

Town of Kingfield, Maine
Wastewater Disposal Ordinance

Accepted at Annual Town meeting; March 5th,
1983

Revised: June 6th, 2015

Table of Contents

Article I	Definitions
Article II	Abbreviations
Article III	Required use of Public Facilities
Article IV	Private Wastewater Disposal
Article V	Building Sewers and Connections
Article VI	Limitations on Use of Public Facilities
Article VII	Protection from Damages
Article VIII	Powers and Authority of Inspection
Article IX	Penalties
Article X	User Rates
Article XI	Validity
Article XII	Ordinance in Force

Town of Kingfield, Maine

Wastewater Disposal Ordinance

Preamble:

The domestic, commercial, and industrial wastewaters generated within the Town of Kingfield must be disposed of in a manner which protects the health and welfare of the citizens of the Town, protects the physical environment of the Town, and is in compliance with applicable State and Federal statutes. To meet these requirements, the Town of Kingfield is undertaking a formal pollution control facility construction program within certain defined limits of the Town with funding assistance from the State of Maine and the U.S. Environmental Protection Agency. The area limits of the formal Town program are illustrated on the attached plan which is made part of this ordinance.

The Town's formal pollution control facility program utilizes subsurface disposal techniques for disposal through individual home systems, small group or cluster systems, and a large central cluster system serving the central business area. All buildings existing within the defined service area on December 31, 1982 will be provided with new publicly-owned and operated waste-water disposal facilities, except for those buildings which have installed private disposal systems in accordance with the Maine Subsurface Wastewater Disposal Rules (SWDR) prior to the date on which bids are sought for construction of the public facilities. All buildings connected to public sewers on December 31st, 1982 will be provided with new subsurface facilities, or will be reconnected to new public sewers leading to public cluster disposal systems. The old sewer system will cease to be used for wastewater transport, but will remain in service to carry storm water, foundation drains, sump pump discharges, or other contaminated runoff.

The buildings outside of the defined public service area shall continue disposal via private systems in compliance with regulations established by the State of Maine. Disposal of all wastewaters outside of the defined public service area shall be accomplished solely by private owners except as may be expressly provided in this ordinance.

The purpose of this ordinance is to regulate the use of public and private sewers and drains, public wastewater disposal facilities, private wastewater disposal facilities, and the discharge of waters and wastes into the public facilities; and providing penalties for the violations thereof, in the Town of Kingfield, County of Franklin, and State of Maine.

Be in ordained and enacted by the Board of Selectman of the Town of Kingfield, State of Maine, as follows:

ARTICLE I

Definitions

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

Section 1. “Biochemical Oxygen Demand (BOD)” shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C,

Section 2. “Building” shall mean a structure built, erected, and framed of component structural parts designed for the housing, shelter, enclosure, or support of persons, animals, or property of any kind.

Section 3. “Building Drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer. The building drain extends (2) feet current SWDR (2.44 meters) outside the inner face of the building wall.

Section 4. “Building Sewer” shall mean that part of the plumbing system that extends from the end of the building drain and conveys its discharge to a public sewer, septic tank and disposal field, or other point of disposal.

Section 5. “Combined Sewer” shall mean a Sewer intended to receive both wastewater and storm or surface water.

Section 6. “Easement” shall mean an acquired legal right for the specific use of land owned by others.

Section 7. “Floatable oil” is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in and approved pretreatment facility. A Wastewater shall be considered free of floatable oil if it is properly penetrated and the wastewater does not interfere with the collection system.

Section 8. “Garbage” shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.

Section 9. “Board of Selectmen” shall mean the elected governing body of the town of Kingfield.

Section 10. "Industrial Wastes" shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

Section 11. "Local plumbing inspector, LP I" shall mean a town appointed official charged with him implementing the rules and carrying out the duties required by 30 MRSA 3222.

Section 12. "Natural outlet" shall mean any outlet, including storm sewers and combined sewer overflows into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Section 13. "Person" shall mean any individual, firm, company, association, society corporation, municipal or quasi-municipal agency, state agency, federal agency or other legal entity.

Section 14. "PH" shall mean the logarithm of the reciprocal of the hydrogen ion concentration the concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water for example has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .

Section 15. "Pollutant" shall mean dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or by-products, heat, wrecked or discarded equipment, rock, sand dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

Section 16. "Properly shredded garbage" shall mean the wastes from the handling, preparation, cooking and serving of food that have been shredded to such a degree that all articles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than 1/2 inch or 1.27 cm in any dimension.

Section 17. "Public facility" shall mean a common sewer, treatment facility, disposal facility, or other public improvements relative to wastewater disposal, owned, operated, and maintained by public authority or government agency.

Section 18. "Sanitary sewer" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

Section 19. "Sewerage" shall mean a pipe or conduit that carries wastewater or drainage water.

Section 20. "Shall" is mandatory; "May" is permissive.

Section 21. “Slug” shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than 5 times the average 24-hour concentration of flows during normal operation and adversely affect the collection system and or performance of the wastewater treatment works.

Section 22. “Subsurface wastewater disposal rules” shall mean the rules established by the state of Maine under Chapter 241, 22 MRSA 42(3), 42 (3-B).

Section 23. “Storm drain” (sometimes termed storm sewer) shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

Section 24. “Superintendent” shall mean the superintendent of public wastewater collection, treatment, and disposal facilities of the Town of Kingfield, or his authorized deputy agent or representative.

Section 25. “Suspended solids” shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater” published by the American Public Health Association and referred to as a non-filterable residue.

Section 26. “Town” shall mean the town of Kingfield.

Section 27. ‘Unpolluted water’ is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

Section 28. “Wastewater” shall mean the spent water of the community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such incidental ground, surface and storm waters as may be present.

Section 29. “Wastewater treatment works” shall mean an arrangement of devices and structures for treating wastewater, industrial waste, and sludge.

Section 30. “Wastewater facilities” shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial waste and disposal of effluent.

Section 31. “Water course” shall mean a natural or artificial channel for the passage of water either continuously or in intermittently.

Section 32. "Well" shall mean any dug, driven, or bored hole into the groundwater table, the purpose of which is to draw water for human consumption.

Additional definitions included in the State of Maine Subsurface Wastewater Disposal Rules, (SWDR) Chapter 241, 22 MRSA 42 as applicable to facilities within the Town of Kingfield are made part of this ordinance.

ARTICLE II

Abbreviations

For the purpose of this ordinance the following abbreviations shall have the meaning ascribed to them under this article. References to standards of the following organizations shall refer to the latest edition of same.

Section 1. ANSI shall mean American National Standards Institute.

Section 2. ASME shall mean American Society of Mechanical Engineers.

Section 3. ASCE shall mean American Society of Civil Engineers.

Section 4. ASTM shall mean American Society for Testing and Materials.

Section 5. cm. Shall mean centimeter.

Section 6. CS shall mean Commercial Standards.

Section 7. Degrees C shall mean degrees Celsius.

Section 8. Degrees F shall mean degrees Fahrenheit.

Section 9. DEP shall mean feet of Maine Department of Environmental Protection

Section 10. EPA shall mean United States Environmental Protection Agency.

Section 11. Kg. shall mean kilograms.

Section 12. 1. Shall mean liters

Section 13. LPI shall mean Local Plumbing Inspector.

Section 14. M. Shall mean meter.

Section 15. MG/L shall mean milligrams per liter.

Section 16. NEIWPC shall mean New England Interstate Wastewater Pollution Control Commission.

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- Section 17. UPC shall mean Uniform Plumbing Code.
- Section 18. PPM shall mean parts per million.
- Section 19. SQ.M. Shall mean square meter.
- Section 20. WPCF shall mean Water Pollution Control Federation.
- Section 21. SWDR shall mean State of Maine Subsurface Wastewater Disposal Rules

ARTICLE III

Required use of public facilities.

Section 1. It shall be unlawful for any person to place, deposit, or permit to be placed or deposited in any unsanitary manner on public or private property within the Town of Kingfield or in any area under the jurisdiction of said Town and human excrement, garbage, or other objectionable waste or wastewater.

Section 2. It shall be unlawful to discharge into any natural outlet within the Town of Kingfield, or in any area under the jurisdiction of said Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance and the requirements of the State of Maine.

Section 3. Except as here-in-after 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 wastewater.

Section 4. The owners of all buildings or other properties used for human occupancy, employment, recreation, or other purposes, situated within the designated public service area of the town's public wastewater disposal system on December 31, 1982 is hereby required to connect to the public facilities being installed by the Town in accordance with the provisions of this ordinance, except for those buildings which have installed private disposal systems in full accordance with the Maine State SWDR prior to the date on which bids are sought for construction of the public facilities.

Such connection, including any internal plumbing changes which may be required, shall be completed within 90 days of the date of official notice to do so, providing winter conditions do not preclude reasonable trenching conditions.

The owners of any building constructed within the designated public service area after December 31, 1982 may apply to the Superintendent for connection to a public sewer, or for a public installation of a disposal facility as may be appropriate, or the owner may

install a private disposal system as provided in this ordinance. Permit applications for connection to a public sewer or for a public installation of a disposal facility shall be accompanied by an application fee of \$100.00. The Superintendent shall review any application for public service received and shall determine the technical feasibility of providing public service and shall estimate the cost of such public installation. The feasibility review and cost data shall be made available to the owner who shall then determine if public or private facilities are to be installed. Should the technical review indicate that the soil conditions or other constraints would preclude installation of an individual subsurface system, and if capacity is not available in a cluster system, the Town is under no obligation to provide service to any lot.

Should the owner elect to have service by the Town, they shall grant to the town at no cost any easement or right of way required for the installation of said facilities. The town shall then install the required disposal system or service lead to a public sewer. The owner shall reimburse the Town for all costs incurred in the system installation.

Should the owner of a new building elect to install a private system within the Town's designated public service area, he shall do so only upon permit issuance by the LPI and such systems shall be in full compliance with this ordinance.

Any change of usage in any building connected to a publically maintained system, such as subdivision into apartments, residential into commercial, etc., shall not be made without approval by the superintendent. Any owner desiring to make a change in usage shall apply to the superintendent providing complete data on the proposed change including projections of the quantity and character of wastewater generated. Permit applications shall be accompanied by an application fee of \$50.00. The Superintendent shall review any application received and shall determine if the disposal system has capacity to receive the wastewater generated by the change in usage. If the system is adequate to serve the usages, a permit shall be granted. If the system is not adequate for the usages change, the superintendent will determine if modifications to the system to receive the flow are feasible. If such modifications are feasible, a permit for change shall be granted upon payment to the Town by the owner of the estimated costs of system modifications. Should actual costs be less than estimated, the owner will be reimbursed any sums paid in excess; if the actual costs are in excess of the estimate, the owner shall pay to the Town any sum due. All costs of system modifications will be borne by the owner.

Section 5: it shall be unlawful to install a well for the purpose of drawing water for human consumption with in the area serviced by the municipal pollution control; program.

ARTICLE VI

Private wastewater Disposal

Section 1. Outside of Public service area defined by this ordinance or within the public service area as permitted under Article III, Section 4, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article and the state of Maine Subsurface Wastewater Disposal Regulations.

Section 2. Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permission signed by the local plumbing inspector. The application for such permit shall be made on a form furnished by Maine Department of Health and Human Services Maine Center for Disease Control and Prevention, Division of Environmental Health Maine Subsurface Wastewater Team. A permit and inspection fee as established by the Maine SWDR shall be paid to the town at the time the application is filed.

Section 3. A private wastewater disposal system shall not become effective until installation is complete to the satisfaction of the plumbing inspector. The plumbing inspector shall be allowed to inspect the work at any stage of construction and a minimum of two inspections as specified in the ME SWDR shall be conducted before any undergrounds portions are covered.

Section 4. The type capacities, locations, and layout of a private wastewater disposal system shall comply with the State of Maine's Subsurface Wastewater Disposal Rules and the minimum lot size law (Maine Revised Statutes Annotated, Title 12 Chapter 423-A). No private wastewater disposal system shall be permitted to discharge to any natural outlet.

Section 5. The owner's shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the town,

Section 6. Each private disposal system within the town shall be maintained in proper operational condition at all times. The units on the public systems shall be maintained by the Town. All private systems shall be wholly maintained by the owner. Periodic pumping of private septic tanks shall be scheduled by the owner as appropriate to his system. Septage pumped from private systems may be disposed of on town's septage site under the supervision of the superintendent, or shall be disposed of on other septage disposal sites approved by the Maine Department of Environmental Protection. Disposal on the municipal site shall be limited to the months of May through October. Prior to pumping with the intent to dispose at municipal site, the owner or his contractor of shall apply to the town for a septage disposal permit which shall be issued upon payment of a \$ **\$150.00** disposal charge. The permit must be signed by

the owner and the pumper certifying the volume pumped and the location of the system pumped. The signed permit shall be presented to the superintendent prior to septage disposal at the Town's site.

Section 7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Town's Health Officer.

ARTICLE V

Building sewers and connections

Section 1. No persons shall uncover, make any connections with or opening into, alter, or disturb any public sewer or appurtenant facility without first obtaining a written permit from the Superintendent, which permit shall be issued only after then procedure of ARTICLE III OF THIS ORDINANCE HAS BEEN MET.

Section 2. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of superintendent. A permit and inspection fee for a residential permit and for a commercial building sewer permit shall be paid to the Town at the time the application is filled.

Section 3. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. **Kingfield Waste Water Department is responsible from the tank to the main line. The Owner is responsible for the connection from the house to the tank.**

Section 4. A separate and independent building sewer shall be provided for every building requiring a sewer connection; unless approved in writing by the superintendent

Section 5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this ordinance.

Section 6. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Uniform Plumbing Code or other applicable rules and regulations of the Town. In the absence of the code provisions or in amplification thereof, the materials and procedures set forth in

appropriate specifications of the A.S.T.M and W.P.C.F. manual of practice no.9 shall apply.

Section 7. No person(s) shall make connections of roof downspouts, exterior foundations drained, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Sump pumps are specifically prohibited from discharging to any sanitary facility.

Section 8. The connection of the building sewer into the public sewer shall conform to the requirements of Uniform Plumbing Code or other applicable rules and regulation of the town, or the procedures set forth in appropriate specifications of the A.S.T.M and W.P.C.F. manual of practice No 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

Section 9. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

ARTICLE VI

Limitations on use of public sewers

Section 1. No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, ground water, roof run off, subsurface drainage including foundation and cellar drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer or public disposal facility.

Section 2. 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 Kingfield Waste Water Superintendent. Industrial cooling water or unpolluted process waters may be discharged, upon written approval of the Kingfield Waste Water Superintendent, to a storm sewer or natural outlet, provided however, that such discharge shall be in accord with all State and Federal regulations.

Section 3. The following described substance, materials, waters, pollutants shall be in discharges to municipal systems to concentrations on quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream or ground water, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The superintendent may set limitations lower than the limitations established in regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as

to the acceptability, the superintendent will give consideration to such factors as the quantity of subject wastes in relation to flows and velocities in sewers, then wastewater treatment process employed, capacity of the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in wastewater treatment plant, and other pertinent factors. The limitations or restrictions of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the superintendent are as follows:

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.

Section 4. General Sewer Use Requirements: General prohibitions. No discharger or user shall introduce or cause to be introduced into the Kingfield Waste Water system any pollutant or wastewater which causes pass-through or interference. These general prohibitions apply to all users of the Kingfield Waste Water system, 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 Kingfield, which is introduced to the Kingfield Waste Water system.

Specific prohibitions. No discharger or user shall introduce or cause to be introduced into the Kingfield Waste Water system the following pollutants, substances or wastewater:

(a) Pollutants which create a fire or explosive hazard in the Kingfield Waste Water system, 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

(b) Wastewater having a pH less than 5.0 or more than 12.0 or otherwise causing corrosive structural damage to the Kingfield Waste Water system or equipment. Any pH above 12.5 is considered hazardous under 40 CFR 261.22.

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

(d) 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 Kingfield Waste Water system.

(e) Wastewater having a temperature greater than 150° F. (65° C.) or which will inhibit biological activity in the Kingfield Waste Water system resulting in interference, but in no case wastewater which causes the temperature of the treatment plant influent of the Kingfield Waste Water system to exceed 104° F. (40° C.).

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

(g) Pollutants which result in the presence of toxic gases, vapors or fumes within the wastewater system in a quantity that may cause acute worker health and safety problems.

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

(i) 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.

(j) 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 Town's MEPDES permit.

(k) 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 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.

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

(m) 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.

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

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

(p) 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.

(q) 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 wastewater processes or which might limit the potential end uses of the wastewater sludges.

(r) 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.

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

(t) Any garbage except properly shredded garbage.

(u) Any hazardous waste.

Section 5. Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in section 4(c), or any flammable wastes, sand, 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 Superintendent, and shall be located as to be readily and easily accessible for the cleaning and inspection. In the maintain of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Superintendent. Any removal and

hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms.

Section 6. Where pretreatment or flow equalizing facilities are provided or required for any waters or pollutants, they shall be maintained continually in satisfactory and effective operation by the owner(s) at his expense.

Section 7. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industries pollutants shall install a suitable structure together with such necessary matters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the superintendent. The structures shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

Section 8. The Superintendent may require an industrial user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include

- (1) Wastewaters discharge per rate and volume over a specified time period.
- (2) Chemical analyses of wastewaters.
- (3) Information on raw disposition of specific liquid, sludge, soil, solvent, or other materials important to sewer use control.
- (4) Quantity and disposition of specific liquid, sludge, soil, solvent, or other materials important to sewer use control.
- (5) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
- (6) Details of wastewater pretreatment facilities.
- (7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.
- (8) All discharging into public sewer or public facilities shall perform such monitoring of their discharges as the Superintendent and/or other duly authorized employees of the town may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records, and reporting the results of such monitoring to the Superintendent. Such records shall be made available upon request by the superintendent to the other agencies having jurisdiction over discharges to the receiving waters.

Section 9. (1) Sample collection. 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.

Section 10. Recordkeeping

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

(2) 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.

(3) 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 Kingfield, waste water system or where the user has been specifically notified of a longer retention period by the Town.

(4) State requirements. State requirements and limitations on discharges to the Kingfield waste water system 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.

(5) 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.

Section 11. The Town will develop and the Superintendent will enforce pre-treatment regulations for existing and new sources of pollution that are discharged or proposed to be discharged into the municipally owned wastewater treatment facilities as set forth in title 40, chapter 1, part 128 and part 403 of the final rules of the United States Environmental Protection Agency.

Section 12. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment thereof, by the industrial concern: provide that such agreements do not contravene any requirements of existing Federal or State laws and/or regulations promulgated thereunder, and are compatible with any user Charge System in affect.

ARTICLE VII

Protection from damage

Section 1. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the wastewater facilities. Any person(s) violating this provision may be subject to arrest under the charge of criminal mischief as set forth in Maine Revised Statues Annotated, Title 17-A, chapter 33, subsection 806

ARTICLE VIII

Powers and Authority of Inspectors.

Section 1. The superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties at reasonable hours for the purposes of inspection, observation, measurements, sampling, and testing pertinent to discharge to the public system in accordance with the provisions of this ordinance.

Section 2. The superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater facilities. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

Section 3. Compliance monitoring; right of entry.

Inspection and sampling. The Town 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 Kingfield Waste Water System.

(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.

Section 4. 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, Town of Kingfield shall be executed pursuant to Maine Rules of Civil Procedure 80E, and the Town shall be accompanied by a uniformed police officer during said execution.

ARTICLE IX

Penalties

Section 1. Any person found to be violating any provision of this ordinance except Article VII, 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 2. Any person who shall continue any violation beyond the time limit provided for in article IX, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$200.00 for each violation. Each day in which any violation shall continue shall be deemed a separate offense.

Section 3. Any person violating any of the provisions of this ordinance shall become liable to the town for any expense, loss, or damage occasioned the Town by reason of such offense.

Section 4. Notwithstanding any of the following provisions, the Town may institute any appropriate action including injunction or other proceedings to prevent, restrain, or abate violations hereof.

ARTICLE X

User rates

Section 1. Rates shall be established by the Board of Selectmen based upon calculated User Units and on the actual volume of water used as determined from the records of the Kingfield Water District. Each single family residential structure shall count as one User Unit and each additional one hundred fifty (150) gallons of projected use, based on Tables 4A and 4C of the SWDR (or any amendments thereto), shall be counted as one additional User Unit. Metered water usage in excess of the calculated volume shall be billed at a rate established by the Board.

Any change of use allowed in Article III Section 4 of this Ordinance may require an increase in user rates as determined by the superintendent. If a change of use allowed by Article III Section 4 causes a reduction in the actual volume of water used as determined by the records of the Kingfield Water District for a period of at least twelve (12) months and the use has been changes to the extent that it cannot be reestablished (such as demolition of part of the structure) the user may request a rate reduction. In reviewing any such request the Board of Selectmen shall consider, at a minimum, the recommendations of the superintendent and the potential that the use could be increases in the future and if the Board determines that the reduction is only temporary in nature they shall not grant the request.

Section 2. The Board of Selectmen shall hold a public hearing at least 30 days prior to adopting any changes to the user rates.

ARTICLE XII

Ordinance in Force

Section 1. This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

Section 2. Passed and adopted by the Town of Kingfield, state of Maine on the _____ day of _____, 20____ by the following vote:

Approved this _____ day of _____, 20_____

Signed _____

Attest:

Signed _____, Town Clerk