforcement Remedies-----	46
6.12 Supplemental Enforcement Action -----	47
6.13 Affirmative Defenses to Discharge Violations -----	47
<b>ARTICLE 7 – PROTECTION FROM DAMAGE</b>	
7.1 Tampering with Town’s Publicly Owned Works -----	49
7.2 Contractor’s Liability Insurance -----	49
<b>ARTICLE 8 – INDUSTRIAL/COMMERCIAL ENFORCEMENT RESPONSE PLAN</b>	
8.1 Purpose -----	49
8.2 Significant Non-Compliance -----	50
8.3 Selection of Enforcement Responses-----	51
8.4 Enforcement Response Plan Definitions-----	52
8.5 Enforcement Table 1-----	54
<b>ARTICLE 9 – PENALTIES – RESIDENTIAL</b>	
9.1 Violation of Sewer Ordinance-----	59
9.2 Fines -----	59
9.3 Alternate Penalties -----	59
9.4 Liabilities to the Town -----	59
<b>ARTICLE 10 – SEWER SERVICE CHARGE</b>	
10.1 Establishment of a Sewer Service Charge -----	59
10.2 Sewer Service Charge Rate -----	59
10.3 Abatements-----	60
10.4 Special Charge for Industrial Organizations -----	60
10.5 Reserved Right to Charge Sewer Service Charge -----	60

10.6 Charge for Property Owners Outside Town Limits -----60

## **Preamble**

An Ordinance to promote the general welfare, to prevent disease and to promote health, and to provide for the public safety by regulating the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer systems, and providing penalties for violations thereof in the Town of Hermon, County of Penobscot, State of Maine.

## **ARTICLE 1 GENERAL ADMINISTRATION**

**Section 1.1. Definitions.** As used in this Ordinance, "shall" is mandatory and "may" is permissive. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance will be as follows:

**ACT OR THE ACT:** The Federal Water Pollution Control Act, also known as the "Clean Water Act," 33 U.S.C. § 1251 et seq.

**APPROVAL AUTHORITY:** The Maine Department of Environmental Protection.

**ASTM:** American Society for Testing and Materials.

### **AUTHORIZED REPRESENTATIVE OF THE USER:**

(1) If the user is a corporation:

(a) The president, secretary, treasurer or a vice president of the corporation in charge of a principal business function or any other person who performs similar policymaking or decision making functions for the corporation; or

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

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

(3) If the user is a federal, state or local government facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility or his/her designee.

(4) The individuals described in Subsections (1) through (3) above may designate another authorized representative if the authorization is in writing; the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company; and the written authorization is submitted to the Town.

**BEST MANAGEMENT PRACTICES (BMPs):** Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 6.3. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

**BIOCHEMICAL OXYGEN DEMAND (BOD):** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees centigrade,

expressed in milligrams per liter, (mg/l).

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**BUILDER:** Any person, persons, or corporation who undertake to construct, either under contract or for resale, any habitable building.

**BUILDING DRAIN:** The part of the lowest horizontal piping of a drainage system which receives the discharge from sewerage and other non-storm or ground water drainage pipes inside a building and conveys it to the building sewer beginning two (2) feet outside of the building wall.

**BUILDING SEWER:** The extension from the building drain to the point of connection to the public sewer or other place of disposal.

**CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD:** Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in Title 40 of the Code of Federal Regulations, Chapter 1, Subchapter N, Parts 405 through 471.

**CATEGORICAL USER:** Any user of the Town's wastewater treatment system whose discharges are regulated under 40 CFR 403 and 40 CFR 405 through 471 or who is otherwise subject to United States Environmental Protection Agency pretreatment requirements as a categorical user.

**CITY:** The City of Bangor, Maine.

**CITY ENGINEER:** The City official appointed and designated by the Bangor City Manager as the City Engineer for the City of Bangor.

**CODE ENFORCEMENT OFFICER:** The individual(s) retained or designated by the Manager to enforce provisions of this ordinance. For purposes of this Ordinance, the Local Plumbing Inspector shall act under the authority and direction of the Code Enforcement Officer.

**COLOR:** The optical density at the visual wavelength of maximum absorption, relative to distilled water. One-hundred-percent transmittance is equivalent to zero optical density.

**COMBINED SEWER:** A sewer receiving both surface runoff and sewage.

**COMPOSITE SAMPLE:** The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

**CONTRACTOR:** Any person, firm, or corporation approved by the Town Council to do work in the Town of Hermon.

**DAILY MAXIMUM LIMIT:** The maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

**DEP:** Maine Department of Environmental Protection.

**DEVELOPER:** Any person, persons or corporation who undertake to construct simultaneously more than one housing unit on a given tract or land subdivision.

**DISCHARGE:** Any substance knowingly put or allowed to flow into any part of the Town's POTW.

**DISCHARGER:** All industrial users, including categorical users and significant industrial users as defined in this section. "Discharger" also refers to any nonindustrial user of the Town's POTW which discharges wastewater into the POTW.

**DOMESTIC SEWAGE:** Water and water-carried wastes and sewage normally discharged into the sanitary sewers from dwellings, including single-family homes, multifamily homes and hotels, and from

office buildings, factories and institutions, but not including stormwater drainage or surface water drainage and not including industrial wastes as defined in this section.

**ENVIRONMENTAL PROTECTION AGENCY:** The United States Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director or other duly authorized official of said agency.

**EXCESSIVE LOADING:** Any discharge resulting in a BOD or TSS loading in excess of 350 mg/l or a loading of fats, oils or greases of animal or vegetable origin or oil and grease or other petroleum or mineral oil products in excess of 140 mg/l. Where a correlation is established between BOD and COD or TOC, a discharge in excess of the equivalent COD or TOC loading shall constitute excessive loading.

**EXISTING SOURCE:** 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.

**FOUNDATION OR PERIMETER DRAIN:** The part of the lowest horizontal piping of a drainage system which receives the discharge from the soil, foundation or perimeter drain inside and outside of the building foundation or foundation footer.

**GARBAGE:** Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

**GRAB SAMPLE:** A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

**HAZARDOUS WASTE:** A hazardous waste as that term is defined in 40 CFR 261 or Maine Department of Environmental Protection regulations Chapter 850

**HIGH-STRENGTH CONVENTIONAL WASTE:** Any nonindustrial waste of a substantially greater density, toxicity or acidity than normal domestic sewage, including all wastes likely to cause excessive loading as defined in this section.

**INDIRECT DISCHARGE or DISCHARGE:** The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act.

**INDUSTRIAL USER or USER:** A source of indirect discharge. This term covers discharges from any source, including agriculture, forestry, fishing, mining, manufacturing, transportation, communication, electrical, gas and sanitary services and other industrial services discharging into the POTW any industrial waste or discharging into the POTW any waste other than domestic sewage as defined in this section. This term may also apply to any other source of pollutant which adversely affects the POTW.

**INDUSTRIAL WASTES:** All water, water-carried solids, liquid and gas wastes resulting from any industrial, manufacturing or food processing operation or process or from the development of any natural resource or any mixture of these fluids and domestic sewage or any mixture of these fluids with any other water or with any other liquid.

**INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT:** The maximum concentration or loading of a pollutant allowed to be discharged at any time, determined from the analysis of any grab or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

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

(1) Inhibits or disrupts the Town's POTW, treatment processes or operations or its sludge processes, use or disposal; and

(2) Which thus contributes to cause a violation of any requirement of the Town's MEPDES permit, including an increase in the magnitude or duration of a violation, or of the prevention of sludge use or disposal in compliance with statutory provisions and regulations or permits issued under Section 405 of the Clean Water Act, RCRA, the Clean Air Act, SWDA, the Toxic Substances Control Act, the Marine Protection, Research and Sanctuaries Act and any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of RCRA.

**MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM (MEPDES):** Permit program of the Maine Department of Environmental Protection.

**MANAGER:** The term Manager shall have the same meaning as Town Manager.

**MASS-BASED LIMITATIONS:** Users implementing process changes, including best management practices, may request permit discharge limitations be based on mass limitations in lieu of concentration-based limitations. The intent of mass-based limitations is to encourage and allow best management practices, pollution prevention and/or water conservation measures that may result in increased pollutant concentrations while not increasing actual mass of pollutant discharged. Mass-based limitations shall be calculated from current, pollutant-specific concentration and user discharge flow. Mass-based limitations shall not exceed the previous mass of specific pollutant discharged (prior to the implementation of process changes or best management practices) based on the historic performance of that user. Decisions on granting requests for mass-based limitations will be based on user-specific information and current operating conditions of the POTW and will be at the discretion of the Town. Implementation of mass-based limitations shall not contravene any requirements or limitations of federal or state law and/or regulations implemented thereunder and may not waive applicable categorical pretreatment standards.

**MEDICAL WASTE:** Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

**MILLIGRAMS PER LITER:** A weight to volume ratio. The figure appearing before the symbol "mg/l" shall be the number of milligrams to be found in one liter of the substance being tested. This figure can be transposed to pounds per million gallons of water by multiplying said figure by 8.34.

**NATURAL OUTLET:** Any outlet into a watercourse, ditch, pond, lake, or other body of surface or ground water.

**NEW SOURCE:**

(1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section of the Act, 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 the sources are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Subsection 1.1(1)(b) or (c) above but otherwise alters, replaces or adds to existing process or production equipment.

(3) Construction of a new source as defined under this section has commenced if the owner or operator



has:

(a) Begun, or caused to begin, as part of a continuous on-site construction program, any placement, assembly or installation of facilities or equipment or 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 is intended to be used in his or her 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 subsection.

**NONCONTACT COOLING WATER:** Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

**NORMAL DOMESTIC SEWAGE:** Sewage in which the average concentration of TSS does not exceed 250 mg/l and in which the five-day BOD does not exceed 250 mg/l and fats, oils or greases of animal or vegetable origin or oil and grease and other petroleum or mineral oil products do not exceed 100 mg/l.

**NPDES:** The National Pollutant Discharge Elimination System permit program of the EPA.

**OWNER:** Any individual, firm, company, association, society, or group having title to real property.

**PASS-THROUGH:** Any discharge from the Town's POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, cause a violation of any requirement of the Town's MEPDES permit, including an increase in the magnitude or duration of a violation.

**PERSON:** Any individual, partnership, firm, company, association, society, corporation, group, joint-stock company, trust, estate, governmental entity or any other legal entity of whatever relationship or their legal representatives, agents or assigns. This definition includes all federal, state or local governmental entities.

**pH:** The logarithm (base 10) of the reciprocal of the hydrogen ions concentration expressed in moles per liter. pH shall be determined by standard methods as defined in this section.

**POLLUTANT:** Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sludge, pretreatment by-products, munitions, wastewater, medical wastes, chemical wastes, biological materials, metals, oil and grease, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes and other waste or material that alters or adversely affects the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, TTO, TOC or odor).

**PREMISES:** Any building or lot under individual ownership or individual use where water service is metered independently or that discharges wastewater to the POTW.

**PRETREATMENT:** The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes or by other means, except by diluting the concentration of the pollutants, unless allowed by an applicable pretreatment standard.

**PRETREATMENT PROGRAM COORDINATOR:** The Town's designated individual responsible for supervision of the Town's wastewater pretreatment program.

**PRETREATMENT REQUIREMENTS:** Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

**PRETREATMENT STANDARD or STANDARDS:** Prohibited discharge standards, categorical

pretreatment standards and local limits.

**PRIVATELY OWNED SEWER EXTENSION:** An extension of the public sewer where ownership and maintenance is retained by the developer or property owner.

**PRIVATE SUBSURFACE DISPOSAL SYSTEM:** A disposal system generally consisting of a subsurface storage tank and leaching field most commonly used in residential housing.

**PROHIBITED DISCHARGE STANDARD or PROHIBITED DISCHARGES:** Absolute prohibitions against the discharge of certain substances. These prohibitions appear in Article 6 of this Ordinance.

**PROPERLY SHREDDED GARBAGE:** The wastes from the preparation, cooking, and dispensing of food or produce that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

**PROPERTY LINE:** The property boundary line if the building sewer is to connect with the public sewer in a public street, or the edge of a sewer right-of-way in those instances where the building sewers connect to the public sewer in a right-of-way.

**PUBLICLY OWNED TREATMENT WORKS (POTW):** A treatment works, as defined by Section 212 of the Act (33 U.S.C. § 1292), which is owned by the City/Town. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of wastewater of a liquid nature and any conveyances which convey wastewater to a treatment plant. Depending on the context, POTW may include the collection, transport and treatment facilities of the City of Bangor that handle wastewater from the Town's POTW.

**PUBLIC SEWER:** A sewer in which all owners of abutting property have equal rights and which is controlled by public authority.

**PUBLIC WORKS DIRECTOR:** The individual retained or designated by the Manager to supervise and oversee the operation and maintenance of the municipal sewer system and treatment facilities.

**SANITARY SEWER:** A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

**SEPTIC TANK WASTE:** Any wastewater from holding tanks, such as vessels, chemical toilets, campers, trailers and septic tanks.

**SEWAGE:** A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such incidental ground, surface, and storm water that may be present.

**SEWER:** A pipe or conduit for carrying sewage.

**SEWER EXTENSION:** The connection of any public or private sewer to the existing sewer system, except as required under Section 5.1 of this Ordinance.

**SIGNIFICANT INDUSTRIAL USER:**

(1) A user subject to categorical pretreatment standards; or

(2) A user that:

- (a) Discharges an average of 25,000 gpd or more of process wastewater to the POTW, excluding sanitary, noncontact cooling and boiler blowdown wastewater; or
- (b) Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW; or
- (c) Is designated as such by the Town on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Town may at any time, on its own initiative or in response to a petition received from a user and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

**SIGNIFICANT NONCOMPLIANCE:** Includes the following:

(1) Chronic violations of wastewater discharge limits, defined here as those violations in which 66% or more of all the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in Section 1.1;

(2) Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement, including instantaneous limit, as defined in Section 1.1, multiplied by the applicable criteria 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment standard or requirement as defined by Section 1.1 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Town or Pretreatment Program Coordinator determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public as defined in this section;

(4) Any discharge of a pollutant that has caused an imminent danger to human health, including the health of the Town's or City's POTW personnel, or to the environment or has required an exercise of the Town's or City's emergency authority to halt the discharge under 40 CFR 403.8(f)(2)(vi)(B);

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

(6) Failure to provide, within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report any noncompliance with permit requirements; or

(8) Any other violation or group of violations, which may include a violation of best management practices, which the Town determines will adversely affect the operation or implementation of the Town's pretreatment program.

**SLUDGE:** A by-product of the primary and secondary treatment processes of the POTW, also known as "biosolids." This term does not include by-products resulting from the pretreatment of industrial wastes.

**SLUG or SLUG LOAD:** Any discharge at a flow rate or concentration which could cause a violation of the general prohibitions of Section 6.3.1 and the specific prohibitions of Section 6.3.2 of this Ordinance. A "slug discharge" is any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge, which has a reasonable potential to cause interference or pass-through or in any other way violate the POTW's regulations, local limits or permit conditions.

**STANDARD INDUSTRIAL CLASSIFICATION CODE:** A classification pursuant to the Standard Industrial Classification Manual issued from time to time by the United States Office of Management and Budget.

**STANDARD METHODS:** Testing methods and techniques prescribed in 40 CFR Part 136 or, if not found therein, other appropriate procedures approved by the EPA.

**STATE PLUMBING CODE:** The latest edition of the State of Maine Plumbing Code.

**STORM SEWER OR STORM DITCH:** A pipe or conduit which carries storm, surface waters and drainage but excludes sewage and industrial wastes.

**STORMWATER:** Any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.

**SUPERINTENDENT:** The Wastewater Treatment Plant Superintendent of the City of Bangor POTW or his or her authorized deputy, agent or representative.

**SUSPENDED SOLIDS:** Solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering in accordance with Standard Methods.

**TOTAL TOXIC ORGANICS:** The summation of all quantifiable values greater than 0.01 mg/l for the toxic organics listed at 40 CFR 413.02(i).

**TOWN:** The Town of Hermon, Maine.

**TOWN MANAGER:** The Town Manager of Hermon or the individual designated by the Town Council to perform this function, or the authorized deputy, agent, or representative of this individual which shall include but not be limited to the Code Enforcement Officer, Public Works Director, POTW Superintendent, City Engineer, etc.

**TOWN COUNCIL:** The duly elected Town Council of the Town of Hermon, Maine, or its authorized representative.

**TOXIC POLLUTANT:** One of 126 pollutants or a combination of those pollutants listed as toxic in regulations promulgated by the EPA pursuant to Section 307 (33 U.S.C. § 1317) of the Act. This term also includes any pollutants that may be added to this promulgated list by amendment.

**TREATMENT PLANT EFFLUENT:** The discharge from the POTW into waters of the United States.

**TREATMENT PLANT INFLUENT:** The wastewater in the POTW which is presented for treatment at the City's wastewater plant.

**UPSET:** An exceptional incident in which a discharger is in a state of noncompliance with the categorical pretreatment standards due to factors beyond the reasonable control of the discharger. This term excludes noncompliance due to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, careless or improper operation of the treatment facilities or other similar reason.

**WASTEWATER:** Liquid and water-carried industrial wastes and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated, which are contributed to the POTW.

**WASTEWATER PLANT:** Any facility owned by the City and used for receiving and treating wastewater.

**WATERCOURSE:** A channel in which a flow of water occurs, either continuously or intermittently.

### Subsection 1.1.1 Abbreviations.

The following abbreviations shall have the designated meanings:

ASTM	American Society for Testing and Materials
BOD	Biochemical oxygen demand
BMP	Best management practices
CCTV	Closed Circuit Television
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
DEP	Maine Department of Environmental Protection
EPA	United States Environmental Protection Agency
Gpd	Gallons per day
L	Liter
MEPDES	Maine Pollutant Discharge Elimination System
Mg	Milligrams
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
O&M	Operation(s) and maintenance
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification Code
SWDA	Solid Waste Disposal Act
TOC	Total organic carbon
TSS	Total suspended solids
TTO	Total toxic organics
U.S.C.	United States Code
WEF	Water Environment Federation

**Section 1.2. Powers and Authority of Inspectors:** The Town Manager or his/her designee, shall administer, implement and enforce the provisions of this Ordinance. The appointed designee, including but not limited to Hermon Code Enforcement Officer, Public Works Director, and Superintendent of the POTW or their designee, shall be permitted to enter upon all properties for the purpose of inspection, observation, enforcement and measurement sampling and testing in accordance with the provisions of this Ordinance.

**Section 1.3. Repeal of Prior Ordinances:** The Sewer Ordinance enacted on May 18, 1994, as amended, shall stand repealed as of the effective date of this Ordinance. The enactment of this Ordinance, however, shall not affect or prevent any pending or future prosecution of, or action to abate, any violation of the Ordinance repealed hereby.

**Section 1.4. Conflict with Other Ordinances:** Whenever the requirements of this Ordinance are in conflict with any other rule, regulation, or ordinance, that imposing the most restrictive or higher standard shall govern.

**Section 1.5. Severability:** In the event that any section, subsection, or any provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection, or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

**Section 1.6 Effective Date:** This Ordinance shall become effective at the expiration of thirty (30) days after its adoption by the Town Council.

## **ARTICLE 2 USE OF PUBLIC SEWERS REQUIRED**

**Section 2.1. Discharges:** It shall be unlawful to discharge to any watercourse, either directly or through any storm sewer, within the Town or to any area under the jurisdiction of the Town, any sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with federal, state or local laws.

**Section 2.2. Discharges to Land:** It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner on public or private property within the Town or to any area under the jurisdiction of the Town, any human or animal excrement, garbage, or other objectionable waste. This section shall exclude normal agricultural practices.

**Section 2.3. Private Sewers:** Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, leaching pit, or other facility intended or used for the disposal of sewage.

**Section 2.4. Connection of Plumbing Facilities to Public Sewers:** The owner of any house, structure, building or property used for human occupancy, employment, recreation, or other purpose, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the Town, is hereby required, at owner's expense, to install suitable plumbing facilities therein, including but not limited to toilets, and to connect such facilities to the public sewer, in accordance with the provisions of this Ordinance, within ninety (90) days after the date of official notice to do so, provided that said public sewer is located opposite any portion of the frontage of the property to be served by said sewer.

**Section 2.5. Waivers from Connecting to Public Sewer:** The Town Council may waive the requirement to connect to the public sewer under certain circumstances. Waivers may be obtained where 1) unusual circumstances exist due to the presence of ledge, incompatible elevations, and financial hardship. 2) excavation of a public highway is prohibited by State law or regulation. 3) a new subsurface wastewater disposal system had been installed within the previous five (5) year period. Private subsurface sewer systems installed more than five (5) years earlier shall be grandfathered until such time

as the system is in disrepair or is no longer operable. At that time, the owner shall connect to the public sewer system at the owner's cost. The Town Council may impose conditions on waivers as they see necessary to carry out the intent of this ordinance. All waivers granted by the Town Council shall be recorded at the Penobscot Registry of Deeds.

### **ARTICLE 3 PRIVATE SEWAGE DISPOSAL**

**Section 3.1. Unavailability of Public Sewers:** Where a public sanitary sewer is not available under the provisions of Section 2.4, the building sewer shall be connected to a private subsurface disposal system complying with the provisions of this Article and the State Plumbing Code.

**Section 3.2. Construction of Private Subsurface Disposal Systems:** Construction of private subsurface disposal systems shall comply in all respects with requirements of the State Plumbing Code. Before commencement of construction of a private subsurface disposal system, the owner shall first obtain a permit from the Town. The application for such permit shall be made on a form furnished by the Division of Environmental Health, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Town.

A use permit for a private subsurface disposal system shall not become effective until the installation is completed to the satisfaction of the Town. The Town shall be allowed to inspect the work at any stage of construction. The applicant for the permit shall notify the Town before any underground portions are covered and when the work is ready for final inspection.

No additional private subsurface disposal system serving more than one private residence or commercial establishment shall be connected to, nor in any way discharge to, any portion of the Town's POTW, except as provided in Article 5.

Whereas maintenance of the POTW in compliance with Federal and State pollution abatement legislation is essential to the public good; no existing private sewers discharge to the POTW shall be increased in extent or flow, and upon issuance of written notice by the Town Manager, all existing private sewers shall be maintained in full compliance with construction and infiltration standards of this Ordinance, at no expense to the Town.

Failure to maintain an existing private sewer in compliance with this Ordinance within 90 days of issuance of written notice shall be adequate cause for the Town to seek penalties from the owner/resident to rectify the issue and to notify the State of Maine of the infraction.

**Section 3.3. Division of Environmental Health Recommendations:** The type, capacities, location, and layout of a private subsurface disposal system shall comply with all requirements of the Division of Environmental Health, State of Maine.

**Section 3.4. Conversion to Public Sewer:** At such time as a public sewer system becomes available to a property served by a private sewer system, as provided in Section 2.4, connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools or similar private sewage disposal facilities shall be abandoned and filled with suitable material. Septic tanks, cesspools or similar private sewage disposal facilities shall be suitably cleaned and septage disposed of in accordance with current State and Federal regulations.

**Section 3.5. Additional Requirements:** No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Town.

**Section 3.6. Septage Disposal:** Septic tank waste and private pump station waste originating from or generated in the Town of Hermon may be introduced into the POTW only at the designated receiving

structure of the Bangor POTW and at such times as are established by the Town of Hermon and the City of Bangor. Such wastes shall not violate Section 6.3 of this Ordinance or any other requirements established or adopted by the Town of Hermon or the City of Bangor. In no circumstance will wastes be accepted without prior approval from the City of Bangor, Director of Water Quality (hereafter "Director") or his/her designee.

The Town and/or City may collect samples of each hauled load to ensure compliance with this Ordinance and the City of Bangor's Chapter 252: Sewers and Drains Ordinance. The Town and/or City may require the hauler to provide a waste analysis of any load prior to discharge.

Waste haulers must provide the POTW with a copy of a waste-tracking form for every load prior to discharge. This form shall include, at a minimum, the name and address of the waste hauler, truck identification, sources of waste and volume and characteristics of waste.

Waste haulers using trucks having a volume gauge or sight glass will be charged at the applicable rate per 1,000 gallons of wastewater discharged. Trucks lacking such a volumetric measuring device or other means satisfactory to the Town to measure the volume of wastewater discharged will be presumed full and will be charged accordingly.

Any person who discharges hauled wastewater at any other location in the Town or at the designated receiving structure at other than the times allowed shall be subject to applicable civil and criminal penalties, including those prescribed at 30-A M.R.S.A. § 4452 and 38 M.R.S.A. §§ 349 and 1319-T.

A suitable odor-control chemical approved by the Town and the Director or his/her designee, shall be introduced to the hauled wastewater prior to its transportation to the designated receiving structure. Sufficient quantities of such chemical shall be used by the waste hauler to adequately control odors emanating from the hauled wastewater.

If at any time, in the opinion of the Town Manager or his/her designee, the discharge of hauled wastewater is placing an excessive burden on the POTW's treatment process or is otherwise causing a nuisance, the Town or City can refuse to accept such wastewater for treatment in the POTW.

#### **ARTICLE 4 BUILDING SEWERS AND CONNECTIONS TO PUBLIC SEWERS**

**Section 4.1. State Plumbing Code:** The provisions of this article shall be deemed to supplement provisions of the State Plumbing Code with respect to building sewers and connections thereof to public sewers. In event of conflicts between this article and the state plumbing code, the most restrictive or higher standard shall be deemed to apply. Permits and fees stipulated hereunder are additional to any permits or fees, or both, required under the State Plumbing Code.

**Section 4.2. Connection to Public Sewers:** No person shall uncover, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written Street Opening/Utility Connection permit from the Town. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Town at least 45 days prior to the proposed change or connection and pay applicable sewer connection fees.

**4.2.1. Street Opening/Utility Connection Permit:** Said Permit shall specify whether the connection is for residential or commercial service or for service to establishments producing or handling industrial wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the Town. The permit application shall be accompanied by any plans, specifications, or other information required in accordance with the provisions in the Street Opening/Utility Connection Ordinance. The fee for the Street Opening/Utility connection permit is determined by the Town Council.



- 4.2.2.** Except on an emergency basis to serve existing structures only (e.g. following a failure of an existing private septic system), no street opening/utility connection permit shall be issued authorizing connection to any public or private sewer line or sewer extension which is found by the Town to be inadequate, by reason of its design, condition or lack of hydraulic capacity, to accommodate the additional volume or flow or types of wastes to be discharged from the premises concerned; or which by reason of its design, condition or hydraulic capacity, causes or materially contributes to upsets, surcharges, slug loads or untreated outfalls at any downstream or other location. All permits issued on an emergency basis under this subsection shall bear the designation of "emergency permit" and shall be subject to annual review by the Public Works Director and/or the Town Manager. Any emergency permit shall be deemed terminated upon correction of the condition that led to its issuance.
- 4.2.3.** Except for the purpose of correcting the violation concerned, no new street opening/utility connection permit shall be issued to any person who has been cited by the Public Works Director or the Town Manager for violations of this ordinance if such violation remains uncorrected at the time of application.
- 4.2.4. Backwater Valves Required:** To protect from the possibility of backflow of sewage, backwater valves shall be required for all new connections to public sewers and shall also be required when existing sewer services are excavated.
1. **Material.** All bearing parts of backwater valves shall be of corrosion-resistant material. Backwater valves shall comply with ASME A112.14.1, CSA B181.1 or CSA B181.2.
  2. **Seal.** Backwater valves shall be so constructed as to provide a mechanical seal against backflow.
  3. **Diameter.** Backwater valves, when fully opened, shall have a capacity not less than that of the pipes in which they are installed.
  4. **Access.** Backwater valves shall be installed so that access is provided to the working parts for service and repair.

**Section 4.3. Permits and Connection Fees:** There shall be two (2) classes of building sewer connection permits/fees:

1. residential service, and
2. commercial, industrial, and other nonresidential service.

In either case, the owner or owner's agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent to the judgment of the Town. A permit and inspection fee at the rate prevailing at the date of application shall be paid to the Town at the time an application is filed. The Town Manager, with recommendation from the Public Works Director, shall establish a permit and inspection fee for each commercial, industrial, or other non-residential building, based on the size and nature of the operation proposed in such commercial, industrial, or other non-residential building as compared to the demands of a residential structure. The permit (or sewer connection fee) is calculated based on a form (Sewer Connection Fee Worksheet) provided by the Town. Final approval or revision of all commercial, industrial and other non-residential permit and inspection fees shall reside with the Town Council. No sewer connection fee will be required for repair of an existing sewer service, although a Street Opening/Utility Connection Permit will be required as applicable.

**Section 4.4. Shared 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 building through an adjoining alley, court, yard, or driveway, in which case the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Separate clean outs shall be provided for both buildings. Existing building sewers may be used in connection with new buildings only when they are

demonstrated by examination to be in full conformance with all requirements of this ordinance.

**Section 4.5. Quality and Weight of Materials:** The building sewer shall be cast iron pipe, PVC pipe or other suitable materials approved by the Town and meeting current State Plumbing Code. The quality and weight of materials shall conform to the specifications of the State Plumbing Code. All joints shall be gastight and watertight. Where the building sewer is exposed to damage by tree roots or is installed in filled or unstable ground, the Town shall have the authority to stipulate such special pipe materials or installation provisions as it deems necessary for the circumstances. Testing of the building sewer installation shall be done at no cost to the Town, in the presence of the Town Representative and using a Town approved method.

**Section 4.6. Size and Slope of Sewer:** The size and slope of the building sewer shall be regulated by the State Plumbing Code, but in no event shall the diameter be less than 4 inches. The slope of a 4 inch pipe shall not be less than one-quarter inch per foot. The slope of a six-inch pipe shall not be less than one-eighth inch per foot.

**Section 4.7. Elevation and Location of Sewer:** Whenever possible, the building sewer service shall exit the building below the basement finish floor elevation. No sewer service shall be installed parallel, less than (3) three feet from a foundation wall. The sewer service shall exit the building perpendicular to the foundation wall and be laid at a uniform slope draining away from the building in straight alignment where possible. Changes in direction shall be made only with approved pipe and fittings. The sewer service shall be a minimum of (5) five feet deep for frost protection or shall require rigid styrofoam insulation at a rate of (2) two inches per foot of soil depth. Meaning, a sewer service with only 4 feet of cover would require 2 inches of insulation, 3 feet of cover would require 4 inches of insulation, etc.

**Section 4.8. Building Drains:** In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer. Foundation or perimeter drains shall not be connected to the building sewer system.

**Section 4.9. Excavations and Backfilling:** All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Town. Pipe laying and backfill shall be performed in accordance with ASTM Specification C12 except that no backfill shall be placed until the work has been inspected by the Town.

**Section 4.10. Joints and Connections:**

**4.10.1. Cast Iron Pipe:** Cast iron pipe joints shall be of the push-on type and conform to ASTM 0564-70 (Rubber Gaskets) and ANSI (A21.11). Fittings shall be of the type specifically manufactured for the cast iron pipe used. Cast iron pipe, joints, and fittings shall be cement lined and double asphalt coated inside and bituminous coated outside. Lubricants shall be suitable for lubricating the gasket to facilitate assembly of the pipe joint. The lubricant shall be non-toxic, shall not support the growth of bacteria and shall have no deteriorating affects on the gasket material.

**4.10.2. Plastic Pipe:**

**4.10.2.1.** ABS pipe fittings and connection shall conform to ASTM (D1527) for Schedule 40, 80, 120 or ASTM (2661) for DMV Schedule 40.

**4.10.2.2.** Schedule 40 PVC fittings and connections shall conform to ASTM (D2665) for DMV Schedule 40 or ASTM (D1785) for Schedule 40, 80, 120 PVC. Fittings and connections shall be installed in accordance with the manufacturer's written instructions.

**4.10.2.3.** SDR 35 pipe fittings and accessories shall be as manufactured and furnished by the pipe supplier or approved equal and have a bell and/or spigot configuration compatible with SDR 35 PVC. Joints shall meet the requirements of ASTM (D3212) "Joints for Drain and Sewer Plastic

## Pipe Using Elastomeric Seals".

**4.10.3. Joints:** All Joints shall be sealed with gaskets of rubber, or other approved elastomeric material, as provided by the manufacturer of the pipe being installed. Joints shall be made up in conformance with the manufacturer's written installation instructions. Copies of the installation instructions shall be submitted to the Town a minimum of one week prior to the construction.

**4.10.4. Alternate Materials and Methods:** Alternate jointing materials and methods may be used only if of standard manufacture for the pipe and fittings being installed and submitted for approval to the Town.

**Section 4.11. Connections:** Connections of a building sewer into a public sewer shall be made, at a location determined by the Town.

**4.11.1. Connections at Manholes:** Where connection to the sewer main is not possible, connections to a manhole are permitted. Tapping of pre-cast manholes shall be done with core drill or other approved method. A flexible rubber pipe to manhole connector shall be employed in the connection of service lines to pre-cast manholes. The connector shall be the sole element relied on to assure a flexible watertight seal of the pipe to the manhole. No adhesives or lubricants shall be employed in the installation of the connector into the manhole. The rubber for the connector shall comply with ASTM C443 and ASTM C923 and consist of EPDM and elastomer designed to be resistant to ozone, weather elements, chemicals, including acids, alkalis, animal and vegetable fats, oils and petroleum products from spills.

All stainless steel elements of the connector shall be totally non-magnetic Series 304 Stainless, excluding the worm screw for tightening the steel band around the pipe which shall be Series 305 Stainless. The worm screw for tightening the steel band shall be torqued by a break-away torque wrench available from the pre-cast manhole supplier, and set 60 - 70 inch/lbs.

The connector shall be installed in the manhole wall by activating the expanding mechanism in strict accordance with the recommendation of the connector manufacturer.

The connector shall be of a size specifically designed for the pipe material and size being utilized on the project.

The contractor shall furnish evidence that materials meet or exceed the requirements given in ASTM Specification C923-84, which covers rubber seals used in concrete sewer pipe and culvert Joints.

	PHYSICAL PROPERTIES	ASTM C-023	ACTUAL
I.	Chemical Resistance		
	1 N Sulfuric Acid	No weight loss	No weight loss
	1 N Hydrochloric Acid	No weight loss	No weight loss
II.	Tensile, psi, min	1,200 psi	1,550 psi
	Elongation at break	350% min	450% min
	Hardness	+ 5 from the manufacturer's specified hardness	44 + 5
III.	Accelerated Oven Aging: 96 hrs @ 158°F		
	Tensile Change, % max	15	10.4
	Elongation Change, % max	20	14.0
IV.	Comp.Set, % max	25	19.6
V.	Water Absorption: 48 hrs @ 158°F Weight increase, % max	10	3.5
VI.	Ozone Resistance 120 Hrs @ 100° + 02°F	0	0

VII.	Low-temperature brittle point Fracture @ -40°C	None	None
VIII.	Tear Resistance	200 lbf/in	200 lbf/in

On completion of the installation, the Contractor shall patch all cracks, gaps or other damage to the manhole with non-shrink epoxy grout or other approved material. Following installation the contractor shall pneumatically test the service per Article 5 - Section 5.4.2 of this Ordinance.

**4.11.2. Connections at Wye Branches:** When connecting a 4 or 6 inch building sewer to a public sewer, an inline wye branch fitting or tapped gasketed saddle connection shall be used. The fitting shall be of the proper design for the public sewer pipe materials. Any building sewer greater than 6 inch diameter shall be connected to the public sewer at a manhole. If a manhole is not available within the project limits, the developer and/or owner shall install one at a location determined by the Town. The manhole invert shall be reconfigured to accept the new pipe and direct flow downstream.

The tap shall be made with a hole saw and all rough edges sanded smooth. The tap location shall be centered horizontally on the pipe spring line or above. The service shall extend horizontally from the public sewer a distance not less than 2 feet.

The wye-saddle gasket shall be rubber or elastomeric material of section designed to provide a water tight seal without transfer of significant stress to the sewer pipe. The wye-saddle shall be securely clamped in place with a minimum of two each 3/4 inch wide, Type 304 stainless steel bonds.

**4.11.3. Service Marker:** Electronic markers shall be provided at the terminus points of all new services or point of reconnection for all existing services. Marker disks shall be placed directly over the point of termination at least 6 inches above the pipe. Depth of marker burial shall not be less than 4 feet or more than 6 feet. Markers shall be laid in a level position and hand backfilled to 1 foot above the disk to prevent movement or damage.

Markers disks shall consist of a passive waterproof device capable of reflecting a specifically designated repulse frequency turned to the utility being installed. Marker disks shall be color coded green (for Sanitary) in accordance with AWWA Utility Location and Coordinating Council Standards. Markers shall be of the brand and style specified by the Town.

**4.11.4. Swing Ties:** Swing ties locating the terminus points of all new services or point of reconnection for all existing services shall be provided to the Town. Ties shall consist of measurements to permanent structures tabulated on reproducible record drawings submitted to the Town at completion of construction.

**Section 4.12. Inspection and Connection to Public Sewers:** The applicant for the building sewer permit shall notify the Town when the building sewer is ready for inspection and prior to connection to the public sewer. No public sewer shall be disturbed except under the supervision of the Town. The Town shall be available to supervise and inspect the connection within 48 hours of notification of readiness.

**4.12.1. Guarding of Excavations:** All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard.

**4.12.2. Restoration of Public Property:** Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

**Section 4.13. Building Sewers Requiring Frequent Maintenance:** Maintenance of the building sewer, as defined in section 1.0 of this Ordinance, shall be the responsibility of the property owner. Any building sewer serving a school, hospital, or similar institution or public building, or serving a complex of commercial or industrial buildings, or which, in the opinion of the Town, will receive sewage or industrial wastes of such volume or character that frequent maintenance of said building sewer is anticipated, then

such building sewer shall be connected to the public sewer through a manhole. If required, a new manhole shall be installed in the public sewer and the location of this manhole and the building sewer connection to it or to any existing manhole shall be as specified by the Town.

**4.13.1 Interceptors and Traps:** Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; (except that such interceptors shall not be required for private living quarters or dwelling units). All interceptors shall be of a type and capacity approved by the Town and shall be located so as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors or traps shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

**Section 4.14. Infiltration:** The maximum acceptable infiltration rate for all sewers constructed after enactment of this amendment shall be 100 gpd/in-mile of extent including service connection to the building foundation.

The maximum acceptable infiltration rate for all existing private sewers shall be 1,000 gpd/in-mile of extent, including service connection to the building foundation.

Infiltration rate measurements shall be made using manufacturer calibrated insert weirs and sound engineering practices. Infiltration measurements shall be reported in tabular form, showing all reaches monitored, antecedent precipitation, and groundwater conditions, and signed by a professional engineer registered in the State of Maine. A current manufacturer's calibration certificate for the weirs used to take the infiltration measurements shall be included with the report.

**Section 4.15. Costs and Expenses Borne by the Owner:** All costs and expense incident to the installation, connection and maintenance of the building sewer shall be borne by the owner. The costs for verification of existing pipe condition for reuse shall also 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, maintenance, or failure of the building sewer service.

## **ARTICLE 5 SEWER EXTENSIONS**

**Section 5.1. Sewer Extensions Constructed by the Town:** Public sewer extensions may be constructed by the Town under public contract if, in the opinion of the Town Council, the number of properties to be served by such extension warrants its cost. Property owners may propose such sewer extensions within the Town by drafting a written petition signed by a majority of the benefited property owners, and filing it with the Town Council. The cost of such extensions may be assessed to the benefited property owners in any lawful manner determined by the town council. Under this arrangement the property owner shall pay for and install the building sewer from the public sewer to the property to be served in accordance with the requirements of Article 4.

**Section 5.2. Sewer Extensions Constructed by Private Developer:** If the Town does not elect to construct a sewer extension under public contract, the property owner, builder, or developer may construct the necessary sewer extension, if such extension is approved by the Town Council and constructed in accordance with the requirements of Section 5.3. The cost of sewer extensions thus made, including all building sewers, shall be absorbed by the developers or property owners. Each building sewer must be installed and inspected as previously required and the inspection fees shall be paid therefore. Design of sewers shall be as specified in Section 5.3. and Section 5.3.1. The installation of the sewer extension shall be subject to inspection by the Town and the expenses for this inspection shall be paid for by the owner, builder or developer. The Town's decision shall be final in matters of quality and methods of construction. Before it may be used, the sewer as-constructed must pass the inspection test(s) specified under Section 5.4.

To the maximum extent practicable all sewerage extensions shall be constructed within approved street right-of-ways. Otherwise, sewerage extensions shall be constructed centered in a 20 foot (minimum) wide right-of-way deeded to the Town.

**Section 5.3. Requirements for Extending Sanitary Sewer Systems:** All extensions to the sanitary sewer system shall be properly designed in accordance with this Ordinance and the most recent edition of the Recommended Standards for Wastewater Facilities, as adopted by the Great Lakes Upper Mississippi River Board of State Sanitary Engineers. All design computations, plans and specifications shall be stamped and signed by a professional engineer, currently registered in the State of Maine. Plans and specifications and computations for sewer extension shall be submitted to and approval obtained from the Town before construction may proceed. Plans and profiles of proposed sewer line construction shall be a scale of not more than 100 feet to the inch (1200:1) and a vertical scale of not more than 10 feet to the inch (120:1). Topographic base mapping shall be controlled with minimum 2 foot contour intervals. All mapping shall be based on MSL (Mean Sea Level) and Digital Data of GEO referenced plans as described below: Submission of digital data/preparation of geo-referenced plans: The digital submission should include all applicable sewer features (pipes, junctions, pumps, etc), topography, property lines, streams with flow direction, wetlands, or any other applicable features as would be shown on a printed plan. Features are to be GPS located using at least sub-meter accuracy GPS units. Plans are to be geographically referenced using no less than four non-linear (dispersed across the area) projected control points of at least sub-meter accuracy and shall be submitted in one of two acceptable formats: 1) Universal Transverse Mercator (UTM) Zone 19 meters, or 2) US State Plane Coordinate System Maine Zone East 1983 feet. Accepted file types are ESRI .shp and associated files, AutoCAD .dwg files. AutoCAD files must be purged of all empty layers and presented with model space objects only. All files are to be submitted with clear layer names, such as "Sewer-Line-8inch", that obviously describe each layer (for example, "gp-pl-0" is not acceptable). Metadata should be included if available. If not available, a text file should be included with the following: surveyor or engineer name and license number, phone number, mailing address, email address, projection and datum used, date of preparation of data, description of equipment used to collect data (make, model, manufacturer's reported accuracy level), any disclaimers, limitations, or other notes. Electronic files should be submitted on a CD, DVD or flash drive. Submission of physical plan copies: No less than two physical copies in ARCH D or ARCH E format will be provided on clear and legible media (suitable for microfilming).

**5.3.1.** All extensions of the sanitary sewer system constructed under Section 5.2 shall be designed to provide gravity collection and flow from the development to the point of connection with the existing public sewer system. Pump stations shall not be incorporated in the design of sewer systems in any proposed development within the Town of Hermon, Maine except under the following conditions:

**5.3.1.1** Lift stations serving individual single-family homes are exempt from the foregoing requirements of Section 5.3.1, unless said homes are part of a common scheme of development, such as a subdivision or group development.

**5.3.1.2** The parcel of land on which the development is to be located shall be no more than 500 feet from an existing public gravity sewerline.

**5.3.1.3** No force main shall exceed 2,000 feet in length unless prior approval has been obtained from the Town Council upon their finding that such increased length is the only practicable option to service the subject property, and upon their finding that any increased operations and maintenance costs that would result from such increased length over the life of the infrastructure will be offset by sewer fees to be paid by the user or users of the force main.

**5.3.1.4** A force main sewer may only be constructed if determination is reached and agreed to by all parties that a gravity sewer would not be feasible. For example: Although a 2" force main

sewer might be less expensive to install than an 8" gravity sewer, the gravity sewer must be not feasible, not simply more expensive.

**5.3.1.5** The private pump stations and sewer extensions must be maintained in perpetuity by either a single private entity or a maintenance association.

**5.3.1.6** Any private pump stations and sewer extension must be designed and stamped by a duly licensed and qualified professional engineer, registered in the State of Maine.

**5.3.1.7** The private pump station design, and the construction thereof, must include a redundant sewage lift pump, backup electrical generator and approved alarm system to provide warning in case of mechanical failure.

The Planning Board shall not approve any development or subdivision that includes private pump stations or private sewer extensions unless the design thereof and the legal documents showing evidence of their perpetual maintenance have been reviewed by the Public Works Director, Town Manager, Town Attorney and Town engineering consultant with written recommendation to the Town Council for final approval.

**5.3.2. Materials, Joints and Connection to Building Sewers:** Gravity sewer pipe and fittings shall be Ductile Iron (DI) or Polyvinyl Chloride (PVC) unless otherwise approved by the Town.

Minimum internal pipe diameter shall be 8 inches. DI pipe shall be a minimum of Class 51 conforming to the requirements of ANSI A21.5 and ANSI A21.11 push on joints. Pipe shall be cement lined and double asphalt seal coated inside and bituminous coated outside. PVC sewer pipe and fittings 15 inches or less in diameter shall conform to the requirements of ASTM D3034 or ASTM F789, sizes 18 inches through 27 inches shall conform to ASTM P679. Pipe wall thickness shall be sized in accordance with ASTM D2412.

Pipe joining shall be bell and spigot with elastomeric gaskets. Pipe will be furnished in standard lengths. PVC to be installed at a depth greater than 14 feet shall meet the requirements of AWWA C900 (PVC Pressure Pipe). All Class 100 pipe shall meet the requirements or DR 25, Class 150 pipe shall meet the requirements of DR 18 and Class 200 shall meet the requirements of DR 14.

Wye branch fittings shall be installed for connections to building sewers in accordance with Section 4.10.

**5.3.3. Excavation:** Excavation for pipe lines shall be true to line and grade and shall be carried to a minimum of 6 inches below the bottom of the pipe. The Town may require additional excavation and backfill with granular material if unstable soil conditions are encountered.

For pipe diameters 12 inches and less the trench width - two pipe diameters above the pipe invert - shall be 36 inches. The trench width for diameters in excess of 12 inches - two pipe diameters above the pipe invert - shall be the pipe outside diameter "O" plus 2 feet. The trench width for parallel pipes in the same trench shall be 4 feet 6 inches, two pipe diameters above the highest pipe invert. The trench width shall not exceed the above limits unless authorized by the Town.

All Excavated areas shall be properly shored and braced so that earth will not slide or settle and so that all surrounding property and structures of any kind will be duly protected from damage. Work shall be performed in accordance with all existing State and Federal safety requirements. If in the opinion of the Town the work area and procedures are unsafe, the Town representative shall have the right to notify the proper authorities. (i.e. OSHA)

**5.3.4. Bedding Material:** Pipe bedding shall consist of a foundation (6" minimum depth) and side-fill to the top of the pipe embedment zone (12" min. over top of pipe) and accessories extending for the full width between the undisturbed trench walls. The bedding material required beneath the pipe shall be placed, graded and compacted to the pipe sub-grade profile over the entire width between

undisturbed trench walls. The pipe shall be placed and adjusted to proper grade on this prepared bedding, then jointed, braced and blocked, as required. After pipe is graded into place, bedding material shall be placed simultaneously on both sides of the pipe and worked carefully into place without disturbing the pipe alignment or grade, to an elevation of 12" over the pipe.

PVC pipe shall be placed in accordance with latest Uni-Bell PVC Pipe Association Design and Construction Standards.

Backfill in the embedment zone for PVC pipe shall be machine placed bedding material, placed in 6 inch layers and compacted to 90% of relative density as determined by ASTM-D2049. Bedding material shall be crushed stone or gravel similar to MDOT Specification 703.06A Aggregate Base, conforming to following gradation:

Sieve Size	Percent Passing
1 1/2"	100
1/2	45-70
1/4"	30-55
No. 4	5-20
No. 200	0-5

Crushed stone without fine grained material will be allowed. Bedding Material – If crushed stone material is used for pipe bedding in roadway areas, filter fabric shall be placed over the full trench width and length just above the stone cover prior to placing backfill material.

Samples and a sieve analysis of the bedding material may be requested by the Town for approval prior to use.

Additionally, sieve analyses of randomly drawn samples of placed bedding material at a frequency of 1 per 2000 LF of pipe shall be provided if in the judgment of the Town, there is an apparent change in consistency of bedding material. All sampling and analyses specified herein shall be performed at no cost to the Town.

**5.3.5. Pipe Thickness and Field Strength:** Pipe thickness and field strength shall be calculated on the following criteria:

1. Safety factor: 1.9,
2. Load factor: 1.7,
3. Weight of soil: 120/cubic foot,
4. Wheel loading: 6,000 pounds.

Utilizing the above information, design shall then be made as outlined in Chapter IX of the Water Pollution Control Federation Manual of Practice No. 9, "Design and Construction of Sanitary and Storm Sewers," current edition.

**5.3.6. Manholes:** Manholes shall be constructed at all changes in slope or alignment or at intervals not exceeding 400 LF.

Components: Manhole components consist of: a pre-cast reinforced concrete base section with pre-cast invert channel and steps in either 2 foot or 4 foot lengths, 4 foot lengths will be required whenever the pipe diameter is greater than 18 inches; pre-cast concrete transition rings from one barrel diameter to another; a pre-cast reinforced concrete eccentric top section, with steps, in 4 foot lengths; pre-cast concrete transition rings from one barrel diameter to another; pre-cast reinforced concrete barrel sections, with steps, in 1 foot, 2 foot, 3 foot or 4 foot lengths; a boot type pipe to manhole seal; concrete riser rings in 2 inch, 3 inch or 6 inch thickness; and a metal frame and cover. No exterior face of the finished manhole above the base shall be inclined away from the vertical manhole centerline.



Concrete work shall be in accordance with applicable requirements of ACI 318 except as modified herein. Concrete shall be normal weight (i.e., produced using normal weight aggregate) having a minimum ultimate strength of 4,000 psi at 28 days. Maximum size of coarse aggregate shall be 3/4 inch. Cement shall be Type 1 conforming to ASTM C150. Reinforcement shall be Grade 40. The finished concrete shall be durable, dense and water-resistant, free from honeycombs, voids, cracks, pop-outs, scaling and dusting. All components shall be designed to accept H-20 loading. Four concrete compression test specimens shall be made from the working mix and broken for each 100 vertical feet of manhole sections. All testing shall be done in conformance with applicable ASTM requirements for sampling and testing concrete. Certified copies of the test results shall be submitted to the Town.

Each section of the pre-cast manholes shall have cast in place pins for the purpose of lifting, handling and setting.

The boot type pipe to manhole seal shall be of molded neoprene compound conforming to ASTM C443, with 3/8 inch wall thickness throughout. A series of beads shall be molded into the boot surfaces that contact the manhole part and pipe barrel to fill surface irregularities when clamped in place. Boot attachment bands and draw bolts shall be corrosion resistant non-magnetic stainless steel.

Manhole steps shall be copolymer polypropylene type designed for a minimum concentrated live load of 300 pounds and meeting ASTM 2146 Polypropylene, BOWCO step and socket system or approved equal, spaced vertically 12 inches on center. Irregular or non-vertical spacing of steps shall be cause for rejection.

Pre-cast concrete manhole sections shall be of lapped joint construction. All joints shall be triple sealed with:

1. Flexible butyl resin sealant on the inner lap conforming to Federal Specification SS-S-210A and AASHTO M-1983. Minimum acceptable product application range shall be 10°F to 130°F.
2. Flexible strip consisting of butyl rubber-hydrocarbon (24+/-1%) and sodium bentonite (75+/-1%) sealant on the outer lap. Minimum acceptable product application range shall be 5°F to 125°F.
3. Flexible 9 inch wide wrap consisting of 0.045 inch EPDM rubber backing supporting a 0.035 inch thick self-bonding butyl compound applied to the exterior face of the manhole and centered on the joint.

All sealing compounds shall be applied to clean, dry, primed surfaces in accordance with manufacturer's instructions. All joint sealants shall be fully applied prior to vacuum testing.

Precast concrete grade rings will not be accepted. Brick and mortar (containing sand, portland cement and lime, no pre-mixed mortar) will be used for final finish grade adjustment. Finish grade adjustment with bricks and mortar shall not exceed 14 inches (not including frame height). If more than 14 inches is needed to adjust to finish grade, an additional manhole barrel section shall be used. Cast iron manhole frames and covers shall be cast of material conforming to the requirements of ASTM A48 and be of uniform quality, free from blow-holes, porosity, hard spots, shrinkage distortion or other defects. They shall be smooth and well-cleaned by shot-blasting or other approved method. They shall be of heavy duty construction weighing not less than 300 pounds and machined on both vertical and horizontal seating surfaces. Covers shall be of checkered top design embossed with the word "SEWER" in 2 inch letters. Frames shall have a minimum clear opening of 23 3/4 inches.

Locking or watertight frames and covers shall conform to the above. In addition, covers shall be gasketed and attached with four brass or stainless steel bolts.

Brick for manhole inverts shall meet Standard Specifications for Sewer Brick, AASHTO Designation M91-42, Grade SA, Size No. 1, wire cut. Mortar shall be a mixture of sand, cement and lime

consisting of one part lime, three parts cement and six parts clean, well-graded hard, durable sand, and water. The amount of water shall be held to the minimum that yields a workable mortar.

**5.3.7. Shop Drawings:** Prior to issuance of the construction permit, shop drawings for all materials and components to be incorporated in the work shall be submitted for review and approval of the Town. No portion of the work shall be commenced unless and until shop drawings for materials and components to be incorporated in the work have been approved.

Shop drawings shall consist of manufacturer's standard product literature and technical data sheets which clearly demonstrate the proposed materials and components to be in full compliance with the requirements of this Ordinance.

Five sets of shop drawings shall be submitted to the Town for review and approval. Upon completion of review two copies will be retained by the Town and the remaining three sets shall be returned to the developer. The developer shall maintain one complete set of approved shop drawings at the job site throughout the construction.

All shop drawings must be reviewed and approved or disapproved by the Town within four weeks of receipt of same. Shop drawings held longer than four weeks shall be considered approved as submitted.

**5.3.8. Flushing:** All completed sewer lines, manholes and appurtenances shall be flushed and cleaned to remove grit and other debris. Care shall be taken to ensure that grit and debris are contained and removed from the line. Under no circumstances shall grit and debris from installation be permitted to enter Town sewers. Flushing shall be performed at no expense to the Town. Mandrel or CCTV shall be used immediately following flushing as specified below.

**Section 5.4. Testing:** All public sewers shall conform to the requirement of the following tests before they will be approved and sewage flow accepted from them by the Town. Final testing and retesting as stipulated below shall be performed in the presence of the Town and at no expense to the Town. Results of tests performed in the absence of the Town will not be accepted.

**5.4.1. Vacuum Testing of Manholes:** Each manhole shall be tested immediately after assembly or modification, and prior to backfilling. All lift holes shall be plugged with an approved non-shrink epoxy grout. All pipes entering the manhole shall be plugged, taking care to securely brace the plug from being drawn into the manhole. The test head shall be placed at the inside of the top of the cone section and the seal inflated in accordance with the manufacturer's recommendations. A vacuum of 10 inches of mercury shall be drawn and the vacuum pump shut off. With the valves closed, the time shall be measured for the vacuum to drop to 9 inches. The manhole shall pass if the time is greater than 60 seconds for 48 inch diameter, 75 seconds for 60 inch diameter and 90 seconds for 72 inch diameter manholes. If the manhole fails the initial test it shall be repaired and retested until it passes.

**5.4.2. Pneumatic Pipe Test:** All newly installed, repaired or modified sewers shall pass a pneumatic test prior to acceptance by the Town. Pneumatic testing shall be administered after installation and capping of house service fittings and leads at their upper termination, and after completing backfill of the gravity sewer trench.

Pneumatic testing shall be performed using equipment and procedures outlined herein.

Equipment used shall meet the following minimum requirements:

1. Pneumatic plugs shall have a sealing length equal to or greater than the diameter of the pipe to be inspected.
2. Pneumatic plugs shall resist internal test pressures without requiring external bracing or blocking.
3. All air used shall pass through a single control panel.

4. Three individual hoses shall be used for the following connections:
  - a. From control panel to pneumatic plugs for inflation.
  - b. From control panel to sealed line for introducing the low pressure air.
  - c. From sealed line to control panel for continually monitoring the air pressure rise in the sealed line.
5. Internal pipe pressure gauge shall have a psi range from 0 to 25 max.

All pneumatic plugs shall be seal tested before being used in the actual test installation. One length of pipe shall be laid on the ground and sealed at both ends with pneumatic plugs to be checked. Air shall be introduced into the plugs to 25 psig. The sealed pipe shall be pressurized to 5 psig. The plugs shall hold against this pressure without bracing and without movement of the plugs out of the pipe.

After a manhole to manhole reach of pipe has been backfilled and cleaned, and the pneumatic plugs are checked by the above procedure, the plugs shall be placed in the line at each manhole and inflated to 25 psig. Low pressure air shall be introduced into this sealed line until the internal air pressure reaches 4 psig greater than the average back pressure of any groundwater that may be over the pipe. At least two minutes shall be allowed for the air pressure to stabilize.

After the stabilization period (3.5 psig minimum pressure in the pipe), the air hose from the control panel to the air supply shall be disconnected. The portion of line being tested shall be termed "acceptable" if the time required in minutes for the pressure to decrease from 3.5 to 2.5 psig (greater than the average back pressure of any groundwater that may be over the pipe) shall not be less than the time shown for the given diameters in the following table:

Pipe Diameter in Inches	Minutes
4	2.0
6	3.0
8	4.0
10	5.0
12	5.5
15	7.5
18	8.5
21	10.0
24	11.5

In areas where groundwater is known to exist, a 1/2 inch diameter capped pipe nipple, approximately 10 inches long, shall be installed through the manhole wall on top of one of the sewer lines entering the manhole. This shall be done at the time the sewer line is installed. Immediately prior to the performance of the Line Acceptance Test, the groundwater shall be determined by removing the pipe cap, blowing air through the pipe nipple into the ground so as to clear it, and then connecting a clear plastic tube to the nipple. The hose shall be held vertically and a measurement of the height in feet shall be divided by 2.3 to establish the pounds of pressure that will be added to all readings. (For example, if the height of water is 11 1/2 feet, then the added pressure will be 5 psig, and the 2.5 psig increased to 7.5 psig. The allowable drop of one pound and the timing remain the same).

If the installation fails the pneumatic test, the source of leakage shall be determined and eliminated by repair or replacement at no expense to the Town.

**5.4.3. Deflection Test:** An in-place deflection test shall be performed on all PVC gravity pipe by drawing a gauge plug (mandrel) through each section of sewer. Equipment used shall meet the following minimum requirements.

1. The gauge plug shall be constructed of durable, abrasion resistant material in a cylindrical shape. The full diameter barrel length to pipe diameter ratio shall not be less than 1.5 and the minimum barrel diameter shall be 5% less than the un-deflected base inside diameter of the pipe being tested. Each end of the cylinder shall be radiused at not less than one-fourth of

the pipe diameter being tested. Each gauge shall have a 1/4 inch tie rod drilled through the entire unit. Tie rod terminations shall be closed eyes. Upon prior approval of the Public Works Director and under certain conditions only, (pipe grade 1% min. more than minimum slope, pipe installation was inspected and properly installed, etc), if the 5% mandrel does not pass, the 7-1/2% mandrel may be used. In no condition shall the 7-1/2% mandrel be acceptable unless prior authorization by the Public Works Director is given.

2. Pull cord shall be attached to the gauge eyes with safety snaps. This cord shall be high quality material with a minimum test strength of 250 pounds. Cord on each side of the gauge shall be of sufficient length to span the maximum distance between any two adjacent manholes at the project site. This cord shall be marked in such a way that the user can determine the location of any constrictions found in the line as the test is being performed. The gauge plug and pull cord shall be submitted to the Town Manager for approval prior to use.

The deflection test shall be performed after the trench has been completely backfilled and compacted, and adequate settlement of the area around the trench has occurred (not less than 30 days following installation of the pipe).

To perform this test, the gauge is inserted into the pipe at the upstream manhole and slowly drawn through the line to the downstream manhole. When a constriction is encountered the cord shall be pulled with a force not to exceed 100 pounds, until it can go no further. Location of the constriction shall be noted, the spindle shall be withdrawn to the upstream manhole, and the section of pipe shall be excavated to correct the problem. When the area around the new pipe section has adequately settled, the deflection test shall be performed again along the entire section where the constriction occurred.

**5.4.4 Video Testing:** Video Testing may be acceptable to the Town in Lieu of pressure testing if the newly installed sewer has active house services connected to the public sewer. This option is at the discretion of the Town.

Testing shall consist of passing a video camera completely through the interior of the new sewer from the upstream manhole to the downstream manhole, while recording and viewing the results. The video camera shall be self powered and capable of rotating its lens to look into service connections. A Written report noting any deficient area will be given to the Town upon completion of the test with (2) electronic copies of the video. Video testing shall be done by a competent firm approved by the Town.

A Town representative shall be present at the time of testing.

**Section 5.5. Transfer of Ownership to the Town:** All extensions of public sewerage shall become the property of the Town through the following procedures initiated by the Developer:

The developer shall:

1. Request written approval from the Town indicating that all sewer improvements have been completed as specified herein to their satisfaction.
2. Indicate in writing to the Manager that said improvements will be guaranteed against defects in materials or workmanship for a period of 12 months from the time of acceptance by the Town.
3. Indicate in writing to the Manager that said sewer improvements are free and clear of any liens, all right-of-ways have been deeded to the Town as shown on the approved subdivision plans.
4. Petition the Manager in writing to go before the Council to request acceptance of the sewer line.

After all the above items have been completed by the developer, the manager may then schedule the item for review by the Town Council. The Town Council shall be the ruling authority on acceptance.

**Section 5.6. Privately Owned Sewer Extension:** Privately owned sewer extensions of the public sewer will be permitted with the following additional conditions:

**5.6.1** Privately owned sewer extensions (associated with subdivisions or site plans) of the public sewer may be permitted with prior approval by the Hermon Planning Board. All other privately owned sewer extensions shall be approved by the Director of Public Works. If peer review is needed, the Director of Public Works can solicit third party review at the expense of the applicant. Said sewer shall be constructed in strict compliance with this ordinance and be inspected by the Hermon Public Works Director or his/her designee during construction. All compliance with State, local and federal regulations, maintenance and repair shall be the responsibility of the owner.

**Section 5.7. Requirements for Building Permits:** No builder or developer shall be issued a building permit for new dwelling or structure requiring sanitary facilities within the Town, unless a suitable and approved method of waste disposal has been constructed and is available for service.

## **ARTICLE 6 USE OF PUBLIC SEWERS**

**Section 6.1. Unlawful Deposits and Discharges; Use of Public Sewers Required:**

- A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town, or in any area under the jurisdiction of the Town, any human or animal excrement, garbage or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of the Town, any wastewaters, except where suitable treatment has been provided in accordance with this Ordinance.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of domestic sewage.
- D. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the Town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Town is hereby required, at the owner's expense, to install suitable plumbing facilities therein, including but not limited to toilets, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet (30.5 meters) of the property line.

**Section 6.2. Storm Sewers:** Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet, as approved in writing by the Town Manager or his/her designee. All other discharges may be granted only with written approval of the Town Manager or his/her designee.

**Section 6.3. General Sewer Use Requirements:**

**6.3.1** General prohibitions. No discharger or 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 federal, state or local pretreatment standards or requirements. The provisions of this section shall apply to wastewater originating in the Town of Hermon, which is introduced to the Town's POTW.

**6.3.2.** Specific prohibitions. No discharger or 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 waste streams with a closed-cup 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 5.0 or more than 12.0 or otherwise causing corrosive structural damage to the POTW or equipment. Any pH above 12.5 is considered hazardous under 40 CFR 261.22.

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case shall solids greater than three inches or 7.6 centimeters in any dimension be introduced to the POTW.

(4) Pollutants, including oxygen-demanding pollutants (BOD, COD, 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 greater than 150° F. (65° C.) or which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater which causes the temperature of the treatment plant influent of the POTW to exceed 104° F. (40° C.).

(6) Petroleum oil, non-biodegradable 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.

(8) Trucked or hauled pollutants, except at discharge points designated by the Town pursuant to Section 3.6 of this ordinance.

(9) Noxious or malodorous liquids, gases, solids or other wastewater which, either singly or by interaction with other wastes, is sufficient to create a public nuisance or a hazard to life or prevent entry into the sewers for maintenance or repair.

(10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's MEPDES permit.

(11) Stormwater, groundwater, roof runoff, subsurface drainage or any water from downspouts, yard drains, fountains and ponds, swimming pool drainage, sump pumps, septic tanks, lawn sprays or geothermal-type heating or cooling systems, unless such drainage from such sources is discharged into drains specifically designated for such purposes by the Town. Industrial cooling water may be discharged only after written approval and to a receptor site designated by the Town. Such industrial cooling water discharges shall comply with the requirements of 38 M.R.S.A. § 413 and be approved by the Pretreatment Coordinator.

(12) Sludges, screenings or other residues or by-products from the pretreatment of industrial wastes.

(13) Wastewater containing any radioactive wastes or isotopes, except as specifically approved by the Town. Such approval shall only be given upon certification by the discharger or user that applicable federal and state regulations concerning such wastewater have been complied with before such a discharge. Radioactive waste includes, but is not limited to, any substance required by the United States Department of Transportation to have Type A or B packaging, pursuant to 49 CFR 173.426.

(14) Medical wastes, except as specifically authorized by the Town in a wastewater discharge permit.

(15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.

(16) Fats, oil or greases of animal or vegetable origin or oil and grease and other petroleum or mineral oil products in concentrations greater than 200 mg/l.

(17) Toxic pollutants or any other toxic substances hereinafter determined by the Town not to be amenable to treatment or reduction by the wastewater treatment processes of the Town or which might interfere with the effectiveness of the POTW's processes or which might limit the potential end uses of the POTW's sludges.

(18) Any substance or material prohibited under 40 CFR 403, in particular 403.5(a) and (b). Also any other substance or material the discharge of which results in a violation by the Town of the regulations, now or herein after existing, of any public entity, including the EPA, or results in a violation of the City's MEPDES permit.

(19) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solids or gases.

(20) Any garbage except properly shredded garbage.

(21) Any hazardous waste.

#### **6.3.3 Action by Town outflow metering.**

(1) If any wastewater or other wastes are discharged or proposed to be discharged to the public sewers, which wastewaters or other wastes contain the substances or possess the characteristics enumerated in this section and which in the judgment of the Town may have a deleterious effect upon the Town's POTW processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Town may:

(a) Reject the wastewater or other wastes;

(b) Require pretreatment to an acceptable condition for discharge to the POTW;

(c) Require control over the quantities and rates of discharge;

(d) Require payment to cover the added cost of handling and treating the wastes; and/or

(e) Take any appropriate enforcement action against an industrial user or user which violates the prohibitions of this section.

(2) If the Town permits the pretreatment or flow equalization of waste flows, the design and installation of the plant and equipment for such pretreatment or flow equalization shall be subject to the review and approval of the Town and subject to the requirements of all applicable Town, state and federal codes, ordinances and laws. The Town's approval, if granted, shall not be deemed to relieve the discharger of its responsibility to comply with its wastewater discharge permit requirements and shall not constitute an acceptance of the adequacy of the pretreatment process equipment selected. Where preliminary treatment or flow-equalizing facilities are provided for any wastewater or other wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

#### **(3) Outflow metering.**

(a) Whenever the Town has reason to believe that a particular discharger is discharging unmetered flows into the Town's POTW or public sewers in the form of storm runoff, groundwater, roof runoff or subsurface drainage or from any other source listed in Subsection 6.3.2(11) of this section or otherwise and that the volume of such flows, on a percentage basis, exceeds the Town-wide average for such flows, the Town may install, or require the discharger to install, an outflow metering device and may thereafter charge the discharger the Town's cost, if any, of installing the outflow metering device and the Town's cost of treating such flows as provided in the Town's approved schedule of sewer fees. All charges imposed by the Town under this Subsection 6.3.3(3) shall be collected in the same manner as other sewer fees established under 30-A M.R.S.A. § 5405.

(b) Prior to imposing charges under this Subsection, the Town shall give the discharger written notice of a show cause hearing, as provided in Section 6.10.4 of this Ordinance. At the show cause hearing, the discharger shall be afforded an opportunity to show that its discharges into the Town's POTW or public sewers do not include excessive unmetered flows or that such flows were caused by an upset or unavoidable malfunction. For this purpose, the term "unavoidable malfunction" shall be defined as provided in 38 M.R.S.A. § 359, Subsection 9. In the event of excessive unmetered flows caused by an unavoidable malfunction, the Town shall issue an order directing correction of the malfunction within 90 days of the order date. This period may be extended for an additional period of up to 90 days if the malfunction cannot be corrected within the original ninety-day period due to winter weather conditions. If the malfunction remains uncorrected upon expiration of the specified period, the Town shall impose the additional charges provided in this Subsection retroactively to the date of the Town's order.

(c) Imposition of additional charges as provided in this Subsection 6.3.3(3) shall not bar or be a prerequisite for other enforcement action under Sections 6.10, 6.11 or 6.12 of this Ordinance.

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

**6.3.5** No discharger or user shall increase the use of potable or process water, in any way, for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Ordinance. Pollutants, substances or wastewater prohibited by this section shall not be processed or stored in a manner that would allow it to be discharged to the POTW.

**6.3.6 Federal Categorical Pretreatment Standards.** The categorical pretreatment standards found at Title 40 of the Code of Federal Regulations, Chapter I, Subchapter N, Parts 405 through 471, are incorporated herein by reference. These standards must be adhered to by dischargers to, or users of, the POTW.

(1) When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, an industrial user may request that the Town convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Town. The Town may establish equivalent mass limits only if the industrial user meets all the conditions set forth in Subsection 6.2.6(a) through (c) below.

(a) To be eligible for equivalent mass limits, the industrial user must:

[1] Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;

[2] Currently use control and treatment technologies adequate to achieve compliance with the applicable pretreatment standard and not have used dilution as a substitute for treatment;

[3] Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;

[4] Not have daily flow rates, production levels, or pollution levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and



[5] Have consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.

(b) An industrial user subject to equivalent mass limits must:

[1] Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

[2] Continue to record the facility's flow rates through the use of a continuous flow monitoring device;

[3] Continue to record the facility's production rates and notify the Town whenever production rates are expected to vary by more than 20% from its baseline production rates determined in Section 6.2.6. Upon notification of a revised production rate, the Town will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

[4] Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to Subsection 6.3.6 (1)(a)[1] so long as it discharges under an equivalent mass limit.

(c) When developing equivalent mass limit, the Town:

[1] Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the industrial user by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;

[2] Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

[3] May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 6.3.5. The industrial user must also be in compliance Section 6.13.3 regarding the prohibition of bypass.

(2) Once included in its permit, the industrial user must comply with the equivalent limitations developed as per this section in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

(3) Any industrial user operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the Town within two business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the Town of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate.

#### **6.3.7. Local limits.**

(1) Limits for certain pollutants will be established to protect against pass-through or interference. No person shall discharge wastewater containing in excess of the instantaneous maximum allowable discharge limits as identified on the user's wastewater discharge permit. All discharge local limits shall be technically based and approved by the DEP.

(2) Local limits may be set for the following pollutants: arsenic, barium, cadmium, chromium, copper, cyanide, lead, mercury, nickel, fats, oils or other greases of animal or vegetable origin or oil and grease and other petroleum or mineral oil products, silver, TTO and zinc. This list may be amended or local limits may be developed for any other pollutants deemed appropriate, including pollutants that can cause pass-through, interference, worker health and safety problems, fume toxicity, etc. The Town will provide advanced written notice of new local limits to users prior to initiating enforcement actions.

(3) The discharge local limits must be met at the point where the user's wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless otherwise indicated on the wastewater discharge permit. The Town may impose mass limitations in addition to or in place of concentration-based limitations.

(4) The Town may develop best management practices (BMPs) and mass-based limits by ordinance or in individual wastewater discharge permits, to implement local limits and any other general discharge prohibitions as regulated in Section 6.2.

**6.3.8. Town's right of revision.** The Town reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

**6.3.9. Special agreement.** The Town reserves the right to enter into special agreements with users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. A user may also request a variance from the categorical pretreatment standard from the approval authority. Such a request will be approved only if the user can prove that the factors relating to its discharge are fundamentally different from the factors considered by the EPA when establishing that categorical pretreatment standard. A user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13. The Town is authorized to set appropriate fees or other charges for such agreements.

**6.3.10. Pretreatment facilities.** Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in this Ordinance within the time limitations specified by the EPA, the state or the Town, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the Town shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Town for review and shall be approved by the Town before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the Town's POTW under the provisions of this Ordinance.

**6.3.11. Accidental discharge/slug control plans.** The Town may require any user to develop and implement an accidental discharge/slug control plan. At least once every two years the Town shall evaluate whether each significant industrial user needs such a plan. Any user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:

(1) Description of discharge practices, including non routine batch discharges;

(2) Description of stored chemicals;

(3) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in this section of this Ordinance; and

(4) 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 6.4. Wastewater Surveys.**

**6.4.1.** It shall be unlawful to discharge wastewater to any public or private sewer within the Town of Hermon where such discharged wastewater reaches the Town's POTW without having first complied with the provisions of this Ordinance.

**6.4.2.** When requested by the Town, all users must complete a wastewater survey form, on a form supplied by the Town, which contains information on the nature and characteristics of their wastewater. This form must be submitted to the Town prior to discharge of the user's wastewater into the Town's POTW. The Town is authorized to prepare a form for this purpose and may periodically require users to update the survey. Failure to complete this wastewater survey form shall be reasonable grounds for terminating service to the user and shall be considered a violation of this Ordinance. Existing industrial dischargers shall file wastewater survey forms within 30 days after being notified by the Town and proposed new dischargers shall file such forms at least 90 days prior to connecting to the POTW. The information to be supplied to the Town by the user shall include, but not be limited to, the following information:

- (1) The name, address and location of the user and the number of employees.
- (2) The SIC of the user.
- (3) The known or suspected to be present wastewater constituents and characteristics, including but not limited to those mentioned in this Ordinance. Any sampling and analysis that is required by the Town shall be performed in accordance with standard methods and/or those contained in 40 CFR 136. The costs of all such sampling, analysis and reporting shall be fully borne by the user.
- (4) The time and duration of discharges.
- (5) The average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be as actually measured unless other verifiable techniques are approved by the Town due to cost or non-feasibility.
- (6) The site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation adjacent to or at the user's premises.
- (7) The activities, facilities and plant process on the premises, including all materials which are or may be discharged to the POTW.
- (8) The nature and concentration of any known or suspected pollutants or materials prohibited by this Ordinance from being included in the discharge, together with a statement regarding whether or not compliance is being achieved with this Ordinance on a consistent basis and, if not, whether additional O&M activities and/or additional pretreatment is required for the user to comply with this Ordinance.
- (9) The identification of each product produced by the user by type, amount, process or processes and rate of production.
- (10) The type and amount of raw materials utilized, average and maximum per day, by the user.

**6.4.3.** All disclosure forms and any periodic reports submitted by a user shall be signed by the principal executive officer of the user and shall contain the following certification: "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 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."

**6.4.4.** The Town will evaluate the completed wastewater survey forms and material safety data sheets furnished by the user and may require the user to furnish additional information. The user shall provide all requested additional information within 15 days after receiving notification from the Town that additional information is required. After full evaluation and acceptance of all submitted data, the Town shall make the determination as to whether the user is subject to EPA pretreatment requirements. If the Town determines that the user is subject to EPA pretreatment requirements, the Town shall require the user to apply for a wastewater discharge permit as required by Section 6.5 of this Ordinance. The user shall make application for a wastewater discharge permit, on a form provided by the Town, within 30 days after having received notification from the Town to do so. The user shall provide, with the permit application, at the user's own expense, the results of all sampling and analysis of the user's wastewater effluent as the Town may be required to accompany the permit application. If so requested by the Town, the user shall collect all required samples in the presence of the Town.

## **Section 6.5. Wastewater Discharge Permits.**

**6.5.1.** Every new or existing user of the Town's POTW or wastewater plant which is determined to be a categorical user or significant industrial user as defined in Section 1.1 of this Ordinance, is required to obtain a wastewater discharge permit from the Town.

**6.5.2.** The Town may prescribe special license, disclosure and reporting requirements for nonindustrial users of high-strength conventional waste distinct from the requirements imposed on industrial users under this section. Such requirements shall not be more burdensome than the requirements imposed on industrial users by this section.

**6.5.3.** Wastewater discharge permits shall be subject to all provisions of this Ordinance and all other regulations, user charges and fees established by the Town. The conditions of wastewater discharge permits shall be enforced in accordance with this Ordinance and applicable state and federal regulations.

**6.5.4.** Wastewater discharge permits may impose effluent restrictions or limits on the user if the Town determines that such limits are necessary to protect the quality of the treatment plant influent, effluent or sludge or to maintain compliance with any applicable federal or state law, including requirements under the Town's NPDES permit and national categorical pretreatment standards for new and existing sources set out in Title 40 of the Code of Federal Regulations, Chapter I, Subchapter N, Parts 401 through 471.

**6.5.5.** The Town will evaluate the data furnished by the user and may require additional information to complete the user's wastewater discharge permit application. Within 14 days of receipt of a complete wastewater discharge permit application, the Town will determine whether a wastewater discharge permit is required and, if so, whether a wastewater discharge permit should be issued. The Town may deny any application for a wastewater discharge permit. The Town shall notify the user, in writing, of the decision on the wastewater discharge permit application.

**6.5.6.** Wastewater discharge permits shall be issued for a specified time period, not to exceed five years. Each wastewater discharge permit shall indicate a specific date upon which it will expire.

**6.5.7.** Wastewater discharge permits are issued to a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner or a new user, different premises or a new or changed operation. To facilitate the issuance of new, separate permits, the Town may allow new owners or individuals to operate under an existing wastewater discharge permit for a period not to exceed 90 days.

**6.5.8.** Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Town to prevent pass-through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal and protect against damage to the POTW.

(1) Wastewater discharge permits shall contain the following conditions:

- (a) A statement that indicates the wastewater discharge permit duration.
- (b) A statement that indicates that the wastewater discharge permit is nontransferable pursuant to Section 6.5.7 of this section and a provision requiring any new owner or operator to be furnished with a copy of the existing wastewater discharge permit by the prior user.
- (c) Pretreatment standards and effluent limits based on the general and specific prohibited discharge standards, categorical pretreatment standards, local limits, including best management practices and mass-based limitations, and all applicable law.
- (d) Self-monitoring, sampling, reporting, notification and recordkeeping requirements. These requirements shall include a sampling frequency and sample type based on federal, state and local law.
- (e) A statement of applicable penalties for violation of pretreatment standards and requirements and any required compliance schedule. Such schedule may not extend the time for compliance beyond that required by federal, state or local law.
- (f) Other specific conditions the Town deems necessary to ensure compliance with this Ordinance and federal and state regulations and statutes.

(2) Wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (a) Limits on the average and/or maximum rate of discharge, time of discharge and/or requirements for flow regulation and flow equalization.
- (b) Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass or other measure of identified wastewater pollutants or properties.
- (c) Requirements for the installation of pretreatment technology, pollution control or construction of appropriate containment devices, any of which would be designed to reduce, eliminate or prevent the introduction of pollutants into the POTW.
- (d) Requirements for the development and implementation of spill and/or slug control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated or routine discharge.
- (e) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW by the user.
- (f) The unit charge or schedule of user charges and fees for the management of the user's wastewater discharged to the POTW.

(g) Requirements for the installation and maintenance of inspection and sampling facilities and equipment.

(h) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit.

(i) Identification by the user of the location of the user's outfall to the POTW.

(j) Other specific conditions the Town deems necessary to ensure compliance with this Ordinance and federal and state regulations and statutes.

**6.5.9.** Any aggrieved person, including the user, may file a petition with the Town, in writing, to reconsider the terms of a wastewater discharge permit or the denial of a wastewater discharge permit application within 15 days of the permit's issuance or notification of the Town's denial.

(1) Failure to submit a timely petition for review shall be deemed to be a waiver of any administrative appeal.

(2) In its petition, the petitioner must indicate the wastewater discharge permit provisions objected to, the reasons for this objection and the alternative condition, if any, it seeks to place in the wastewater discharge permit. A petitioner seeking review of a permit denial must specifically allege reasons why a permit should be issued, along with conditions of issuance that the petitioner believes should satisfy any concerns the Town may have about the suitability of the user's wastewater for discharge to the Town's POTW.

(3) The requirements or conditions of any wastewater discharge permit shall not be stayed by the Town pending the outcome of the administrative appeal.

(4) Upon receipt of the petition, the Town may act to grant the petitioner's request. Said action must take place within 14 days of receipt of the petition. If the Town refuses to grant the petitioner's request, however, the Town Manager shall notify, in writing, the Town Council.

(a) The Town Council shall schedule an administrative hearing, which shall be recorded within 30 days of notification by the Town Manager or as soon thereafter as may be arranged. The Town Council shall conduct the hearing so as to develop an adequate administrative record, and the Town Council may choose to limit the asking of questions to the members of the Town Council only. The petitioner will bear the burden of proof at the hearing and will present its case first.

(b) The Town Council shall issue its decision, in writing, within 45 days of the hearing. The Town Council's decision must be guided by the provisions of this Ordinance. Failure by the Town Council to issue a decision within that time period shall constitute a denial of the administrative appeal; however, the record of the administrative hearing, including any exhibits, shall be made a part of any further judicial reviews. Town Council decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, not to modify a wastewater discharge permit or to issue a modified wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

(5) Parties seeking judicial review of the final administrative action must do so by filing a complaint with the Penobscot County Superior Court pursuant to Maine Rules of Civil Procedure 80B.

**6.5.10. Modifications.**

(1) The Town may modify at any time the wastewater discharge 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 significant alterations or additions to the user's operation, processes or wastewater volume or character since the issuance of the wastewater discharge permit.
- (c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- (d) Information is received by the Town indicating that the permitted discharge poses a threat to the Town's POTW, Town personnel or the receiving waters.
- (e) Violation of any terms or conditions of the wastewater discharge permit.
- (f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater survey form, wastewater discharge permit application or in any other required reporting.
- (g) Revision of, or a grant of a variance from, categorical pretreatment standards pursuant to 40 CFR 403.13.
- (h) To correct typographical or other errors or omissions in the wastewater discharge permit.

(2) Challenges to any such modifications can be made pursuant to the provisions of Subsection I of this section.

**6.5.11.** Any user which violates any condition of its permit or of this Ordinance or of applicable state and federal statutes and regulations may have its permit revoked by the Town. Violations subjecting a user to possible revocation of its permit include, but are not limited to, the following:

- (1) Failure of a user to accurately report the wastewater constituents and characteristics of its discharge.
- (2) Failure of a user to report significant changes in operations or its wastewater constituents and characteristics.
- (3) Refusal of reasonable access by the Town to the user's premises during regular business hours for the purpose of inspection or monitoring.
- (4) Violations of the conditions of the permit.
- (5) Failure to provide advance notice of the transfer of the ownership of a permitted user.
- (6) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application, any required wastewater surveys or other required reporting.
- (7) Falsifying monitoring reports or tampering with monitoring equipment.
- (8) Failure to pay surcharges, user fees, permit fees, fines or other required payments.
- (9) Failure to meet the requirements of a compliance schedule.

**6.5.12.** Compliance schedules.

(1) Where additional pretreatment and/or O&M activities will be required to comply with this Ordinance, the user shall provide a declaration of the shortest schedule by which the user will provide such additional pretreatment and/or implementation of additional O&M activities.

(2) The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to comply with the requirements of this Ordinance, including but not limited to dates relating to hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction and all other acts necessary to achieve compliance with this Ordinance.

(3) Under no circumstances shall the Town permit a time increment for any single step directed toward compliance which exceeds nine months.

(4) No later than 14 days following each milestone date in the schedule and the final date for compliance, the user shall submit a progress report to the Town, including, at a minimum, a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the approved schedule. In no event shall more than nine months elapse between such progress reports to the Town.

#### **Section 6.6. Reporting Requirements:**

##### **6.6.1. Baseline monitoring reports.**

(1) Within either 180 days after the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall be required to submit to the Town a report which contains the information listed in Subsection 6.5.1(2) below. At least 90 days prior to commencement of their discharge, new sources and sources that become categorical users subsequent to the promulgation of an applicable categorical standard shall be required to submit to the Town a report which contains the information listed in Subsection 6.5.1(2) below. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

(2) Users described in Subsection 6.6.1(1) above shall submit the information set forth below:

(a) The name and address of the facility, including the name of the operator and owner.

(b) A list of any environmental control permits held by or for the facility.

(c) A brief description of the nature, average rate of production and SIC of the operations carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(d) 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 waste stream formula set out in 40 CFR 403.6(e).

(e) Categorical pretreatment standards; sampling results.

[1] The categorical pretreatment standards applicable to each regulated process.

[2] The results of sampling and analysis identifying the nature and concentration and/or mass, where required by the standard or by the Town, 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 sampled and analyzed in accordance with the provisions of Sections 6.6.9 and 6.6.10 of this section.

(f) A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional O&M and/or pretreatment is required to meet the pretreatment standards and requirements.

(g) 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 set out in Section 6.5.12 of this Ordinance.

(h) All baseline monitoring reports must be signed and certified in accordance with Section 6.4.3 of this Ordinance.

**6.6.2. Compliance schedule progress report.** The requirements imposed by Section 6.5.12 of this Ordinance shall apply to the compliance schedule required by Subsection 6.6.1(2)(g) of this section.

**6.6.3. Report on compliance with categorical pretreatment standard deadline.** Within 90 days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Town a report containing the information described in Subsection 6.6(2)(d) through (f) of this section. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production or other measure of operation, this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6.4.3 of this Ordinance.

**6.6.4. Periodic compliance reports.**

(1) All significant industrial users shall, at a frequency determined by the Town, but in no case less than twice per year in June and December, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the user must submit documentation required by the Town or the pretreatment standard necessary to determine the compliance status of the user. All periodic compliance reports must be signed and certified in accordance with Section 6.4.3 of this Ordinance.

(2) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(3) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the POTW, using the analytical requirements and sampling procedures prescribed in Sections 6.6.9 and 6.6.10 of this section, the results of this monitoring shall be included in the report.

**6.6.5. Report of changed conditions.** Each user must notify the Town of any planned significant changes to the user's operations or process systems which might alter the nature, quality or volume of its wastewater at least 60 days before the change.

- (1) The Town may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 6.5 of this Ordinance.
- (2) The Town may issue a wastewater discharge permit under Section 6.5 of this Ordinance or modify an existing wastewater discharge permit under Section 6.5.10 of this Ordinance in response to changed conditions or anticipated changed conditions.
- (3) No user shall implement the planned changed conditions until and unless the Town has responded, in writing, to the user's notice.
- (4) For purposes of this subsection, significant changes include, but are not limited to, flow increases of 10% or greater and the discharge of any previously unreported pollutants.

**6.6.6. Reports of potential problems.**

- (1) In the case of any discharge, including but not limited to hazardous waste discharges, accidental discharges, discharges of a non-routine or episodic nature, a non-customary batch discharge or a slug load that may cause potential problems for the POTW, the user shall immediately notify the Town of the incident by telephone, email or other reliable means. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- (2) Within five days following such a discharge, the user shall 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 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.
- (3) 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 Subsection 6.5.6(1) above. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.
- (4) Significant industrial users are required to notify the Town immediately of any changes at their facility affecting the potential for a slug discharge.

**6.6.7. Notification of the discharge of hazardous waste.** In addition to all other requirements of this Ordinance, any user which discharges hazardous waste into the POTW shall notify the POTW, the EPA Regional Waste Management Division Director and Maine hazardous waste authorities, in writing, within five days of the discharge, of any such discharge. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, the type of discharge (continuous, batch or other) and the user's plan to avoid future discharges of the same or other hazardous waste. 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 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.

**6.6.8. Notice of violation/repeat sampling and reporting.** If sampling performed by a user or the POTW indicates a violation, the user must notify the Town within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Town within 30 days after becoming aware of the violation. The user is not required to resample if the POTW monitors at the user's facility at least once a month or if the POTW samples between the user's initial sampling and when the user receives the results of this sampling.

**6.6.9. Analytical requirements.** All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or a report required by this Ordinance shall be performed in accordance with the techniques prescribed in 40 CFR 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with appropriate procedures approved by the EPA.

**6.6.10. Sample collection.**

(1) Except as indicated in Subsection 6.6.10(2) below, the user must collect wastewater samples using twenty-four-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Town. Where time-proportional composite sampling or grab sampling is authorized by the Town, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Town, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(2) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides and volatile organic chemicals must be obtained using grab sample collection techniques.

(3) For sampling required in support of baseline monitoring and ninety-day compliance reports required in Sections 6.6.1 and 6.6.3 of this section and 40 CFR 403.12(b) and (d), a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical data are available, the Town may authorize a lower minimum. For the reports required by Section 6.6.4 of this section and 40 CFR 403.12(e) and 403.12(h), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

**6.6.11. Determination of noncompliance.** The Town will use appropriate sampling to determine noncompliance with pretreatment standards, including the use of standard methods.

**6.6.12. Timing.** Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall control.

**6.6.13. Recordkeeping.** Users subject to the reporting requirements of this Ordinance shall retain and make available for inspection and copying all records or information obtained pursuant to any monitoring activities, including documentation associated with BMPs, required by this Ordinance and any additional records or information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include, but not be limited to, the date, exact place, method and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall be retained by the user for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the POTW or where the user has been specifically notified of a longer retention period by the Town.

**6.6.14. State requirements.** State requirements and limitations on discharges to the POTW shall be met by all users which are subject to such requirements and limitations; provided, however, that such requirements and limitations are more stringent than the provisions of this Ordinance or federal law requirements or limitations.

**6.6.15. Reports from unpermitted users.** All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Town upon the request of the Town.

**6.6.16. Certification of permit applications, user reports and initial monitoring waiver.** The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with Section 6.4.4, users submitting baseline monitoring reports under Section 6.6.1, users submitting reports on compliance with the categorical pretreatment standard deadlines under Section 6.6.3, and users submitting periodic compliance reports required by Section 6.6.4. The following certification statement must be signed by an authorized representative as defined in Section 1.1:

"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 6.7. Compliance Monitoring; Right of Entry.**

**6.6.1. Inspection and sampling.** The Town/City shall have the right to enter the facilities of any user to ascertain whether the purpose of this Ordinance, and any permit or order issued hereunder, is being met and whether the user is complying with all requirements thereof. All users shall allow the Town ready access to all parts of the premises for the purpose of inspection, sampling, records examination and copying and the performance of any additional duties as the Town Manager deems necessary.

(1) Each user shall provide and operate, at its own expense, a monitoring facility to allow inspection, sampling and flow measurement of the user's wastewater discharge to the POTW.

(2) Where a user has security measures in force which 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, the Town will be permitted to enter without delay for the purposes of performing specific responsibilities, such as compliance monitoring.

(3) The Town shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations. The user shall bear the costs of such setup or installation.

(4) The Town shall require the user to install monitoring equipment as the Town deems necessary. The user's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated quarterly (four times per year) to ensure their accuracy.

(5) Any temporary or permanent obstruction to the safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Town and the obstruction shall not be replaced. The costs of clearing such access shall be borne by the user.

(6) Unreasonable delays in allowing the Town access to the user's premises shall be a violation of this Ordinance.

(7) In the event that the user is in or has previously been in noncompliance with this Ordinance or with the user's wastewater discharge permit, the user shall be required to pay the full cost of all additional sampling and analysis that the Town may conduct to determine the user's compliance with this Ordinance.

(8) All monitoring facilities shall be constructed and maintained in accordance with all applicable construction codes, standards or specifications. Construction, if required, shall be completed within 120 days of receipt of the wastewater discharge permit by the user.

**6.7.2. Administrative inspection warrants.** If the Town has been refused access to any building, structure or property, or any part thereof, for the purpose of inspecting, sampling or otherwise monitoring compliance with this Ordinance, the Town shall seek to secure an administrative inspection warrant pursuant to Maine Rules of Civil Procedure 80E. The warrant, if issued by the District Court, shall be executed pursuant to Maine Rules of Civil Procedure 80E, and the Town shall be accompanied by a uniformed Town police officer during said execution.

#### **Section 6.8. Confidential Information.**

Information and data on a user obtained from reports, surveys, wastewater discharge permit and monitoring programs and from the Town's inspection and sampling activities shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Town, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the user under applicable state law. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose such confidential information shall not be made available for inspection by the public but shall be made available immediately upon request to state and federal governmental agencies for uses related to the MEPDES program or pretreatment program and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined by 40 CFR 2.302, will not be recognized as confidential information and will be available to the public without restriction.

#### **Section 6.9. Publication of Users in Significant Noncompliance.**

The Town shall publish annually, in a newspaper of general circulation that provides a meaningful public notice within the jurisdiction served by the POTW, a list of the users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" as defined in Section 1.1 shall be applicable to all significant industrial users (or any other industrial user) as defined in Section 1.1 of this Ordinance.

#### **Section 6.10 Administrative Enforcement Remedies.**

6.10.1. At the time of enactment of this Ordinance, the Town will have developed an enforcement response plan (ERP) which outlines the Town's general procedure for the enforcement of this Ordinance. The ERP shall be initially adopted by Town Council order and may be subsequently amended by order. The Town will follow the ERP to the greatest extent possible when contemplating compliance with and enforcement of this Ordinance; however, nothing in the ERP or this Ordinance will preclude or otherwise limit the Town from taking any action, including emergency actions or other enforcement actions, prior to undertaking any initial enforcement procedure in the ERP, including issuance of a notice of violation (NOV).

6.10.2. Notice of violation (NOV). When the Town finds that a user has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Town may serve upon that user a written NOV. Within 30 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, which must include specific required actions, shall be submitted by the user to the Town. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the NOV.

6.10.3. Consent orders. The Town may enter into consent orders, assurances of voluntary compliance or other 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 6.10.5 and 6.10.6 of this section and shall include language which make them judicially enforceable. Such orders may require the payment of administrative fines pursuant to Section 6.10.7 of this section.

6.10.4. Show cause hearing. The Town may order a user which has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement to appear before the Town and show cause why the proposed enforcement 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 by the Town or by registered or certified mail, return receipt requested, at least 14 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. Failure to appear for a show cause hearing may be grounds for revocation of the user's wastewater discharge permit and disconnection from or termination of discharge to the POTW.

6.10.5. Compliance orders. When the Town finds that a user has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Town may issue an order to the user responsible for the discharge directing that the user comes into compliance within 30 days. If the user does not come into compliance within 30 days, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the POTW. A compliance order may not extend the deadline for compliance established for a federal 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.

6.10.6. Cease and desist orders.

(1) When the Town determines that a user violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement or that the user's past violations are likely to recur, the Town may issue an order to the user directing it to cease and desist any such violations and directing the user to:

(a) Immediately comply with all requirements; and

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

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

6.10.7. Administrative fines.

(1) When the Town finds that a user violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, including a user's failure to obtain a wastewater discharge permit pursuant to Section 6.5 of this Ordinance, the Town may fine such user in an amount not to exceed \$2,500 per day. Each day of violation shall constitute a separate offense subject to fine. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation. In the case of failure to obtain a required wastewater discharge permit, the fine shall accrue on a daily basis commencing on the day the user first was notified or became aware of the need for such a permit. The Town may add the costs of preparing administrative enforcement actions, such as notices and orders, to any fine assessed.

(2) Any and all unpaid charges, fines and penalties under this Ordinance shall, after 30 calendar days from the due date, be assessed an additional penalty of 12% of the unpaid balance, and interest shall accrue thereafter at a rate of 1% per month. A lien against the user's property may be sought for unpaid charges, fines and penalties as allowed under state law.

(3) Users desiring to dispute such fines must file a written request for the Town to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. The Town shall convene an administrative hearing on the matter and conduct said hearing in accordance with the procedures delineated in Section 6.5.9 of this Ordinance. Failure to file a timely request for an administrative hearing constitutes a waiver of any administrative appeal. The decision of the Town Council conducting the administrative hearing, including a decision to not reduce the fine, shall be final, and any appeal must follow the requirements of Maine Rules of Civil Procedure 80B. In the event that the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user.

(4) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

6.10.8. Emergency suspensions. The Town may immediately suspend a user's discharge either with or without written or verbal notice to the user 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 the public. The Town may also immediately suspend a user's discharge, either with or without written or verbal notice, that 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 discharge to the POTW. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Town shall take such steps as deemed necessary, including immediate severance of the connection to the POTW, to prevent or minimize damage to the POTW, its receiving waters or endangerment to any persons. The Town shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Town that the period of endangerment has passed, unless the termination proceedings in Section 6.10.9 of this section 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 to the Town describing the causes of the harmful contribution and the measures taken to prevent any future occurrence. Said report must be submitted as least seven days prior to the date of any show cause or termination hearing held pursuant to Sections 6.10.4 and 6.10.9 of this section.

(3) Nothing in this subsection shall be interpreted as requiring a hearing prior to any emergency suspension under this subsection.

6.10.9. Termination of discharge.

(1) In addition to the provisions in Section 6.5.11 of this Ordinance, any user that violates the following conditions is subject to termination of the user's discharge to the POTW:

(a) Violation of wastewater discharge permit conditions;

(b) Failure to accurately report the wastewater constituents and characteristics of the user's discharge;

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

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

(e) Violation of the pretreatment standards in Section 6.3 of this Ordinance.

(2) Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause pursuant to Section 6.10.4 of this section why the proposed action should not be taken. Additionally, the user may request an administrative hearing, in writing, within 30 days of the decision of the show cause hearing. The hearing shall be conducted in accordance with the procedures delineated in Subsection 6.10.7(3) of this section. Exercise of this option by the Town shall not be a bar to, or a prerequisite for, taking any other action against the user.

#### **Section 6.11. Judicial Enforcement Remedies.**

**6.11.1. Injunctive relief.** When the Town determines that a user has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Town may request that the Town Attorney seek appropriate injunctive relief pursuant to the laws of this state which restrains or compels the specific performance of the conditions of the wastewater discharge permit, order or other requirements imposed by this Ordinance on activities of the user. The Town may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. The decision whether to seek injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

**6.11.2. Civil penalties and criminal referral.**

(1) Any person who violates the provisions of this Ordinance shall be subject to civil penalties pursuant to 30-A M.R.S.A. § 4452, as well as applicable civil or criminal penalties pursuant to 38 M.R.S.A. §§ 349 and 1319-T. The penalties in those statutes shall be in addition to the specific penalties in this Ordinance.

(2) A user which has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or other permit issued hereunder or any other pretreatment standard or requirement shall be required to pay a fine of not less than \$1,000 per day and not more than \$2,500 per day for each and every day of a violation for a first offense. These fines shall increase to a minimum of \$2,500 per day and a maximum of \$25,000 per day for a second offense of the same or a similar nature occurring within two years of the first offense. Each day of violation shall constitute a separate offense subject to fine. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(3) Pursuant to 30-A M.R.S.A. § 4452 and Maine Rules of Civil Procedure 80K, the Town may seek reasonable attorney fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Town.

(4) In determining the amount of civil liability, the court shall be asked to take into account all relevant circumstances, including but not limited to the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions undertaken by the user, the compliance history of the user and any other factor as justice requires.

(5) No person shall willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment or other part of, or otherwise harm, the POTW. Penalties for violations of this provision of this Ordinance shall be a minimum fine of \$1,000 for the first offense. A second offense committed within five years shall be punished by a minimum fine of \$10,000. These penalties are in addition to any penalties associated with other civil or criminal provisions of state and federal law which said person may be subject to for such action.

**6.11.3. Filing a suit for civil penalties or making a criminal referral shall not be a bar against, or a prerequisite for, taking any other action against a user.**

**6.11.4. The Town reserves the right to make appropriate referrals for criminal prosecution pursuant to the provisions of 38 M.R.S.A. §§ 349 and 1319-T, as well as any other applicable federal or state law.**



Additionally, enforcement of this Ordinance shall not preclude criminal prosecution for other violations of state or federal law, and the Town will cooperate in any such prosecutions.

6.11.5. The provisions of Sections 6.10 and 6.11 of this Ordinance are not exclusive remedies. The Town reserves the right to take any and all enforcement actions or combinations thereof against a noncompliant user.

#### **Section 6.12. Supplemental Enforcement Action.**

6.12.1. Performance bonds. The Town may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this Ordinance, a previous wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement unless such user first files a satisfactory bond with the Town, payable to the Town, in a sum not to exceed a value determined by the Town to be necessary to achieve consistent compliance with this Ordinance.

6.12.2. Liability insurance. The Town may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this Ordinance, a previous wastewater discharge permit or order issued hereunder or any pretreatment standard or requirement unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge, which shall include naming the Town as an additional insured.

6.12.3. Water supply severance. Whenever a user violates or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Town will work with the Water District to sever water service to the user under district regulations, if applicable. Service will only recommence at the user's expense, after the user has satisfactorily demonstrated its ability to comply with this Ordinance.

#### **Section 6.13. Affirmative Defenses to Discharge Violations.**

##### **6.13.1. Upset.**

(1) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of Subsection 6.13.1(2) below are met.

(2) A user which 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 workmanlike manner and in compliance with applicable O&M procedures; and

(c) The user has submitted the following information to the Town within 24 hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five 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 period the noncompliance is expected to continue; and

[3] Steps being taken and/or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.

(3) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(4) 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.

(5) 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 facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

**6.13.2 Prohibited discharge standards.** A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 6.3.1 of this Ordinance or the specific prohibitions in Subsection. 6.3.2(3) through (18) and (20) of this Ordinance 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 limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Town was regularly in compliance with its NPDES permit and, in the case of interference, was in compliance with applicable sludge use or disposal requirements.

**6.13.3. Bypass.**

(1) For the purposes of this Ordinance, the following terms shall have the meanings indicated:

**BYPASS** - The intentional diversion of waste streams from any portion of a user's treatment facility.

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

(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 Subsections 6.13.3(3) and 6.13.3(4).

(3) Notice.

(a) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Town at least 10 days before the date of the bypass, if possible.

(b) A user shall submit oral notice to the Town of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five 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 Town may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(4) Enforcement action.

(a) Bypass is prohibited, and the Town 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 backup 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 preventive maintenance; and

[3] The user submitted notices as required under Subsection 6.13.3.(3).

(b) The Town may approve an anticipated bypass, after considering the adverse effects, if the Town determines that it will meet the three conditions listed in Subsection 6.13.3(4)(a).

## **ARTICLE 7 PROTECTION FROM DAMAGE**

**Section 7.1. Tampering with Town's Publicly Owned Works:** No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of or will affect operation of the Town's POTW. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct, and shall be subject to any of the penalty provisions of this Ordinance or State law.

**Section 7.2. Contractor's Liability Insurance:** A contractor must present a certificate showing proof of liability insurance before a permit will be issued for construction of building sewers, sewer extensions, or disposal of private sewage.

## **ARTICLE 8 TOWN OF HERMON INDUSTRIAL/COMMERCIAL ENFORCEMENT RESPONSE**

### **Section 8.1. Purpose:**

The purpose of this plan is to document a well defined, legally defensible sequence of steps to be followed when dealing with industrial users who are out of compliance with the Town of Hermon's Sewer Ordinance. These formal enforcement actions will help to resolve any confusion between the Town and its Industrial Users as to consequences of one-time, repeated or continuing non-compliance and are intended to ensure equitable treatment of Industrial Users.

EPA regulations require the Town to take specific enforcement action against Industrial Users found to be in Significant Non-Compliance with the pretreatment requirements of this Ordinance. This Enforcement Response Plan defines the conditions under which the Town must cite a User for Significant Non-Compliance and lists appropriate enforcement measures to remedy such situations.

EPA guidelines also require that the selected enforcement response be appropriate to the extent of the Pretreatment Program violation. While a telephone call to the Industry might be appropriate for a late submission, a more severe response is needed for a more serious violation which, for example, might result in an upset of the Wastewater Treatment Plant caused by an Industrial discharge. This EPA guideline based Enforcement Response Plan will consider the Following criteria when assessing the appropriateness of a particular response:

- A). Magnitude of the violation;
- B). Duration of the violation;
- C). Effect of the violation on the receiving water;
- D). Effect of the violation on the Treatment Plant
- E). Compliance history of the Industrial User;
- F). Good faith efforts on the part of the Industrial User; and
- G). Degree of the Industrial User's responsibility for the violation.

## **8.2 Significant Non-Compliance:**

EPA requires the Town to identify Industrial Users that are in Significant Non-Compliance (SNC) with the requirements of the federally mandated Pretreatment Program regulations. Users found to be in SNC are subject to enforcement action by the Town, and to public notification of the violation(s) once per year in the newspaper. Federal regulations define Significant Non-Compliance as violations which meet at least one of the following criteria:

**8.2.1. Chronic Violations-** Sixty six percent (66%) or more of all the measurements taken for the same pollutant parameter during a six month period exceed by any magnitude a numeric Pretreatment Standard or Requirement including Instantaneous Limits as defined in Section 1.1 of the Sewer Ordinance.

**8.2.2. Technical Review Criteria (TRC) Violations-** Thirty three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined in Section. 1.1 of the Sewer Ordinance multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).

**8.2.3. Any other violation of a Pretreatment Standard or Requirement as defined by Sec. 1.1 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Town or Pretreatment Coordinator determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public as defined by Section. 1.1 of the Sewer Ordinance.**

**8.2.4. Any discharge of a pollutant that caused imminent danger to human health, including the health of the Town's or City's POTW personnel, or to the environment or has required an exercise of the Town's emergency authority to halt the discharge under 40 CFR 403.8(f)(2)(vi)(B).**

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

**8.2.6. 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 self-monitoring reports, and reports on compliance schedules.**

**8.2.7. Failure to accurately report any non-compliance with permit requirements.**

**8.2.8. Any other violation or group of violations, which may include a violation of Best Management Practices, which the Town determines will adversely affect the operation or implementation of the Town's pretreatment program.**

## **8.3 Selection of Enforcement Responses:**

Table 1 attached to this Ordinance represents an Enforcement Response Guide based on EPA recommended response measures for varying degrees of permit violations. The Guide will be used by the Town to determine appropriate measures in the event of a violation of the Town's Pretreatment Program and/or Sewer Ordinance. Selection of appropriate enforcement response will be based on the following steps:

**8.3.1. The Town will locate the type of non-compliance in the first column (1) of the Response Guide.**

8.3.2. Using column two (2), the Town will identify the most accurate description of the nature of the violation.

8.3.3. The Town will assess the appropriateness of the recommended responses in column three (3). First time offenders, or those demonstrating "good faith" progress may merit a more lenient response. Similarly, repeat or frequent offenders or those demonstrating negligence may require a more stringent response. Furthermore, the Town will judge the violation by seven (7) additional criteria:

(1). Magnitude- Generally, an isolated instance of non-compliance can be addressed with an informal response or Notice of Violation (NOV). However, since even an isolated violation could threaten human health and/or the environment, the Treatment Plant, damage public and private property, or threaten the integrity of the Town's or Bangor's Pretreatment Program (i.e., falsifying a self-monitoring report) all instances of Significant Non-Compliance will be responded to with an Administrative Order (AO) which requires a return to compliance by a specific deadline.

(2). Duration- Violations, regardless of severity, which continue over prolonged periods of time will subject the violator to escalated enforcement actions. Minor violations which are chronic in nature are one form of Significant Non-Compliance and will be dealt with through the use of AOs.

(3). Effects to the Receiving Water- Any violation which causes environmental harm will be met at a minimum with an AO and a fine. Environmental harm will be presumed whenever an industrial discharge:

a). Passes through the Treatment Plant;

b). Is directly responsible for causing a violation of the Town of Hermon NPDES/MEPDES permit, including its' water quality standards; or

c). Has a toxic effect upon the receiving waters, such as fish kill.

In addition, the response will be designed to recover any NPDES/MEPDES fines paid by the Town, which are the result of the industry's discharge violation.

(4). Effects on the POTW- Any violation having a negative impact on the Treatment Plant and/or Collection System (such as increased treatment costs, harm to personnel or equipment, pipe corrosion, etc.), which hinders the operation of the Treatment Plant or Collections System; and/or which contaminates the Treatment Plant's sludge, thereby reducing sludge disposal options, will be met with a fine of civil penalty as well as the recovery of additional costs and expenses involved.

(5). Compliance History of the User- A pattern of recurring violations of any program requirements may indicate either that the user's treatment system is inadequate or that the user has taken a lackadaisical approach to operating and maintaining its' treatment system. These indications should alert the Town to the likelihood of future Significant Non-Compliance. Accordingly, stronger enforcement responses should be applied against users exhibiting consistent compliance problems than against those with only an occasional problem.

(6) "Good Faith" of the User- Generally, a users' demonstrated willingness to comply should predispose the Town to select one of the less stringent enforcement actions specified, provided the violation has not caused serious Treatment Plant upset or resulted in environmental damage. However, good faith does not eliminate the necessity of enforcement action, and compliance with previous enforcement orders should not necessarily be considered good faith.

- (7). Responsibility of the User- Although Industrial Users should always be held accountable for their violations, some consideration should be given to whether the violation was the result of an unforeseeable accident, was preventable or was intentional on the part of the User. This will affect the enforcement response selection by the Town from the range of responses provided.

- 8.3.4. Column four (4) designates personnel responsible for the action.
- 8.3.5. The Town will document, in writing to the User, the rationale for selecting the particular enforcement response applied.
- 8.3.6. The Town will apply the enforcement response to the violator. The Town will specify the corrective action or other response required by the User, including response time limits.
- 8.3.7. The Town will document any Users' responses and the resolution of non-compliance.
- 8.3.8. The Town will follow up with escalated enforcement action if a Users' response is not received within thirty (30) days or sooner if appropriate or severe violations continue.
- 8.3.9. The Town normally will issue an NOV to the violator as a first step in enforcement proceedings. However, the Town may elect to by-pass this procedure in favor of an AO when it appears that the violation requires immediate remedial action.

#### **Section 8.4 – Enforcement Response Plan Definitions:**

AO	Administrative Order
Civil Litigation	Civil litigation against the User, seeking equitable relief, monetary penalties, and actual damages.
Criminal Prosecution	Pursuing punitive measures against an individual and/or organization through a court of law.
Fine	Monetary penalty assessed by the Town.
IU	Industrial User of the POTW.
Meeting	Informal meeting with the User to resolve non-compliance.
NOV	Notice of Violation of the City of Bangor's Industrial Pretreatment Program and/or the Sewer Use Ordinance.
NPDES	National Pollutant Discharge Elimination System.
PC	Pretreatment Coordinator of the City of Bangor.
POTW	Publicly Owned Treatment Works
S	Superintendent for the City of Bangor WWTP.
Show Cause Hearing	Formal meeting requiring the User to attend and demonstrate why the Town should not take proposed enforcement action. The meeting may also Serve as a forum to discuss corrective actions and corrective actions.
SV	Significant Violation of the City of Bangor's Industrial Pretreatment

Program and/or Sewer Use Ordinance.

**SECTION 8.5**  
**SELECTION OF ENFORCEMENT RESPONSES:**  
**TABLE 1**

<b><u>NON-COMPLIANCE</u></b>	<b><u>NATURE OF VIOLATION</u></b>	<b><u>INITIAL RESPONSE: FOLLOW UP</u></b>	<b><u>PERSONNEL</u></b>
<b><u>A. ILLEGAL DISCHARGE</u></b>			
1) Unpermitted discharge (no permit)	Discharger unaware of permit requirement; no harm to POTW or to the environment.	NOV and application, or AO issued within 14 days of identifying the violation; requires a permit application within 30 days and the results of wastewater analysis within 60 days; proposed fine of \$300-\$500.	PC
	Results in violation of POTW NPDES permit, or dangerous situation- SNC	AO issued as soon as possible, but in any case within 5 days to immediately halt discharge. Fine or civil litigation seeking penalties of \$1000 to \$2500 per day. Terminate service.	PCS
2) Non-permitted discharge (expired permit)	Failure to apply for permit renewal. No damage to POTW or environment.	Telephone call and NOV should be made within 5 days of detection.	PC
	Results in violation of POTW NPDES permit, or dangerous situation- SNC	AO issued as soon as possible, but in any case within 5 days to immediately halt discharge. Fine or civil litigation seeking penalties of \$1000 to \$2500 per day. Terminate service.	PCS
<b><u>B. DISCHARGE PERMIT VIOLATIONS</u></b>			
1) Exceedance of discharge limits (local or categorical)	Isolated, non-significant	Telephone call and NOV issued within 5 days of receipt of laboratory results requiring written report with corrective and preventative action taken to prevent recurrence. (1st/2nd offense)	PC
	Frequent, non-significant (repeated offense)	Meeting with violator or show cause hearing requested within 14 days of detection of violation. Meeting will be held within 30 days of detection of the violation. Proposed fine of \$300-\$500.	PC



**NON-COMPLIANCE****NATURE OF VIOLATION****INITIAL RESPONSE: FOLLOW UP**

	SNC	AO issued within 5 days with compliance schedule; fine of \$1000 per day of violation, or civil litigation seeking penalties of \$1000 to \$2500 per day.	PC S
	Caused known damage to POTW or environment, or worker health hazard	AO issued within 5 days to immediately halt discharge; fine, civil litigation, or criminal prosecution.	PC S
2) Slug load discharge	Isolated without known damage.	NOV; AO issued within 14 days to develop a Spill Control Plan within 30 days.	PC
	Isolated with known damage, interference, pass-through. SNC	Fine or civil litigation seeking penalties of \$500 to \$700 per day and recovery of costs. Terminate service.	PC S
	Recurring SNC.	Fine or civil litigation seeking penalties of \$1000 to \$2500 per day and recovery of costs. Terminate service.	PC S

**C. SAMPLING, MONITORING, AND REPORTING VIOLATIONS**

1) Minor sampling, monitoring or reporting deficiencies.	Isolated or infrequent (1st/2nd offense)	Telephone call and NOV issued within 14 days of detection.	PC
	Frequent or continuous	NOV issued within 5 days; proposed fine \$100-\$300.	PC
2) Major sampling, monitoring or reporting deficiencies.	Isolated or infrequent (1st/2nd offense)	NOV issued within 5 days of detection; meeting with violator requested within 14 days. Proposed fines of \$300 to \$500.	PC
	Frequent or continuous; SNC	Meeting with Show Cause Hearing requested within 14 days of detection. Fine or civil litigation seeking penalties of \$500.	PC S

<u><b>NON-COMPLIANCE</b></u>	<u><b>NATURE OF VIOLATION</b></u>	<u><b>INITIAL RESPONSE; FOLLOW UP</b></u>	<u><b>PERSONNEL</b></u>
3) Complete failure to sample, monitor or report is more than 30 days late.	SNC	AO with compliance schedule issued within 5 days of detection; civil litigation and/or criminal prosecution seeking penalties of \$1000-\$2500 per day. Terminate service.	PC S
4) Failure to submit schedule of compliance	Violation of AO.	Fine; civil litigation and/or criminal prosecution seeking penalties of \$1000-\$2500 per day until schedule is filed.	S
5) Failure to notify of discharge limit violation slug discharge.	Isolated or infrequent, no known Effects.	NOV; AO issued within 14 days of detection.	PC
	Frequent or continued violation-SNC	Show Cause Hearing requested within 14 days; AO issued within 5 days of detection; civil litigation seeking penalties of \$1000 per day per violation; criminal Prosecution.	PC S
6) Failure to install monitoring equipment	Continued SNC	AO issued within 5 days of detection; temporarily suspend service if agreed upon compliance date is exceeded by 30 days.	PC S
<u><b>D. COMPLIANCE SCHEDULE VIOLATIONS</b></u>			
1) Missed milestone date	Will not effect other milestone dates, or final date.	Telephone call and NOV issued within 5 days of milestone date passage.	PC
	Will effect other milestones or final date.	Meeting requested within 14 days or prior to next milestone date; AO issued within 5 days of missed milestone date.	PC S

<u>NON-COMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>INITIAL RESPONSE: FOLLOW UP</u>	<u>PERSONNEL</u>
2) Failure to meet compliance schedule reporting requirements	Will effect other milestones or final date. Violation not for good cause	Show Cause Hearing requested within 14 days or prior to next milestone date; fine or seek civil penalties of \$500-\$2500 per day of violation.	PC S
3) Missed final date	Did not submit report, but did complete milestone.  Did not submit report or complete milestone.  Good cause	Telephone call and NOV issued within 14 days of Detection.  NOV; AO issued within 5 days of missed milestone date; proposed fines of \$300-\$500.  Telephone call and NOV issued within 5 days of missed date.	PC  PC S  PC
4) Reporting false information	30 days or more outstanding; failure or refusal to comply without good cause.  Any instance SNC.	Show Cause Hearing requested within 14 days of detection; AO with fines; judicial action.  Referral to prosecutor for criminal investigation; civil litigation and/or criminal prosecution seeking maximum penalties allowed by State law (at least \$1000 per day per violation); Termination of service	PC S  S
<u>E. SPILL INCIDENTS</u>			
1) Spill incident	Reported and investigated	NOV issued at time of inspection; meeting requested within 14 days of detection; AO	PC
	Failure to report spill	NOV; meeting within 14 days of detection; AO with proposed fines of \$300-\$500.	PC

**NON-COMPLIANCE****NATURE OF VIOLATION****INITIAL RESPONSE: FOLLOW UP****PERSONNEL**

2) Repeated spills

Failure to develop or upgrade Spill Prevention Plan

NOV; AO with fines; Show Cause Hearing to be held within 30 days of notification.

PC

Failure to act on a decision of compliance meeting and results in known damage to POTW or environment.

Judicial action; terminate service.

**F. VIOLATIONS DETECTED DURING FIELD INSPECTIONS/INVESTIGATIONS**

1) Minor violation of analytical procedures

Any instances

Telephone call and NOV issued within 14 days of receipt of monitoring results.

PC

2) Major violation of analytical procedures

No evidence of negligence or intent.

NOV; meeting to be held within 30 days of notification. AO issued within 14 days of receipt of monitoring results.

PC

Evidence of negligence or intent-SNC

AO or civil action and penalty; possible criminal prosecution.

PC  
S

3) Minor violation of permit condition

No evidence of negligence or intent

NOV; AO for immediate corrective action required.

PC

Evidence of negligence or intent

AO or civil litigation and penalties; possible criminal prosecution. Terminate service.

PC  
S

4) Major violation of permit condition

Evidence of negligence or intent-SNC

AO or civil litigation and penalties; possible criminal prosecution. Terminate service.

S

**G. OTHER PERMIT VIOLATIONS**

1) Wastestreams are diluted

Initial violation

AO with fines

PC

## **ARTICLE 9 PENALTIES - RESIDENTIAL**

**Section 9.1. Violation of Sewer Ordinance:** Any person found to be violating any provision of this Ordinance, except Section 7.1, 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.

**Section 9.2. Fines:** Any person who fails to comply with the provisions of this Ordinance other than those provisions pertaining to the payment of charges for services established herein shall, upon conviction, be subject to a fine not exceeding one hundred dollars (\$100.00) for each offense. The continued violation of any provision of any section of this Ordinance, other than those pertaining to the payment of charges for services established herein, shall constitute a separate offense for each and every day such violation of any provision hereof shall continue. If the Town prevails in the prosecution of an offense hereunder, it shall be reimbursed for the attorney's fees and costs.

**Section 9.3. Alternate Penalties:** As an alternative, upon violation of this Ordinance, the proper authorities of the Town, in addition to other remedies may institute any appropriate action or proceedings including an injunction to prevent such unlawful use, construction, or maintenance of cesspools, septic tanks, sewage disposal systems, pipes or drains, to restrain, correct, or abate such violation, or to prevent the occupancy of any building, structure or land where said violations of this Ordinance are found.

**Section 9.4. Liabilities to the Town:** Any person violating any of the provisions of this Ordinance shall become liable to the Town for any and all expense, loss, or damage occasioned by the Town by reason of such violation.

## **ARTICLE 10 SEWER SERVICE CHARGE**

**Section 10.1. Establishment of a Sewer Service Charge:** The source of the revenue for retiring debt services and for capital expenditures, operation and maintenance of the public sewage works shall be a sewer service charge. The public sewage works service area and the nature of buildings required to have sanitary facilities shall be as defined in Section 2.4 thereof. In the case of a building not connected to the public system, such charge shall be deemed a "ready to serve" charge levied to aid in defraying expense incurred in making service available to the property. In the case of a connected building not in active use or occupancy and having no discharge during a given billing period, the portion related to capital expenditures and retirement of debt service shall be regarded as minimum charge. In the case of a connected building actively discharging to the public system for all or part of any given billing period, the charge shall be increased to include the cost of operation and maintenance of the public sewage works.

**Section 10.2. Sewer Service Charge Rate:** Sewer service charge rates shall be determined by the Town Council on a year-to-year basis and, in general, such charges will be determined on a rate structure based on water consumption. The sewer service charge will be computed and billed at regular intervals throughout each calendar year, as established by the Town Council. There shall be no discounts or abatements given for sewer use charges unless such discounts or abatements are provided in accordance with the provisions outlined in Section 10.3.

Users shall be given annual notification of the rates and distribution of costs between capital expenditures and operation and maintenance charges. Any revenue from Sewer Service Charges in excess of cost must be retained in the sewerage account and cannot be used to defray costs in other functions of the Town.

**Section 10.3. Abatements:** Abatements for use of water for lawn sprinklers, garden hoses, filling of swimming pools, or other uses of significant volumes of water, which do not enter the public sewer, may be made on application to the Town. The adjusted billing determined shall not be less than the highest billing or adjusted billing applicable to the property during the previous three quarters. The Town shall

require verification of the significant sewer usage which is cause for the requested abatement. The Town Manager or his/her designee shall approve or deny abatements. No more than one (1) abatement can be given in one (1) calendar year except upon petition to the Town Council.

**Section 10.4. Special Charge for Industrial Organizations:** A Charge shall be assigned to any industrial firm or organization, the strength or other characteristic of whose waste varies significantly from that of normal domestic sewage. In general, such charges will be based on equitable prorating of costs for conveying and treating such waste, taking into account, but not necessarily limited to, the effect of volume, BOD, suspended solids, settleable solids, chlorine demand, toxicity, and pH. Pretreatment by the industry may also be a requirement if necessary to make the waste compatible with flow in the sewer system. The Town Council, after appropriate study, and advice from the Town Manager, shall assign a Special Sewer Charge to the industrial firm by separate agreement with said firm. The applicable portions of the preceding sections, as well as the equitable rights of the public, shall be the basis for such an arrangement.

**10.4.1. Additional Special Charge:** In addition to the Special Sewer Service Charge, which is concerned solely with the cost to the Town for debt service, capital expenditures, operation and maintenance of the public sewage works, there shall be a special charge to nongovernmental users of the public sewage works identified in the Standard Industrial Classification Manual, 1972, prepared by the Federal Government Office of Management and Budget, as amended and supplemented, under the following divisions:

- Division A - Agriculture, Forestry and Fishing
- Division B - Mining
- Division D - Manufacturing
- Division E - Transportation, Communications, Electric, Gas and Sanitary Services
- Division I - Services

**Section 10.5. Reserved Right to Charge Sewer Service Charge:** The Town Council reserves the right from time-to-time to change Sewer Service Charges originally or previously assigned to any property owner.

**Section 10.6. Charge for Property Owners Outside Town Limits:** All property owners outside the Town limits who, by their own request, are served by sanitary sewers must pay a Sewer Service Charge as set by the Town Council.