

Provincetown Water and Sewer Board

The Provincetown Water and Sewer Board held a public hearing March 9, 2017, Veterans Memorial Community Center, 2 Mayflower St, Provincetown, Ma 02657 and then and there amended and adopted the following Sewer Rules and Regulations.

Sewer Rules and Regulations

REGULATIONS FOR THE CONNECTION OF PROPERTIES TO THE PROVINCETOWN MUNICIPAL SEWER SYSTEM

A regulation regulating the use of public and private sewers, the installation and connection of building sewers, and the discharge of waters and wastes into the public/private sewer system and providing penalties for violations thereof: in the Town of Provincetown, County of Barnstable, Commonwealth of Massachusetts.

Be it ordained and enacted by the Water and Sewer Board of the Town of Provincetown, Commonwealth of Massachusetts, as follows:

Section 1. Purpose

The Water and Sewer Board promulgates these regulations to set uniform regulations for users of the Town of Provincetown's wastewater collection, treatment and disposal works. This will enable the Town to comply with the provisions of the Clean Water Act and other applicable federal and state laws and regulations, and to provide for the public health and welfare by regulating the quality of wastewater discharged into the Town's wastewater collection system and treatment works. Certain acts which may be detrimental to the sewer system are prohibited. This regulation provides measures for the enforcement of its provisions and abatement of violations thereof.

These regulations include specific requirements for the control of Fats, Oil, and Grease (FOG) including a permitting, inspection and monitoring program for users. These requirements are necessary to eliminate the damage that these materials can cause to components of the wastewater treatment and disposal facility. (Further information about FOG and guidelines for complying with the FOG Program have been compiled by the Board of Health in a booklet available free of charge at Provincetown Town Hall).

Section 2. Applicability and Authority

The regulations are enacted by the Provincetown Water and Sewer Board under authority of Chapter 157 of the Acts of 2000, An Act Authorizing the Town of Provincetown to Operate a Sewer System and Section 10 of Chapter 83 of the General Laws. These regulations shall be effective upon their adoption by the Water and Sewer Board and publication in a newspaper of general circulation within the Town of Provincetown, and shall remain effective until modified or amended by the Water and Sewer Board.

Section 3. Definitions

Best Management Practices (BMPs): are schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the pollution of waters. Best management practices include procedures and practices that reduce the discharge of Fats, Oil and Grease (FOG) to the building drain and to the Wastewater System (Sewer).

Betterment: The proportionate share of sewer system cost, assessed by the Town to each property which is connected to the sewer system. This assessment is to cover the cost of the design and construction of the entire sewer collection, treatment and disposal system, including building sewers installed by the Town. This betterment will be assessed by the uniform unit method based on the Board of Health assigned Title 5 flow for each individual property.

Blue Property: A parcel shown in blue on the Service Area map which the Board of Health has determined must connect to the Sewer upon its availability.

BOD (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions in five (5) days at 200C, expressed in milligrams per liter.

Building Drain: shall mean the pipe that extends from a user's facilities and connects to the Building Sewer.

Building Sewer: shall mean the extension from the building drain to the public sewer or other place of disposal.

Easement: shall mean an acquired legal right for the specific use of land owned by others.

Fats, Oils and Greases (FOG): shall mean organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases".

Garbage: shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Grease Interceptor: is an inside retention tank that has a capacity of less than 1,000 gallons. Any food service establishment with a three bay sink is required to have a grease interceptor as well as a grease trap.

Grease Trap: is an external, underground single or multi-compartment tank with a minimum capacity of 1,000 gallons. It is a device for separating and retaining waterborne fats, oil, greases, and grease complexes prior to the wastewater exiting the trap and entering the building sewer. Grease Traps shall be located external to the user's buildings and be readily accessible for maintenance. All grease traps shall contain a monitoring system approved by the Water & Sewer Board. Nonconforming systems must be replaced with conforming devices by January 1, 2005. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the building sewer.

Green Property: A parcel shown in green on the Service Area map which the Board of Health determined could accommodate a fully compliant Title 5 system.

Industrial Wastes: shall mean the liquid wastes from industrial manufacturing process, trade, or commercial business as distinct from sanitary sewage.

Licensed Septage Hauler: shall mean a hauler holding a license currently approved by the Provincetown Board of Health for pumping and hauling septage or grease as well as approved by the authority where the septage and grease is being disposed.

Person: shall mean any individual, firm, company, association, society, corporation or organization.

PH: shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Receiving Property: a parcel of real property allowed by the Water and Sewer Board, pursuant to its discretion under the second and third sentences of Section 3 of Chapter 157 of the Acts of 2000, and criteria set out in these regulations, to be connected to the municipal sewer or to increase its Title 5 Wastewater Flow above the Title 5 Wastewater Flow allocated by the Water and Sewer Board for that property as of July 18, 2002, due to reconstruction, enlargement, alteration or renovation of an existing structure or expansion, change or alteration of an existing use, whereupon the Water and Sewer Board shall allocate to the property a new or increased Title 5 Wastewater Flow.

Red Property: A parcel shown in red on the Service Area map which the Board of Health determined had a certified Title 5 septic system that was not in failure, but if such a system should fail, the property is too small to accommodate a Title 5 system in accordance with the 1995 revisions, even with a variance from setback requirements or an innovative system.

Sanitary Sewer: shall mean a sewer which carries sewage and to which storm, surface, and groundwater are not intentionally admitted.

Sending Property: a parcel of real property connected to the municipal sewer which as to which the Water and Sewer Board determines that Title 5 Wastewater Flow is reduced, due to demolition, reconstruction, reduction, alteration or renovation of an existing structure or reduction, change or alteration of an existing use and as to which the owner has relinquished, in writing, the Title 5 Wastewater Flow previously allocated to the property.

Service Area: The Service Area shall mean all properties to the seaward of a line represented on the map made available at the Provincetown Board of Health on or before February 1, 2001 and entitled Wastewater Service Area. All properties in the Service Area are also identified on a list available from the Board of Health and adopted by the Selectmen and the Water and Sewer Board of the Town of Provincetown. The Service Area is the same as the final area of final concern as set forth in Chapter 157 of the Acts of 2000. Said map and list may undergo periodic revisions to reflect decisions by the Water and Sewer Board.

Service Agreement: shall mean the Service Agreement relating to Town of Provincetown, Massachusetts, Wastewater Treatment Plant and Sewer Collection System by and between Town of Provincetown, Massachusetts and Metcalf and Eddy, Inc. dated as of June 29, 2001.

Sewage: shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present; also referred to as Wastewater.

Sewage Treatment Plant: shall mean any arrangement of devices and structures used for treating sewage; also referred to as Wastewater Treatment Plant.

Sewer: shall mean a pipe or conduit for carrying sewage.

Sewer Collection System: shall mean public sanitary sewers and appurtenances, including pump stations, grinder pumps and valve pits.

Shall: is mandatory; May is permissive.

Suspended Solids: shall mean solids that either float on the surface or are in suspension in water, sewage, or liquids, and which are removable by laboratory filtering using standard laboratory procedures.

Title 5: Title 5 of the State Environmental Code published at 310 Code of Massachusetts Regulations (CMR) 15.000 et seq.

Title 5 Wastewater Flow: the sewage flow assigned to each parcel of real property by the Water and Sewer Board relying on technical input from the Board of Health as to the design flow for that property calculated in accordance with 310 CMR 15.203.

Town: as herein referred to shall mean the Town of Provincetown, Massachusetts.

User: shall mean the party who is billed, usually for sewer services, from a building(s) sewer User has no reference to the number of persons served, (also called customer).

User Charge: shall mean the charge paid by each user to defray, at a minimum, the operating and maintenance cost of the sewer system. There will be a supplemental charge for inspection and control of grease traps installed at the user's location.

Vendor: shall mean entity selected by the Town to provide the services as defined in the Service Agreement or its designated operation and maintenance subcontractor.

Water and Sewer Board: shall mean the regulatory body having all the statutory powers of sewer commissioners established by Town Charter and appointed by the Board of Selectmen to oversee various aspects of the wastewater treatment plant, its collection system or various appurtenances thereto.

Yellow Property: A parcel shown in yellow on the Service Area map which the Board of Health determined could accommodate a Title 5 system with an innovative Title 5 system.

Section 4. Requirements to Connect to Municipal Sewer upon Its Availability in Phase I

- A. The Board of Health has provided the Water and Sewer Board a list and Service Area map and has designated each property as a Green, Yellow, Red, or Blue Property.
- B. The Water and Sewer Board shall require a property within the Service Area identified as a Blue property to connect to the municipal sewer upon its availability if the owner of said property cannot demonstrate to the satisfaction of the Board of Health the existence of a Certified Title 5 Septic System and the owner cannot demonstrate that a septic system in compliance with 310 CMR 15.000 et seq. can be constructed, except that:
 1. Variances to the requirements of setbacks from property lines, cellar walls and slab foundations, and swimming pools may be allowed for construction of a replacement system under the conditions stated in 310 CMR 15.410: Variances Standard of Review, after a public hearing before the Board of Health.
 2. If the property is landward of the Velocity Zone as defined in 310 CMR 15.002 and in excess of 100 feet landward of the historic high water line, the property owner may avail themselves of the provisions for leaching-area reductions afforded any Alternative Septic System having Remedial Use Approval granted by the Massachusetts Department of Environmental Protection. In these situations, no reductions in the vertical separation to the high groundwater elevation shall be allowed.
- C. Property owners who have issued written requests to the Town to connect to the sewer system and have not issued a written retraction of that request to the Board, by July 18, 2002 shall not be allowed to opt out of participation in the sewer system or payment of the betterment assessed by the Town.

D. Changes in the assigned Title 5 wastewater flow assigned at the time of Betterment assessment for each property may be made only by the Water and Sewer Board, who shall rely on technical input from the Board of Health, upon application for flow change by a property owner to the Board. Change in actual use, licensed use or size of an existing structure or change in water supply to an existing structure since July 18, 2002 shall not be a basis for change in assigned Title 5 wastewater flow. The only consideration shall be whether the Title 5 wastewater flow as of July 18, 2002 was based on correct information and was accurately determined using the proper use category and other factors under Title 5 formulas for calculating wastewater flow.

E. Preliminary Sewer Betterments assessed on August 27, 2002, will remain unchanged until the construction of the sewer system is complete and accepted by the Town and State. At that time, upon request by a property owner, based on an inspection of the Property by the Board of Assessors or Board of Health, the Water and Sewer Board may adjust the betterments based on new or corrected information regarding the Title 5 wastewater flow for the Property, and incorporate such adjustments in the final betterment assessment to be made upon completion of construction which will be reflected in subsequent tax bills. Adjustments will not be made based upon change in use or size of an existing structure or change in water supplied to an existing structure made since July 18, 2002, but only on the basis of new or corrected information as to the facts then existing on which the Title 5 wastewater flow should have been based and the proper application of Title 5 formulas for calculating wastewater flow.

Section 5. Connection to the Town's Sewer System in Phase I

A. All property owners of land in the Service Area identified by the Board of Health as a Red, Yellow, or Green Property on the Service Area map were, at the owner's option, given the opportunity to connect to the Town's sewer system by written notification to the Water and Sewer Board of the owner's intent to connect therewith prior to commencement of final design and construction of said sewer system in compliance with then applicable procedures. The submission of an owner response form to the Water and Sewer Board indicating that the owner wished to connect created a contract between the Town and the property owner whereby the property owner must connect to the sewer and must pay the betterment assessment to be assessed by the Town.

B. After commencement of final design, but prior to commencement of operations of the sewer system, additional connections of properties whose owners did not opt to connect may be permitted within the Service Area by the Water and Sewer Board, upon written application by property owners, subject to anticipated available Sewage Treatment Plant capacity and Sewer Collection System capacity at that location, as determined by the Water and Sewer Board. If there is such sufficient capacity, the Water and Sewer Board will give priority to properties identified by the Board of Health as having priority for connection based on public health factors; for properties having the same priority based on such factors, priority will be given in the order of application. The Water and Sewer Board may require the property owner to pay in advance the cost of design and construction changes that may be necessitated by such connection or may add such cost to the property's sewer betterment assessment.

Section 6. Future Connections

A. After commencement of operations of the sewer system, additional connections shall be permitted within the Service Area by the Water and Sewer Board, subject to available Sewer Collection System capacity at that location as determined by said Board and Sewage Treatment Plant capacity as defined by the Massachusetts Department of Environmental Protection, upon certification by the Board of Health that:

1. The on-site subsurface sewage disposal system on land abutting upon a private or public way in which a common sewer has been laid cannot comply with the provisions of 310 CMR 15.000, et seq.
2. In the case of new construction, expansion of an existing structure, a change in use, or increases in flow from land connected to the public Sanitary Sewer, such expansion, change in use, or increase in flow does not result in sewage flow in excess of the amount of Board of Health regulations flow capacity or actual flow resulting from a legal use of said land, whichever is greater, which existed on July 28, 2000 as determined by the Board of Health and stated in Section 3 of Chapter 157 of the Acts of 2000.

B. After commencement of operations of the sewer system, those owners of property identified by the Board of Health as a Yellow or Green Property on the Service Area map abutting upon a private or public way in which a common sewer has been laid who chose not to connect to the common sewer in Phase I pursuant to Section 2 of Chapter 157 of the Acts of 2000, and who do not qualify for connection pursuant to Section 6(A), shall only be permitted to connect to the common sewer as capacity of the Sewer Collection System and the Sewage Treatment Plant allows and at the sole discretion of the Water and Sewer Board upon written application of the owner to the Water and Sewer Board. If there is such sufficient capacity, the Water and Sewer Board will give priority to properties in the following order:

- (a) properties identified by the Board of Health as having priority for connection based on public health factors;
- (b) properties designated a Receiving Property based upon the following criteria:
 - (i) The property has an economic development permit awarded by the Board of Selectmen pursuant to section 5-15 of the General Bylaws of the Town and has a Growth Management Allocation Permit under Article 6 of the Zoning Bylaws of the Town.
 - (ii) The property has an affordable and Community Housing Permit issued by the Provincetown Community Housing Council; is a deed restricted Accessory Dwelling Unit; or the property provides one or more deed restricted units pursuant to the Inclusionary Bylaw Section 4180 (4) and qualifies for a Growth Management Allocation Permit under Article 6 General Use Category 1 or 2;
 - (iii) the property has entered into a covenant with the Water and Sewer Board whereby the Title 5 Wastewater Flow allocated to that property is reduced, which covenant may be amended or released

by the Water and Sewer Board, upon approval of said amendment or release by the Board of Selectmen of the Town, if the Water and Sewer Board and the Selectmen determine that amendment or release is in the best interest of the Town.

- (c) Properties included within the area added to the Service Area by amendment of the final area of concern on May 7, 2015, provided such amendment is approved by DEP.

For properties having the same priority based on such factors, priority will be given in the order of application.

C. Notwithstanding anything to the contrary in Chapter 157 of the Acts of 2000 or in these regulations, the Water and Sewer Board may at any time permit extensions, new connections or increases in flow to the sewer system, subject to capacity, to serve municipal buildings, public restrooms, laundromats, or, subject to approval of town meeting, other public service uses.

D. Properties identified as Red Property by the Board of Health on the Service Area Map shall be allowed to connect to the common sewer at any time and shall be required to connect to the common sewer in the following circumstances:

1. Prior to transfer of the property other than by inheritance, devise, mortgage to a bona fide third party mortgagee unrelated to the property owner, or foreclosure of such mortgage;
2. thirty (30) days after written notice from the Water and Sewer Board to the transferee in the event of transfer by foreclosure auction sale or deed in lieu of foreclosure of mortgage to such a bona fide mortgagee;
3. Issuance of a building permit or, if no building permit is required, issuance of an occupancy permit for:
 - (a) Change of use of all or a substantial portion of the Property;
 - (b) Substantial extension of use of the property;
 - (c) Reconstruction, extension or structural change of a structure on the property;
 - (d) Alteration of a structure on the property to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent;or
4. The Board of Health determines that the septic system serving the property has failed.

The Water and Sewer Board may extend the time for compliance with the sewer connection requirement based upon factors 1, 2 or 3 above upon application by the property owner and a hearing at which the property owner may offer proof of hardship that would be caused by connection prior to the above events and a plan for compliance within a reasonable and definite time following transfer of the property or issuance of a building or occupancy permit.

E. LIMITED CAPACITY

1.) State Of Limited Capacity

When available capacity at the Sewage Treatment Plant is at or below 25 percent of the permitted capacity as approved by the Massachusetts Department of Environmental Protection through a Groundwater Discharge Permit, the sewer system shall be considered to be in a State of Limited Capacity, and connections to the sewer system shall only be allowed by the Water and Sewer Board for Priority Category properties in the manner set forth in this subsection E while such State of Limited capacity exists. The Water and Sewer Board may determine at any time, but shall examine at no less than three (3) month intervals, when such State of Limited Capacity exists, and upon making such determination shall make a written report of such determination to the Board of Health and the Board of Selectmen, and shall provide for public notice of its determination to be given. A State of Limited Capacity shall end upon the Water and Sewer Board's determination and report, as provided herein, that sewer capacity is greater than 25 percent of the permitted capacity.

2.) Priority Categories

During a State of Limited Capacity, only properties that receive designation as one of the following Priority Categories shall be considered for connection to the sewer system by the Water and Sewer Board. The Priority Categories shall be ranked in the following order, from highest priority to lowest:

(a) Public health – Those properties prioritized for connection in accordance with Section 6.A.1 of these Regulations, and, as determined by the Board of Health in accordance with criteria developed by the Board of Health in consultation with the Director of Public Works and such staff, engineers, and/or sewer consultants as the Director may assign, those additional properties whose immediate connection to the sewer system is critical for the protection of the public health.

(b) Economic Development – As determined by the Board of Selectmen, those properties issued economic development permits that will provide year-round benefit to the community. The Water and Sewer Board may make a report and recommendation to the Board of Selectmen concerning any such determination.

(c) Affordable housing –

(1) Those properties for which an Affordable and Community Housing Permit has been granted qualifying that property as a public service use pursuant to 6300.4 of the Zoning Bylaws;

(2) As determined by the Board of Selectmen, those properties for which an Affordable Housing or Community Housing Permit has been granted in which no less than 50 percent of the housing units authorized by said permit will be Affordable Housing or Community Housing.

(3) Those properties for which an Accessory Dwelling Unit, approved under Section 2440 or section 4800, which are deed restricted as year round rentals. If the approved Accessory dwelling Unit use is changed or ceases to exist, all gallons received shall be disturbed.

- (d) Municipal use – As determined by the Board of Selectmen.
- (e) Those properties prioritized for connection in accordance with Section 6.A.2 of these Regulations.

3.) Process Of Allocation Of Municipal Sewer Gallons In A State Of Limited Capacity

The Water and Sewer Board shall secure from the Board of Health a yearly forecast report analyzing the anticipated need for new connections and their associated gallons to provide for imminent and critical public health needs, including known or anticipated failures of existing on-site subsurface sewage disposal systems.

During a State of Limited Capacity, the following process of gallon allocation for new connections will occur:

- (a) After receiving the report from the Board of Health, the Water and Sewer Board will reserve sufficient gallons to handle the anticipated public health needs detailed therein, and will report the number of gallons that will be available to be allocated among the remaining priority categories for the year (the “Priority Gallons”).
- (b) An applicant wishing to receive Priority Category designation shall apply to the appropriate Board, as necessary, for a designation.
- (c) The reviewing Board shall confirm with the Water and Sewer Board that adequate capacity exists in the sewer system to accommodate the requested gallons. A determination of “adequate capacity” by the Water and Sewer Board under this regulation shall include consideration of the total capacity of the municipal sewer plant, the adequacy of the municipal sewer system infrastructure necessary to handle the gallons required, public need, and any other factor that the Board reasonably determines will materially impact the ability of the Town to handle and treat sewerage from connected properties.
- (e) Upon such confirmation, the appropriate Board shall hear and decide the application for Priority Category designation, and shall thereafter notify the Water and Sewer Board of each designation.
- (f) The Water and Sewer Board shall immediately consider all connection requests made under Priority Categories a) and b), and shall grant such requests without delay upon its determination that adequate capacity exists.
- (g) The Water and Sewer Board will consider all other Priority Category requests for connection quarterly, and upon its determination that adequate capacity exists, shall grant such requests in the order of priority to the extent of 25% of the Priority Gallons. For properties having the same priority, priority will be given in the order of application.
- (h) Priority category requests that are not granted at the quarterly meeting at which they are first considered will be placed in a queue to be administered and maintained by the Department of Public Works.
- (i) The Water and Sewer Board may adjust the amount of available Priority Gallons at any time to account for changes in forecasted imminent and critical public health

needs, as determined by the Board of Health, and upon such determination may allocate all available gallons, as necessary, to Priority Category (a).

Section 7: Operations

A. General Prohibitions

No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb the public sewer or appurtenances thereof without first obtaining a permit from the Board or the official authorized by the Board to issue such permits.

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

No user shall introduce or cause to be introduced into the sewer the following pollutants, substances, or wastewater:

Pollutants which create a fire or explosive hazard in the sewer, 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;

Wastewater having a pH less than 5.0 or more than 8.5, or otherwise causing corrosive structural damage to the sewer or equipment;

Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw shavings, metal, glass, rags, feathers, tar, plastics, wood, ground or un-ground garbage, whole blood, manure, hair and fleshings, entrails and paper dishes, cups, milk containers, or similar items.

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

Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

Pollutants which result in the presence of toxic gases, vapors, or fumes within the Sewer in a quantity that may cause acute worker health and safety problems; and

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

B. Connection to Public Sewer; Abandonment of Septic System.

In order to ensure the proper and efficient construction and operation of the Town's sewer system, the following rules shall apply to the timing of sewer connections:

1. When a public sewer becomes connected to a property by means of Vendor installation of a Building Sewer and Vendor connection of the Building Sewer to the Building Drain the property owner shall direct sewage flow to the Building

Sewer within 60 days of the Vendor installation and connection or within 60 days of notice published in a local newspaper and posted at Town Hall that the Sewage Treatment Facility is ready to accept flow, whichever is later, Owners failing to so direct sewage flow within 60 days will incur a daily penalty of \$50.00 for each day the failure continues.

2. When a public sewer becomes connected to a property by means of Vendor installation of a connecting sewer from the sewer main in the public or private way on which the property fronts, to the boundary of the way or to the grinder pump or valve pit on the property, the property owner shall install the Building Drain and the Building Sewer and connect the Building Sewer to the connecting sewer and direct sewage flow to the Building Sewer within 60 days of the Vendor installation or within 60 days of notice published in a local newspaper and posted in Town Hall that the Sewage Treatment Facility is ready to accept flow, whichever is later. Owners failing to so connect and so direct sewage flow within 60 days will incur a daily penalty of \$50.00 for each day the failure continues.

3. Certain property owners have been notified that their property is among those that must be connected to the Sewer Collection System and be ready to direct sewage flow to the system when the Sewage Treatment Plant is ready to accept flow. When a public sewer becomes connected to each of these properties, the owner shall direct sewage flow to the Building Sewer within 10 days of the date written notice is mailed by first class mail, addressed to the owner at the address to which Town property tax bills are sent. Owners failing to so direct sewage flow within 10 days will incur a daily penalty of \$50.00 for each day the failure continues.

4. Property owners have been notified of the private property preparation work that they must perform to make their property ready for the installation by the Vendor of a private or public sewer, grinder pump and/or valve pit on their property. An owner, having been given at least 30 days prior written notice by first class mail, addressed to the owner at the address to which Town property tax bills are sent of the date the Vendor will be performing such installation, must perform such private property preparation work before the scheduled installation date. Owners failing to perform such work by the scheduled installation date will incur a penalty of \$4,000.00 for the first day and \$50.00 for each day the failure continues.

Property owners shall immediately following connection to the public sewer abandon any septic tanks, cesspools, and similar private wastewater disposal facilities serving said property in a manner approved by the Board of Health. Any abandonment procedure requires a Disposal Works Permit issued by the Board of Health.

C. Regulations Pertaining to Cooking Establishments and Other Facilities from which Grease Can be Expected to be Discharged.

Grease Traps shall be required at all restaurants, nursing homes, hospitals, or other facilities, as required by the Board of Health. No User shall allow wastewater discharge to the sewer line leaving the property to exceed 100 milligrams per liter of grease as determined following standard laboratory procedures. All Grease Traps shall be of a type, design, and capacity specified in 310 CMR 15.230 or as otherwise approved by the Board of Health. All Grease Traps shall have monitors as required below. All Grease Traps shall be readily and easily accessible for User cleaning and Town inspection. All such Grease Traps shall be inspected regularly and shall be

cleaned by a licensed septage hauler prior to the level of grease reaching 25% of the effective depth of the trap or at least twice each year/season, whichever is sooner.

All Grease Traps shall be equipped with a monitoring device using ultrasonic transducers and an embedded microprocessor to continuously sense the positions of the floating solids, bottom solids and the liquid level within the grease trap by January 1, 2005. This information is transmitted to a control unit located within the building. The monitors control unit shall be programmed to alert the owner when the grease level is less than or equal to 22% capacity so that pumping can be arranged prior to reaching 25% capacity. The monitor shall also alert emergency conditions prior to tank failure. Other types of monitors may be allowed upon approval by the Water & Sewer Board. Prior to the installation of the required monitors, manual inspections will be conducted at least monthly.

The User shall maintain a written record, using forms developed by the Board of Health, of grease trap and grease interceptor maintenance for three years and such records must be available for inspection by the Town at all times. These written records shall also include documentation of the proper removal of both yellow and brown grease.

The Grease Trap shall be installed on the building drain/sewer that extends from the food preparation and clean up areas. No sanitary facilities shall be connected to the Grease Trap.

Access manholes shall be provided over each grease trap inlet and outlet and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable manhole type access to facilitate inspection, grease removal, and wastewater sampling activities.

Users required to install Grease Traps are expected to employ best management practices in food preparation and cleanup. These best management practices shall assure that fats, oils, and greases are not directly discharged to the building drain. For example; waste food or trimmings including fats, oils, and greases shall not be discharged to the building drain through a garbage grinder, oil from deep fat frying shall not be discharged to the building sewer, etc.

Should there be an indication, through either physical inspection or monitoring results, that grease is entering the sewer system in excess of 100 mg/l, then testing will be required of the grease trap effluent at the owners expense.

D. Right of Entry for Inspection and Sampling

Duly authorized employees or agents of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, testing, and determining whether

the user is complying with all requirements of these regulations, the Wastewater Treatment Plant wastewater discharge permit, or any order issued hereunder. Users shall allow the authorized representative of the Town ready access to all parts of the premises for the purposes of inspection, photographing, video recording, sampling, records examination and copying, and the performance of any additional duties.

E. Sewer Installation/Repair Requirements

No sewer service or other piping or appurtenances shall be installed or repaired by anyone without first obtaining a Disposal Work's Installer's Permit and a Disposal

Works Construction Permit from the Board of Health. The completed form shall be submitted to the Board of Health for their approval prior to commencing work on the Provincetown Sewer System.

The annual Disposal Works Installer's Permit is contingent upon observance of Title V, 310 CMR 15.00, of the Massachusetts Sanitary Code and all other laws and regulations of the State of Massachusetts and the Town of Provincetown.

F. Quality Control
Inspection Powers of the Water and Sewer Board

The Board and any duly authorized representative(s) bearing proper identification ("Inspectors"), shall be permitted to enter, at reasonable times, all properties connected with the public sewers for the purposes of inspection, observation, measurement, review of records, sampling and testing, all in accordance with the provisions of these regulations. They may inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, plating, or other industrial activity, that contribute waters, wastes, fats, oils, or grease to the public sewers but shall not order or demand information concerning any patented process or trade secret beyond that necessary to determine the kind, source and amount of sewage discharge from an industrial or commercial user to the public sewer.

Inspectors shall be authorized by the Board to inspect all construction conducted and materials utilized. Such inspection may extend to all or any part of the work performed by a property owner and/or his contractors and to the preparation or manufacture of the materials to be used. In case of any dispute arising between the property owner and the Inspector as to materials furnished or the manner of performing the work, the Inspector shall have the authority to reject material or suspend the work until the question at issue can be referred to and decided by the Superintendent of the Department of Public Works. The Inspector shall not be authorized to revise, alter, enlarge, relax or release any requirements of these specifications nor to approve or accept any portion of the work, nor to issue instructions, contrary to the plans and specifications approved by the Board of Health in issuing a Disposal Works Construction Permit.

The Inspector shall in no case act as a foreman or perform other duties for the property owner and/or his contractors or interfere with the work by the property owner and his contractors. Any advice, which the Inspector may give the property owner, shall in no circumstances be construed as binding the Town in any way.

Inspection of the work Performed by a Property Owner

The property owner shall not bury any pipes or casings or other appurtenances except in the presence of the Inspector. To this end, proper notice shall be given the Inspector by the property owner of the time and place he intends to do the work. Any work which is done when the Inspector is not present or which is done contrary to the direction of the Inspector shall be considered unauthorized and shall not be accepted.

G. Penalties

Any person found to be violating any provision of these regulations shall be served by the Water and Sewer Board or its agent with written notice stating the nature of the violation, fines and/or penalties (if applicable) 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. This notice provision

shall not apply to a failure-to-connect violation which is subject to the notice provisions of section 7 B of these regulations.

Any person who shall continue any violation beyond the time limit provided for shall incur a penalty in the amount established by separate regulation by the Water and Sewer Board for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. This penalty provision shall not apply to a failure-to-connect violation which is subject to the penalty provisions of section 7B of these regulations.

Any person violating any of the provisions of these regulations shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such offense.

Notwithstanding any of the foregoing provisions, the Town may institute any appropriate action including injunction or other proceeding to prevent, restrain or abate violations hereof. Violation of these regulations may also be enforced by the non-criminal disposition method as provided in General Laws Chapter 40, Section 21D and in Section 2-3 of the General By-Laws of the Town.

H. Schedule of Fines:

The following violations relating to grease trap maintenance have such serious consequences that no warning will be given prior to the first offense:

1. Failure to pump at 25% capacity: First Offense = \$100.00 Second Offense = \$1,000.00 Third Offense = \$2,000.00. Any further offenses will result in a show cause hearing conducted by the Water & Sewer Board and/or the Board of Health to determine whether the offenders food service license should be revoked.
2. Discharge of grease into the sewer by failing to install a grease trap or failing to pump the grease trap as required without damage to the infrastructure: First Offense = \$3,000.00 Second Offense = \$6,000.00 Third offense = Temporary loss of license until a show cause hearing is conducted by the Water and Sewer Board and/or the Board of Health to determine whether the offenders food service license should be revoked.
3. Discharge of grease into the sewer by failing to pump the grease trap as required with damage to the infrastructure: Liability for all damages and repairs and temporary loss of license until a show cause hearing is conducted by the Water and Sewer Board and or the Board of Health to determine whether the offenders food service license should be revoked.
4. Removal, disconnection or tampering of the monitoring device in any way that causes it to no longer function as intended: First Offense = \$1,000.00 Second Offense = \$2,000.00 Third Offense = Temporary loss of license until a show cause hearing is conducted by the Water and Sewer Board and/or the Board of Health to determine whether the offenders food service license should be revoked.
5. Failure to pay any fine within thirty (30) days will result in the suspension of the food service license.

I. Demarcation of Responsibility

Property owners shall be responsible for all internal plumbing of their properties, and for the waste pipe leading from their building to the nearest vacuum valve or grinder pump. Obstructions or pipe damage between the property and the valve or grinder pump shall be the responsibility of the property owner to correct and repair by a Board of Health licensed septic system installer. The wastewater Vendor shall be responsible for the vacuum valves, the grinder pump, and all piping downstream of such structures.

Section 8. Appeal/Hearing Procedure

Any property owner who contests the property classification or any other determination made by the Water and Sewer Board pursuant to these regulations may appeal to the Water and Sewer Board and request a hearing prior to seeking judicial relief pursuant to Section 5 of Chapter 157 of the Acts of 2000. If the issue in such administrative appeal is whether the property in question was correctly classified, the Water and Sewer Board shall request that the Board of Health review the determination made with respect to such property and report its findings to the Water and Sewer Board. The Water and Sewer Board shall have no jurisdiction to determine whether the Board of Health's classification was appropriate.

Section 9. Sewer Connection Construction

Replumbing by the Property Owner

The reconfiguration of plumbing inside a building to connect to the Building Drain and Building Sewer shall be the responsibility of the property owner. The Water and Sewer Board and the Town's Vendor will not contract with plumbers to provide such service to property owners. The Water and Sewer Board will allow the Town's Vendor to contract with plumbers to provide services to homeowners for decommissioning cesspools and septic tanks. Such contracts shall be separate contracts between the Town's Vendor and each property owner and are not part of the contract between the Town's Vendor and the Town.

Section 10. Sewer Usage Fees

A. Sewer usage fees shall be based upon 100 percent of water consumption figures. The Water and Sewer Board shall not provide separate metering of water usage and sewer usage and any post-meter measuring by property owners of water that

does not enter the sewer system shall not be considered by the Water and Sewer Board in calculating sewer usage fees.

B. The Water and Sewer Board shall make equitable adjustments to such sewer usage fees, pursuant to Section 4 of Chapter 157 of the Acts of 2000, to be paid by owners of property that, after assessment of the betterment assessment provided for by said Section 4:

1. are designated as a Receiving Property; or
2. at the time of assessment, in fact had different characteristics, for example, more bedrooms, than reflected in the records of the Board of Assessors of the Town and upon which such betterment assessment was based.

C. The Water and Sewer Board may assess a supplemental usage fee to those users required by these regulations to install Grease Traps. These fees may be based on the cost to administer the monitoring and inspection program and the number of Grease Traps connected to the wastewater collection system.

D. The Water and Sewer Board may, pursuant to its discretion in setting sewer use charges under G.L. c. 83, §16, grant a credit against future sewer use charges to a Sending Property in the proportion that the reduction in Title 5 Wastewater Flow bears to the Title 5 Wastewater Flow on which the Sending Property's Betterment was based, said credit to be apportioned over the remaining period of Betterment apportionment.

E. The Water and Sewer Board may, pursuant to its discretion in setting sewer use charges under G.L. c. 83, §16, grant a credit against future sewer use charges if, without an obligation to do so, a user pays the entire unpaid balance of the Betterment assessed to a property by April 1, 2006, such credit to be equal to five percent (5%) of said balance.

Section 11. Severability

If any provision of this regulation or the application thereof is held to be invalid by a court of competent jurisdiction, the invalidity shall be limited to said provision and the remainder of the regulation shall remain valid and effective. Any part of this regulation subsequently invalidated by state law shall automatically be brought into conformity with the new or amended law and shall be deemed effective immediately, without recourse to a public hearing.

Jonathan Sinaiko
Chairman
Water and Sewer Board

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