

360 CMR 10.000: SEWER USE

Section:

GENERAL PROVISIONS

- 10.001: Authority
- 10.002: Purpose
- 10.003: Severability
- 10.004: Definitions
- 10.005: Applicability
- 10.006: General Requirements
- 10.007: Permits - General Requirements
- 10.008: Monitoring, Sampling, and Reporting
- 10.009: Signatories and Certifications
- 10.010: Record Keeping
- 10.011: Public Records
- 10.012: Access to Facilities
- 10.013: Non-complying Discharges: Required Notifications and Actions
- 10.014: User Charges
- 10.015: Implementation Charges
- 10.016: Gas/Oil Separators
- 10.017: Grease Traps and Grease Interceptors
- 10.018: Significant Industrial Users

PROHIBITED WASTES AND LOCAL LIMITS

- 10.021: General Prohibitions
- 10.022: National Pretreatment Standards
- 10.023: Specific Prohibitions
- 10.024: Specific Discharge Limitations/Local Limits
- 10.025: Dilution Prohibition
- 10.026: Compliance Measurement Location

SEPTAGE DISCHARGE PERMITS

- 10.027: Septage Origination Requirements
- 10.031: Requirement for Septage Discharge Permit and Permit Application and Issuance
- 10.032: Terms and Conditions of Septage Discharge Permits
- 10.033: Permit Modifications
- 10.034: Notice to Employees and Contractors
- 10.035: Municipal Permit Requirements
- 10.036: Permit Requirements for Industrial Waste and/or Industrial Waste Mixed with Septage

MUNICIPAL PERMITS

- 10.041: Applicability
- 10.042: Municipal Permit Renewals
- 10.043: Sewer Use Ordinances/User Charges
- 10.044: Terms and Conditions
- 10.045: Public Participation
- 10.046: General Responsibilities
- 10.047: Septage Controls
- 10.048: Assessments for Authority Extra Costs

SEWER USE DISCHARGE PERMITS

- 10.051: Sewer Use Discharge Permit Requirements
- 10.052: Permit Application and Issuance
- 10.053: Terms and Conditions of Sewer Use Discharge Permits
- 10.054: Terms and Conditions for Hauled and Discharged Industrial Waste
- 10.055: Permit Modifications
- 10.056: Posting Requirements
- 10.057: Terms and Conditions for a Discharge from a Water Treatment Plant Owned and Operated by a Municipality, or by a Water District Created by a Special or General Act of the Massachusetts Legislature

360 CMR 10.000: SEWER USE (continued)

GROUP AND GENERAL PERMITS

- 10.061: Group Permit for Photo Processing and Printing Operations
- 10.062: General Permit for Low Flow and Low Pollutant Discharges
- 10.063: Group Permit for Food Processing
- 10.064: Combined Permit for Photo Processing, Printing, and Low Flow Operations

LANDFILL DISCHARGE PERMITS

- 10.071: Landfill Discharge Permit Requirements
- 10.072: Permit Application and Issuance
- 10.073: Terms and Conditions of Landfill Discharge Permits
- 10.074: Permit Modifications

DIRECT CONNECTION PERMITS

- 10.081: Applicability
- 10.082: Permit Applications
- 10.083: Permit Issuance
- 10.084: Costs and Liability

TEMPORARY CONSTRUCTION SITE DEWATERING PERMITS

- 10.091: Applicability
- 10.092: Permit Application and Issuance
- 10.093: Terms and Conditions of Temporary Construction Site Dewatering Permits
- 10.094: Permit Modifications

INCENTIVE AND OTHER CHARGES

- 10.101: Permitting Charge
- 10.102: Monitoring Charge
- 10.103: Billing, Payment, and Appeals for Permitting and Monitoring Charges
- 10.104: Effect of 360 CMR 10.101 through 10.103 on Enforcement and Other Liability
- Appendix A: Metropolitan Sewerage Service Area Toxic Organics
- Appendix B: Clinton Sewerage Service Area Toxic Organics
- Appendix C: Clinton Sewerage Service Area Prohibited Pollutants
- Appendix D: Clinton Sewerage Service Area Facility Specific Limits
- Appendix E: Pesticides

GENERAL PROVISIONS

10.001: Authority

360 CMR 10.000 are the rules and regulations of the Massachusetts Water Resources Authority, promulgated under the authority of St. 1984, c. 372, St. 1987, c. 307, and St. 1991, c. 41, governing the discharge of sewage, drainage, substances, and wastes into any sewer under the control of the Authority, or into any sewer tributary thereto. 360 CMR 10.000 is established in compliance with all applicable requirements of federal and state law, including, without limitation, the requirements of the Federal Water Pollution Control Act, P.L. 92-500, 33 U.S.C. §§ 1251 *et seq.*, and the regulations thereunder, 40 CFR Part 403; the National Pollutant Discharge Elimination System program permits issued to the Authority by the United States Environmental Protection Agency and the Massachusetts Department of Environmental Protection; and the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26 *et seq.*, and 314 CMR 2.00, 7.00, and 12.00.

10.002: Purpose

360 CMR 10.000 is intended to protect the public health, safety and welfare and the environment and to ensure proper and safe operation of the Authority's wastewater treatment facilities by regulating the direct and indirect discharge of wastewater and pollutants to the Authority Sewerage System.

10.003: Severability

The provisions of 360 CMR 10.000 are severable. If any provision of 360 CMR 10.000, or application to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

10.004: Definitions

Unless the context specifically indicates otherwise, the meaning of the terms used in 360 CMR 10.000 shall be as follows:

Act shall mean St.1984, c. 372, and St. 1987, c. 307.

Aliquot shall mean a definite part of a whole, such as an aliquot quantity of a sample for analysis.

Authority shall mean the Massachusetts Water Resources Authority.

Authority Fiscal Year shall mean the 12-month period from July 1st through the next June 30th. The number of the fiscal year is the number of the calendar year in which the fiscal year ends. For example, Authority Fiscal Year 2003 runs from July 1, 2002, through June 30, 2003.

Authority Sewerage District shall mean the Clinton Sewerage Service Area and the Metropolitan Sewerage Service Area.

Authority Sewerage System shall mean the sewerage works under the control of the Authority. This includes the sewers, pump stations, treatment plants, and all other works under the control of the Authority used in collection, storage, transport, treatment, and discharge of waters and wastes and in the operation of the residuals program.

Batch Discharge shall mean a discrete or discontinuous short-term discharge to the sewer, often characterized by a discharge of all or most of the contents of a vessel. A batch discharge is not a part of a series of episodic discharges taking place with little time between each episode.

Best Management Practices or BMPs shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the requirements of 360 CMR 10.000 and the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs include, but are not limited to, treatment requirements, operating procedures, and practices to control discharges or potential discharges of materials to the Sewer System.

Blowdown shall mean the minimum discharge of recirculating water for the purpose of discharging materials contained in the water, the further buildup of which would cause concentration in amounts exceeding limits established by best engineering practice.

Bypass shall mean an intentional or negligent diversion of a wastestream, by direct or indirect means, to the Authority Sewerage System, from any portion of a Pretreatment facility prior to completing pretreatment, or from any industrial process or other source of Wastewater prior to pretreatment.

Clinton Sewerage Service Area shall mean the area consisting of the following political subdivisions: Clinton, Lancaster, Sterling, Bolton, and Berlin.

Combined Permit shall mean the Permit described in 360 CMR 10.064. It is substantially equivalent to a combination of the General Permit for Low Flow and Low Pollutant Dischargers, 360 CMR 10.062, and the Group Permit for Photo Processing and Printing Operations, 360 CMR 10.061.

Combined Sewer shall mean a Sewer designed to receive both Wastewater and storm or surface water.

Combined Wastestream Formula shall mean the formula defined in the U.S. Environmental Protection Agency *General Pretreatment Regulations for Existing and New Sources of Pollution*

in 40 CFR 403.6(e).

10.004: continued

Composite Sample shall mean a combination of a series of aliquots taken on either a time or flow proportional basis over a period of time.

Cooling Water shall mean the water discharged from any system of condensation, air conditioning, cooling, refrigeration, or other system of heat transfer.

Contact Cooling Water shall mean water used in a process for cooling purposes that has come in direct contact with a raw material, intermediate product, waste product, or finished product.

Daily Maximum Limit shall mean the highest allowable concentration for any Pollutant in a wastestream. The Daily Maximum Limit shall be determined as set forth in 360 CMR 10.024(3).

DEP shall mean the Massachusetts Department of Environmental Protection.

Direct Connection Permit shall mean the permit required or issued by the Authority for connection of a building sewer directly into the Authority sewer lines.

Discharge shall mean the introduction or release into any Sewerage System, sewer or sewer infrastructure of wastewater, water of any kind, or waste of any kind, by any means.

EPA shall mean the United States Environmental Protection Agency.

Facility shall mean something containing one or more operations that generate industrial waste.

Garage shall mean any structure or property where one or more motor vehicles are kept, stored, or serviced, including a public or private garage, carport, motor vehicle repair shop, paint shop, service station, lubritorium, car wash, gasoline station with grease pits or wash racks or areas, or any building used for similar purposes.

General Permit shall mean a permit in 360 CMR 10.062. It contains requirements for eligibility and coverage and standard conditions that must be met.

Grab Sample shall mean an individual aliquot collected over a period of time not exceeding 15 minutes.

Group Permit shall mean a Permit described in 360 CMR 10.061 and 10.063. It is applicable to a specific type or types of industrial processes or discharges. It shall have standard terms and conditions for all Persons to whom it is issued.

Hazardous Waste shall mean a waste, or combination of wastes, that at the time of discharge:

- (a) Is identified as a hazardous waste by EPA pursuant to the Resource Conservation and Recovery Act, 42 USC 6901, *et seq.*, and is listed in 40 CFR Part 261;
- (b) Has any of the hazardous waste characteristics identified by EPA in 40 CFR Part 261;
- (c) Has been identified by DEP as a hazardous waste pursuant to M.G.L. c. 21C and is listed in 310 CMR 30.000; or
- (d) Has any of the hazardous waste characteristics identified by DEP in 310 CMR 30.000.

A waste that would be a hazardous waste pursuant to the EPA or DEP criteria but for the fact that it is discharged to the sanitary sewerage system shall be, for purposes of 360 CMR 10.004: Hazardous Waste, a hazardous waste unless it is in wastewater which is discharged to the sewer system pursuant to a permit issued under 360 CMR 10.000 and in compliance with Authority discharge limits.

10.004: continued

Improperly Shredded Garbage shall mean Wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce, excluding rubbish and trash, which has particles greater than ½ inch or 1.27 centimeters in any dimension so as to prevent the particles from being carried freely under normal flow conditions in Municipal Sewers.

Indirect Discharge shall mean a Discharge of Wastes or Wastewater to a municipal Sewerage System that is connected to MWRA's system.

Industrial User means a source of discharge of Industrial Waste to a Sewerage System.

Industrial Waste or Industrial Wastewater shall mean any solid, liquid, or gaseous Wastes or Wastewater, resulting from an industrial or manufacturing process, or from a commercial, governmental, or institutional activity, or from the development, recovery, or processing of natural resources.

Infiltration shall mean the water entering a Sewerage System from the ground or a water body, including through such means as, defective building drains and sewers, pipes, pipe joints, connections, or manhole walls.

Inflow shall mean the discharge into a Sewerage System, including service connections, from such sources as, but not limited to, roof leaders, cellars, yards, and area drains, foundation drains, sump pumps, Cooling Water discharges, drains from springs and swampy areas, manhole covers, cross connections from Storm Sewers and Combined Sewers, catch basins, storm water, surface runoff, or street wash water.

Interference shall mean a discharge which, alone or in conjunction with discharges from other sources, both:

- (1) inhibits or disrupts the Authority Sewerage System, or any Municipal Sewerage System that is a tributary to the Authority Sewerage System, their treatment processes or operations, or the Authority's Sludge processes, use, or disposal; and
- (2) causes a violation of any requirement of the Authority's NPDES permit (including an increase in the magnitude or duration of a violation) or prevents the Authority from using or disposing of its Sludge in compliance with applicable federal, state, or local laws or any permit.

Landfill shall mean a facility or place established for the deposit of wastes on land.

Landfill Leachate shall mean a liquid that has passed through or emerged from wastes deposited at a Landfill, including liquid resulting from the percolation of runoff, subsurface drainage, groundwater, and storm water through the landfill.

Landfill Permit shall mean the permit required or issued by the Authority for discharge from a Landfill.

Metropolitan Sewerage Service Area shall mean the area consisting of the following political subdivisions: Arlington, Ashland, Bedford, Belmont, Boston, Braintree, Brookline, Burlington, Cambridge, Canton, Chelsea, Dedham, Everett, Framingham, the north sewer district of Hingham, Holbrook, Lexington, Malden, Medford, Melrose, Milton, Natick, Needham, Newton, Norwood, Quincy, Randolph, Reading, Revere, Somerville, Stoneham, Stoughton, Wakefield, Walpole, Waltham, Watertown, Wellesley, Westwood, Weymouth, Wilmington, Winchester, Winthrop, and Woburn.

mg/l shall mean milligrams per liter.

Municipal Permit shall mean the permit required or issued by the Authority to a Municipality which is served by the Authority Sewerage System.

Municipal Sewer shall mean a Sewer controlled by a Municipality, public body, or authority.

10.004: continued

Municipality shall mean any city, town, Sewer District, public body, or similar entity, that operates a public water or sewer system, or both, on behalf of the communities identified in the definitions of Clinton Sewerage Service Area and Metropolitan Sewerage Service Area, that discharges Wastewater and/or Septage into the Authority Sewerage System including any city, town, District, or public body within the Authority Sewerage District or served by the Authority under a contract or other agreement.

National Categorical Pretreatment Standard shall mean the requirements under 40 CFR 403.6 and 40 CFR chapter I, subchapter N, specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a Publicly Owned Treatment Works by new or existing industrial sewer users in specific industrial categories which are established as separate regulations under the appropriate subpart of 40 CFR chapter I, subchapter N.

National Pretreatment Standard or Pretreatment Standard shall mean the general prohibitions and specific prohibitions of 40 CFR 403.5(a)and(b), and the National Categorical Pretreatment Standards.

NELAP shall mean EPA's National Environmental Laboratory Accreditation Program.

New Source shall mean any building, structure, facility or installation from which there is or may be a discharge to a sewer, the construction of which commenced after the publication of proposed National Pretreatment Standards which will be applicable to such source if such Standards are thereafter promulgated, provided that the source meets the criteria for a New Source in 40 CFR 403.3(m). Construction on a site at which an existing source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of 40 CFR 403.3(m), but otherwise alters, replaces, or adds to existing process or production equipment.

Non-contact Cooling Water shall mean water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Non-contact Industrial Process Water shall mean water used in an industrial or manufacturing process, or in the development, recovery, or processing of natural resources, that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Organics shall mean those chemical compounds based on a carbon structure and also containing hydrogen with or without oxygen, nitrogen, or other elements.

Pass Through shall mean a discharge of Pollutants through an Authority Sewage Treatment Facility into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any federal or state law or of any permit issued to the Authority, including an increase in the magnitude or duration of a violation.

Person shall mean any agency or political subdivision of the Commonwealth or of the federal government, any state, public or private corporation or authority, individual, trust, firm, joint stock company, partnership, association, or other entity, or any group thereof, and any officer, employee, or agent of such person, and any group of persons.

Pesticides shall mean:

- (a) All substances listed in 360 CMR 10.000: *Appendix E*; and
- (b) Any other substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, including, but not limited to:
 - 1. All substances or mixtures registered as pesticides pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136, *et seq.*, and EPA regulations thereunder, 40 CFR Part 152, and all products denied registration for use as pesticides pursuant to those provisions;

10.004: continued

2. All substances or mixtures registered as pesticides pursuant to the Massachusetts Pesticide Control Act, M.G.L. c. 132B, and regulations of the Massachusetts Department of Food and Agriculture, 333 CMR 8.00; and
 3. All products and by-products of pesticide production prohibited from discharge to Publicly Owned Treatment Works by federal or state law.
- (c) For purposes of 360 CMR 10.004: Pesticides(b), Pesticides shall not include:
1. Any product or substance excluded by EPA from regulation pursuant to 40 CFR Part 152, including but not limited to:
 - a. products or substances that are excluded from the definition of pesticide in 40 CFR 152.3;
 - b. products that are not pesticides because they are not used against pests;
 - c. products that are not pesticides because they are not deemed to be used for a pesticidal effect; and
 - d. products of a character not requiring regulation under the FIFRA and exempt from regulation as pesticides pursuant to 40 CFR 125.25; and
 2. Any product or substance excluded by EPA from regulation pursuant to 40 CFR Part 455, including but not limited to:
 - a. products whose only pesticidal active ingredient is a common food/food constituent or non-toxic household item or a substance that is generally recognized as safe;
 - b. pool chemicals as defined in 40 CFR 455.10(q); and
 - c. products whose labeled directions for use result in the product being discharged to the sanitary sewer, that is, products that are sanitizers within the meaning of 40 CFR 455.10(t), including sanitizer solutions as defined by the United States Food and Drug Administration in 21 CFR 178.1010.
- (d) For purposes of 360 CMR 10.004: Pesticides(b), “pest” means:
1. Any insect, rodent, nematode, fungus, weed; and
 2. Any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism that the Authority determines to have been or intended to be treated as undesirable or detrimental.

pH shall mean the logarithm of the reciprocal of the hydrogen ion concentration, expressed in moles per liter. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10^{-7} .

Pollutant shall mean any element, constituent, or property of Wastewater, or of agricultural, industrial, manufacturing, or commercial process Waste, or leachate, or any other substance which causes the alteration of the chemical, physical, biological, or radiological integrity of water through its introduction therein.

Pretreatment shall mean the reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing the Pollutant into a Sewerage System. This shall include reduction or alteration by physical, chemical or biological processes, process changes, or other means, except as prohibited by 40 CFR Part 403.

Public Record shall mean a "public record" as defined by M.G.L. c. 4, § 7(26).

Publicly Owned Treatment Works or POTW shall mean a treatment works as defined in 40 CFR 403.3(q).

Receiving Waters shall mean any watercourse, river, pond, wetland, ditch, lake, aquifer, ocean, or other body of surface or groundwater receiving discharge of Wastewater or effluent.

Record shall mean a book, paper, map, photograph, recorded tape, financial statement, statistical tabulation, or any other documentary material or data, regardless of physical form or characteristics.

10.004: continued

Sanitary Sewage shall mean liquid and water-carried human and domestic Wastes. Groundwater, storm water and surface water, roof and surface runoff, uncontaminated Cooling Water, Non-contact Industrial Process Water, and Industrial Waste are not Sanitary Sewage.

Sanitary Sewer shall mean a Sewer that carries Sanitary Sewage and/or Industrial Wastes.

Separator shall mean a device designed and installed to separate deleterious or undesirable matter from normal Wastes and to retain such deleterious or undesirable matter while permitting normal Sewage or liquid wastes to discharge into the drainage system by gravity.

Septage shall mean liquid and Solid Wastes of primarily Sanitary Sewage origin removed from a cesspool, septic tank, or similar receptacle.

Septage Discharge Permit shall mean the permit required or issued by the Authority for discharge of septage by commercial septage haulers.

Sewage shall mean the spent water of a community, which may be a combination of liquid and water-carried Wastes from residences, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and/or storm water that may be present.

Sewer shall mean a pipe or conduit that carries Wastewater, including a Storm Drain.

Sewer Use Discharge Permit shall mean the permit required or issued jointly by the Authority and a Municipality for the discharge of industrial waste.

Sewerage System or Sewer System shall mean any device, equipment or works used in the transportation, pumping, storage, treatment, recycling, and reclamation of Wastewater and Industrial Wastes.

Shall is mandatory; may is permissive.

Significant Industrial User shall mean:

- (a) All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and
- (b) Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant or is designated as such by the Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the Authority's operations or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

Significant Noncompliance shall have the meaning contained in 40 CFR 403.8(f)(2)(viii).

Sludge shall mean the solid, semi-solid, and liquid residue removed from water, Sanitary Sewage, Wastewater, or Industrial Wastes by a treatment process, including removal by a wastewater treatment process or drinking water treatment process.

Slug or Slug Discharge shall mean:

- (a) that portion of a discharge:
 1. containing a Pollutant that 360 CMR 10.000 prohibits being discharged; or
 2. containing a concentration of a pollutant at least five times above the concentration limit for that Pollutant in 360 CMR 10.022 through 10.024; or
- (b) a discharge from a large vat, vessel, or container into the Sewerage System in a manner that:
 1. harms or threatens to harm the Sewerage System, workers, or Receiving Waters; or
 2. contains a Pollutant in excess of the requirements in 360 CMR 10.000; or
 3. causes a violation of any federal or state permit issued to the Authority; or
 4. constitutes a discharge of a Pollutant without an appropriate permit.

10.004: continued

Solid Waste shall mean any unwanted or discarded solid material, consisting of putrescible or nonputrescible solid waste material, including garbage and rubbish.

Standard Silver Recovery System shall mean:

- (a) an electrolytic unit or units in series with a metallic replacement cartridge or cartridges; or
- (b) a fully enclosed, self-contained, and fully automated chemically assisted precipitation system that may be in series with an electrolytic unit or units or metallic replacement cartridge or cartridges. It shall not mean a system that requires a graded or certified operator by 257 CMR 2.00.

Storm Drain or Storm Sewer shall mean a pipe or conduit for conveying ground, storm, or surface waters, roof and surface runoff, uncontaminated Cooling Water, and non-contact industrial process waters.

Temporary Construction Site Dewatering Permit shall mean the permit required or issued by the Authority and a Municipality for the temporary discharge of construction site dewatering drainage.

Total Toxic Organics or TTO shall mean the sum of the concentrations of all Toxic Organics not otherwise prohibited or limited by 360 CMR 10.000.

Toxic Organics shall mean:

- (a) in the Metropolitan Sewerage Service Area, all substances listed in 360 CMR 10.000: *Appendix A*; and
- (b) in the Clinton Sewerage Service Area, all substances listed in 360 CMR 10.000: *Appendix B*.

Trade Secret shall mean anything which constitutes, represents, evidences, or records a secret scientific, technical, merchandising, production, manufacturing, or management information, design, process, procedure, formula, invention, method, or improvement, including, without limitation, trade secrets within the meaning of M.G.L. c. 266, § 30(4).

Treatment System or Pretreatment System shall mean any and all devices, equipment, or works used in the pumping, storing, treating, recycling, and reclaiming of sewage and/or Industrial Waste.

Upset shall mean an exceptional incident in which there is unintentional and temporary noncompliance with the discharge standards of 360 CMR 10.000, or any permit thereunder, due to factors beyond the reasonable control of the Person responsible for the discharge. An Upset does not include noncompliance to the extent caused by operational error, an improperly designed treatment facility, an inadequate treatment facility, lack of preventive maintenance, or careless or improper operation.

User shall mean a source of discharge of to a Sewerage System.

Waste shall mean sewage and all garbage, refuse, sludge, and discarded material, whether in liquid, solid, or gaseous form.

Wastewater shall mean Sewage or other liquid Waste, and the constituents of Sewage, including Septage, Landfill Leachate, waters from construction site dewatering, and Industrial Waste.

Wastewater Residuals shall mean scum, Sludge, Sludge Products, grit, screenings, and residual ash from incineration of Sludge, originating from the Authority's Sewage Treatment Facility or Facilities.

10.005: Applicability

Every Person who directly or indirectly discharges Wastewater to the Authority Sewerage System, including to any tributary thereto, shall ensure that such discharge complies with 360 CMR 10.000. The requirements of 360 CMR 10.000 apply to direct discharges to the Authority Sewerage System and to discharges to the Authority Sewerage System through a municipal sewer.

10.006: General Requirements

(1) Inflow and Infiltration. Each new Sanitary Sewer and replacement or extension that discharges directly or indirectly to the Authority Sewerage System, shall be designed and constructed so as to minimize, to the maximum extent possible, all Inflow and Infiltration into the Municipal or Authority Sewerage System. The owner and/or operator of any Sewerage System which discharges directly or indirectly to the Authority Sewerage System shall operate and maintain the System so as to eliminate any and all contaminated Inflow and Infiltration and any Inflow and Infiltration in quantities above that allowed by the Authority.

(2) Storm Sewers, Sanitary Sewers, and Combined Sewers. The plumbing of any estate or premises discharging directly or indirectly to the Authority Sewerage System shall be arranged so as to keep any groundwater, storm water, surface water, roof and surface runoff, uncontaminated Cooling Water, Non-contact Cooling Water, and Non-contact industrial process waters separate from the Sanitary Sewage of the estate or premises. Groundwater, storm water, surface water, roof and surface runoff, uncontaminated Cooling Water, Non-contact Cooling Water, non-contact industrial process waters, and waters from any lake, swamp, pond, or swimming pool shall not be discharged to a Sanitary Sewer, except:

(a) as authorized in 360 CMR 10.023(1) and (2); and

(b) swimming pool water may be discharged when there is no reasonable alternative and upon approval by the Authority, which will not be given when a receiving sewer has insufficient capacity to handle the discharge. Sanitary Sewage and Industrial Wastes that meet the requirements of 360 CMR 10.000 may be discharged to a Sanitary Sewer. Inflow to a Municipal Sewer or the Authority Sewerage System is prohibited except in those areas served only by a Combined Sewer. Where the Municipality provides only a Combined Sewer, separate Storm Sewer and Sanitary Sewer connections to the Municipality's Combined Sewer shall be constructed in accordance with any permit issued by the Authority.

(3) Pretreatment Requirement. Every Person who directly or indirectly discharges Wastewater to the Authority Sewerage System shall provide the Pretreatment necessary to ensure that the discharge complies with 360 CMR 10.000. All Pretreatment equipment shall be properly installed, maintained, and operated by the Person at its expense.

(4) Pretreatment Operator's License. The individual responsible for operating a pretreatment system that discharges directly or indirectly to the Authority Sewerage System shall possess the proper operator's license(s) as required by law, including 257 CMR 2.00.

(5) DEP Sewer Connection and Extension Permit. No Person shall connect to a Municipal Sewer or an Authority Sewer, or construct, effect, modify, or maintain a Sewer extension or connection, without a sewer system connection or extension permit issued by DEP pursuant to M.G.L. c. 21, § 43 and 314 CMR 7.00, where such a permit is required. A Person who must obtain a sewer system connection or extension permit from DEP for a connection or extension that will include a discharge industrial waste within the Authority Sewerage District shall submit a copy of the DEP permit application to the Authority, and to the appropriate Municipality, when it submits the application to DEP.

(6) Bypass. No Person shall cause or allow a Bypass, except as allowed by 40 CFR 403.17.

(7) Notification of Changed Discharge. Every Person who directly or indirectly discharges industrial waste to the Authority Sewerage system shall notify the Authority in advance of any substantial change in the volume or character of pollutants in his discharge, including the listed or characteristic hazardous wastes for which the Person has submitted initial notification under 40 CFR 403.12(p).

10.007: Permits - General Requirements

(1) The permits required by 360 CMR 10.000 are in addition to permits that may be required by other federal, state, or local laws or regulations. The following permits are required by 360 CMR 10.000:

- (a) Sewer Use Discharge Permit. Any Person who directly or indirectly discharges Industrial Wastewater or other Industrial Waste to the Authority Sewerage System, or whose operation within the Authority Sewerage District (regardless of whether the operation discharges to the Authority Sewerage System) is subject to a National Categorical Pretreatment Standard, is required to have a Sewer Use Discharge Permit issued by the Authority and the appropriate Municipality, unless specifically exempted by 360 CMR 10.000 from the requirement to have a permit. This requirement to have a Permit includes Persons who discharge Industrial Waste into a septic or other holding tank whose contents are transported and discharged to the Authority Sewerage System. A Person issued a Group Permit, General Permit, or Combined Permit is not required to have a Sewer Use Discharge Permit for the discharge covered by the Group Permit, General Permit, or Combined Permit.
- (b) Septage Discharge Permit. Any Person who commercially pumps, transports, or discharges Septage and/or Industrial Waste mixed with Septage and who directly or indirectly discharges Septage and/or Industrial Waste mixed with Septage to the Authority Sewerage System is required to have a Septage Discharge Permit issued by the Authority.
- (c) Direct Connection Permit. Any Person seeking to make or modify a direct connection to the Authority Sewerage System is required to have a Direct Connection Permit for such a connection issued by the Authority.
- (d) Municipal Permit. Any Municipality that connects a Sewer to the Authority Sewerage System is required to have a Municipal Permit issued by the Authority.
- (e) Landfill Permit. Any Person who directly or indirectly discharges Landfill Leachate to the Authority Sewerage System is required to have a Landfill Permit issued by the Authority.
- (f) Temporary Construction Site Dewatering Permit. Any Person who directly or indirectly discharges Wastewater from a construction site to the Authority Sewerage System is required to have a Temporary Construction Site Dewatering Permit issued by the Authority and appropriate Municipality.
- (g) Group Permit. Any Person who is required to be covered by a Group Permit is required to have that Group Permit to discharge Industrial Waste, directly or indirectly, to the Authority Sewerage System. The following Group Permits are in effect: 360 CMR 10.061: *Group Permit for Photo Processing and Printing Operations*; and 360 CMR 10.063: *Group Permit for Food Processing*.
- (h) Combined Permit. Any Person who is required to be covered by 360 CMR 10.064: *Combined Permit for Photo Processing, Printing, and Low Flow Operations* is required to have that Combined Permit to discharge Industrial Waste, directly or indirectly, to the Authority Sewerage System.
- (i) General Permit. Any Person who is required to be covered by 360 CMR 10.062: *General Permit for Low Flow and Low Pollutant Dischargers* is required to have that General Permit to discharge Industrial Waste, directly or indirectly, to the Authority Sewerage System.

(2) Alternative Permit. Notwithstanding any provision of 360 CMR 10.000 to the contrary, the Authority may issue a Sewer Use Discharge Permit in the place of a Group, General, or Combined Permit if in the Authority's judgment:

- (a) the Group, General, or Combined Permit would provide insufficient requirements to regulate the Person's discharge appropriately due to the special nature of the Person's process or pretreatment system; or
- (b) it has insufficient information to determine if the Person is eligible for the Group, General, or Combined Permit.

(3) Permit Terms and Conditions. The Authority may include terms and conditions as necessary to comply with federal and state requirements, including, without limitation, self-monitoring, reporting, and recordkeeping requirements, and effluent limits, or Best Management Practices, or both, based on applicable general Pretreatment Standards in 40 CFR Part 403, National Categorical Pretreatment Standards, requirements of the Massachusetts Department of Environmental Protection, and all requirements and discharge limits of 360 CMR 10.000.

10.007: continued

(4) No Permit Required. Unless specifically required to have a Permit by 360 CMR 10.000, the following do not require a Permit:

- (a) Restaurants, cafeterias, and other food preparation facilities that chiefly prepare meals and snacks for consumption on their premises or for take-out by individuals.
- (b) Supermarkets, groceries, and other facilities that are chiefly retail purveyors of food to individuals.
- (c) Coin operated laundromats; laundries that do not wash any of the following:
 - 1. industrial, hospital/clinic, or commercial uniforms, wipers, mats, or mops;
 - 2. industrial, hospital/clinic, or commercial linens;
 - 3. diapers; or
 - 4. carpets.

Dry cleaners do not require a permit for the discharge from their washing machines if they do not use their washing machines to wash industrial, hospital/clinic, or commercial uniforms, wipers, mats, or mops; industrial, hospital/clinic, or commercial linens; diapers; or carpets, but may not discharge cleaning solvents (*e.g.*, perchloroethylene), including solvents in their cooling water discharge.

- (d) Commercial facilities that discharge only human and domestic wastes.
- (e) Persons who do not discharge Industrial Waste.
- (f) Other discharges otherwise specifically exempted by 360 CMR 10.000 from the requirement to have a Permit.
- (g) Dental offices subject to and in compliance with applicable regulations of the Massachusetts Department of Environmental Protection (DEP) at 310 CMR 73.01, *et seq.* Such offices do not require a permit from MWRA for discharges in compliance with DEP's regulations, but may require a permit for other discharges and must otherwise comply with the provisions of 360 CMR 10.000.

(5) A person shall not discharge or operate without having been issued the appropriate permit for the discharge, or with an expired, suspended, or revoked permit.

(6) A permit shall not be assigned or transferred without prior written approval of the Authority. After the Authority's approval of a permit assignment or transfer, the permittee shall provide a copy of the permit to the assignee or transferee.

(7) All Permits except a Direct Connection Permit shall contain an expiration date, which in no case shall be more than five years from the date of issuance. If a permittee files a complete and accurate application or Notice of Intent to renew a permit no later than 60 days before the expiration date of the permit, the permit shall not expire until a new permit is issued or the application or notice is denied, whichever occurs first.

(8) The Authority may modify a permit as it deems necessary or appropriate or as required by state or federal law.

(9) A permittee may appeal the terms and conditions in an issuance, renewal, or modification of its Permit, and an applicant may appeal the denial of a Permit, pursuant to the procedures of 360 CMR 2.21, except a Person may not appeal the standard terms and conditions of a Group Permit, General Permit, or Combined Permit.

(10) The Authority may enforce, pursuant to the Act, its regulations, and other applicable local, state, and federal laws, the terms and conditions of a permit issued under 360 CMR 10.000. Enforcement actions for violating a term or condition of a permit may include those actions authorized by 360 CMR 2.00 and those actions authorized by federal and state laws and regulations. In addition, a Municipality may enforce the terms and conditions of a permit which it issued jointly with the Authority, and the terms and conditions of a Group, General, or Combined Permit issued by the Authority to a Person discharging to its Municipal Sewer.

(11) The issuance of a permit by the Authority shall not relieve the permittee of its obligation to comply with all applicable laws and regulations, including the Federal Water Pollution Control Act, 33 USC §1251 *et seq.*, and federal regulations promulgated thereunder, the Massachusetts Clean Waters Act, MGL c. 1, § 26 *et seq.*, and Massachusetts regulations promulgated thereunder, and 360 CMR 10.000, unless specifically modified by the permit.

10.007: continued

(12) 360 CMR 10.000 shall not be construed to require the Authority to permit itself for Authority activities done to carry out the Authority's responsibilities under any federal or state laws, regulations, or requirements.

10.008: Monitoring, Sampling and Reporting

(1) Monitoring Devices. When required by the Authority, any Person who directly or indirectly discharges Wastewater to the Authority Sewerage System shall install at his expense suitable control or measuring devices and such manholes, chambers, meters (*e.g.*, flow, pH), and other appurtenances, necessary for the observation, sampling and measurement of Waste, Pollutants, and/or water being discharged. Such control or measuring devices and manholes, chambers, or meters and other appurtenances shall be installed at a safe location acceptable to the Authority, shall be accessible to the Authority's staff and monitoring equipment, and where required by the Authority, shall be compatible with the Authority's monitoring equipment. The control or measuring devices and related appurtenances shall be designed and constructed according to applicable engineering standards and shall be properly maintained and calibrated so as to ensure accurate measurement. The Authority may require that the control or measuring devices and related appurtenances be subject to Authority approval.

(2) Sampling, Analysis, and Reporting Procedures.

(a) All measurements, tests, and analyses of the characteristics of Wastewater that are required by 360 CMR 10.000 or any permit or order issued thereunder shall be conducted according to applicable EPA approved procedures in 40 CFR Part 136, unless otherwise authorized or required by the Authority or EPA. If there is no applicable EPA approved procedure, the Authority may specify a procedure to be used.

(b) Any sample analysis required by 360 CMR 10.000 or any permit or order issued thereunder shall be performed by an independent laboratory with DEP certification or NELAP accreditation for the parameters being analyzed. The use of a laboratory with provisional DEP certification is prohibited for the parameters for which it has provisional certification, unless the Authority determines that the factors resulting in the provisional certification should not adversely affect the quality of the analyses the laboratory may submit. A sample analysis performed by a laboratory without DEP certification or NELAP accreditation for the parameter may be submitted with the approval of the Authority. The Authority may grant such approval where DEP does not certify and NELAP does not accredit for the parameter to be analyzed, there is no DEP certified or NELAP accredited laboratory in Massachusetts or an adjoining state that performs the required test method, or in other extraordinary circumstances. The Authority may require a Person to submit a copy of the "Massachusetts Certification for Chemical Analysis of Waters" or the NELAP Certification of Accreditation, whichever is applicable, for each laboratory that performs an analysis submitted to the Authority by or on behalf of the Person. The Authority may limit the laboratories a Person may use for any report required by the Authority. The Authority may specify the quality assurance/quality control methods to be performed by a laboratory for any report required by the Authority.

(c) The sampling required by the Authority shall be performed by a DEP certified or NELAP accredited independent laboratory unless otherwise specified or approved by the Authority. The Authority may by permit or order require sample collection to be performed by specified personnel at specified location(s).

(d) The Authority may require a Person to submit Blind Performance Evaluation samples for analysis, along with its required samples, to the laboratory the Person uses.

(e) The Authority may require a Person to submit a complete data package, including chain of custody records, raw data, and quality assurance/quality control related results, with a report required by the Authority.

(f) The Authority may require that discharge monitoring reports be submitted to it on paper copy, and/or on computer diskette, and/or by electronic means.

(g) The Authority may require that analytical data and reports, including a complete data package, be submitted to it directly by the laboratory that performed the analyses.

10.008: continued

(3) All persons discharging either directly or indirectly to the Authority Sewerage System shall comply with all applicable reporting requirements of EPA regulations including, without limitation, 40 CFR 403.12.

(4) All reports and documents required to be submitted to the Authority by federal regulations, by 360 CMR 10.000, or by a permit, notice, or order shall be submitted as required, shall contain all of the information in the format required by the Authority, and shall be received by the Authority, and by any other Person specified by the Authority to receive the report or document, no later than the due date. If the Authority determines that a report or document is insufficient, incomplete, inadequate, or late, the Authority may:

- (a) require the submittal of additional or revised reports or documents; and
- (b) take enforcement action pursuant to 360 CMR 2.00.

(5) Report Containing an Elevated Detection Limit.

(a) For purposes of 360 CMR 10.008(4) an elevated detection limit means a detection limit above a parameter's discharge limit (as set by 360 CMR 10.000 or by any permit or order issued thereunder), generally caused by interference or another factor that prevented the laboratory from quantifying a parameter at or below the discharge limit for that parameter. For any parameter that is prohibited from being discharged, an elevated detection limit shall be a detection limit that is greater than the method detection limit for that parameter.

(b) Any report of a sample analysis required to be submitted to the Authority under 360 CMR 10.000, or any permit or order issued thereunder, that contains an elevated detection limit for a parameter shall be considered an incomplete report. Within 15 days of receiving a report containing an elevated detection limit, the Person required to submit the report to the Authority shall resample the wastestream, analyze the sample for the parameters that had the elevated detection limit, and submit the report of the analysis to the Authority. Where the report of resampling again contains an elevated detection limit for the same parameter as the previous report, the Person shall, with the report of resampling, submit a report to the Authority explaining why the laboratory has been unable to obtain a lower detection limit and containing a time schedule to correct the problem. The report shall be subject to modification by the Authority. There shall be a presumption that the parameter with an elevated detection limit is in violation of the discharge limits. The presumption will be overcome if the Person corrects the problem causing the elevated detection level, according to the time schedule in its report, and the Person's sample results are then in compliance.

10.009: Signatories and Certifications

Each permit application, discharge monitoring report, compliance report, and any other report or notification required by 360 CMR 10.000 or a permit or order issued thereunder shall be signed by an authorized representative of the Person submitting the application or report, and shall be certified as accurate. An authorized representative shall be an individual described in 40 CFR § 403.12(l). The Authority may require documents submitted pursuant to 360 CMR 10.000 to contain a certification consistent with the following:

I certify under the penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information.

If the Authority requires that discharge monitoring reports be submitted to it on computer diskette or by electronic means, and/or authorizes the submission of such reports directly from laboratories used by the Person responsible for submitting the report, it may require a certification similar to the above certification from the Person, authorizing submissions directly from the laboratory.

10.010: Record Keeping

- (1) Unless otherwise provided in 360 CMR 10.000, or in any permit or order issued hereunder, every Person required to obtain a permit pursuant to 360 CMR 10.000 shall maintain for a minimum of three years all records required to be generated or kept by 360 CMR 10.000 or by any permit or order issued thereunder, all records from wastewater control and measuring devices, and all records pertaining to sampling and analysis of the Person's discharges to the Authority Sewerage System.
- (2) In addition to the record keeping and record submission requirements of 360 CMR 10.000, every Person required to have a permit by 360 CMR 10.000 shall maintain and submit to the Authority all reports for its operations within the Authority Sewerage District it is required to maintain or submit by 40 CFR Part 403, including those required by 40 CFR 403.12 and the National Categorical Pretreatment Standards.
- (3) All records referred to in 360 CMR 10.010(1) and (2) shall be made available to the Authority for inspection and copying. The Authority may require that copies of records be produced.
- (4) All records pertaining to matters covered by an order issued under 360 CMR 10.000, or to any enforcement action or litigation involving the Authority, shall be retained until the enforcement action is concluded and all appeal periods concerning the order or action have expired unless a longer period of retention is otherwise required.

10.011: Public Records

- (1) Records Available to the Public. Every Record pertaining to a Person governed by 360 CMR 10.000 which is made or received by the Authority, shall be considered a Public Record and shall be available for disclosure to the general public pursuant to a request under 360 CMR 10.011 except the following:
 - (a) all Records specifically excluded from the definition of a "public record" pursuant to M.G.L. c. 4, § 7(26).
 - (b) all Trade Secrets the disclosure of which would not be in compliance with the Massachusetts Clean Waters Act, M.G.L. c. 21, § 27(7), or any other provision of Massachusetts law governing the confidentiality of records submitted to a governmental entity;
 - (c) all Records specifically or by necessary implication exempted from disclosure by law.
- (2) Processing Requests for Disclosure of Public Records.
 - (a) The Authority shall permit any person, under the supervision of Authority personnel, to inspect any Public Record regarding a Person governed by 360 CMR 10.000 which is in the custody of the Authority and not exempted by 360 CMR 10.011(1)(a) through (c), and upon request, shall supply one copy of such a Record upon payment of a reasonable fee to the Authority. The Authority may require each Person for whom a search of Public Records is made to pay the actual expense of the search.
 - (b) Every request to inspect a Public Record regarding a Person governed by 360 CMR 10.000 shall be made in writing to the Authority.
- (3) Request for Confidentiality. Whenever any Person governed by 360 CMR 10.000 requests in writing that a particular Record be deemed to contain a Trade Secret or otherwise be deemed confidential and exempt from disclosure, the Record shall be treated as confidential and shall not be deemed a Public Record until the Authority has approved or denied the request. Any claim of confidentiality must be made at the time the Record is submitted and each page of the Record shall be clearly marked "CONFIDENTIAL." If no such claim is made, the Authority may make the information available to the public without further notice. In addition, in no event shall the constituents of Wastewater discharges or other effluent data be considered confidential information.

10.011: continued

(4) Postponing Denial of Confidentiality Pending Appeal. Whenever the Authority denies a request to deem a Record confidential and not a Public Record, the denial shall take effect only ten days after the date thereof so that the denial can be appealed to the appropriate administrative or judicial forum. During this ten-day period, the Record in question shall be treated as confidential and not deemed a Public Record. The Authority may grant a written extension of the ten-day period upon request for good cause shown.

(5) Protecting the Confidentiality of a Trade Secret. Any Record the Authority determines to be a Trade Secret shall not be deemed a Public Record and shall be exempt from disclosure to the general public.

(6) Disclosure of Trade Secrets. Notwithstanding 360 CMR 10.011(5), a Trade Secret may be disclosed by the Authority to the extent necessary to comply with the Federal Water Pollution Control Act, 33 U.S.C. § 1251, *et seq.*, as amended, or the Massachusetts Clean Waters Act, M.G.L. c. 21, or to the extent necessary for an administrative, civil, or criminal enforcement action.

(7) Trade Secrets Subject to Confidentiality. A Trade Secret may be treated as confidential and not as a Public Record only if:

- (a) such treatment was requested in writing in accordance with 360 CMR 10.011(9);
- (b) the information meets the criteria of a Trade Secret under 360 CMR 10.011(8); and
- (c) there is an exemption applicable to such information within 360 CMR 10.011(1) that allows for confidential treatment of the information as an exception to its presumed treatment as a Public Record.

(8) Criteria for Determining a Trade Secret. The Authority shall apply the following criteria to determine whether a Record is a Trade Secret:

- (a) The extent to which the Trade Secret is known by persons other than the Person submitting the Record;
- (b) The extent to which the Trade Secret is known by employees of the Person submitting the record, and others involved in the Person's business;
- (c) The extent to which measures are taken by the Person submitting the record to guard the secrecy of the Trade Secret;
- (d) The value of the Trade Secret to the Person submitting the record and to the Person's competitors;
- (e) The ease or difficulty with which the information could be properly acquired or duplicated by others.

(9) Requests for Protecting the Confidentiality of Trade Secrets. No record shall be deemed a Trade Secret unless the Person requests the Authority in writing to take such action. The request shall be made and substantiated as follows.

- (a) Each Record containing information which is the subject of a confidentiality request shall be clearly marked "CONFIDENTIAL."
- (b) The confidentiality request shall be supported by the following information, which shall be treated as a Public Record and which shall be provided no later than 15 days after the request:
 - 1. The time period for which confidential treatment is desired;
 - 2. The reason the Record was provided to the Authority, and the submittal date;
 - 3. The extent to which the Person making the request has disclosed the contents of that Record to other persons.
 - 4. A list of all federal, state and local agencies to which the same Record or contents thereof has been submitted, which of those agencies has been requested to keep that Record confidential, the status of the request, and a copy of the response by the agency to the request.

10.011: continued

5. How making the Record a Public Record would harm the Person requesting confidentiality and why such harm should be deemed substantial.
6. If the Record was submitted voluntarily and not in compliance with a regulation or order, whether and, if so, why, making the Record a Public Record would tend to lessen the availability to the Authority of similar records in the future.

(10) Action on Confidentiality Requests. The Authority shall act on confidentiality requests as follows:

- (a) The Authority shall determine whether the Record would be voluntarily submitted under 360 CMR 10.011(7)(b) and whether the Record, if made public, would divulge a Trade Secret. The Authority shall give written notice of its determination to the Person requesting confidential treatment upon request by said Person for notification.
- (b) If the Authority determines that a Record would, if made public, divulge a trade secret, the Record in question shall be deemed confidential and shall not be deemed a Public Record for such length of time, and subject to such terms, conditions and limitations as the Authority may determine.

(11) Nothing in 360 CMR 10.011 shall be construed to authorize the Authority to withhold information from EPA (or from DEP, should it be approved by EPA to oversee the Authority's industrial pretreatment program in *lieu* of EPA). Nothing in 360 CMR 10.011 shall be construed to deny the public's access to records as provided in 40 CFR 403.14.

10.012: Access to Facilities

(1) For purposes of investigating or inspecting any condition relating to the discharge or possible discharge of pollutants, and/or inspecting records relating to such discharge, authorized representatives of the Authority, the Municipality where a discharge occurs, the Executive Office of Environmental Affairs and its departments, and the EPA shall be permitted to enter any public or private property connected directly or indirectly to the Sewer and all areas of any premises owned or controlled by a permittee which the Authority believes may be used in connection with activities governed by 360 CMR 10.000, including any area where wastewater is generated or where chemicals, raw materials, or products are stored.

(2) Without limiting 360 CMR 10.012(1), Authority representatives shall have access for purposes of:

- (a) inspecting, sampling, dye testing, and gauging any Sanitary Sewage and/or Wastewater conveyed through or to a Sewer;
- (b) inspecting, diagramming, and/or photographing any monitoring equipment, Pretreatment equipment or systems, pipes, or any other equipment which the Authority believes may be used in connection with discharges to or through a Sewer;
- (c) examining, copying, and/or photographing any records or matters pertaining to discharges to or through a Sewer or pertaining to the operation of a Pretreatment system or process line that generates Wastewater and/or Sanitary Sewage discharged to a Sewer;
- (d) determining compliance with St. 1984, c. 372 and St. 1987, c. 307 and 360 CMR 10.000; and/or
- (e) preventing an imminent danger to the public health, safety, welfare or the environment from the discharge or threatened discharge of Wastewater and/or Sanitary Sewage to a Sewer.

(3) Upon request by an authorized representative of the Authority, every Person whose activities are governed by 360 CMR 10.000 shall make immediately available a person with knowledge and authority regarding the Person's wastewater discharges for purposes of escorting the Authority's representatives through the premises or any portion thereof.

(4) In conducting inspections or other monitoring or surveillance activities pursuant to 360 CMR 10.000 or St. 1984, c. 372 and St. 1987, c. 307, the Authority and Municipality shall be deemed to be performing a governmental function for the benefit of the general public and neither the Authority nor the Municipality nor representatives of either shall be liable for any loss or damage as a result of the performance of such governmental function.

10.012: continued

(5) If a Person governed by 360 CMR 10.000 has security measures in force which require proper identification and clearance before entry into his premises, the Person shall make necessary arrangements with his security staff so that at any reasonable time, upon request and presentation of suitable identification, representatives of the Authority, the Municipality in which the discharge occurs, the Executive Office of Environmental Affairs and its departments, and the EPA shall be permitted to enter without delay for the purpose of carrying out their responsibilities.

(6) If a Person governed by 360 CMR 10.000 has security measures in force which prohibit the taking of photographs within his premises or bringing photographic equipment onto his premises, and an Authority representative wishes to photograph any equipment, materials, or portion of the premises pertaining to discharges to or through a Sewer or pertaining to the operation of a Pretreatment system or process line that generates Wastewater and/or Sanitary Sewage discharged to a Sewer, the Person shall provide a staff member for the purpose of taking the photographs required by the Authority representative and providing those photographs to the Authority representative within a reasonable period of time. The Person may claim that a photograph contains confidential information and may file a request for confidentiality pursuant to 360 CMR 10.011 but such claim of confidentiality shall not authorize the Person to fail to take and provide the photographs required by 360 CMR 10.012(6).

(7) The Authority may have warrantless access:

- (a) during business hours and at any other reasonable time; and
- (b) at any time: with the consent of the owner or person in charge of the premises; in situations presenting imminent danger to health or safety; in any other exceptional circumstance where time or opportunity to apply for a warrant is lacking; or where a warrant is not required by the laws and constitutions of Massachusetts or the United States.

(8) 360 CMR 10.000 shall not limit the power to enter and inspect granted by St. 1984, c. 372 and St. 1987, c. 307 and M.G.L c. 21, § 40.

10.013: Non-complying Discharges: Required Notifications and Actions

(1) Each Person with a discharge governed by 360 CMR 10.000 shall notify the Authority and the appropriate Municipality immediately by telephone of any accidental discharge of a pollutant regulated by 360 CMR 10.000 or by any permit or order issued thereunder, and of any Upset, Slug or Slug Discharge, or spill that may reasonably be expected to discharge to the Municipal or Authority Sewerage System. Such notification shall contain the information necessary to enable the Authority and Municipality to undertake countermeasures to minimize damage to the Authority and Municipal Sewerage Systems, Receiving Waters, and the public health, safety, welfare and the environment, including the following:

- (a) the location of the discharge;
- (b) the date and time of the discharge;
- (c) the characteristics of the discharge, including concentration and volume; and
- (d) any corrective actions taken.

(2) Within 15 calendar days of the date of the event requiring notice under 360 CMR 10.013(1), the Person required to provide the notice shall submit a detailed written statement to the Authority and the Municipality describing the causes of the discharge and the measures being taken to prevent the discharge from recurring. For a Slug Discharge, such written statement shall be provided within five days of such Slug Discharge. The notification shall include the following:

- (a) A description of the discharge, and the type, concentration, and volume of waste;
- (b) A statement of the duration of noncompliance caused by the accidental discharge, Upset, spill, or Slug, including exact dates and, if the noncompliance continues, the time by which compliance is reasonably expected to occur;
- (c) A description of all steps taken or to be taken to reduce, eliminate, and prevent recurrence of such an accidental discharge, Upset, Slug, or spill.

10.013: continued

(3) If sampling performed by a Person indicates a violation of 360 CMR 10.022, 10.023, or 10.024, or a limit or prohibition contained in the Person's permit, the person shall notify the Authority within 24 hours of becoming aware of the violation. The Person shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Authority within 30 days of becoming aware of the violation, except the Person is not required by 360 CMR 10.013(3) to resample if:

- (a) The Authority performs sampling at the Person's facility at a frequency of at least once per month; or,
- (b) The Authority performed sampling at the Person's facility between the time when the Person performed its initial sampling and the time when the Person received the results of that sampling.

(4) A Person shall submit to the Authority oral notice of an unanticipated Bypass that violated 360 CMR 10.022, 10.023, or 10.024, or a limit or prohibition contained in the Person's permit, within 24 hours of becoming aware of the Bypass. The Person shall also make a written submission to the Authority within five days of the time the Person became aware of the Bypass. The written submission shall contain a description of the Bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the Bypass. The Authority may waive the written submission on a case by case basis if the oral report has been received within 24 hours.

(5) The notifications required by 360 CMR 10.013 shall not relieve the Person of liability for costs, damages, or penalties, or prevent the Authority from taking enforcement action.

(a) To raise the affirmative defense that a Violation was caused by an Upset, the requirements for reporting and proving an Upset, as found in 360 CMR 2.23, shall be met. In addition, in the case of an Upset, the Person shall control production or all discharges to the extent necessary to maintain compliance with 360 CMR 10.021 through 10.025, and with any limit or prohibition in the Person's permit, upon reduction, loss, or failure of its treatment system until the system is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment system is reduced, lost, or fails.

(b) The Authority will not take enforcement action for a Bypass if:

1. The Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage. For purposes of 360 CMR 10.013(5), severe property damage means substantial physical damage to property, damage to treatment systems which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a Bypass. Severe property damage does not mean economic loss caused by delays in production;
2. There were no feasible alternatives to the Bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
3. The Person provided the notices required by 360 CMR 10.013(4), and, if it knew in advance of the need for a Bypass it submitted prior notice to the Authority, if possible at least ten days before the date of the Bypass.

10.014: User Charges

The Authority may use information contained in permit applications, permits, discharge monitoring reports, and any other information it considers relevant, as a basis for determining user charges.

10.015: Implementation Charges

(1) To recoup costs incurred by the Authority to implement and enforce 360 CMR 10.000, the Authority has adopted the following implementation charges:

(a) To respond to a request to allow a one-time only discharge: \$50 per hour. The minimum charge is three hours (\$150). Payment of \$150 shall be made before the Authority considers the request. The charge for more than three hours, if appropriate, shall be paid upon notice by the Authority and before the Authority provides a decision on the request. The Authority, in its discretion, may waive all or part of the charge for a request for a de minimis discharge.

(b) To respond to a spill or other release of materials that enters or threatens to enter the Authority's sewer system or a tributary to Authority's sewer system: \$150 per hour. The minimum charge is three hours (\$450). The Authority may also charge for its sampling and analytical costs and its costs of preventing the materials from entering the sewer and for containing and removing materials from the sewer. The Person responsible for the spill or other release shall pay the charge. If more than one Person is wholly or partially responsible for the spill or other release, each such Person is jointly and severally liable for the charge.

(2) Late Payment and Service Charges. The Authority may assess a late payment charge of 1% per month on an outstanding balance (including interest and service charges) of a charge not fully paid within 30 days of notice of the charge from the Authority. The Authority may also assess a service charge of \$50 for each check returned for insufficient funds or otherwise dishonored.

(3) Appeal Rights and Procedures.

(a) A Person that disagrees with the amount of its charge shall have 30 days from the date of the notice of the charge from the Authority to file a written appeal with the Authority. The appeal may not contest any matter that was previously decided, unless material circumstances have changed since the decision. The appeal shall state the facts and contentions supporting the appeal. A Person that appeals its charge shall pay the amount it claims is due, if any, within 30 days of the notice of the charge by the Authority, pending resolution of the appeal. A Person that fails to pay timely the amount shall have its appeal dismissed.

(b) The Authority may schedule an informal interview with the Person to discuss the appeal, or it may review the appeal on the basis of the materials submitted by the Person. The Authority may also require additional information and documentation from the Person to support the appeal. After the Authority concludes its review of the appeal, it shall issue a written ruling on the appeal. The Person may appeal the written ruling by requesting in writing, within 30 days of the date of the ruling, an adjudicatory hearing under the provisions of 360 CMR 1.00. Within 30 days after the date of the final Authority ruling, the Person shall pay the amount due the Authority, if any, plus interest at the rate of 1% per month on the amount due, computed from the date the appeal was filed.

(4) Nonpayment Procedures. The Authority may take one or more of the following actions if a Person does not fully pay its charge, any late payment charge, or service charge:

(a) Deny the Person's application to renew its permit upon expiration of the permit until full payment is made, and, for an initial permit, not issue the permit until full payment is made;

(b) Suspend the Person's permit until full payment is made;

(c) Bring a civil action for collection of the amount owed the Authority, including reasonable attorney fees and costs incurred by the Authority in pursuing such action;

(d) Suspend the Person's water and/or sewer service, with, where required, the approval of the municipal supplier; and

(e) Take any other action available to the Authority under law or regulation.

(5) Charge not Exclusive Remedy. Imposition of a charge shall not limit the Authority's ability to take any enforcement action authorized by law or regulation, or any other action authorized by law or regulation, regardless of any charge assessed or paid. Payment of a charge does not relieve a Person of any other liability under any federal, state, Authority, or local law or regulation.

10.016: Gas/Oil Separators

- (1) Garages, parking lots, and places where petroleum-based products are used or stored, where Wastes containing petroleum-based grease in levels above those allowed under 360 CMR 10.023(4), (5), (7), (8), or (10) are produced or stored, or where oily and/or flammable Wastes, sand, or other harmful materials are produced or stored shall have Separators to intercept such substances prior to their discharge to the Authority Sewerage System.
- (2) The size, capacity, type, and location of each Separator shall be subject to approval by the Authority.
- (3) Separators shall be located to allow ready and easy access for purposes of removing the cover, and for service, maintenance, and inspection.
- (4) Separators shall be properly serviced and maintained. The schedule for service and maintenance of a Separator shall be subject to approval by the Authority. The operator of the premises where the Separator is located shall maintain a log describing the date and type of all service and maintenance performed in connection with the Separator, the identity of the Person who performed the service and/or maintenance, the amount of residue removed from the Separator on each date, and the method of disposal of the residue. The log entries shall be maintained for six years and shall be made available for inspection and copying by the Authority.
- (5) In addition to complying with 360 CMR 10.000, Separators shall conform to the regulations of the Board of State Examiners of Plumbers and Gas Fitters, 248 CMR 10.00 (State Plumbing Code), and all other applicable laws.
- (6) Both the owner of the premises where a Separator is required and the owner and/or operator of the establishment or business conducted on the premises, shall be jointly and severally responsible for installing a Separator acceptable to the Authority and for properly servicing and maintaining the Separator.

10.017: Grease Traps and Grease Interceptors

- (1) A Person who is required by Massachusetts law or regulation to have a grease trap or grease interceptor (including by 310 CMR 15.230 and 248 CMR 10.00) shall have grease traps and grease interceptors of the appropriate size, type, construction, and location as required by state law or regulation. Such Person shall assure that its grease traps and grease interceptors are appropriately cleaned and maintained so that they operate efficiently and effectively.
- (2) Chemical, biological, or physical means shall not be used to release fats, wax, oil, or grease into the sewer, bypass the trap or interceptor, or otherwise make the trap or interceptor operate less effectively. A chemical or biological agent that the Authority has approved in writing for use in a grease trap or interceptor may be added to a trap or interceptor to convert the fats, wax, oil, and grease in a trap or interceptor to a substance not regulated by 360 CMR 10.021 through 10.024 if the resulting discharge from the trap or interceptor will not cause or contribute to an obstruction or blockage in the sewer or otherwise violate 360 CMR 10.021 through 10.024. Unless so converted, the fats, wax, oil, and grease contents of a grease trap or interceptor shall not be discharged to the sewer system.

10.018: Significant Industrial Users

In addition to the requirements of 360 CMR 10.000, any Person operating a facility in the Authority Sewerage District that is a Significant Industrial User shall comply with the applicable requirements of 40 CFR Part 403, including the reporting requirements of 40 CFR 403.12 and any National Categorical Pretreatment Standard applicable to the facility, including effluent limits and Best Management Practices.

PROHIBITED WASTES AND LOCAL LIMITS

10.021: General Prohibitions

No Person shall discharge or cause or allow to be discharged, directly or indirectly, to the Authority Sewerage System any Wastewater, Sanitary Sewage, or substance that, either singly or

in combination with any other Wastewater, will:

10.021: continued

- (1) Harm or interfere with the Authority Sewerage System or a Municipal Sewer;
- (2) Cause Pass Through or Interference, or be otherwise incompatible with the Authority wastewater treatment process, including Sludge use, management, or disposal;
- (3) Cause a violation of any federal or state law or any federal or state permit issued to the Authority;
- (4) Affect adversely Receiving Waters or violate water quality criteria;
- (5) Endanger or threaten to endanger the life, health, or welfare of any person or persons, or the public health, safety, or welfare, or the environment, or public property.
- (6) Constitute a nuisance.

10.022: National Pretreatment Standards

Every Person who discharges Wastewater directly or indirectly to the Authority Sewerage System shall comply with the strictest of the following discharge limits applicable to the discharge: the National Pretreatment Standards, state limits, local limits, limits contained in 360 CMR 10.000, or limits in a permit or order issued under 360 CMR 10.000. If a National Categorical Pretreatment Standard includes a limit in addition to a daily maximum limit (*e.g.*, 30 day, monthly, weekly, four day, loading, or production-based limit), that limit must be met in addition to the more stringent of the Daily Maximum Limits.

10.023: Specific Prohibitions

No Person shall discharge, or cause or allow to be discharged, directly or indirectly, into the Authority Sewerage System, any of the following:

- (1) Groundwater, storm water, surface water, roof or surface runoff, tidewater, or subsurface drainage, except construction site dewatering in a combined sewer area when permitted by the Authority and municipality.
- (2) Non-contact Cooling Water, non-contact industrial process water, uncontaminated Contact Cooling Water, and uncontaminated industrial process water, except:
 - (a) as permitted by the Authority when the discharger has taken all reasonable efforts to eliminate and minimize the flow, there is not reasonable access to a storm sewer, surface water, or another disposal alternative, and the amount to be discharged will not have an actual or potential adverse impact on the sewer system, the treatment plant, the quality of the receiving water, or the Authority's ability to meet its obligations under any law, regulation, permit, or order; and
 - (b) cooling tower blowdown.
- (3) Fuel oil, crude oil, lubricating oil, or any other oil or grease of hydrocarbon or petroleum origin except:
 - (a) in compliance with the limit for fats, wax, oil and grease in 360 CMR 10.023(10);
 - (b) in compliance with the prohibitions and limits in 360 CMR 10.024;
 - (c) when discharged:
 1. incidental to an industrial process in Industrial Waste authorized to be discharged by a permit issued by the Authority;
 2. incidental to the appropriate use of a gas/oil separator that is in compliance with 360 CMR 10.016 when a permit is not required by 360 CMR 10.000; or
 3. in de minimis amounts, and not from the disposal of waste, used, excess, or unwanted oil or grease, when neither a permit nor a gas/oil separator is required by 360 CMR 10.000; and
 - (d) otherwise in compliance with 360 CMR 10.000.

10.023: continued

(4) Any liquid, solid, or gas, including, but not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides and methyl ethyl ketone, which by reason of its nature or quantity is or may be sufficient, either alone or by interaction with other substances, to create a fire or explosion hazard or to be otherwise injurious to a Municipal Sewerage System, the Authority Sewerage System, Treatment System, or to Receiving Waters, including:

- (a) Wastewater with a closed cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21, and measured at the point of indirect discharge to the Authority Sewerage System, or at such other place as the Authority determines; or
- (b) any Pollutant which causes an exceedence of 10% of the lower explosive limit as measured by an explosimeter at the point of discharge to the sewer or at any point within the Sewer.

(5) Any noxious or malodorous liquid, gas, or solid or any other pollutant which either singly or by interaction with any other Waste causes or contributes to the creation of a public nuisance, makes it dangerous for personnel or equipment to enter the Sewer for purposes of maintenance, repair, inspection, sampling, or any other similar activity, or which results in the presence of toxic gases, vapors, or fumes within the Authority Sewerage System or Municipal Sewer in a quantity that may cause acute worker health and safety problems.

(6) Any Water or Wastewater with a pH lower than 5.5 or higher than 12.0 or with any corrosive or injurious property which may cause damage or be hazardous to the Sewer, the Sewerage System, the Treatment System, or any person.

If a Person continuously measures the pH of its wastewater by a properly located, installed, calibrated, maintained, and operated pH measurement system, the pH of the wastewater shall be maintained as required by the Authority, except excursions below a pH of 5.5 are permitted subject to the following limitations:

- (a) The total time during which the pH values are below 5.5 shall not exceed seven hours in any calendar month;
- (b) No individual excursion from the range of required pH values shall exceed 60 minutes; and
- (c) The excursion may not be below a pH of 5.0.

For purposes of 360 CMR 10.023(6), an excursion is an unintentional and temporary incident in which the pH value of discharged wastewater is below the range required by the Authority. The Authority may, by permit or order, reduce the permissible excursion times or eliminate the right to an excursion, as it deems appropriate, based on the treatment system, flow, sewer system needs, and discharge history of the Person.

(7) Any Water or Wastewater, not otherwise governed by 360 CMR 10.000, containing pollutants at levels which may adversely affect the Authority's ability to process and/or dispose of its Wastewater Residuals in an environmentally sound and economic manner in accordance with applicable state and federal requirements.

(8) Any solid or viscous substance in an amount or size which obstructs or may obstruct the flow in any Sewer, or which causes or may cause an Interference, including but not limited to, sand, mud, metal, glass, wood, plastics, Improperly Shredded Garbage, rubber, latex, lime or other slurries, grease, animal guts or tissues, bones, hair, hides or fleshings, entrails, feathers, ashes, cinders, stone or marble dust, straw, shavings, grass clippings, rags, spent grains, spent hops, tar, asphalt residues, residues from refining or processing fuel or lubrication oil, or glass grinding or polishing Wastes.

(9) Any liquid or vapor with a temperature higher than 180°F (82°C), unless the Authority approves an alternative temperature limit; however, in no case may any Person discharge heat in such quantity that it causes or may cause the temperature at the Authority's Sewage Treatment Facility to exceed 104°F (40°C).

10.023: continued

(10) (a) In the Metropolitan Sewerage Service Area, waters or Wastes containing fats, wax, oil, and grease, in excess of 300 mg/l (based on the materials recovered in the applicable EPA approved procedure, unless otherwise authorized or required by the Authority and EPA), or containing any substance which may solidify or become viscous at temperatures between 32°F (0°C) and 180°F (82°C). Waters or Wastes containing such substances, excluding normal household Waste, shall exclude all visible floating oils, fats and greases. The use of chemical, biological, or physical means to bypass or to release fats, wax, oil, and grease into the sewer is prohibited. If a Person is unable to comply with the 300 mg/l requirement after reasonable pretreatment measures, the Authority may increase the limit on a case by case basis if the Authority and appropriate Municipality are satisfied that such increase will not contribute to nuisance conditions or an adverse impact on the Sewerage System, Receiving Waters, or the Authority's Wastewater Residuals program. In no circumstance will the Authority increase the limit to allow a discharge of more than 300 mg/l of oil or grease of hydrocarbon or petroleum origin, including fuel oil, crude oil, and lubricating oil. The Authority may apply a monetary charge to any increase in the 300 mg/l limit to recover the costs it reasonably expects to incur as a result of the increase.

(b) In the Clinton Sewerage Service Area, waters or Wastes containing fats, wax, oil, and grease in excess of 100 mg/l (based on the materials recovered in the applicable EPA approved procedure, unless otherwise authorized or required by the Authority and EPA), or containing any substance which may solidify or become viscous at temperatures between 32°F (0°C) and 180°F (82°C). Waters or Wastes containing such substances, excluding normal household Waste, shall exclude all visible floating oils, fats and greases. The use of chemical, biological, or physical means to bypass or to release fats, wax, oil, and grease into the sewer is prohibited. If a Person is unable to comply with the 100 mg/l requirement after treatment, the Authority may increase the limit on a case by case basis if the Authority and appropriate Municipality are satisfied that such increase will not contribute to nuisance conditions or an adverse impact on the Sewerage System, Receiving Waters, or the Authority's Wastewater Residuals program. In no circumstance will the Authority increase the limit to allow a discharge of more than 100 mg/l of oil or grease of hydrocarbon or petroleum origin, including fuel oil, crude oil, and lubricating oil. The Authority may apply a monetary charge to any increase in the 100 mg/l limit to recover the costs it reasonably expects to incur as a result of the increase.

(11) Waste or Wastewater discharged through a Bypass, unless such discharge through the Bypass was approved in advance by the Authority, or the discharge through the Bypass is allowed by 40 CFR 403.17 and the Person using the Bypass provided to the Authority the notices required by 40 CFR 403.17.

(12) Any radioactive Waste or isotope with a half-life or concentration in excess of any limit established by federal or state law.

(13) Any Sludge, except from a water treatment plant owned and operated by a municipality, or by a water district created by a special or general act of the Massachusetts Legislature, and when specifically permitted by the Authority pursuant to 360 CMR 10.057.

(14) Any substance, including dye water or any vegetable tanning solution, which causes turbidity or discoloration such that the color of the wastewater at the Authority Sewage Treatment Facility changes noticeably.

(15) Any Slug.

(16) Any Hazardous Waste, or any Wastewater which results from the treatment of Hazardous Waste, and is discharged to the Authority Sewerage System by dedicated pipe, truck, rail, or by other method.

(17) Septage containing Hazardous Waste, Septage from haulers other than those permitted under 360 CMR 10.000, or Septage discharged at a location not designated as a Septage discharge location in the Municipal Permit issued by the Authority to the Municipality where the discharge took place.

10.023: continued

(18) Any substance containing pathogenic organisms in such quantities as determined by local, state and/or federal law as hazardous to the public health or the environment, including but not limited to any "Infectious or Physically Dangerous Medical or Biological Waste" as defined and identified by the Massachusetts Department of Public Health in 105 CMR 480.010: *Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste, State Sanitary Code Chapter VIII*, and whose disposal via the municipal Sewerage System or via a septic system is prohibited by 105 CMR 480.200.

(19) Any filter backwash not specifically authorized to be discharged by a permit issued to the discharger by the Authority; any filter backwash that is not treated to meet the limits and prohibitions of 360 CMR 10.000; or, any filter backwash which causes or contributes to a violation of 360 CMR 10.021 through 10.025.

(20) Any trucked or hauled pollutants except at discharge points designated by the Authority in a permit issued by the Authority for the discharge.

(21) Wastes or Wastewater from outside the Authority Sewerage District, unless the wastes or wastewater is discharged with the Authority's approval and pursuant to the Authority policy for sewer connections serving property partially located in a non-Authority community or for requests for sewer service to locations outside MWRA's sewer service area, including, where necessary, a general or special law authorizing the discharge from a location outside the MWRA sewer service area.

(22) Oxygen-demanding pollutants (BOD, *etc.*), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW.

10.024: Specific Discharge Limitations/Local Limits

(1) Any discharge of the following materials is prohibited:

(a) Into the Metropolitan Sewerage Service Area:

1. Mercury (enforced at 0.001 mg/l)
2. Polychlorinated Biphenyls (PCBs)
3. Pesticides, unless the Authority determines upon request that the substance is acceptable for discharge to the sanitary sewer under the criteria for exclusion or exemption in 40 CFR Parts 152 and 455, or that the substance is otherwise acceptable to discharge, and that the substance would not otherwise violate 360 CMR 10.021 through 310 CMR 10.024.
4. Hexachlorobutadiene

(b) Into the Clinton Sewerage Service Area:

1. Mercury (enforced at 0.001 mg/l)
2. Polychlorinated Biphenyls (PCBs)
3. Pesticides, unless the Authority determines upon request that the substance is acceptable for discharge to the sanitary sewer under the criteria for exclusion or exemption in 40 CFR Parts 152 and 455, or that the substance is otherwise acceptable to discharge, and that the substance would not otherwise violate 360 CMR 10.021 through 310 CMR 10.024
4. Hexachlorobutadiene
5. Substances listed in 360 CMR 10.000: *Appendix C*.

(2) Any discharge of the following materials shall not exceed the daily maximum limit for that material:

(a) Into the Metropolitan Sewerage Service Area:

<u>Material</u>	<u>Daily Maximum Limit (mg/l)</u>
Acrolein	0.15
Antimony (total)	10.0
Arsenic (total)	0.5
Benzene	0.3
Cadmium (total)	0.1

360 CMR: MASSACHUSETTS WATER RESOURCES AUTHORITY

10.024: continued

Chromium (hexavalent)	0.5
Chromium (total)	1.0
Copper (total)	1.0
Cyanide (total)	0.5
Formaldehyde	9.0
Lead (total)	0.2
Nickel (total)	1.0
Phenol	5.0
Selenium (total)	5.0
Silver (total)	2.0
Each Toxic Organic	1.0 unless elsewhere limited in 360 CMR 10.000 for the Metropolitan Sewerage Service Area
Total Toxic Organics	5.0
Vinyl Chloride	0.02
Vinylidene Chloride	0.3
Zinc (total)	1.0

(b) Into the Clinton Sewerage Service Area:

<u>Material</u>	<u>Daily Maximum Limit mg/l</u>
Acrolein	0.5
Aluminum (total)	30.0
Arsenic (total)	0.5
Benzene	0.4
Bis(2-ethylhexyl)phthalate	0.2
Bromomethane	0.2
Cadmium (total)	0.5
Carbon disulfide	0.6
Carbon tetrachloride	0.1
Chromium (hexavalent)	1.0
Chromium (total)	5.0
Copper (total)	1.0
Cyanide (total)	1.0
Cyclohexane	0.6
1,1-Dichloroethylene	0.2
cis-1,3-Dichloropropene	0.6
trans-1,3-Dichloropropene	0.1
2,4-Dinitrotoluene	0.2
Hexachloroethane	0.2
Lead (total)	0.2
Nickel (total)	2.0
Nitrosamines	0.1
N-Nitrosodibutylamine	0.1
N-Nitrosodiethylamine	0.1
N-Nitrosodimethylamine	0.2
N-Nitrosodiphenylamine	0.5
Pentachlorobenzene	0.2
Selenium (total)	1.0
Silver (total)	1.0, except 2.0 for a Group Permit for Photo Processing and Printing Operations and a Combined Permit
1,2,4,5-Tetrachlorobenzene	0.1
Trichlorofluoromethane	0.3
Each Toxic Organic	1.0 unless elsewhere limited in 360 CMR 10.000 for the Clinton Sewerage Service Area

10.024: continued

<u>Material</u>	<u>Daily Maximum Limit mg/l (continued)</u>
Total Toxic Organics	5.0
Zinc	5.0
Substances Listed in 360 CMR 10.000: <i>Appendix D</i>	Facility specific limit to be set before discharge authorized

(3) The Daily Maximum Limit shall be determined on the basis of a Composite Sample, except a Grab Sample or Samples may be used in the following circumstances:

- (a) for a batch discharge, when the Grab Sample would be fairly representative of the batch as a whole;
- (b) for pollutants that are not amenable to composite sampling of an industrial wastestream by use of an automatic wastewater sampler, such as hexavalent chromium and volatile organics; or,
- (c) when the Authority determines it is not feasible or appropriate to take a Composite Sample, such as when the discharge is of too short duration for automatic composite sampling or the sampling location is inaccessible for an automatic wastewater sampler.

A Composite Sample shall be taken at preselected intervals throughout the time in a day (or in a consecutive 24 hour period over two days when there is a continuous discharge of at least 24 hours over the course of the two days) during which the wastewater is discharged, except a shorter time period may be used if that shorter time period encompasses all or most of the wastewater discharge that day (or consecutive 24 hour period when there is a continuous discharge over the course of two days) or if a shorter period is authorized by the Authority. A batch discharge may have a Composite Sample taken throughout the discharge of the batch. A flow proportioned Composite Sample shall be taken, except a time interval Composite Sample may be taken when the Authority determines it is not feasible or appropriate to take a flow proportioned Composite Sample.

If a Grab Sample may appropriately be used, and more than one grab sample of a discharge is taken during the day, the Daily Maximum Limit shall be measured by either the mathematical average of the analytical results of the grab samples or the analytical result of a composite of the grab samples.

10.025: Dilution Prohibition

No person shall achieve, or attempt to achieve, compliance with 360 CMR 10.000 by diluting a discharge instead of using proper pretreatment. The increased use of process water in place of proper treatment shall be considered dilution prohibited by 360 CMR 10.000.

10.026: Compliance Measurement Location

All limitations imposed by 360 CMR 10.000 shall be applied at the end of the Pretreatment process line, at the end of the process line if there is no Pretreatment, or at or near the discharge location if there is no Pretreatment or process line. This shall not be construed to authorize a Person to introduce a pollutant into a wastestream after the compliance measurement location; rather, a sample taken at the compliance measurement location is intended to measure the pollutants in a discharge to the sewer before dilution of the wastestream.

Where it deems appropriate, the Authority may by permit or order impose alternative limits or compliance measurement locations to assure compliance with 360 CMR 10.000 and with federal, state, and local requirements. This may include use of the Combined Wastestream Formula when authorized by EPA regulations or use of a dilution factor when more than one stream is combined.

The Authority may require samples from individual process waste streams whether such waste streams are pretreated prior to discharge or not. The Authority may require that compliance measurement locations be clearly marked and/or photographed.

SEPTAGE DISCHARGE PERMITS

10.027: Septage Origination Requirements

- (1) No Person shall discharge or cause or allow to be discharged, directly or indirectly, into the Authority's Metropolitan Sewerage Service Area any Septage that originated outside the Metropolitan Sewerage Service Area.
- (2) No Person shall discharge or cause or allow to be discharged, directly or indirectly, into the Authority's Clinton Sewerage Service Area any Septage that originated outside the Authority's Clinton Sewerage Service Area.

10.031: Requirement for Septage Discharge Permit and Permit Application and Issuance

- (1) No Person who engages in the commercial pumping, transporting, or discharging of Septage shall discharge or cause or allow to be discharged, directly or indirectly, into the Authority Sewerage System any Septage unless such discharge is made pursuant to a Septage Discharge Permit issued by the Authority to the commercial Septage hauler/discharger.
- (2) Every Person required to obtain a Septage Discharge Permit pursuant to 360 CMR 10.000 shall complete an application for the permit in the form required by the Authority and shall file the application with the Authority. An application form may be obtained from the Authority. The expense of completing and filing the application, and of the application fee, shall be borne by the applicant.
- (3) The Authority shall evaluate the adequacy of the information supplied in each Septage Discharge Permit application. If the application contains insufficient, inaccurate, or incomplete information, the Authority may request that additional information be submitted within a specified period, or may take such other action as is authorized by law. If the applicant fails to supply information requested by the Authority, the Authority may deny the permit application. After review of the application and any additional information, the Authority may issue the permit, and may stipulate special conditions and terms for issuance of the permit.
- (4) Any Person who files an application for a Septage Discharge Permit within 60 days after the effective date of 360 CMR 10.031 may discharge Septage without a permit until the Authority either issues the Person a permit or denies the permit application, so long as such discharge otherwise complies with 360 CMR 10.000.

10.032: Terms and Conditions of Septage Discharge Permits

A Septage Discharge Permit issued under 360 CMR 10.000 may require that the permittee:

- (1) Limit the rate, time, characteristic, origin, and discharge location of Septage;
- (2) Implement methods to measure and/or monitor its discharges;
- (3) Submit discharge reports to the Authority;
- (4) Maintain and submit to the Authority records documenting the amount, origin, discharge location, and characteristic of Septage and/or Industrial Waste pumped, transported, and discharged, whether within or outside the Authority Sewerage System District;
- (5) Pay special service charges or fees;
- (6) Comply with Authority Septage monitoring, tracking, manifest, and ticketing procedures;
and
- (7) Take any other action deemed necessary or appropriate by the Authority to help ensure compliance with 360 CMR 10.000 and/or local, state, and federal law.

10.033: Permit Modifications

- (1) A permittee shall provide at least 30 days advance written notice to the Authority before it:

10.033: continued

- (a) pumps or discharges Septage in a Municipality not authorized for pumping or discharge by the permittee in its Septage Discharge Permit;
- (b) transports Industrial Waste, if the Permittee's Septage Discharge Permit does not authorize the transport of Industrial Waste; and/or
- (c) takes any other action that alters the information provided in its Septage Discharge Permit application or that would be inconsistent with a term or condition of its permit.

(2) The Authority will review the information provided in the written notification and will inform the permittee if the proposed change requires submission of a new permit application. If the Authority requires a new permit application, the permittee shall file a new permit application and obtain a modified permit before taking the action described in the notice. If the Authority does not require a new permit application, the permittee may take the action described in the notice so long as that action does not violate 360 CMR 10.000 or the Person's Septage Discharge Permit.

10.034: Notice to Employees and Contractors

Every Person who holds a Septage Discharge Permit shall:

- (1) Inform its employees and contractors of the existence of both 360 CMR 10.000 and the Person's current Septage Discharge Permit by posting a copy of the Rules and Regulations and the current permit on a bulletin board at the facility where the Person maintains its operations, or in such other conspicuous location as the Authority may allow, and
- (2) Ensure that there is a copy of the Person's current Septage Discharge Permit in each vehicle used by the Person to pump, transport, or discharge Septage.

10.035: Municipal Permit Requirements

No Person shall discharge or cause or allow to be discharged, directly or indirectly, into the Authority's Sewerage System any Septage unless such discharge complies with the Municipal Permit issued by the Authority to the Municipality in which the discharge occurs.

10.036: Permit Requirement for Industrial Waste and/or Industrial Waste Mixed with Septage

No Person shall discharge or cause or allow to be discharged, directly or indirectly, into the Authority's Sewerage System any Industrial Waste and/or Industrial Waste mixed with Septage unless the person who generated the Industrial Waste has a Sewer Use Discharge Permit from the Authority allowing the discharge of the Industrial Waste and/or Industrial Waste mixed with Septage. If the Industrial Waste and/or Industrial Waste mixed with Septage is trucked or hauled prior to discharge, the permit issued by the Authority shall specifically authorize the hauling or trucking of the Waste and the location of the discharge.

MUNICIPAL PERMITS

10.041: Applicability

Every Municipality shall possess a valid Municipal Permit issued by the Authority covering all existing public and special discharges, Septage disposal sites, and direct connections to the Authority Sewerage System in that Municipality. A Municipality proposing a new or modified connection or the elimination of an existing connection to the Authority Sewerage System shall obtain an amendment to its Municipal Permit prior to constructing or eliminating such discharge or connection.

10.042: Municipal Permit Renewals

- (1) Within 60 days of the expiration of its Municipal Permit, each Municipality shall complete and file at its expense a Municipal Permit renewal form which may be obtained from the Authority.
- (2) Any Person discharging or proposing to discharge Wastewater directly to the Authority Sewerage System shall be identified by the Municipality in which the discharge is located.

10.042: continued

(3) Each Municipality shall: identify all Septage disposal sites within its boundaries and approved by the local board of health and/or DEP under 310 CMR 15.00; list all Septage haulers the Municipality has approved and authorized to discharge Septage at Septage disposal sites within its boundaries; and identify all control and monitoring measures employed at all Septage disposal sites within its boundaries.

(4) The Authority shall evaluate the adequacy of data furnished in the application form. If insufficient data have been furnished, the Authority will notify the Municipality to provide additional data within a specified time. After reviewing the data, the Authority may issue the Municipal Permit. The Authority may stipulate special conditions and terms upon which the Municipal Permit will be issued.

10.043: Sewer Use Ordinances/User Charges

(1) The Authority may require each Municipality with Sewers connected to the Authority Sewerage System to have in effect a municipal sewer use bylaw, ordinance, or regulation no less stringent than 360 CMR 10.000 and to have procedures and adequate resources for monitoring and enforcing compliance with such bylaw or ordinance.

(2) The Authority may require each Municipal Permit application and permit renewal form to be accompanied by a certified copy of the Municipal Sewer use ordinance, bylaw, or regulation in effect at the time of filing. Such ordinance, bylaw, or regulation shall be approved by the Authority and appropriate state and federal agencies. Each Municipality shall give the Authority at least 60 days advance written notice of any new sewer use bylaw or ordinance or change to an existing bylaw or ordinance.

(3) The Authority may require each Municipality to adopt and administer Sewer use charges that conform to state and federal law and the Authority's regulations and policies on eliminating Infiltration and Inflow and on removal or Pretreatment of Industrial Wastes.

10.044: Terms and Conditions

Municipal Permits may contain the following terms and conditions:

(1) Limits on the constituents and volumes of discharges into the Authority Sewerage System or the Municipal Sewer.

(2) Installation of inspection, flow measurement, and sampling facilities, including access to such facilities.

(3) Specifications for monitoring programs which may include flow measurement, sampling, chemical and biological tests, and a reporting schedule.

(4) Submission of periodic discharge reports.

(5) Special service charges or fees.

(6) Schedules for carrying out and completing Inflow/ Infiltration studies and, when required, schedules for carrying out Inflow/Infiltration reduction programs.

(7) A schedule for enacting or amending, as may be necessary, a Municipal Sewer use ordinance.

(8) A schedule for completion of an Industrial Waste survey by the Municipality and periodic identification to the Authority of industrial sewer users within the Municipality.

(9) Submission of user charge data as may be required by the Authority, DEP, and EPA.

(10) Schedules for the implementation of municipal user charges.

10.044: continued

- (11) Requirements for regulation of Septage disposal in accordance with 360 CMR 10.000.
- (12) Joint issuance of Sewer Use Discharge Permits with the Authority which require municipal official signatures in a timely manner.
- (13) Requirements for reconstruction or repair or connections of any Municipal Sewer to the Authority Sewerage System.
- (14) Requirements to comply with the municipal obligations of St. 1991, c. 41, including that the Municipality accept for its own use, and in accordance with any regulations and guidelines for land application and beneficial reuse of sludge developed by DEP and EPA, fertilizer pellets produced by the Boston Harbor residuals pelletizing plant that are not sold or otherwise marketed.
- (15) Other conditions as deemed appropriate by the Authority to ensure compliance with 360 CMR 10.000 and with applicable requirements of federal and state law and regulations.

10.045: Public Participation

The Authority may require each Municipality to establish a public participation program that includes annual publication in a newspaper serving the Municipality of a list of Users in its locality which during the previous 12 months were in Significant Noncompliance with applicable pretreatment requirements, and a summary of control actions taken by the Municipality or Authority. Such list may be provided to the Municipality by the Authority on an annual basis.

10.046: General Responsibilities

Every Municipality shall be responsible for assuring that no discharge from any source originating within its jurisdiction shall be of a nature as to cause obstruction, damage, surcharging or any other impairment of the Authority Sewerage System.

10.047: Septage Controls

Every Municipality shall be responsible for assuring that any discharge of Septage to its Sewerage System complies with 360 CMR 10.000.

10.048: Assessments for Authority Extra Costs

Failure on the part of any Municipality to comply with any of 360 CMR 10.000, or with any permit or order issued hereunder, shall be sufficient cause for the levying and collecting by the Authority from such Municipality of such additional assessments as the Authority reasonably deems necessary to compensate it for any extra costs occasioned by such violation.

SEWER USE DISCHARGE PERMITS

10.051: Sewer Use Discharge Permit Requirements

- (1) No Person shall discharge or cause or allow to be discharged, directly or indirectly, into the Authority Sewerage System, any Industrial Wastewater or other Industrial Waste unless such discharge complies with a Sewer Use Discharge Permit or other written authorization or permit issued to the Person under 360 CMR 10.000, unless exempted by 360 CMR 10.000.
- (2) No Person shall discharge or cause or allow to be discharged, directly or indirectly, into the Authority Sewerage System any Industrial Waste, or Industrial Waste mixed with Septage, that is hauled prior to discharge to the Authority Sewerage System unless the Person producing the Waste has a Sewer Use Discharge Permit, or other written authorization or permit authorizing the discharge or such discharge is exempted by 360 CMR 10.000. This includes Persons who discharge Industrial Waste into a septic or other holding tank whose contents are transported and discharged to the Authority Sewerage System.

10.051: continued

(3) No person whose operation within the Authority Sewerage District is subject to a National Categorical Pretreatment Standard shall operate without a Sewer Use Discharge Permit for the operation, regardless of whether the operation discharges to the Authority Sewerage System or not.

10.052: Permit Application and Issuance

(1) Every Person required to obtain a Sewer Use Discharge Permit pursuant to 360 CMR 10.000 shall complete a permit application in the form required by the Authority and shall file the application with the Authority and the Municipality in which the discharge occurs. An application form may be obtained from the Authority. The expense of completing and filing the application shall be borne by the applicant.

(2) The Authority and the Municipality in which the permit applicant is located shall evaluate the adequacy of the information supplied in each Sewer Use Discharge Permit application. If the application contains insufficient, inaccurate, or incomplete information, the Authority may request that additional information be submitted within a specified period, or may take such other action as is authorized by law. If the applicant fails to supply information requested by the Authority, the Authority may deny the permit application. After review of the application and any additional information, the Authority and Municipality may issue the permit, and may stipulate special conditions and terms for issuance of the permit.

(3) If the Authority approves a Sewer Use Discharge Permit application, but the application has not yet been approved by the appropriate Municipality, the Authority may issue the applicant a Sewer Use Discharge Permit, which shall be withdrawn if the Municipality disapproves the application or Permit.

10.053: Terms and Conditions of Sewer Use Discharge Permits

A Sewer Use Discharge Permit issued under 360 CMR 10.000 may require that the permittee:

- (1) Limit the rate, time, and characteristic of its discharge;
- (2) Implement measures to regulate and/or equalize flow;
- (3) Install inspection, flow measurement, and sampling devices and/or facilities, and provide access to such devices and/or facilities;
- (4) Implement a monitoring program that may include measuring flow, conducting sampling, conducting chemical and biological testing, recording data, and submitting periodic reports;
- (5) Implement Pretreatment measures according to a specified schedule and submit periodic progress reports on implementation of the measures;
- (6) Comply with Best Management Practices that are described therein;
- (7) Submit discharge monitoring reports, and retain and submit hazardous waste manifests;
- (8) Submit reports required by EPA regulations at 40 CFR 403.12, including baseline monitoring reports, compliance schedule progress reports, final categorical compliance reports, periodic monitoring reports, and documentation of the use of required best management practices, if any;
- (9) Submit and implement a slug control plan, as required by EPA regulations at 40 CFR § 403.8(f)(2)(vi).
- (10) Pay service charges or fees;

10.053: continued

- (11) Provide for the operation of Wastewater Pretreatment facilities by persons licensed according to state law, including 257 CMR 2.00: *Rules and Regulations for Certification of Operators of Wastewater Treatment Facilities*;
- (12) If a generator of Industrial Waste and/or Industrial Waste mixed with Septage that is pumped to a septic or other holding tank and then hauled and discharged within the Authority Sewerage District, identify the discharge location and hauler; and
- (13) Take any other action deemed necessary or appropriate by the Authority to ensure compliance with 360 CMR 10.000 and/or with local, state, and federal law and regulations, including, but not limited to, regulations of EPA and DEP.

10.054: Terms and Conditions for Hauled and Discharged Industrial Waste

A Sewer Use Discharge Permit for a generator of Industrial Waste and/or Industrial Waste mixed with Septage that discharges to a septic or other holding tank and is then or later hauled and discharged to the Authority Sewerage System may contain the following conditions in addition to the conditions listed in 360 CMR 10.053:

- (1) A requirement that DEP approve the permittee's septic system;
- (2) A requirement that the permittee use only certain identified haulers to transport the waste to the Authority Sewerage System and certain identified locations for the discharge;
- (3) A schedule for sampling the waste to be discharged to the Authority Sewerage System and for submitting reports to the Authority describing the quantity and characteristic of the material to be discharged, and the date(s) that the material was picked up by the hauler; and
- (4) Any other requirement the Authority believes is necessary to ensure that the discharge complies with 360 CMR 10.000.

10.055: Permit Modifications

- (1) A permittee shall provide at least 30 days advance written notification to the Authority before taking any action which may substantially change the volume or nature of its discharge, including a substantial change in the volume or character of pollutants in its discharge, from any compliance measurement location, or from any sewer connection. Such actions may include, but not be limited to, the following:
 - (a) substantial expansion or contraction of the facility from which the discharge originates;
 - (b) substantial increase or decrease in production;
 - (c) modification of any process;
 - (d) alteration of the Pretreatment system or the operation of the Pretreatment system;
 - (e) discharge from a different or relocated sewer connection; or
 - (f) any changes affecting the potential for a Slug Discharge.
- (2) The Authority will review the information provided in the written notification and will inform the permittee if the proposed change requires submission of a new permit application. If the Authority requires a new permit application, the permittee shall file a new permit application and obtain a modified permit before taking the action described in the notice. If the Authority does not require a new permit application, the permittee may take the action described in the notice so long as that action does not violate the regulations or the Person's Sewer Use Discharge Permit.

10.056: Posting Requirements

A permittee shall:

- (1) inform its employees in its permitted facility of the existence of both 360 CMR 10.000 and the permittee's Sewer Use Discharge Permit, and shall post one copy of each on the facility's bulletin board or in such other conspicuous location as the Authority may allow;

10.056: continued

- (2) post at the permitted facility a permanent notice that is clearly visible at all times which identifies:
 - (a) the individual(s) at the facility who is responsible for ensuring compliance with 360 CMR 10.000 and the permittee's Sewer Use Discharge Permit; and
 - (b) the individual(s) at the facility to be notified in the event of an Upset or other episode requiring notice to the Authority; and
- (3) give a copy of its Sewer Use Discharge Permit to each employee working in its Pretreatment operations.

10.057: Terms and Conditions for a Discharge from a Water Treatment Plant Owned and Operated by a Municipality, or by a Water District Created by a Special or General Act of the Massachusetts Legislature

A Sewer Use Discharge Permit for a water treatment plant owned and operated by a municipality, or by a water district created by a special or general act of the Massachusetts Legislature, may authorize the discharge of sludge and filter backwash directly or indirectly into the Authority Sewerage System. Prior to issuing such Permit, the Authority may require the Person requesting to make such discharge to submit a detailed hydraulic analysis of the sewers involved to ensure that adequate capacities are available. If combined sewers are involved, or if a separate sewer that is involved does not have adequate capacity to transport existing peak dry or wet weather flows, the analysis shall propose facilities the Person will use to prevent its discharge from having an adverse impact on a municipal sewer or the Authority Sewerage System, including how the Person will control its discharge so that its discharge does not cause, contribute to, or prolong a combined sewer overflow event or a sewer surcharge.

Such Permit may contain the following conditions, in addition to the conditions listed in 360 CMR 10.053:

- (1) That the Person implement measures required by the Authority to prevent any adverse impact on a municipal sewer or the Authority Sewerage System, based upon the detailed hydraulic analysis of the sewers involved, the facilities the Person proposed to use to control its discharge, and other information available to the Authority;
- (2) That the Person recycle or reuse its filter backwash to the maximum extent practicable without degrading water quality or causing health or safety problems; and,
- (3) Any other requirement the Authority believes is necessary to ensure that the discharge complies with 360 CMR 10.000.

GROUP AND GENERAL PERMITS

10.061: Group Permit for Photo Processing and Printing Operations

- (1) No Person shall discharge or cause or allow to be discharged, directly or indirectly, into the Authority Sewerage System, any Industrial Waste required to be covered by the Group Permit for Photo Processing and Printing Operations unless such discharge complies with such Group Permit issued to the discharger. This includes Industrial Waste that is hauled for discharge to a sanitary sewer within the Authority Sewerage District.
- (2) For purposes of 360 CMR 10.061, photo processing shall be defined as processing color and black and white prints and slides, including x-rays, and microfilm.
- (3) For purposes of 360 CMR 10.061, printing shall be defined as lithography using presensitized plates.
- (4) A Person doing photo processing or printing is eligible for and required to be covered by the Group Permit for Photo Processing and Printing Operations if its discharge of Industrial Waste to a sanitary sewer in the Authority Sewerage District (or to a holding tank whose contents are hauled for discharge to a sanitary sewer in the Authority Sewerage District) consists solely of the photo processing and/or printing wastes it generates, and if it:

10.061: continued

- (a) Performs photo processing and/or printing in commercial space;
 - (b) Uses automated photo processing equipment;
 - (c) Uses a Standard Silver Recovery System for which the Authority has authorized operations and management practices; and
 - (d) Is not exempted from coverage by 360 CMR 10.061(5) or (6).
- (5) A Person is not required or eligible to be covered by the Group Permit for Photo Processing and Printing Operations, and does not require any other permit from the Authority, if its only industrial sewer discharge is from its photo processing and/or printing operations and it:
- (a) Performs photo processing and/or printing only in a residence;
 - (b) Discharges X-ray wastes, and such discharges derive solely from the on-site activities of a dental office; or
 - (c) Performs only hand tray processing.
- (6) A Person is not eligible to be covered by the Group Permit for Photo Processing and Printing Operations, but requires a Sewer Use Discharge Permit or other applicable permit to discharge Industrial Waste to the sewer, if it is not exempted from coverage by 360 CMR 10.061(5), and it:
- (a) Processes motion picture film;
 - (b) Processes black and white slides or transparencies or positive microfilm using a reverse dichromate bleach processing solution;
 - (c) Discharges wastewater from screen printing, flexographic or gravure/rotogravure printing, plate developing using a petroleum based additive process, or engraving plate manufacture;
 - (d) Discharges wastewater from the manufacture or distribution of photographic or printing chemicals;
 - (e) Discharges wastewater from the recovery of materials from, or from the reprocessing or recycling of, photo processing or printing wastes, except as part of its silver treatment of wastes generated from its own photo processing and printing operations;
 - (f) Discharges other industrial wastewater in addition to photo processing or printing wastes;
 - (g) Has a total industrial process sewer discharge that averages 25,000 gallons per day or more, or is notified by the Authority that it otherwise is a Significant Industrial User as defined in 360 CMR 10.004;
 - (h) Discharges silver bearing wastes without a silver pretreatment system or uses a silver pretreatment system that is not a Standard Silver Recovery System;
 - (i) Does not discharge its fixer, bleach fix, stabilizers, or functionally similar solutions containing silver bearing wastes to the sewer, unless it discharges an average of more than 55 gallons per month of spent fountain solution to the sewer; or
 - (j) Does not or is unable to meet Authority discharge requirements, 360 CMR 10.021 through 10.025, by using a Standard Silver Recovery System and by following the operations and management practices required by the Group Permit for Photo Processing and Printing Operations, and upon notice from the Authority.
- (7) A Person is eligible for and required to have the Combined Permit (360 CMR 10.064) rather than the Group Permit for Photo Processing and Printing Operations if:
- (a) its photo processing or printing operations are eligible for the Group Permit; and
 - (b) it has one or more other discharges or operations at its facility that make it ineligible for the Group Permit under 360 CMR 10.061(6)(a) through (f) and all those other discharges and operations are eligible for coverage by the General Permit (360 CMR 10.062).
- (8) Before commencing a discharge required to be covered by the Group Permit, the Person that will be discharging shall file with the Authority a Notice of Intent to Discharge, on a form available from the Authority, and shall not begin discharging until it is issued the Group Permit from the Authority.

10.061: continued

(9) A Person issued the Group Permit shall comply with the terms and conditions of the Group Permit. The Permit shall contain standard terms and conditions for all Persons it covers. Those terms and conditions shall describe which facilities it covers, required submissions, general conditions to be met, required operations and management practices, and record keeping requirements. It may include information on required monetary charges that must be paid, enforcement information, and other requirements and information that the Authority deems necessary or appropriate to ensure compliance with 360 CMR 10.000 and/or with local, state, and federal laws and regulations.

(10) Any new facility that will be covered by the Group Permit, or substantial change to an existing facility that is covered by the Group Permit, must include plumbing to assure that a representative sample of the discharge of all photo processing and printing wastes may be taken at a safe and accessible location after treatment and prior to combining with any other streams.

(11) Unless specifically modified by the Group Permit, a Person issued a Group Permit shall comply with 360 CMR 10.000 and is subject to enforcement pursuant to 360 CMR 2.00 and St. 1984, c. 372 and St. 1987, c. 307.

(12) A Person issued the Group Permit shall post a copy of the Group Permit on its applicable facility's bulletin board or such other conspicuous location as the Authority shall allow and shall post with the Group Permit the names of the individuals at the facility responsible for compliance with the Group Permit and the names of the individuals at the facility to be notified in the event of an Upset or other episode requiring notice to the Authority.

10.062: General Permit for Low Flow and Low Pollutant Dischargers

The General Permit for Low Flow and Low Pollutant Dischargers authorizes Persons with facilities in the Authority Sewerage District with low industrial flows and no or low levels of regulated pollutants in their industrial waste water to discharge industrial waste water from those facilities to the Authority sewer system, subject to the requirements of the General Permit, 360 CMR 10.062, and 360 CMR 10.000. A Person with a facility covered by the General Permit is responsible for the discharge from the facility and for compliance with the requirements of the General Permit and 360 CMR 10.000.

(1) Permit Eligibility.

(a) A Person is eligible for and must be covered by the General Permit for a facility that meets one of the following criteria:

1. It discharges less than an average of 25,000 gallons per day of waste water to the sewer (excluding sanitary, noncontact cooling, and boiler blowdown wastewater) and its processes would result in a sewer discharge before pretreatment and dilution not containing a substance regulated by 360 CMR 10.022 through 10.024;
2. It discharges less than an average of 300 gallons per day of waste water to the sewer (excluding sanitary, noncontact cooling, boiler blowdown, and incoming water treatment reject stream waste water) and does not require an active pretreatment system to meet the requirements of 360 CMR 10.021 through 10.025 except it may adjust the pH of its discharge with a chemical addition to meet Authority pH discharge requirements if it:
 - a. has an automatic alarm and chart recorder or electronic memory on its pH adjustment system; or
 - b. discharges in batches, treats each batch if necessary to meet pH discharge requirements, and tests each batch to confirm that it meets pH requirements; and
 - c. it does not otherwise have a reasonable potential to violate 360 CMR 10.021 through 10.025;
3. It is a photo processing or printing operation that is not required or eligible to be covered by the Group Permit for Photo Processing and Printing Operations (360 CMR 10.061) or the Combined Permit (360 CMR 10.064) because:
 - a. its fixer, bleach-fix, stabilizers, and functionally similar solutions containing silver bearing wastes are hauled for disposal outside the Authority Sewerage District; and

10.062: continued

- b. it discharges only rinse water, developer, activator, water from occasional incidental cleaning of pre-wiped equipment with water and detergent, and less than 55 gallons per month of spent fountain solution from its photo processing and printing operations; or
 - 4. It is a photo processing or printing operation whose discharge or discharges from that operation meets the requirements of 360 CMR 10.062(1)(a)3. and it has discharges from other operations that all meet the requirements of 360 CMR 10.062(1)(a)1. or 2.
- (b) Notwithstanding 360 CMR 10.062(1)(a), a Person's facility is not eligible to be covered by the General Permit if:
- 1. It is subject to a Categorical Pretreatment Standard under 40 CFR 403.6 and 40 CFR chapter I, subchapter N;
 - 2. It is otherwise notified by the Authority that it is a Significant Industrial User as defined in 360 CMR 10.004;
 - 3. It discharges an average of 300 gallons per day or more of waste water to the sewer (excluding sanitary, noncontact cooling, boiler blowdown, and incoming water treatment reject stream waste water) and it adjusts the pH of its discharge by chemical addition to meet Authority pH discharge requirements (360 CMR 10.023(6)); or,
 - 4. It is required to have a septage discharge permit (360 CMR 10.031), group permit for photo processing and printing operations (360 CMR 10.061), combined permit (360 CMR 10.064), landfill discharge permit (360 CMR 10.071), temporary construction site dewatering permit (360 CMR 10.091), or it is a water treatment plant owned and operated by a municipality or a water district (360 CMR 10.057).

(2) Determining the Average Daily Discharge Amount of a Facility for Purposes of 360 CMR 10.062. To determine the average daily discharge amount of a facility, the amount of waste water discharged on each calendar day in an ordinary week shall be totaled and then divided by the number of days in the week during which a discharge occurred, except: if a facility discharges a small amount on a weekend day relative to its discharge on other days, that weekend day shall not be considered; and, if a facility discharges on fewer than five days per week, the amount of waste water discharged on each calendar day in an ordinary week shall be totaled and divided by five to determine the average discharge amount per day. The preceding 12 months of a facility's operations shall be used to determine a facility's ordinary week, except a more current time period shall be used if the facility's average amount of discharge changed within the past 12 months or began more recently.

(3) Applying for and Receiving the General Permit.

- (a) A Person with a facility eligible for the General Permit must be issued the General Permit for the facility in order to discharge from the facility, except, with the approval of the Authority the Person may discharge under another permit issued by the Authority for the facility if it has applied or will apply for the General Permit for the facility. To apply for the General Permit, a Person must submit a completed Permit Application or Notice of Intent (NOI) for its facility to be covered by the General Permit, on the form prescribed by the Authority, to the Authority and, if required by the Permit Application or NOI, to the municipality into whose sewer system the facility will discharge. The Authority may require additional information and may deny the application or NOI if the Authority considers the application or NOI to be incomplete or inadequate.
- (b) A Person operating a facility under another Authority permit may submit a new and completed Permit Application or NOI to the Authority and, if required by the Permit Application or NOI, to the municipality into whose sewer system the facility discharges, and request that its other permit be revoked and that its specified facility be covered by the General Permit.
- (c) The Authority may require a Person to complete and file a Permit Application or NOI for the General Permit if it has reason to believe that the Person's facility, which has another Permit issued by the Authority, may be eligible for the General Permit.
- (d) If the Person's facility is eligible to be covered by the General Permit, and meets all the other requirements of the Authority, the Authority will issue the General Permit to the Person for the facility.

10.062: continued

(4) What may be Discharged to the Authority Sewer System Under the General Permit.

(a) A facility that is covered by the General Permit may discharge its industrial waste water to the Authority sewer system, subject to the requirements of 360 CMR 10.062 and the General Permit.

(b) A facility's discharge to the Authority sewer system must comply with 360 CMR 10.000, including the regulations on Prohibited Wastes and Local Limits, 360 CMR 10.021 through 10.026.

(c) The only industrial waste that 360 CMR 10.062 and the General Permit authorize a facility to discharge to the Authority sewer system is from the processes generating waste water as noted in the Permit Application or NOI submitted to request coverage by the General Permit. A facility covered by the General Permit shall not discharge wastewater that would make it ineligible for the General Permit.

(5) Additional Requirements for Photo Processing and Printing Operations Covered by the General Permit.

(a) A photo processing or printing facility covered by the General Permit may discharge rinse water, developer, activator, water from occasional incidental cleaning of pre-wiped equipment with water and detergent, and less than 55 gallons per month of spent fountain solution.

(b) A photo processing or printing facility covered by the General Permit shall not discharge any of the following to the Authority sewer system:

1. Treated or untreated fixer, bleach-fix, stabilizers, and functionally similar solutions containing silver bearing wastes;
2. Ink;
3. Chromium based cleaner;
4. Press cleaning solvent; or,
5. More than 55 gallons of spent fountain solution in any month.

(c) A photo processing or printing facility covered by the General Permit shall:

1. Have, for employee use, written disposal procedures describing proper methods to dispose of photo processing and printing wastes;
2. Properly label and handle all photo processing and printing wastes;
3. Not use chromium based film processor cleaning solutions; and,
4. Post signs near all sinks and drains in the work area indicating that sewer disposal of silver bearing wastes is prohibited. Printing facility signs must also indicate that sewer disposal of press cleaning solvents and inks is prohibited.

(d) A printing facility covered by the General Permit may clean its plates, blankets, press fountains, and rollers in a sink with water and detergents. Before doing so, it must preclean the equipment with industrial wipers (rags) to minimize the amount of inks and other products that will be washed off the equipment and enter the sewer. It may not use solvents in a sink connected to the sewer.

(6) Additional Requirements for Laboratories Covered by the General Permit. A laboratory covered by the General Permit shall have and implement a written laboratory chemicals management plan to control the discharge of regulated materials to the sewer system. Regulated materials are those that contain pollutants regulated by the Authority at 360 CMR 10.021 through 10.024. At a minimum, the plan shall include procedures to:

- (a) Ensure that regulated materials do not spill or leak into the sewer system;
- (b) Eliminate or minimize the disposal of regulated materials to the sewer system so that Authority discharge limits are met;
- (c) Properly handle, store, collect, and dispose of laboratory chemicals and maintain disposal manifests;
- (d) Train laboratory employees in proper laboratory chemical usage and disposal; and,
- (e) Ensure that the laboratory chemical management plan is followed by, among other measures, posting appropriate notices of proper chemicals usage and disposal practices at sinks where laboratory chemicals are used.

(7) Additional Requirements for Facilities Required to have Grease Traps and Covered by the General Permit. A facility covered by the General Permit that is required by Massachusetts law or regulation to have a grease trap or grease interceptor for food related grease or oil (*see* 360 CMR 10.017, 310 CMR 15.230, and 248 CMR 2.09) shall:

10.062: continued

- (a) Inspect its grease traps and interceptors at least monthly; and
- (b) Have its grease traps and interceptors cleaned, with their contents hauled for disposal, whenever the level of grease is at least 25% of the effective depth of the trap, or at least every three months, whichever is sooner.

(8) Required Notices to the Authority. In addition to the notices otherwise required by 360 CMR 10.000, a Person with the General Permit must notify the Authority in writing at least 30 days before it closes or moves a facility covered by the General Permit, changes its facility's operations such that the discharge will change so that the facility may no longer be eligible for the General Permit, or makes any other substantial change in the volume or character of its facility's discharge.

(9) Change in Volume or Character of Discharge. If a change in the volume or character of a facility's discharge will make it ineligible for coverage by the General Permit, the Person must obtain the applicable Authority permit for the facility before beginning the changed discharge. The Authority may require a Person to complete and file a Permit Application or NOI if it has reason to believe that the Person's facility may no longer be eligible for the General Permit or the Person has made substantial changes to its facility since receiving the General Permit.

(10) Record Keeping Requirements. A Person with the General Permit for a facility must keep for at least five years all hazardous waste manifests and records of any photo processing and printing wastes and grease trap wastes it had hauled from its facility and make a copy of the documents available to the Authority upon request.

10.063: Group Permit for Food Processing

(1) No Person shall discharge or cause or allow to be discharged, directly or indirectly, into the Authority Sewerage System, any Industrial Waste required to be covered by the Group Permit for Food Processing, unless such discharge complies with such Group Permit issued to the discharger. This includes Industrial Waste that is hauled for discharge to a sanitary sewer system within the Authority Sewerage District.

(2) For purposes of 360 CMR 10.063, food processing shall be defined as preparing food for wholesale commercial distribution and sale, including, without being limited to: operations which involve washing, cooking, baking, or curing food or food products, including, but not limited to: beverage making and bottling; candy making; cereal making; condiment making; dairy product processing; fish cutting, processing and cooking; frozen food making; jams, jellies and fruit filling making; meat processing and packing; nut and nut product processing; pasta making; prepared food making; and vegetable and other produce washing and processing. Food processing does not include: preparing meals or snacks for immediate consumption on the premises, or for take-out; transport and distribution operations which consist solely of packaging for transport and distribution without generating wastewater from the packaging process; and warehousing or other storage solely for transport, distribution, or sale.

(3) A Person performing food processing is covered by the Group Permit for Food Processing if its discharge of industrial waste to a sanitary sewer in the Authority Sewerage District (or to a holding tank whose contents are hauled for discharge to a sanitary sewer in the Authority Sewerage District) consists solely of the food processing wastes it generates, and if it is not exempted from coverage by 360 CMR 10.063(4) or (5).

(4) A person is not required to be covered by the Group Permit for Food Processing, if its only industrial sewer discharge is from its food processing operations and it applies for and is covered by the General Permit for Low Flow and Low Pollutant Discharges, 360 CMR 10.062.

(5) Notwithstanding 360 CMR 10.063(3), a Person discharging food processing waste to the sewer is not covered by the Group Permit for Food Processing, but requires a Sewer Use Discharge Permit to discharge industrial waste to the sewer if it is not exempted by 360 CMR 10.007(3) and it:

10.063: continued

- (a) Discharges other industrial wastewater in addition to food processing wastes;
 - (b) Has a total industrial wastewater sewer discharge that averages 25,000 gallons per day or more, or is notified by the Authority that it otherwise is a Significant Industrial User as defined in 360 CMR 10.004;
 - (c) Uses a pretreatment system other than passive pretreatment (*e.g.*, a settling grease trap or a limestone chip tank); or
 - (d) Does not or is unable to meet Authority discharge requirements, 360 CMR 10.021 through 10.026, by following the operations and management practices required by the Group Permit for Food Processing, and upon notice from the Authority.
- (6) A person who would be covered by the Group Permit for Food Processing, but has other discharges that are subject to a General Permit, shall be covered by and hold the Group Permit for Food Processing and be subject to the requirements of the General Permit for its other discharges.
- (7) Before commencing a discharge required to be covered by the Group Permit, the Person that will be discharging shall file with the Authority and the appropriate Municipality a Notice of Intent to Discharge, on a form available from the Authority, and shall not begin discharging until it is issued the Group Permit by the Authority and Municipality. A Person with a Sewer Use Discharge Permit on the effective date of the Group Permit for Food Processing that is required to be covered by the Group Permit for Food Processing shall submit a Notice of Intent to Discharge to the Authority and the appropriate Municipality within 90 days of the effective date of 360 CMR 10.063, and may continue to discharge subject to its Sewer Use Discharge Permit until the Authority and Municipality act on the Notice of Intent.
- (8) A person issued the Group Permit shall comply with the terms and conditions of the Group Permit. The Permit shall contain standard terms and conditions for all Persons it covers. Those terms and conditions shall describe which facilities it covers, required submissions, general conditions to be met, required operations and management practices, and record-keeping requirements. It may include information on required monetary charges that must be paid, enforcement information, and other requirements and information that the Authority deems necessary or appropriate to ensure compliance with 360 CMR 10.000 and/or with local, state, and federal laws and regulations.
- (9) Any new facility that will be covered by the Group Permit, or substantial change to an existing facility that is covered by the Group Permit, must include plumbing to assure that a representative sample of the discharge of all food processing wastes may be taken at a safe and accessible location at the end of the pretreatment process line, or at the end of the process line if there is no pretreatment, and prior to combining with any other streams.
- (10) Unless specifically modified by the Group Permit, a Person issued a Group Permit shall comply with 360 CMR 10.000 and is subject to enforcement pursuant to 360 CMR 2.00 and St. 1984, c. 372 and St. 1987, c. 307.
- (11) A Person issued the Group Permit shall post a copy of the Group Permit on its applicable facility's bulletin board or such other conspicuous location as the Authority shall allow and shall post with the Group Permit the names of the individuals at the facility responsible for compliance with the Group Permit and names of the individuals at the facility to be notified in the event of an Upset or other episode requiring notice to the Authority.
- (12) The Group Permit for Food Processing does not preclude the Authority from requiring specific compliance measures at individual facilities, including, but not limited to, installation of grease traps at specific location and more frequent maintenance. The Authority may determine that a facility requiring more frequent grease trap maintenance requires an individual Sewer Use Discharge Permit.

10.063: continued

(13) The Authority may approve maintenance schedules, compliance schedules, or both, for specific facilities, including, but not limited to, schedules that modify the grease trap maintenance requirements of the Group Permit. A Person seeking such a modification must submit a request in writing with supporting documentation. Modifications that allow longer intervals in the grease trap maintenance schedule shall not be approved unless the Authority and the appropriate Municipality are satisfied that such modification will not contribute to nuisance conditions, or an adverse impact on the Sewerage System, Receiving Waters, or the Authority's Wastewater Residuals program. Approval for such modification is not effective until issued by the Authority in writing.

(14) The Group Permit for Food Processing does not preclude the Municipality from imposing more stringent requirements.

10.064: Combined Permit for Photo Processing, Printing, and Low Flow Operations

(1) Permit Overview and Coverage. The Combined Permit for Photo Processing, Printing, and Low Flow Operations is intended to cover a Person who would be required to be covered by the Group Permit for Photo Processing and Printing Operations, 360 CMR 10.061, except that the Person has one or more other processes or discharges that make it ineligible for coverage by that Group Permit under 360 CMR 10.061(6)(a) through (f), and all those other processes and discharges are eligible to be covered by the General Permit for Low Flow and Low Pollutant Dischargers, 360 CMR 10.062. The Combined Permit includes:

- (a) the equivalent of the conditions and requirements of the Group Permit for Photo Processing and Printing Operations for the photo processing and printing discharges that are eligible for that Group Permit;
- (b) the equivalent of the conditions and requirements of the General Permit for Low Flow and Low Pollutant Dischargers for the discharges that are eligible for the General Permit; and
- (c) other conditions considered appropriate by the Authority.

(2) Combined Permit Required. A Person with a facility eligible for coverage by the Combined Permit must apply for and receive the Combined Permit in order to discharge from the facility. Such Person is not eligible for the Group Permit set forth in 360 CMR 10.061, the General Permit set forth in 360 CMR 10.062, or the Sewer Use Discharge Permit set forth in 360 CMR 10.051 through 10.057 for such facility.

(3) Application for the Combined Permit. Before beginning a discharge for which the Combined Permit is required, the Person who will discharge shall file with the Authority a Notice of Intent to Discharge (NOI) or other application as required by the Authority, on a form available from the Authority, and shall not begin discharging until it is issued the Combined Permit by the Authority. The Authority may:

- (a) require a Person to renew its Combined Permit by filing a new application or NOI;
- (b) require additional information relating to the application or NOI; and
- (c) deny an application or NOI for a permit for an incomplete or inadequate application or NOI.

(4) Permit and Regulatory Compliance. A Person who must apply for and receive the Combined Permit for a facility shall not discharge or cause or allow to be discharged, directly or indirectly, into the Authority Sewerage System, any Industrial Waste from the facility unless such discharge complies with the Combined Permit issued to the Person. Unless specifically modified by the Combined Permit, a Person issued the Combined Permit shall comply with 360 CMR 10.000 and is subject to enforcement pursuant to 360 CMR 2.00 and St. 1984, c. 372 and St. 1987, c. 307.

(5) Sampling Location. Any new facility that will be covered by the Combined Permit, or any substantial change to an existing facility that is covered by the Combined Permit, must include plumbing to assure that a representative sample of the discharge from all photo processing and printing operations may be taken at a safe and accessible location after treatment and before combining with any other streams.

10.064: continued

(6) Posting of Permit. A Person issued the Combined Permit shall post a copy of the Combined Permit on a bulletin board in its facility or such other conspicuous location as the Authority shall allow and shall post with the Combined Permit the name of the individuals at the facility responsible for compliance with the Combined Permit and the names of the individuals at the facility to be notified in the event of an Upset or other event requiring notice to the Authority.

LANDFILL DISCHARGE PERMITS

10.071: Landfill Discharge Permit Requirements

(1) No Person who is the owner and/or operator of a Landfill, or who is otherwise responsible for the Landfill, shall discharge or cause or allow to be discharged, directly or indirectly, into the Authority's Sewerage System any Landfill Leachate, unless the discharge complies with a Landfill Discharge Permit issued by the Authority for the Landfill.

(2) The Authority shall not issue a Landfill Discharge Permit unless the landfill has all necessary approvals from DEP and the local Board of Health, and the Municipality in which the landfill is located has certified that the local conveyance system has sufficient capacity to meet peak dry weather flow and the reasonable future needs of the Municipality. In granting or denying a Landfill Discharge Permit, the Authority may determine whether the Authority conveyance system has sufficient capacity to meet peak dry weather flow and the reasonable future needs of serviced communities.

10.072: Permit Application and Issuance

(1) Every Person required to obtain a Landfill Discharge Permit shall complete and file a permit application in the form required by the Authority. An application form may be obtained from the Authority. The expense of completing and filing the application shall be borne by the applicant.

(2) The Authority shall evaluate the adequacy of the information supplied in each Landfill Discharge Permit application. If the application contains insufficient, inaccurate, or incomplete information, the Authority may request that additional information be submitted within a specified period, or may take such other action as is authorized by law. If the applicant fails to supply the information requested by the Authority, the Authority may deny the permit application. After review of the application and any additional information, the Authority may issue the permit and may stipulate special conditions and terms for issuance of the permit.

(3) The applicant for a Landfill Discharge Permit shall submit to the Authority with the application a plan identifying any proposed connection or discharge point to the Municipal Sewerage System. The Authority shall not approve a direct discharge to the Authority's Sewerage System.

10.073: Terms and Conditions of Landfill Discharge Permits

A Landfill Discharge Permit issued under 360 CMR 10.000 may require that the permittee:

(1) Limit the rate, time, and characteristic of its discharge, including that the leachate be reintroduced into the landfill and only discharged when necessary due to a storm;

(2) Implement measures to regulate and/or equalize flow;

(3) Install inspection, flow measurement, and sampling devices and/or facilities, and provide access to such devices and/or facilities;

(4) Implement a monitoring program that may include measuring flow, conducting sampling, conducting chemical and biological testing, recording data, and submitting periodic reports;

(5) Implement Pretreatment measures according to a specified schedule and submit periodic progress reports on implementation of the measures;

10.073: continued

- (6) Comply with Best Management Practices that are described therein;
- (7) Submit discharge monitoring reports;
- (8) Pay service charges or fees;
- (9) Provide that its Wastewater Pretreatment facilities be operated by a person licensed according to state law, including 257 CMR 2.00: *Rules and Regulations for Certification of Operators of Wastewater Treatment Facilities*;
- (10) Prohibit the discharge to the Sewer of groundwater or contaminated groundwater;
- (11) Obtain approval from DEP and/or any other appropriate regulatory authority for operating plans, closure plans, leachate collection and/or treatment plans, and any other relevant plans;
- (12) Obtain certification from DEP that leachate from the Solid Waste Landfill is not subject to regulation as a hazardous waste;
- (13) Accept Wastewater Residuals from the Authority's Sewage Treatment Facilities;
- (14) Ensure that the landfill is free from Infiltration; and/or,
- (15) Take any other action deemed necessary or appropriate by the Authority to ensure compliance with 360 CMR 10.000 and/or with local, state or federal law.

10.074: Permit Modifications

- (1) A permittee shall provide written notification to the Authority at least 30 days prior to taking any action which will change the volume or nature of the discharge, including, but not limited to, the following actions:
 - (a) expansion of the landfill; or
 - (b) alteration to the Pretreatment system or the operation of the Pretreatment system.
- (2) The Authority will review each notification and will thereafter inform the permittee whether the proposed change requires modification of the Permit. If permit modification is necessary, the permittee shall file an application for a permit modification as required by the Authority, and shall not change or alter its discharge unless and until the Authority approves the permit modification.

DIRECT CONNECTION PERMITS

10.081: Applicability

- (1) The use of the Authority's interceptor Sewer lines throughout the Authority's Sewerage District shall be controlled by the Authority. No Person without authorization from the Authority shall uncover, make any connection with or opening into, modify, or disturb in any way the Authority's Sewerage System, including the Sewer manholes.
- (2) A Person wishing to make a direct connection to the Authority's Sewerage System or to modify, reconnect, or abandon an existing connection, shall first obtain a permit from the Authority for such connection, modification, reconnection, or abandonment.

10.082: Permit Applications

(1) A Person wishing to make a direct connection to the Authority's Sewerage System, or to modify, reconnect, or abandon an existing connection, shall file an application for a Direct Connection Permit with the Authority on an application form required by the Authority. An application to make a direct connection shall be accompanied by siting plans demonstrating that the direct connection is required by special engineering or topographical considerations, as well as by construction plans and specifications stamped and signed by a professional engineer registered in Massachusetts. An applicant shall supplement its application with such additional information as the Authority may require. An application must be accompanied by a minimum \$300 permit application charge (minimum charge calculated at six hours at \$50.00/hour). The Authority will waive the charge for an application of a municipality. The Authority may waive the charge in instances in which the connection, modification, reconnection, or abandonment will benefit or improve the Authority's sewer system, or in other circumstances in which the Authority determines that a waiver is in the public interest. In the event that the Authority's review of the application requires the expenditure of more than six hours, the applicant will be charged for all additional hours at the rate of \$50.00/hour, which charge will be payable at the same time as the \$200 permit issuance charge is due as provided in 360 CMR 10.083.

(2) Before filing an application with the Authority, the Person shall submit the completed application to the municipality in which the connection, modification, reconnection, or abandonment will occur. The municipality shall have 60 days to review and comment on the application. The application filed with the Authority shall be accompanied by any comments and recommendations made by the municipality. The municipality shall provide reasons for any recommendation.

10.083: Permit Issuance

After review of the application and any additional information, the Authority may issue the permit and may stipulate special conditions and terms for issuance of the permit. If the Authority will issue the permit, the Person shall pay a \$200 permit issuance charge to the Authority for the permit. The Authority will waive the charge for a permit of a municipality and may waive the charge if it has requested the connection, modification, reconnection, or abandonment. Within ten days after receiving the permit, the Person shall provide a copy of the permit to the municipality in which the connection will occur. The Authority will not issue the permit if it determines that there are no special engineering or topographical considerations requiring the direct connection or if it determines that the connection, modification, reconnection, or abandonment will have an actual or potential adverse impact on the Authority's Sewerage System or the Authority's responsibilities.

10.084: Costs and Liability

All costs and expenses incident to the application, design, installation, connection, modification, reconnection, abandonment, and maintenance of a direct connection shall be borne by the owner of the connection. The owner shall indemnify the Authority for any loss, damage, or liability directly or indirectly caused or contributed to by the design, installation, connection, modification, reconnection, abandonment, maintenance, or use of the connection.

TEMPORARY CONSTRUCTION SITE DEWATERING PERMITS

10.091: Applicability

No person shall discharge, or cause to be discharged, directly or indirectly, into the Authority Sewerage System, any dewatering or drainage from a construction site unless such discharge conforms to a Temporary Construction Site Dewatering Permit issued jointly by the Authority and the Municipality where the discharge occurs to the Person for the discharge. Such permit may be issued only for a construction site:

- (a) in a combined sewer municipality;
- (b) where there is not reasonable access from the site to a separate storm sewer or to surface water; and
- (c) where the amount to be discharged will not have an actual or potential adverse impact on the sewer system, the treatment plant, quality of the receiving water, or the Authority's ability to meet its obligations under any law, regulation, permit, or order. The duration of a permit shall not exceed the time necessary to keep a site dewatered during construction; it shall not be issued for the purpose of groundwater remediation or permanent site dewatering.

10.092: Permit Application and Issuance

(1) Every Person required to obtain a Temporary Construction Site Dewatering Permit shall complete and file a permit application in the form required by the Authority. An application form may be obtained from the Authority. An applicant may be required to submit with the application copies of all documents submitted to DEP concerning the site. The expense of completing the application shall be borne by the applicant.

(2) The Authority and Municipality shall evaluate the adequacy of the information supplied in each application. If the application contains insufficient, inaccurate, or incomplete information, the Authority may request that additional information be submitted within a specified period, or may take such other action as is authorized by law. If the applicant fails to supply the information requested by the Authority, the Authority may deny the permit application. After review of the application and any additional information, the Authority and Municipality may issue the permit and may stipulate special conditions and terms for issuance of the permit.

(3) If the Authority approves a Temporary Construction Site Dewatering Permit application, but the application has not yet been approved by the appropriate Municipality, the Authority may issue the applicant a Temporary Construction Site Dewatering Permit, which shall be withdrawn if the Municipality disapproves the application or Permit.

10.093: Terms and Conditions of Temporary Construction Site Dewatering Permits

A Temporary Construction Site Dewatering Permit issued under 360 CMR 10.093 may require that the permittee:

- (1) Limit the rate, time, and characteristic of its discharge;
- (2) Implement measures to regulate and/or equalize flow;
- (3) Install inspection, flow measurement, and sampling devices and/or facilities, and provide access to such devices and/or facilities;
- (4) Implement a monitoring program that may include measuring flow, conducting sampling, conducting chemical and biological testing, recording data, and submitting periodic reports;
- (5) Implement Pretreatment measures according to a specified schedule and submit periodic progress reports on implementation of the measures;
- (6) Comply with Best Management Practices that are described therein;
- (7) Submit discharge monitoring reports;
- (8) Pay service charges or fees;
- (9) Provide that its Wastewater Pretreatment facilities be operated by a person licensed according to state law, including 257 CMR 2.00: *Rules and Regulations for Certification of Operators of Wastewater Treatment Facilities*;
- (10) Prohibit the discharge of contaminated groundwater;
- (11) Immediately cease discharging if the discharge, alone or with other discharges, has an actual or potential adverse impact on the Authority Sewerage System, the operation of a combined sewer overflow, or the Authority's ability to comply with a law, regulation, permit, or order under which it operates.
- (12) Take any other action deemed necessary or appropriate by the Authority to ensure compliance with 360 CMR 10.000 and/or with local, state or federal law.

10.094: Permit Modifications

- (1) A permittee shall provide written notification to the Authority at least 30 days prior to taking any action which will change the volume or nature of the discharge.
- (2) The Authority will review each notification and will thereafter inform the permittee whether the proposed change requires modification of the Permit. If permit modification is necessary, the permittee shall file an application for a permit modification as required by the Authority, and shall not change or alter its discharge unless and until the Authority approves the permit modification.

INCENTIVE AND OTHER CHARGES

10.101: Permitting Charge

(1) Amount of Charge. Each holder of a Sewer Use Discharge Permit, Septage Discharge Permit, Landfill Discharge Permit, Temporary Construction Site Dewatering Permit, Group Permit, or Combined Permit issued pursuant to 360 CMR 10.000 shall be assessed and shall pay an annual permitting charge per permit. The amount of the charge is:

(a) For Authority Fiscal Years 2006, 2007, 2008, and 2009:

1. Category 1 SIU:	\$2,239
2. Category 1 non-SIU:	\$1,477
3. Category 2 SIU:	\$1,441
4. Category 2 non-SIU:	\$1,227
5. Category 3 SIU:	\$1,227
6. Category 3 non-SIU:	\$923
7. Category 4:	\$834
8. Category 6:	\$834
9. Category 12:	\$3,246
10. Category C1:	\$233
11. Category G1:	\$191, plus \$71 for the year the Authority receives the Notice of Intent to Discharge
12. Category G2:	\$161, plus \$71 for the year the Authority receives the Notice of Intent to Discharge

(b) For Authority Fiscal Year 2010:

1. Category 1 SIU:	\$2,340
2. Category 1 non-SIU:	\$1,544
3. Category 2 SIU:	\$1,506
4. Category 2 non-SIU:	\$1,282
5. Category 3 SIU:	\$1,282
6. Category 3 non-SIU:	\$966
7. Category 4:	\$872
8. Category 6:	\$872
9. Category 12:	\$3,392
10. Category C1:	\$244
11. Category G1:	\$200, plus \$76 for the year the Authority receives the Notice of Intent to Discharge
12. Category G2:	\$168, plus \$76 for the year the Authority receives the Notice of Intent to Discharge

(c) For Authority Fiscal Year 2011:

1. Category 1 SIU:	\$2,446
2. Category 1 non-SIU:	\$1,614
3. Category 2 SIU:	\$1,574
4. Category 2 non-SIU:	\$1,340

10.101: continued

5. Category 3 SIU:	\$1,340
6. Category 3 non-SIU:	\$1008
7. Category 4:	\$912
8. Category 6:	\$912
9. Category 12:	\$3,546
10. Category C1:	\$254
11. Category G1:	\$210, plus \$78 for the year the Authority receives the Notice of Intent to Discharge
12. Category G2:	\$176, plus \$78 for the year the Authority receives the Notice of Intent to Discharge
(d) For Authority Fiscal Year 2012 and all later Authority Fiscal Years:	
1. Category 1 SIU:	\$2,556
2. Category 1 non-SIU:	\$1,686
3. Category 2 SIU:	\$1,644
4. Category 2 non-SIU:	\$1,400
5. Category 3 SIU:	\$1,400
6. Category 3 non-SIU:	\$1054
7. Category 4:	\$952
8. Category 6:	\$952
9. Category 12:	\$3,704
10. Category C1:	\$266
11. Category G1:	\$218, plus \$82 for the year the Authority receives the Notice of Intent to Discharge
12. Category G2:	\$184, plus \$82 for the year the Authority receives the Notice of Intent to Discharge

The amount of the charge shall be based on the Permit category as of June 30th immediately prior to the billing done pursuant to 360 CMR 10.103. A change in category after June 30th shall not affect that year's charge.

(2) Definition of Category. The categories listed in 360 CMR 10.101(1) and 10.102 are defined as follows:

(a) Significant Industrial User (SIU): As defined in 360 CMR 10.004. In determining whether a Person is an SIU based on the criterion that the Person has a reasonable potential to violate any pretreatment standard or requirement, the Authority will take into account the Person's compliance history, the nature and character of the Person's effluent, whether the Person needs to treat the effluent prior to discharge, and the flow from the facility.

(b) Category 1: A sewer user whose process results in a discharge containing one or more substances in a concentration or quantity requiring pretreatment to meet the requirements of 360 CMR 10.021 through 10.025 and who does not have a Group, General, or Combined Permit for the discharge.

(c) Category 2: A sewer user whose process results in a discharge containing one or more substances regulated by 360 CMR 10.021 through 10.025 at a concentration and quantity not requiring pretreatment to meet the requirements of 360 CMR 10.021 through 10.025 and who does not have a Group, General, or Combined Permit for the discharge.

(d) Category 3: A sewer user whose process results in a discharge not containing a substance regulated by 360 CMR 10.021 through 10.025 and who does not have a Group, General, or Combined Permit for the discharge.

(e) Category 4: An SIU without an industrial waste discharge to the Authority sewerage system or any tributary thereto.

(f) Category 6: A Person with a Septage Discharge Permit.

10.101: continued

- (g) Category 12: A Person with a Temporary Construction Site Dewatering Permit, even if the discharge might also meet the definition of another category.
- (h) Category C1: A Person with a Combined Permit for Photo Processing, Printing, and Low Flow Operations.
- (i) Category G1: A Person with a Group Permit for Photo Processing and Printing Operations.
- (j) Category G2: A Person with a Group Permit for Food Processing.

(3) Determining Category. In addition to the definitions of 360 CMR 10.101(2), the following guidelines may be used to determine category 1, 2, and 3:

- (a) It is presumed that a sewer user with pretreatment is a Category 1 unless the sewer user can show that its industrial wastewater, prior to pretreatment and prior to dilution, will comply with 360 CMR 10.021 through 10.025.
- (b) It is presumed that a sewer user without pretreatment is a Category 1 if the sewer user has violated Authority discharge requirements (other than for pH). This presumption shall be overcome if:
 1. After the violations occurred, the sewer user changed its process or product or the chemicals it uses;
 2. The sewer user can show that its wastewater, prior to pretreatment and prior to dilution, will comply with 360 CMR 10.021 through 10.025;
 3. Sampling data since the violation show no further violations;
 4. Dilution is not taking the place of pretreatment; and
 5. It is unlikely that further violations will occur.
- (c) If the only treatment necessary to meet 360 CMR 10.021 through 10.025 is pH adjustment, the sewer user is not a Category 1; it is either a Category 2 or 3, whichever applies, unless it is eligible for a Group, General, or Combined Permit. pH is considered a condition, not a substance, for purposes of determining a category.
- (d) If the only treatment necessary to meet 360 CMR 10.021 through 10.025 is temperature adjustment, the sewer user is not a Category 1; it is either a Category 2 or 3, whichever applies, unless it is eligible for a Group, General, or Combined Permit.

(4) Examples of Category Determinations. The following are examples of category determinations:

- (a) Category 1:
 1. A Person with industrial wastewater containing one or more substances above 360 CMR 10.021 through 10.025 limits prior to pretreatment.
 2. A Person whose wastewater contains solids or viscous substances in an amount or size which obstructs or may obstruct flow in the sewer, prior to pretreatment. Although there is no limit on solids, if the release of the solids by the Person would violate 360 CMR 10.023(8), then pretreatment is required and a Category 1 designation is appropriate.
- (b) Category 2: A Person with a discharge containing substances regulated by 360 CMR 10.021 through 10.025, but not requiring a pretreatment system because the Person, through source control, waste minimization, process operations, and other management practices has controlled the pollutants in its discharge so that it meets 360 CMR 10.021 through 10.024 limits without a pretreatment system.
- (c) Category 3:
 1. A Person has a heat exchange unit, no substances regulated by 360 CMR 10.021 through 10.025, and discharges an average of at least 25,000 gallons per day.
 2. A Person has a discharge from an acid fume scrubber that goes through chemical pH adjustment, no substances regulated by 360 CMR 10.021 through 10.025, and does not meet the requirements for a General Permit.

(5) General Permit for Low Flow and Low Pollutant Dischargers. Each Person with a facility that requires the General Permit for Low Flow and Low Pollutant Dischargers (Category 10) shall be assessed and pay a charge for the Permit before the Authority will issue the Permit and reissue the Permit upon its expiration (approximately every five years). The amount of the charge is:

10.101: continued

- (a) In Authority Fiscal Years 2006, 2007, 2008, and 2009: \$214
- (b) In Authority Fiscal Year 2010: \$224
- (c) In Authority Fiscal Year 2011: \$234
- (d) In Authority Fiscal Year 2012 and all later Authority Fiscal Years: \$244

A Person who is required to be covered by the General Permit shall also pay all other outstanding charges due under 360 CMR 10.101 and 10.102 for the facility that will be covered by the General Permit.

10.102: Monitoring Charge

(1) Amount of Charge. Each Person issued a Permit pursuant to 360 CMR 10.000 that requires the Person to monitor its wastewater and report the result to the Authority shall be assessed and shall pay an annual monitoring charge. The amount of the charge is:

- (a) For Authority Fiscal Years 2006, 2007, 2008 and 2009:
 - 1. For each SIU (as defined in 360 CMR 10.004) with a:
 - a. High Monitoring Point Score: \$7,789
 - b. Middle Monitoring Point Score: \$5,193
 - c. Low Monitoring Point Score: \$2,596
 - 2. For Categories 1 non-SIU and 2 non-SIU: \$846
 - 3. For Category 3 non-SIU: \$637
 - 4. For category 12: \$2,596
 - 5. The charge is increased for a Person with more than three sample locations designated in its Permit as follows: for each one to three additional sample locations the amount of the charge is increased for an SIU by the amount of the low monitoring point score and for a non-SIU by the amount of the monitoring charge.
- (b) For Authority Fiscal Years 2010:
 - 1. For each SIU (as defined in 360 CMR 10.004) with a:
 - a. High Monitoring Point Score: \$8,140
 - b. Middle Monitoring Point Score: \$5,428
 - c. Low Monitoring Point Score: \$2,714
 - 2. For Categories 1 non-SIU and 2 non-SIU: \$884
 - 3. For Category 3 non-SIU: \$666
 - 4. For category 12: \$2,714
 - 5. The charge is increased for a Person with more than three sample locations designated in its Permit as follows: for each one to three additional sample locations the amount of the charge is increased for an SIU by the amount of the low monitoring point score and for a non-SIU by the amount of the monitoring charge.
- (c) For Authority Fiscal Year 2011:
 - 1. For each SIU (as defined in 360 CMR 10.004) with a:
 - a. High Monitoring Point Score: \$8,506
 - b. Middle Monitoring Point Score: \$5,672
 - c. Low Monitoring Point Score: \$2,836
 - 2. For Categories 1 non-SIU and 2 non-SIU: \$924
 - 3. For Category 3 non-SIU: \$696
 - 4. For category 12: \$2,836
 - 5. The charge is increased for a Person with more than three sample locations designated in its Permit as follows: for each one to three additional sample locations the amount of the charge is increased for an SIU by the amount of the low monitoring point score and for a non-SIU by the amount of the monitoring charge.
- (d) For Authority Fiscal Year 2012 and all later Authority Fiscal Years:
 - 1. For each SIU (as defined in 360 CMR 10.004) with a:
 - a. High Monitoring Point Score: \$8,890
 - b. Middle Monitoring Point Score: \$5,926
 - c. Low Monitoring Point Score: \$2,962
 - 2. For Categories 1 non-SIU and 2 non-SIU: \$966
 - 3. For Category 3 non-SIU: \$728
 - 4. For category 12: \$2,962

10.102: continued

5. The charge is increased for a Person with more than three sample locations designated in its Permit as follows: for each one to three additional sample locations the amount of the charge is increased for an SIU by the amount of the low monitoring point score and for a non-SIU by the amount of the monitoring charge.

There shall be no monitoring charge under 360 CMR 10.102(1) for a Category G1, G2, and C1 Permit, or if the only monitoring required is for one or more of the following: pH, Total Suspended Solids, or Biochemical Oxygen Demand.

Whether a Person is an SIU and whether a Person's permit requires the Person to monitor its wastewater and report the result to the Authority shall be based on the Person's SIU status and permit as of the June 30th immediately prior to the billing done pursuant to 360 CMR 10.103. A change in SIU status or monitoring and reporting requirements after June 30th shall not affect that year's charge. If a Person's initial permit is issued after June 30th, that initial permit will be used to determine the monitoring charge for that year. If an SIU has only a Non-SIU flow requiring monitoring and reporting, the Non-SIU monitoring charge shall be assessed rather than the SIU monitoring charge.

(2) Assigning Monitoring Point Scores. The Authority will assign each SIU a monitoring point score once a year, based on the results of sampling and analysis during the previous Authority fiscal year (July 1st through June 30th).

(3) Determining High, Middle, and Low Monitoring Point Scores.

(a) The Authority will determine a monitoring point score for each compliance monitoring location (location) for each SIU as follows:

STEP ONE: For each location, the Authority will calculate the loading (amount in pounds) of each pollutant discharged during each day of sampling at the location. For purposes of the calculation, a value less than the method detection limit shall be given a value of zero.

STEP TWO: The Authority will calculate, for each location, the mathematical average loading for each pollutant discharged per day of sampling, using the individual loadings determined in step one.

STEP THREE: The Authority will create a separate list for each pollutant specified in 360 CMR 10.102(3)(a), step five. Each pollutant list will consist of the locations discharging that pollutant, listed in descending order from the highest to lowest average loading per day of sampling determined in step two.

STEP FOUR: The Authority will divide into three parts each pollutant list it created in step three. The top part of each list will consist of those locations in the top third of the total number of locations on the list; the bottom part of each list will consist of those locations in the bottom third of the total number of locations on the list; the middle part of each list will consist of the remainder of the locations on the list.

STEP FIVE: The Authority will assign points to each location on each list, based on whether the location is in the top, middle, or bottom part of each list as described in 360 CMR 10.102(3)(a) Step four. The pollutant lists have different point values as follows:

1. Antimony (in the Metropolitan Sewerage Service Area), Selenium (in the Metropolitan Sewerage Service Area), and Total Fats, Oils, and Greases: top part = three points; middle part = two points; bottom part = one point.

2. Acrolein, Arsenic, Benzene, Cadmium, Chromium (hexavalent), Chromium (total), Cyanide, Formaldehyde (in the Metropolitan Sewerage Service Area), Fluoranthene, Nickel, Phenol (in the Metropolitan Sewerage Service Area), Selenium (in the Clinton Sewerage Service Area), Silver (in the Metropolitan Sewerage Service Area), Total Toxic Organics, Zinc, and a total of all other materials regulated in 360 CMR 10.024(2) (for the respective sewer service area) and not otherwise listed in Step Five: top part = six points; middle part = four points; bottom part = two points.

3. Aluminum (in the Clinton Sewerage Service Area), Copper, Hexachlorobutadiene, Lead, Mercury, Pesticides, Polychlorinated Biphenyls, Silver (in the Clinton Sewerage Service Area), and a total of all other materials prohibited by 360 CMR 10.000: *Appendix C* (in the Clinton Sewerage Service Area): top part = nine points; middle part = six points; bottom part = three points.

10.102: continued

STEP SIX: The Authority will double the points it assigned a location in step five for each pollutant for which the location was in significant noncompliance, as defined at 40 CFR 403.8(f)(2)(vii)(A) and (B), in the fiscal year in which the sampling was done.

STEP SEVEN: The Authority will total the points it assigned to each location in steps five and six to yield each location's total monitoring point score.

(b) After determining the total monitoring point score for each location, the Authority will list all the locations in descending order from highest to lowest total monitoring point score. The locations in the top 10% of the total number of locations on the list shall have a High Monitoring Point Score; the locations in the bottom 50% of the total number of locations on the list shall have a Low Monitoring Point Score; the remainder of the locations on the list shall have a Middle Monitoring Point Score. For locations with the same total monitoring point score: If a point score would place a location in the top 10% all locations with that point score shall be considered in the top 10% if a point score would place a location in the bottom 50%, all locations with that point score shall be considered in the bottom 50%.

(c) For purposes of the monitoring charge, an SIU's monitoring point score shall be based on its location with the highest total monitoring point score.

(4) Additional Charge for Late and Non-submittal of Reports. In addition to the monitoring charge required by 360 CMR 10.102(1), each Person shall be assessed and pay an annual monitoring charge for each self-monitoring report required by the Person's Permit that was not submitted to the Authority within 45 days after the date the report was due or that was submitted without a required analytical result. The charge each year will be based on all reports due during the previous Authority fiscal year (July 1st through June 30th). The amount of the charge is:

- (a) In Authority Fiscal Years 2006, 2007, 2008, and 2009: \$143
- (b) In Authority Fiscal Year 2010: \$150
- (c) In Authority Fiscal Year 2011: \$156
- (d) In Authority Fiscal Year 2012 and all later Authority Fiscal Years: \$164

10.103: Billing, Payment, and Appeals for Permitting and Monitoring Charges

(1) Date of Bill. The Authority shall bill each Person in each Authority fiscal year for the annual amounts due pursuant to 360 CMR 10.101 and 10.102 for permitting and monitoring charges, and it may bill in the fiscal year in which it will issue an initial permit (not a renewal or revision) for a facility that was not permitted as of June 30th. It may also bill in the fiscal year in which it will issue a notice of coverage for a General Permit or a permit to a facility that had been operating with a General Permit. There shall be one bill for each permit; a Person with more than one permit shall receive one bill for each permit.

(2) Initial Permit - Permitting and Monitoring Charges in the First Bill. For an initial permit (not a renewal or revised permit), the charge in the first bill shall be based on the category established with the initial permit and determined as follows:

- (a) The permitting charge shall be:
 1. the full charge for a permit to be issued between July 1st and December 31st;
 2. ½ the full charge for a permit to be issued between January 1st and June 30th, except,
 3. a category 12 and a General Permit shall have the full charge regardless of when the permit is issued, and,
 4. a G1 and G2 shall pay the full amount for the Notice of Intent, regardless of when the permit is issued.

(b) The monitoring charge shall be the full charge. For an SIU, the full low monitoring point score charge will be used.

(c) Retroactive Charge: If a Person failed to complete and submit an application or notice of intent for a permit when it was required to have a permit, the Person shall be responsible to pay the charges that would have been assessed for the time it was required to have had a permit, up to a period of three years before the date of the bill. The bill for the initial permit may include those charges.

(3) Payment for an Initial Permit. Full payment for an initial permit may be required before the permit is issued.

10.103: continued

(4) Content of Bill. The bill shall indicate the total amount of the charge to be paid, the amount for each of the permitting and monitoring charges, and the payment terms, and shall provide notice of the late payment charges the Authority may assess, the actions the Authority may take for late payment or nonpayment, and the appeal rights of the permittee.

(5) Payment Due Date. Each Person shall pay the charge due to the Authority by the date required by the billing, which shall be 30 days from the date of the bill.

(6) Late Payment and Service Charges. The Authority may assess late payment charges for a charge not fully paid by its due date. The amount of the late payment charges shall be interest at the rate of 1% per month on the outstanding balance (including interest and service charges). The Authority may also assess a service charge of \$50 for each check returned for insufficient funds or otherwise dishonored. The Authority may send statements during the course of the year to each Person that has not fully paid a permit or monitoring charge, late payment charge, or service charge. The statement shall include the amount that is due.

(7) Appeal Rights and Procedures.

(a) A Person that disagrees with the amount of its permitting or monitoring charge shall have 30 days from the date of the annual bill to file a written appeal with the Authority. The appeal may not contest any matter that was previously decided, unless material circumstances have changed since the decision. The appeal shall state the permit category and the monitoring category the Person is appealing, the permit and monitoring category the Person claims is correct, and the facts and contentions supporting the appeal. A Person that appeals its charge shall pay by the date required by the billing, the amount that is due for the permitting and monitoring category the Person claims is correct, pending resolution of the appeal. A Person that fails to pay timely the amount it claims is due shall have its appeal dismissed.

10.103: continued

(b) The Authority may schedule an informal interview with the Person to discuss the appeal, or it may review the appeal on the basis of the materials submitted by the Person. The Authority may also require additional information and documentation from the Person to support the appeal. After the Authority concludes its review of the appeal, it shall issue a written ruling on the appeal. The Person may appeal the written ruling by requesting in writing, within 30 days of the date of the ruling, an adjudicatory hearing under the provisions of 360 CMR 1.00. Within 30 days after the date of the final Authority ruling, the Person shall pay the amount due the Authority, if any, plus interest at the rate of 1% per month on the amount due, computed from the date the appeal was filed.

(8) Nonpayment Procedures. The Authority may take one or more of the following actions if a Person does not fully pay its permitting or monitoring charge, any late payment charge, or service charge:

- (a) Deny the Person's application to renew its permit upon expiration of the permit until full payment is made, and, for an initial permit, not issue the permit until full payment is made;
- (b) Suspend the Person's permit until full payment is made;
- (c) Bring a civil action for collection of the amount owed the Authority, including reasonable attorney fees and costs incurred by the Authority in pursuing such action;
- (d) Suspend the Person's water and/or sewer service with, where required, the approval of the municipal supplier; and
- (e) Take any other action available to the Authority under law or regulation.

10.104: Effect of 360 CMR 10.101 through 10.103 on Enforcement and Other Liability

The provisions of 360 CMR 10.101 through 10.103 shall not limit the Authority's ability to take any enforcement action authorized by law or regulation, or any other action authorized by law or regulation, regardless of any charge assessed or paid. Payment of a charge pursuant to 360 CMR 10.101 through 10.103 does not relieve a Person of any other liability under any federal, state, Authority, or local law or regulation.

REGULATORY AUTHORITY

360 CMR 10.000: St. 1984, c. 372, §§ 6(e) and 8(m); St. 1987, c. 307; St. 1991, c. 41.

APPENDIX A: METROPOLITAN SEWERAGE SERVICE AREA TOXIC ORGANICS

<u>CAS #</u>	<u>NAME</u>
107-13-1	Acrylonitrile
75-25-2	Bromoform
75-27-4	Bromodichloromethane
74-83-9	Bromomethane
75-15-0	Carbon Disulfide
56-23-5	Carbon Tetrachloride
108-90-7	Chlorobenzene
75-00-3	Chloroethane
110-75-8	2-Chloroethyl Vinyl Ether (mixed)
67-66-3	Chloroform
74-87-3	Chloromethane
124-48-1	Dibromochloromethane
75-34-3	1,1 -Dichloroethane
107-06-2	1,2-Dichloroethane
156-60-5	t-1,2-Dichloroethene
78-87-5	1,2-Dichloropropane
10061-01-5	c-1,3-Dichloropropene
10061-02-6	t-1,3-Dichloropropene
75718	Dichlorodifluoromethane
100-41-4	Ethylbenzene
75-09-2	Methylene Chloride
100-42-5	Styrene
79-34-5	1,1,2,2-Tetrachloroethane
127-18-4	Tetrachloroethene
108-88-3	Toluene
71-55-6	1,1,1-Trichloroethane
79-00-5	1,1,2-Trichloroethane
79016	Trichloroethylene
75-69-4	Trichlorofluoromethane
108-05-4	Vinyl Acetate
1330-20-7	Xylene (total)
83-32-9	Acenaphthene
208-96-8	Acenaphthylene
120-12-7	Anthracene
92-87-5	Benzidine
56-55-3	Benzo(A) Anthracene
205-99-2	Benzo(B) Fluoranthene
207-08-9	Benzo(K) Fluoranthene
191-24-2	Benzo(GHI) Perylene
50-32-8	Benzo(A) Pyrene
85-68-7	Benzyl Butyl Phthalate
111-91-1	Bis (2-Chloroethoxy) Methane
111-44-4	Bis (2-Chloroethyl) Ether
108-60-1	Bis (2-Chloroisopropyl) Ether
117-81-7	Bis (2-Ethylhexyl) Phthalate
101-55-3	4-Bromophenyl Phenyl Ether
106-47-8	4-Chloroaniline
91-58-7	2-Chloronaphthalene
95578	2-Chlorophenol
7005-72-3	4-Chlorophenyl Phenyl Ether
218-01-9	Chrysene
53-70-3	Dibenzo (A,H) Anthracene
132-64-9	Dibenzo Furan
95-50-1	1,2-Dichlorobenzene
541-73-1	1,3-Dichlorobenzene
106-46-7	1,4-Dichlorobenzene

APPENDIX A: continued

<u>CAS #</u>	<u>NAME</u>
91-94-1	3,3'-Dichlorobenzidine
120832	2,4-Dichlorophenol
84-66-2	Diethyl Phthalate
105679	2,4-Dimethylphenol
131-11-3	Dimethyl Phthalate
84-74-2	Di-n-butyl Phthalate
51285	2,4-Dinitrophenol
534-52-1	2-Methyl-4,6-Dinitrophenol
121-14-2	2,4-Dinitrotoluene
606-20-2	2,6-Dinitrotoluene
117-84-0	Di-n-octyl Phthalate
122-66-7	1,2-Diphenylhydrazine
206-44-0	Fluoranthene
86-73-7	Fluorene
118-74-1	Hexachlorobenzene
87-68-3	Hexachlorobutadiene
67-72-1	Hexachloroethane
193-39-5	Indeno (1,2,3-cd) Pyrene
78-59-1	Isophorone
91-57-6	2-Methylnaphthalene
95-48-7	2-Methylphenol (o-Cresol)
108-39-4	3-Methylphenol (m-Cresol)
106-44-5	4-Methylphenol (p-Cresol)
91-20-3	Naphthalene
98-95-3	Nitrobenzene
88755	2-Nitrophenol
62-75-9	N-Nitrosodimethylamine
621-64-7	N-Nitroso-di-n-Propylamine
86-30-6	N-Nitrosodiphenylamine
85018	Phenanthrene
129-00-0	Pyrene
120-82-1	1,2,4-Trichlorobenzene
95-95-4	2,4,5-Trichlorophenol
88062	2,4,6-Trichlorophenol
75-07-0	Acetaldehyde
107-18-6	Allyl alcohol
107-05-1	Allyl chloride
628-63-7	Amyl acetate
62-53-3	Aniline
100-47-0	Benzonitrile
100-44-7	Benzyl chloride
123-86-4	Butyl acetate
1395-284-6	Butylamine
417-030-3	Crotonaldehyde
110-82-7	Cyclohexane
119-4-65-6	Dichlorobenil
75-99-0	2,2-Dichloropropionic acid
109-89-7	Diethyl amine
99-65-0	1,3-Dinitrobenzene
124-40-3	Dimethyl amine
106-89-8	Epichlorohydrin
107-15-3	Ethylene diamine
106-93-4	Ethylene dibromide
98-01-1	Furfural
78-79-5	Isoprene
4250-446-1	Isopropanolamine dodecylbenzenesulfonate
115-32-2	Kelthane
203-265-7	Mercaptodimethur

APPENDIX A: continued

<u>CAS #</u>	<u>NAME</u>
74-93-1	Methyl mercaptan
80-62-6	Methyl methacrylate
75-04-7	Monoethyl amine
74-89-5	Monomethyl amine
1338-24-5	Napthenic acid
1321-12-6	Nitrotoluene
75-44-5	Phosgene
75-56-9	Propylene oxide
91-22-5	Quinoline
108-46-3	Resorcinol
27323-41-7	Triethanolamine dodecylbenzenesulfonate
121-44-8	Triethylamine
75-50-3	Trimethylamine
1300-71-6	Xylenol

APPENDIX B: CLINTON SEWERAGE SERVICE AREA TOXIC ORGANICS

<u>CAS #</u>	<u>Name</u>
208-95-8	Acenaphthylene
75-07-0	Acetaldehyde
107-18-6	Allyl alcohol
107-05-1	Allyl chloride
62-53-3	Aniline
120-12-7	Anthracene
191-24-2	Benzo[g,h,i]perylene
50-32-8	Benzo[a]pyrene
100-47-0	Benzonitrile
100-44-7	Benzyl chloride
39638-32-9	Bis(2-chloroisopropyl)ether
111-91-1	Bis(2-chloroethoxy)methane
75-27-4	Bromodichloromethane
75-25-2	Bromoform
101-55-3	4-Bromophenyl phenyl ether
27134-26-5	Chloroaniline
108-90-7	Chlorobenzene
59-50-7	p-Chloro-m-cresol
75-00-3	Chloroethane
110-75-8	2-Chloroethylvinyl ether
67-66-3	Chloroform
74-87-3	Chloromethane
91-58-7	2-Chloronaphthalene
95-57-8	2-Chlorophenol
7005-72-3	4-Chlorophenyl phenyl ether
4170-30-3	Crotonaldehyde
132-64-9	Dibenzofuran
1194-65-6	Dichlorobenil
95-50-1	1, 2-Dichlorobenzene
541-73-1	1, 3-Dichlorobenzene
106-46-7	1, 4-Dichlorobenzene
75-71-8	Dichlorodifluoromethane
75-34-3	1,1-Dichloroethane
107-06-2	1,2-Dichloroethane
156-60-5	trans -1,2-Dichloroethylene
120-83-2	2,4-Dichlorophenol
78-87-5	1,2-Dichloropropane
542-75-6	1,3-Dichloropropene
75-99-0	2,2-Dichloropropionic acid
109-89-7	Diethyl amine
105-67-9	2,4-Dimethylphenol
51-28-5	2,4-Dinitrophenol
117-84-0	Di-n-octyl phthalate
106-89-8	Epichlorohydrin
100-41-4	Ethylbenzene
107-15-3	Ethylene diamine
106-93-4	Ethylene dibromide
206-44-0	Fluoranthene
86-73-7	Fluorene
68514-39-6	Isoprene
42504-46-1	Isopropanolamine dodecylbenzenesulfonate
115-32-2	Kelthane
2032-65-7	Mercaptodimethur
534-52-1	2-Methyl-4,6-dinitrophenol
79-09-2	Methylene chloride
74-93-1	Methyl mercaptan
80-62-6	Methyl methacrylate

Appendix B: continued

<u>CAS #</u>	<u>Name</u>
1321-94-4	Methylnapthalene
75-04-7	Monoethylamine
74-89-5	Monomethylamine
91-20-3	Naphthalene
1338-24-5	Naphthenic acid
98-95-3	Nitrobenzene
88-75-5	2-Nitrophenol
100-02-7	4-Nitrophenol
930-55-2	N-Nitrosopyrrolidine
1321-12-6	Nitrotoluene
85-01-8	Phenanthrene
75-44-5	Phosgene
91-22-5	Quinoline
108-46-3	Resorcinol
128-04-1	Sodium dimethyldithiocarbamate
100-42-5	Styrene
79-34-5	1,1,2,2-Tetrachloroethane
127-18-4	Tetrachloroethylene
108-88-3	Toluene
120-82-1	1,2,4-Trichlorobenzene
71-55-6	1,1,1-Trichloroethane
79-00-5	1,1,2-Trichloroethane
79-01-6	Trichloroethylene
27323-41-7	Triethanolamine dodecylbenzenesulfonate
121-44-8	Triethylamine
75-50-3	Trimethylamine
108-05-4	Vinyl acetate
1300-71-6	Xylenol

See, 360 CMR 10.004 and 10.024(2)(b)

APPENDIX C: CLINTON SEWERAGE SERVICE AREA PROHIBITED POLLUTANTS

<u>CAS #</u>	<u>Name</u>
107-13-1	Acrylonitrile
92-87-5	Benzidine
50-32-8	Benzo[a]pyrene
56-55-3	Benzo[a]anthracene
205-99-5	Benzo[b]fluoranthene
207-08-9	Benzo[k]fluoranthene
111-44-4	Bis(2-chloroethyl)ether
218-01-9	Chrysene
53-70-3	Dibenzo[a,h]anthracene
91-94-1	3,3-Dichlorobenzidine
122-66-7	1,2-Diphenylhydrazine
118-74-1	Hexachlorobenzene
608-73-1	Hexachlorocyclo-hexane-Technical
77-47-4	Hexchlorocyclopentadiene
193-39-5	Indeno(1,2,3-cd)pyrene
621-64-7	N-Nitrosodi-n-propylamine
688-73-3	Tributyltin
95-95-4	2,4,5-Trichlorophenol
88-06-2	2,4,6-Trichlorophenol
75-01-4	Vinyl chloride
1330-20-7	Xylene (total)

See, 360 CMR 10.024(1)(b).

APPENDIX D: CLINTON SEWERAGE SERVICE AREA FACILITY SPECIFIC LIMITS

<u>CAS #</u>	<u>Name</u>
83-32-9	Acenaphthene
628-63-7	N-Amyl acetate
39638-32-9	Bis(2-chloroisopropyl)ether
123-86-4	N-Butyl acetate
109-73-9	N-Butylamine
85-68-7	Butylbenzyl phthalate
124-48-1	Chlorodibromomethane
84-66-2	Diethyl phthalate
131-11-3	Dimethyl phthalate
84-74-2	Di-n-butylphthalate
534-52-1	4,6-Dinitro-o-cresol
25550-58-7	Dinitrophenols
606-20-2	2,6-Dinitrotoluene
50-00-0	Formaldehyde
78-59-1	Isophorone
78-93-3	Methyl ethyl ketone
95-48-7	2-Methylphenol
108-39-4	3-Methylphenol
106-44-5	4-Methylphenol
108-95-2	Phenol
129-00-0	Pyrene

A Person shall not discharge any of these materials in the Clinton Sewerage Service Area without having a facility specific discharge limit for the materials in a permit issued by the Authority for the discharge. 360 CMR 10.024(2)(b).

APPENDIX E: PESTICIDES

<u>CAS #</u>	<u>Name</u>
93-76-5	2,4,5-T
93-72-1	2,4,5-TP (Silvex)
94-75-7	2,4-D (2,4-Dichlorophenoxy acetic acid)
72-54-8	4,4'-DDD
72-55-9	4,4'-DDE
50-29-3	4,4'-DDT
309-00-2	Aldrin
319-84-6	<i>alpha</i> -BHC
959-98-8	<i>alpha</i> -Endosulfan
3655-10-7	Amobam
319-85-7	<i>beta</i> -BHC
33213-65-9	<i>beta</i> -Endosulfan
51026-28-9	Busan 40
128-03-0	Busan 85
133-06-2	captan
63-25-2	Carbaryl
1563-66-2	Carbofuran
57-74-9	Chlordane
2921-88-2	Chlorpyrifos
56-72-4	Coumaphos
319-86-8	<i>delta</i> BHC
8065-48-3	Demeton
333-41-5	Diazinon
1918-00-9	Dicamba
not found alone	Dichlorophenoxyacetate
62-73-7	Dichlorvos
60-57-1	Dieldrin
124-40-3	Dimethylamine
85-00-7	Diquat
298044	Disulfoton
330-54-1	Diuron
1031078	Endosulfan Sulfate
72-20-8	Endrin
7421-93-4	Endrin Aldehyde
563-12-1	Ethion
502-55-6	EXD
14484-64-1	Ferbam
98-01-1	Furfural
58899	<i>gamma</i> -BHC (Lindane)
86-50-0	Guthion
76448	Heptachlor
1024573	Heptachlor Epoxide
143-50-0	Kepone
137-41-7	KN Methyl
121-75-5	Malathion
137-42-8	Metham
72-43-5	Methoxychlor
298-00-0	Methyl Parathion
7786-34-7	Mevinphos
315-18-4	Mexacarbate
2385-85-5	Mirex
142-59-6	Nabam
138-93-2	Nabonate
300-76-5	Naled
56-38-2	Parathion
87-86-5	Pentachlorophenol
2312-35-8	Propargite

Appendix E: continued

<u>CAS #</u>	<u>Name</u>
75-56-9	Propylene oxide
121-21-1	Pyrethrins
57-24-9	Strychnine
137-26-8	Thiram
8001-35-2	Toxaphene
52-68-6	Trichlorofon
12122-67-7	Zineb
137-30-4	Ziram

See 360 CMR 10.004 and 10.024(1)(a) and (b).