

Chapter 36

**UTILITIES\***

**Article I. In General**

Secs. 36-1—36-25. Reserved.

**Article II. Sewers**

- Sec. 36-26. Definitions.
- Sec. 36-27. Use of public sewers required.
- Sec. 36-28. Private sewage disposal.
- Sec. 36-29. Building sewers and connections.
- Sec. 36-30. Sewer extensions.
- Sec. 36-31. Use of public sewers.
- Sec. 36-32. Pretreatment and permitting of industrial and unusual wastes.
- Sec. 36-33. Article compliance monitoring.
- Sec. 36-34. Protection from damage.
- Sec. 36-35. Sewer service charges.
- Sec. 36-36. Penalty.
- Sec. 36-37. Appeals.
- Sec. 36-38. Validity.
- Sec. 36-39. Effective date.

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\***Cross references**—Public works department, § 2-61 et seq.; buildings and building regulations, ch. 8; land use, ch. 18.



UTILITIES

§ 36-26

**ARTICLE I. IN GENERAL**

**Secs. 36-1—36-25. Reserved.**

**ARTICLE II. SEWERS\***

**Sec. 36-26. Definitions.**

*BOD (denoting biochemical oxygen demand)* shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20 degrees C, expressed in milligrams per liter, as determined by test methods defined in standard methods.

*Building drain* shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning eight feet outside the inner face of the building wall.

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

*Categorical user* shall mean any user of the town's wastewater treatment system whose discharges are regulated under 40 CFR Part 403 and 40 CFR Parts 405-471, or who is otherwise subject to U.S. EPA pretreatment requirements as a categorical user.

*Chlorine demand* shall mean the amount of chlorine required to destroy all pathogenic organisms present and oxidize all organic, inorganic, and ammonia-based compounds in a sewage stream.

*Code enforcement officer* shall mean the Code Enforcement Officer of the Town of Orono.

*Town* shall mean the Town of Orono acting through its council, manager, superintendent, plant operator, employees, code enforcement officer, local plumbing inspector, or other duly authorized agent.

*Town council* shall mean the duly elected Town Council of the Town of Orono.

*Combined sewer* shall mean a sewer receiving both surface runoff and sewage.

*Developer* shall mean any person or persons who undertake to construct simultaneously, or in planned sequence, more than one housing unit on a given tract or land subdivision or any person under taking construction of a non residential use.

*Engineer* shall mean a professional engineer retained as town engineer or consulting engineer by the town council.

**\*Editor's note**—Order No. 03-41, arts. I—XIV, adopted March 10, 2003, provided for the amendment of art. II, §§ 36-26—36-39, in its entirety. Formerly, said article pertained to similar subject matter as enacted by Code 1981.

§ 36-26

ORONO CODE

*Excessive* shall mean masses or concentrations of a constituent in a sanitary or industrial wastewater which, in the judgment of the town: (a) will cause damage to any facility, (b) will be harmful to any wastewater treatment process, (c) cannot be properly removed in the town's treatment facilities, (d) may inhibit the final disposal or reuse of the treatment plant's sludge residuals, (e) can otherwise endanger life or property, or (f) can constitute a nuisance.

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

*Health officer* shall be the health officer appointed for the Town of Orono or authorized representative.

*Industrial wastes* shall mean the liquid or solid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary wastewater. Industrial wastes may or may not be discharged separately from sanitary wastewaters. For a combined discharge, the Town shall determine if the discharge meets the definition of "industrial wastes".

*Natural outlet* shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

*Owner* shall mean both the person who is the vested holder of title for any real estate and all tenants, lessees, occupants, or others in control or use of the property in question. Excluded from this definition is a mortgagee of the property in question unless the mortgagee exercises mortgage rights and becomes an owner or takes possession of the property.

*Person* shall mean any individual, partnership, firm, company, association, institution, society, corporation, group, trust, estate, governmental entity, or any other legal entity.

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

*Plant operator* shall mean the superintendent or operator of the town facilities, authorized deputy, agent, or representative.

*Private sewer systems* shall mean any sewer that collects wastewater from two or more building sewers, owned separately, and discharging to a public sanitary sewer. Private sewer systems are not permitted except by specific agreement with the town.

*Properly shredded garbage* shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

*Public sewer* shall mean a sewer in which all owners of abutting properties have equal rights, and is owned by the town.

*Public works director* shall mean the Director of Public Works of the Town of Orono or authorized representative.

UTILITIES

§ 36-26

*Sanitary sewer* shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

*Septage* shall mean the mixture of liquids and solid matters removed from septic tanks during normal cleaning.

*Sanitary wastewater* shall mean the liquid waste discharged from a building's or structure's sanitary fixtures, such as toilets, washrooms, urinals, sinks, showers, small laundries, and from kitchens and cafeterias essentially free of industrial wastes or toxic materials. Sanitary wastewater may or may not be discharged separately from industrial wastewater. For a combined discharge the town shall determine if a wastewater discharge meets the definition "sanitary wastewater".

*Sewage* (sometimes termed "wastewater" or "waste") shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, and storm water as may be present.

*Sewage treatment plant* or *water pollution control facility* shall mean any arrangement of devices and structures used for treating sewage.

*Sewage works* shall mean all facilities for collecting, pumping, treating and disposing of sewage.

*Sewer* shall mean a pipe or conduct for carrying sewage.

*Shall* is mandatory: "May" is permissive.

*Significant industrial user* shall mean a user subject to categorical pretreatment standards; or a user that (a) discharges an average of 10,000 gpd or more of process wastewater to the sewage works, excluding sanitary, noncontact cooling, and boiler blowdown wastewater; or (b) contributing a process wastestream which makes up two percent or more of the average dry weather hydraulic or organic capacity of the sewage works; or (c) is designated as such by the Town on the basis that it has a reasonable potential for adversely affecting the sewage work's operation or for violating any pretreatment or effluent standard or requirement.

*Slug* shall mean any discharge of water or wastewater in which the rate of discharge, or the mass or concentration of any given constituent exceeds, in the opinion of the town, the ability of the sewage works to function efficiently or properly.

*Standard methods* shall mean Standard Methods for the Examination of Water and Wastewater, latest edition approved for use by DEP.

*Storm drain* (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than non-contaminated cooling water.

*Superintendent* shall mean the Superintendent of Orono Water Pollution Control Facility of the Town of Orono, Maine, or authorized representative.

§ 36-26

ORONO CODE

*Suspended solids* (also called "total suspended solids") shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are determined in accordance with standard methods.

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

**Sec. 36-27. Use of public sewers required.**

(a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Orono, or in any area under jurisdiction of said town, any human or animal excrement, garbage, or other objectionable waste. The term "unsanitary manner" shall not include reasonable spreading of animal excrement or other fertilizer in farming or animal husbandry operations.

(b) It shall be unlawful to discharge to any natural outlet within the Town of Orono, or in any area under the jurisdiction of said town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article and the requirements of the State of Maine.

(c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, leachfield, cesspool, or other facility intended or used for the disposal of sewage, except where no public sewer is available and is constructed or maintained in conformance with state and municipal laws, ordinances, or regulations.

(d) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes requiring the disposal of sewage situated within the town and abutting on any street, alley, or right-of-way in which there is located a public sanitary sewer of the town is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within 90 days after date of official notice to do so, provided that said public sewer is within 200 feet of the structure. The town council may, after receiving the recommendation of the code enforcement officer, town engineer, public works director, and superintendent, grant exceptions to residential housing units for newly installed private septic systems determined to be less than five years old or where excavation of the public highway is prohibited by state law or regulation, or where unusual circumstances exist due to the presence of ledge, or financial hardship. In the event that an exception is granted under this section, a connection must be made within ten years of the date such exception was granted.

**Sec. 36-28. Private sewage disposal.**

(a) Where a public sanitary sewer is not available under the provisions of section 36-27, the building sewer shall be connected to a private disposal system complying with the requirements of the State of Maine Plumbing Code, Part II, Maine Subsurface Wastewater Disposal Rule, 144A CMR 241 and/or town ordinances as may be amended from time to time.

(b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the local plumbing inspector. The application for such permit shall be made on a form furnished by the town, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the local plumbing inspector. A permit and inspection fee shall be paid at the time the application is filed. The amount of this fee shall be as set by the town council and/or by the State of Maine.

(c) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the local plumbing inspector (LPI). The LPI shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall give the local plumbing inspector 24-hour prior notice of when the work is ready for final inspection, and before any underground portions are covered.

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

(e) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer.

(f) When a public sewer becomes available, the building sewer shall be connected to said sewer within 90 days after date of official notice and private septic tank or cesspool shall be cleaned of sludge and filled with clean bankrun gravel or dirt. Upon inspection and to the satisfaction of the code enforcement officer the town may allow the continued use of a private wastewater disposal system for the duration of its useful life up to a period not exceeding ten years from the date a public sewer became available and in accordance with section 36-27 of this article.

(g) The contents from septic tanks of Orono properties may be discharged to the sewage treatment plant upon approval from the superintendent of the treatment plant. A fee per 1,000 gallons shall be paid to the town prior to discharge. The amount of the fee shall be set annually by the town council.

**Sec. 36-29. Building sewers and connections.**

(a) No unauthorized person shall uncover, make any opening into, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent or authorized representative. In addition, no person shall, directly or indirectly, connect to any public sewer, connect a private sewer to another private sewer that ultimately discharges into any public sewer, increase the flow of an existing sewer connection or discharge to any public sewer, or change or expand the use of any property connected to or discharging to any public sewer without first obtaining a written connection permit from the superintendent or authorized representative. No permit shall be issued until such time as all required fees, including but not limited to any connection fees or impact fees established pursuant to section 36-35(f) or (g), have been paid. All work related to the installation of building sewers and the connection to the public sewer shall be performed by persons qualified

in this class of work and acceptable to the Town of Orono. Any person or persons found to be in violation of this provision shall be fined \$1,000.00 and \$100.00 per day for each day the violation continued.

(b) There shall be two classes of connection permits: (1) for residential and commercial service, and (2) for service to establishments producing industrial wastes. In either case, the owner or agent shall make application on a special form furnished by the town. This permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent. Any permit fees and an inspection fee shall be paid to the town at the time the application is filed. No discharge shall be made to the public sewer under a connection permit until the installation has been tested, inspected and completed to the satisfaction of the superintendent. The amount of any permit or inspection fees shall be established by order of the town council pursuant to the fees ordinance. One copy of the permit shall be available for inspection at all times at the site of the work.

In the case of multiple building units or connections, connections involving sewer extensions, or industrial discharge or pretreatment applications, the town may require a monetary deposit sufficient to cover the cost of review of the application, including any expert advice deemed necessary by the town. The amount of deposit shall be estimated by the town and upon payment by the applicant, kept in a non-interest bearing account. Upon completion of the review process, the unused portion, if any, will be refunded. If the initial deposit is not sufficient to pay for the costs incurred by the town, a second deposit shall be made and handled in the same manner as the first.

(c) All costs and expense incidental to the installation, connection, repair, and testing of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss and damage that may directly or indirectly be occasioned by the installation of the building sewer.

(d) A separate and independent sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer except for the purposes of section 36-35 and if approved by the superintendent.

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

(f) The building sewer shall meet one of the following specifications: 1) PVC Sewer SDR 35 - ASTM D3034, 12½ foot or 20 foot lengths, neoprene ring lock-in, maximum allowable deflection—5.0 percent; 2) PVC water pipe Class 200, SDR-21, for maximum two-inch diameter pressure service, 20 foot lengths ASTM-D2241 and D3139, neoprene ring in grooved bell, maximum allowable deflection-5.0 percent; 3) Extra heavy cast iron soil pipe ASTM-A74, rubber ring in grooved bell, ASTM-C564; or 4) Ductile iron push-on joint sewer pipe, Class 51, ASTM-A746, 18 foot or 20 foot lengths.

(g) The diameter of the building sewer shall not be less than four inches nor shall the slope of the pipe be less than one-quarter inch per foot. Building sewers serving multiple buildings requires a six-inch building sewer or greater and conform to Chapter 238, Section 12(E) of the State of Maine Internal Plumbing Rules, as may be amended or replaced from time to time. For building sewers over 100 feet in length from the interior building wall to the connection point to the public sewer, the minimum inside pipe diameter shall be six inches. In addition, a vertical pipe cleanout to grade shall be installed every 100 feet and have a pipe diameter equal to the pipe size it is serving.

(h) The depth of new single family building sewers shall be sufficient to afford protection from frost, but in no event shall be less than five feet to the crown of the pipe unless properly insulated at shallower depths. All other building sewers shall maintain a depth of five feet to the crown of the pipe. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only at a manhole or with properly curved pipe and fittings with a vertical cleanout to grade. The ends of building sewers, which are not connected to the building drain of the structure for any reason, shall be sealed against infiltration by a suitable stopper, plug, or other approved means.

(i) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage or industrial wastes carried by such drain shall be lifted by approved mechanical means and discharged to the building sewer at owner's expense.

(j) All excavation required for the installation of a building sewer shall be open trench work unless otherwise approved by the superintendent. The building sewer shall be laid on a six inch bed of firm  $\frac{1}{2}$  inch to one inch crushed stone or gravel and backfilled by hand with the same crushed stone or gravel. The hand fill shall be placed around the pipe and over it to a compacted depth of at least six inches over the pipe. Backfill up to six inches over the pipe shall be tamped. The remainder of the trench may be backfilled by machine with no stone greater than three inches. Reconstruction of pavement surface, including gravel base courses, shall be in accordance with Maine Department of Transportation and Town of Orono specifications and right-of-way ordinance. Pipe laying and backfill shall be performed in accordance with Section 3 through 6 of ASTM Specification C12. No backfill shall be placed until the work has been inspected.

(k) All joints and connections shall be made gas tight and water tight with approved gaskets, Fernco couplings or equal. The transition joint between pipes of different materials shall be made with adapters and joint materials approved by the superintendent.

Premolded gasket joints shall be used and shall be neoprene compression type gaskets which provide positive double seal in the assembled joint. The gasket shall be a premolded one piece unit designed for joining the pipe material used. The assembled joint shall be sealed by compression of the gasket between the exterior surface of the spigot and the interior surface of the hub. The joint shall be assembled following the manufacturer's recommendation using acceptable lubricant and special pipe coupling tools designed for that purpose. Lubricant shall be a bland, flax base, non-toxic material, and shall not chemically attack the gasket material.

(l) The connection of the building sewer into an existing public sewer shall be made at the existing public sewer. All costs and expense incidental to the installation, connection, and repair of the entire length of building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation or repair of the building sewer. The method of connection of the building sewer to the public sewer will be dependent upon the type of pipe material used and in all cases shall be approved by the superintendent. The connection of the building sewer into the public sewer shall be made with a wye or tee branch. If none is available, a connection may be made by tapping the existing sewer with a saddle by a method approved by the superintendent.

(m) The applicant for the building sewer permit shall notify the superintendent at least 48 hours prior to when the building sewer is ready for inspection, testing, and connection to the public sewer. The testing and connection shall be made under the supervision of the superintendent.

When trenches are opened for the laying of building sewer pipes, such trenches shall be inspected by the superintendent before the trenches are filled, and the person performing such work shall notify the superintendent when the installation of the building sewer is completed. If the trench is filled before inspection, the superintendent shall require it to be reexcavated for inspection.

(n) When any building sewer is to serve a school, hospital, or similar institution, or is to serve a complex of industrial or commercial buildings, or which, in the opinion of the superintendent, will receive sewage or industrial wastes of such rate, volume, or character that frequent maintenance of said building sewer is anticipated, then such building sewer shall be connected to the public sewer through a manhole. The superintendent shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the superintendent. If required, a new manhole shall be installed in the public sewer pursuant to sections 36-30 and 36-32, and the building sewer connection made thereto as directed by the superintendent.

(o) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in accordance with Town of Orono Right-of-Way Ordinance and in a manner satisfactory to the Superintendent.

(p) All parts of new building drains and sewers shall withstand, under test without observable leakage, a ten-foot head of water for a minimum period of 15 minutes at a temperature above the freezing point of water.

(q) No persons shall make connections of roof drains, downspouts, foundation drains, areaway drains, basement drains, sump pumps, or other sources of surface runoff or groundwater, to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(r) The covers of all building drain and building sewer manholes, inspection chambers, cleanouts, and the like shall be watertight and shall be capable of withstanding, without damage or displacement, any traffic loads to which they may be subject.

(s) The building drain system shall be so vented that under no circumstances will the seal of any appliance be subjected to a pressure differential in excess of one inch of water. All appliances connected directly or indirectly to the building drain shall have traps with a liquid seal not less than two inches in depth.

(t) Whenever practical, the building sewer pipe shall be brought to the building drain at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer or service lateral. Plans and details of the proposed method shall be submitted to the town for review.

(u) No connection of any kind shall be made directly from any private property to a town pressurized force main sewer.

(v) All connections made to the public sanitary sewer from a building utilizing a ground-water well water supply shall be required to install an in-line water meter supplied, installed, and maintained by the owner at owner's expense.

(Ord. No. 04-124, 8-9-04)

### **Sec. 36-30. Sewer extensions.**

(a) Sewer extensions, including individual building sewers from the sewer to the property line, may be constructed by the town under public contract if, in the opinion of the town council, the number of properties to be served by such extension warrants its cost and if the treatment plant has the capacity to handle said extension. Under this arrangement, the property owner shall pay for and install the building sewer from the public sewer to the residence or place of business in accordance with the requirements of section 36-29. Property owners may propose sewer extensions within the town by drafting a written petition, signed by a majority of the benefited property owners, and filing it with the town. The cost of sewer extensions shall be assessed upon the lots and parcels of land, and against the owners thereof, that are benefited by the sewer extension on a 50-50 cost sharing basis with the town (i.e., the town pays half and the lot owners pay half). Each of the benefited lot owner's assessment shall be 50 percent of the total cost of the extension project divided by the total number of benefited lots. The town council may assess a larger or smaller assessment to any benefited lot if the town council determines that it would be equitable to do so based on the existing development or the potential development of the property in question. Such assessments shall be collected in accordance with 30-A M.R.S.A. § 3441 et seq., except that any assessment may be collected over an installment period not exceeding ten years in accordance with said statutes, as may be amended from time to time. Any installment assessment shall bear interest, adjusted annually, at the same rate used for delinquent property taxes.

(b) If the town does not elect to construct a sewer extension under public contract, the property owner, builder or developer may construct the necessary sewer extension, if such extension is approved by the town council in accordance with the requirements of this section. The owner must pay for the entire extension, including all expenses incidental thereto. Each building sewer must be installed and inspected as previously required and the inspection fee shall be paid by the owner. Design of sewers shall be as specified in this section. The installation of the sewer extension must be subject to continuous, full-time inspection by the town and the expenses for this inspection shall be paid for by the owner, builder or developer. The town's decisions shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass the exfiltration test required in this section before it is to be used. The cost of sewer extensions thus made shall be absorbed by the developers or the property owners, including the costs of all building sewers.

(c) All extensions to the sanitary sewer system shall be designed by a professional engineer registered in the State of Maine. Plans and specifications for sewer extensions shall be submitted to the town 45 days before the regularly scheduled council meeting at which town approval of the extension will be required. The expenses incurred by the town in reviewing the plans and specifications shall be paid from a deposit made by the owner, builder, or developer at the time of application. The design of sewers and pump stations to be deeded to the town shall anticipate and allow for flows from possible future system extensions or developments within the future drainage areas.

(d) Sewer design shall be in accordance with the following:

- (1) Pipe material shall be PVC made from virgin plastic conforming to ASTM D 1784, Type 1, Grade 1, and manufactured in accordance with ASTM D 3034, SDR 35 or ASTM F-789; ductile iron conforming to ANSI Specification A 21.51, with iron Grade 60-42-10, and cement lining meeting ANSI Specification A 21.4, but twice the thickness specified; or other material approved by the superintendent.
- (2) All joints shall be prepared and installed in accordance with the manufacturer's recommendations, and shall be gastight and watertight. Joint materials shall be as follows:
  - a. PVC - ASTM D 3212
  - b. Ductile Iron - ANSI Specification A 21.11.
- (3) Minimum internal pipe diameter shall be eight inches.
- (4) Branch fittings for house services shall be PVC wyes or tee-wyes, or ductile iron saddles with stainless steel straps and "O-ring" seal set in mastic to create a watertight connection. For all new sewer extensions only wye and tee connections are to be used.

- (5) Minimum slope of sewer pipe shall be as in the following table:

<i>Pipe Diameter</i>	<i>Minimum Slope in Feet Per 100 Feet</i>
8"	0.40
10"	0.28
12"	0.22
14"	0.17
15"	0.15
16"	0.14



UTILITIES

§ 36-30

(6) Sewer pipe shall be laid on six inches of screened gravel or crushed stone bedding material, and the bedding shall be shaped to a height of one-half of the pipe diameter so as to give uniform circumferential support to the pipe.

(7) Screened gravel shall have the following gradation:

<i>Sieve Size</i>	<i>% By Weight Passing</i>
1 inch	100
3/4 inch	90—100
3/8 inch	20—55
#4 mesh	0—10
#8 mesh	0—5

(8) 3/4" crushed stone: Durable, clean angular rock fragments obtained by breaking and crushing rock material. Sieve analysis by weight:

<i>Sieve Size</i>	<i>% Passing by Weight</i>
1"	100
3/4"	95—100
1/2"	35—70
3/8"	0—25
No. 200	0—2

(9) The bedding shall be brought across the full trench width to the pipe mid-diameter.

(10) Trench sand or bedding shall be placed over pipe to a height one foot over the top of the pipe. Trench sand shall be hard, durable particles of granular material with 100 percent passing the one-half-inch sieve and 0—15 percent passing the #200 sieve. (Percentages are by weight).

(11) Backfill material shall then be placed and compacted. Suitable backfill material shall be the following, or a combination of the following:

- a. Excavated material that will compact to the compaction requirements.
- b. Native material that does not contain rocks larger than six inches in any dimension.
- c. Dry clay backfill free from lumps.

(12) Compaction densities specified herein shall be the percentage of the maximum density obtainable at optimum moisture content as determined and controlled in accordance with AASHTO T-99, Method C, depending on the material size. Field density tests shall be made in accordance with AASHTO T-191. Each layer of backfill shall be moistened or dried as required, and shall be compacted to the following densities:

- a. Bedding material and trench sand 95%
- b. Suitable backfill under paved or shoulder areas 95%

§ 36-30

ORONO CODE

- c. Gravel base:
  - 1. Under paved areas 95%
  - 2. In shoulder areas 95%
- d. Loam areas 90%
- e. All other areas 85%

- (13) Pipe classes shall be determined according to W.P.C.F. Manual of Practice No. 9 or No. FD-5.

Pipe thickness shall be calculated on the following criteria:

Safety Factor	2.0
Load Factor	1.7
Weight of Soil	120 lbs./cu. ft.
Wheel Loading	16,000 lbs.

- (14) All excavations required for the installation of sewer extensions shall be open trench work unless approved by the superintendent. No backfill shall be placed until the work has been inspected by the town.

- (15) Manholes shall be constructed at the end of all lines, at all changes in slope or alignment or at intervals not exceeding 400 linear feet, unless acceptable to the superintendent, and shall be precast concrete.

- a. Precast manhole sections shall conform to ASTM C 478; cement shall be Type II with a minimum compressive strength of 4,000 psi.
- b. Precast base and barrel sections shall have tongue and groove joints, with butyl base joint sealant that permits installation in temperatures from -20°F to 120°F, and meets Federal Specification SS-S-00210.
- c. Each section of the precast manhole shall have two holes for the purpose of handling and setting. These holes shall be tapered and shall be plugged with nonshrink mortar or grout, in combination with concrete plugs, after installation.
- d. Pipe to manhole joints shall be Lock-Joint flexible manhole sleeve, Kor-N-Seal joint sleeve, or equivalent.
- e. Manhole invert bricks shall conform to ASTM C 32, Grade SS, hard brick (made from clay or shale). Precast or field poured concrete manhole inverts are also acceptable.
- f. Dampproofing for concrete shall be coal-tar epoxy, bitumastic, or Conseal coating, 15 mil minimum thickness, or equivalent.
- g. Manhole rungs shall be copolymer polypropylene steps reinforced with three-eighths inch Grade 60 steel rebar throughout. Rungs shall be placed 12 inches on center in concrete and shall not be subjected to any loads for a minimum of seven days.

UTILITIES

§ 36-30

- h. After the manhole excavation has been done and leveled, one foot of bedding material shall be placed in the bottom of the excavation, leveled, and thoroughly compacted.
- i. Precast concrete manhole sections shall be set so as to be vertical and with sections in true alignment, one-quarter-inch maximum tolerance to be allowed.
- j. The top section of the precast reinforced concrete unit shall be set at a grade that will allow a minimum of one, and a maximum of three, precast concrete risers before setting the cast iron frame and cover.
- k. The inside and outside of the masonry work of all manholes shall be plastered with a 1:2 Portland cement mortar. The thickness of the mortar shall be one-half inch, and the mortar shall be carefully spread and thoroughly troweled, leaving a smooth, substantially water proof surface. The mortar shall be extended to completely cover the outside and inside surfaces of all masonry work.
  - 1. Before backfill all manholes shall be wrapped twice with six mill plastic.
- l. The concrete manholes shall have an invert channel passing through the bottom which corresponds in shape with the lower two-thirds of the pipe. Side inverts shall be curved and main inverts (where direction changes) shall be laid out in smooth curves of the longest possible radius. The top of the shelf shall slope to drain towards the flowing through channel. Where concrete is used for inverts, it shall be 3,000 psi concrete minimum.
- m. Manholes shall be constructed as the sections of the pipelines between them are completed, and, unless this is done, the superintendent shall have the authority to stop trenching and pipe laying until manhole construction is sequenced properly. All ground water shall be kept away from any newly placed concrete or freshly laid masonry work until new cement has properly set and a watertight job is obtained.
- n. All surfaces to be dampproofed shall be clean, smooth, dry, and free from loose material. Dampproofing shall be brushed onto the outside concrete manhole surface to fill all voids. Two coats minimum shall be applied to conform to the covering capacity of the material used in strict accordance with the manufacturer's recommendations. No application of dampproofing in freezing or wet weather shall be allowed.
- o. Iron castings for manhole frames and covers shall be the same as used on the town's existing sewer system or equivalent.
  - 1. Manhole frames and covers shall be 26 inch ductile iron, free from cracks, holes, swells, and cold shuts. The quality shall be such that a blow from a hammer will produce an indentation on an edge of the casting without flaking the metal. Frames and covers shall be machine seated and provided with a gasket so as to provide a tight, even fit.

§ 36-30

ORONO CODE

2. Covers shall be solid without perforations and shall have the word "SEWER" cast on the top in three inch high letters. Frames and covers shall be certified as meeting H-20 loading and shall be compatible with existing frames and covers.
3. Castings shall be given one coat of cold-tar pitch varnish at the factory before shipment, and said coating shall be smooth, tough and not brittle.
4. Frames shall be set concentric with the top of the masonry and in a full bed of mortar so that the space between the top of the manhole's masonry and the bottom flange of the frame shall be completely filled and made watertight. A thick ring of mortar extending to the outer edge of the masonry shall be placed all around and on top of the bottom flange. Mortar shall be smoothly finished and have a slight slope to shed water away from the frame.
5. Leakage in the gravity sewers shall not exceed 100 gallons per day per inch diameter per mile of pipe when tested by either internal pressure or external pressure means. Where groundwater is high, the superintendent may elect to accept infiltration measurements in lieu of exfiltration tests. All manholes shall be tested as to water tightness, if required by the superintendent as follows:

The inlet and outlet of the manhole shall be plugged by watertight plugs. The manhole shall be filled to the top with water so that all joints can be tested. The water shall remain for sufficient time to allow for absorption into concrete. The amount of water loss from the manhole shall then be determined. The rate shall not exceed one gallon of drop per vertical manhole foot in 24 hours for a four-foot diameter manholes. All leaks shall be repaired by excavation outside of the manhole if required.

6. If approved by the superintendent, a low pressure air test may be used to test gravity sewers in accordance with the stated procedures listed below and under the supervision of the superintendent or authorized agent.
  - (i) Plug all manholes and pipe ends.
  - (ii) Pressurize the line to 4 psi greater than water table pressure.
  - (iii) Disconnect the air line and allow a two minute stabilization period.
  - (iv) Time the next six minutes over which the maximum pressure drop can be no more than 1.0 psi if the pipe is to pass.

All testing of sewers shall be conducted in the presence of the superintendent. If the installation fails any test, the source of leakage shall be found and repaired and all defective materials shall be replaced.

7. Manholes may also be tested by an air vacuum test as follows:
  - (i) Manholes shall be tested by a vacuum test immediately after assembly of the manhole and connecting pipes and before any backfill is placed around the manholes, and again, after backfilling.

UTILITIES

§ 36-31

- (ii) All lift holes shall be plugged with nonshrink grout and all pipes entering the manhole shall be plugged, taking care to securely brace the plugs and pipe.
  - (iii) The test shall be made using an inflatable compression band, vacuum pump and appurtenances specifically designed for vacuum testing manholes. Test procedures shall be in accordance with the equipment manufacturer's recommendations.
  - (iv) After the testing equipment is in place, a vacuum of ten inches of Hg shall be drawn on the manhole. The manhole will be considered to have passed the test if the vacuum does not drop more than one inch of Hg in one minute.
  - (v) If the manhole fails the initial test, the contractor shall locate the leakage and make proper repairs as approved by the superintendent, and retest until a satisfactory test result is obtained.
8. All sewer extensions constructed at the property owner's, building's, or developer's expense, after final approval and acceptance by the superintendent, shall become the property of the town and shall thereafter be maintained by the town. Said sewers, after their acceptance by the town, shall be guaranteed against defects in materials or workmanship for 24 months. The guarantee shall be in the form of a maintenance guarantee bond in an amount not less than 100 percent of the engineer's estimate of the cost of the extension or the actual construction cost whichever is greater.
9. No builder or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities within the town, unless a suitable and approved method of sewage disposal is proposed.
10. Connection of the sewer extension to the town's facilities shall not be permitted until, a) the completed sewer has been tested and passed to the satisfaction of the superintendent, b) all fees have been paid to the town for the approved lots to be connected, c) reproducible, mylar record drawings of the completed sewer have been furnished to the town, d) the two year maintenance guarantee bond in a form acceptable to the town has been delivered, and e) an offer is made from the owner(s), builder(s), or developer(s), in a form acceptable to the town, to transfer ownership and maintenance responsibilities and property and easement rights to the town.

(Ord. No. 04-07, 1-12-04)

**Sec. 36-31. Use of public sewers.**

(a) No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. No direct connection shall be made from a public or private water supply to a building drain discharging to any sanitary sewer.

§ 36-31

ORONO CODE

(b) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the public works director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the public works director, to a storm sewer, or natural outlet, if in accordance with regulations of the department of environmental protection.

(c) Except as hereinafter provided, no person shall discharge or cause to be discharged, any of the following described waters or wastes to any public sewer:

- (1) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
- (2) Any waters or wastes containing fats, soluble fats, grease, or oils, whether emulsified or not, in excess of 100 parts per million (mg/l) that will solidify or become viscous at temperatures between 32°F and 150°F or, which in the sole opinion of the superintendent, may overload, inhibit or otherwise cause adverse impacts on the pollution control facility and its processes or on the sewerage collection system or its pump stations.
- (3) Any gasoline, benzene, naphtha, fuel oil, mineral oil, or other flammable or explosive liquid, solid or gas.
- (4) Any noxious or malodorous gas such as hydrogen sulfide, sulfur dioxide or nitrous oxide or other substance, which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
- (5) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the superintendent.
- (6) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, cardboard, wood, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, beer or distillery slops, whey, chemical residues, paint residues, cannery waste, bulk solids, or any other solid or viscous substance capable of causing obstruction to the flow of the sewers, or other interference with the proper operation of the sewage works.
- (7) Any waters or wastes, acid and alkaline in reaction, having corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the sewage works. Free acids and alkalies must be neutralized at all times, within a permissible pH range of 6.0 to 9.5.
- (8) Radioactive wastes or isotopes of half-life or concentrations as may exceed limits established by the town in compliance with applicable state or federal regulations.
- (9) Quantities of flow, or concentrations of any wastewater constituent, or both, which would constitute a "slug" as defined in section 36-26.

UTILITIES

§ 36-31

- (10) Any stormwater, roof drains, spring water, cistern or tank overflow, footing drains, discharge from any vehicle wash rack or motor water, or the contents of any privy vault, septic tank or cesspool, or the discharge of effluent from any air conditioning machine or refrigeration unit.
  - (11) No person shall discharge or cause to be discharged any waters or wastes containing a toxic or poisonous substance, high chlorine levels, high oxygen demand or suspended solids in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard or violation in the receiving waters or effluent of the town's sewage treatment plant, or contaminate or restrict the final end use of the treatment plant's sludge residuals.
  - (12) Waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
  - (13) Waters or wastes containing phenols, or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the town as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
  - (14) Waters or wastes containing substances which are not amenable to treatment or reduction by the waste treatment processes employed, which may inhibit treatment plant processes or sludge quality or disposal, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over the discharge to the receiving waters.
  - (15) Any heated waters or pollutants in amounts which will inhibit or interfere with biological activity in the town's wastewater treatment facilities, but in no case heated waters or pollutants in such quantities that the temperature at the pollution control facility's influent exceeds 105 degrees Fahrenheit (65 degrees Celsius).
  - (16) Any waters or wastes containing color, dissolved solids, or dye which would cause a visible discoloration of the treatment's plant's effluent or receiving water.
  - (17) Any waters or wastes containing suspended solids, whether inert or organic, which would cause visible turbidity of the treatment plant's effluent or receiving water.
  - (18) Any waters, wastes or substance which would cause the treatment plant's effluent to exceed town toxicity testing limits as may be required by applicable state or federal law.
  - (19) Any boiler blowoffs or sediment trap wastes.
  - (20) Any septage or septic process discharge without the express written approval of the superintendent.
- (d) Any discharge of waters or wastes having 1) a five-day biochemical oxygen demand (BOD) greater than 300 parts per million; or 2) containing more than 350 parts per million of suspended solids, or 3) containing more than 15 parts per million of chlorine demand, or 4)

§ 36-31

ORONO CODE

containing any quantity of substances having the characteristics described in this section or 5) having an average daily flow or pollutant mass greater than two percent of the average daily sewage flow of the town, shall be subject to the review and approval of the town. Where necessary, in the opinion of the town, the owner shall provide and pay for all pretreatment as may be necessary to, a) reduce the biochemical oxygen demand to 300 parts per million and the suspended solids to 350 parts per million by weight, or b) reduce the chlorine demand to 15 parts per million, or c) reduce objectionable characteristics or constituents to within the maximum limits provided for in this section, or d) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed pretreatment facilities shall be submitted for the approval of the town, and no construction of such facilities shall be commenced until said approvals are obtained in writing. Failure to comply with one or more of the remedial procedures as required by the town will constitute a violation of this article.

(e) All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with "Standard Methods for the Examination of Water and Wastewater", upon suitable samples taken at a control manhole provided for in section 36-32. In the event that no control manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected.

(f) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment thereof by the industrial concern.

(g) All of the preceding standards are to apply at the point where the wastes are discharged into the public sanitary sewerage system and any pretreatment required must be accomplished to practical completion before the wastes reach that point. The laboratory methods used in the examination of all industrial wastes shall be those set forth in the latest edition of "Standard Methods for the Examination of Water and Sewage". However, alternate methods for the analysis of industrial wastes may be used subject to mutual agreement between the Town and the producer of such wastes. The frequency and duration of the sampling of any industrial waste shall not be less than once every three months for a 24 hour period. However, more frequent and longer periods may be required at the discretion of the town.

(h) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in this section and which, in the judgment of the superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

- (1) Reject the wastes and require separate treatment
- (2) Require pretreatment to an acceptable condition before discharge to the public sewers
- (3) Require control over the quantities and rates of discharge and/or

UTILITIES

§ 36-32

- (4) Require payment under the provisions of this article to cover the added cost of handling and treating of such wastes.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of plants and equipment shall be subject to the review and approval of the town engineer, and subject to the requirements of all applicable codes, ordinances and laws, including Federal EPA pretreatment standards.

**Sec. 36-32. Pretreatment and permitting of industrial and unusual wastes.**

(a) The town, at its discretion, may elect to allow an industrial or unusual waste producer to utilize the sewage works provided that it can be demonstrated that acceptance of the waste will result in:

- (1) No violation of applicable federal or state regulations, including EPA pretreatment requirements.
- (2) No inhibition of, or damage to, the treatment plant's processes or equipment and no upsets of the plant's processes which lead to nuisance conditions, operational problems, or discharge license non-compliance.
- (3) No pass through of any waste material not treatable in the town's treatment plant to the receiving waters.
- (4) No contamination of the town's sewage sludge with toxic or undesirable waste constituents and no impairment of the town's ability to dispose of the treatment plant's sludge residuals.
- (5) No creation of hazardous or unsafe conditions in the sewer system or treatment plant which might jeopardize the health and welfare of the general public or the town's staff.
- (6) Equitable allocation of sewer user fees such that the true cost of treating the industrial or unusual waste is fully borne by the sewer user that generated the wastes.

Prior to accepting the waste, the town may require that appropriate industrial or unusual wastes undergo pretreatment or flow equalization prior to its discharge into the town's sewer system.

(b) Where pretreatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner.

(c) When required by the town, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the town. The manhole shall be installed and paid for by the owner, and shall be maintained by the owner so as to be safe and accessible at all times.

§ 36-32

ORONO CODE

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

(e) External grease, oil and sand interceptors shall be provided by the producer when the article limits for those substances are exceeded or when, in the opinion of the town, they are necessary for the proper handling of wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity required by Maine Subsurface Wastewater Disposal Rules, 144 A CMR 241 and shall be approved by the town prior to installation, and shall be located as to be readily and easily accessible for cleaning and inspection. Although the Internal Plumbing Code Rules permit smaller trap sizes, the provisions of the Maine Subsurface Wastewater Rules, 144 A CMR 241, shall prevail.

External grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

(f) Where installed, all grease, oil and sand interceptors shall be maintained and paid for by the owner, in continuously efficient operation at all times and shall be readily accessible and open to inspection by the town at any time. A maintenance record shall be maintained by the owner for the town's periodic review.

(g) The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 and as from time to time amended are incorporated herein by reference. These standards must be adhered to by dischargers to, or users of, the town's publicly owned treatment works.

(h) Local limits for certain pollutants may be established by the town to protect against pass through, interference, process inhibition and damage, safety concerns, and sludge residual contamination. No person shall discharge wastewater containing in excess of the instantaneous maximum allowable discharge limits as identified in this article or on the user's wastewater discharge permit. All discharge limits shall be technically based and approved by the appropriate regulatory agencies.

(i) When requested by the town, users must complete a wastewater survey form, on a form supplied by the town, which contains information on the nature and characteristics of their wastes. This form must be submitted to the town prior to discharge of the user's wastewater into the town's publicly owned treatment works. The town is authorized to prepare a form for this purpose and may periodically require users to update the survey. Failure to complete this wastewater survey form shall be reasonable grounds for terminating service to the user and shall be considered a violation of this article. Existing industrial dischargers shall file

UTILITIES

§ 36-32

wastewater survey forms within 30 days after being notified by the town, and proposed new dischargers shall file such forms at least 90 days prior to connecting to the publicly owned treatment works. The form shall include, but not be limited to, the following information:

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

(j) All disclosure forms and any periodic reports submitted by a user shall be signed by the principal executive officer of the user and shall contain the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

§ 36-32

ORONO CODE

(k) The town will evaluate the completed wastewater survey forms and material safety data furnished by the user and may require the user to furnish additional information. The user shall provide all requested additional information within 15 days after receiving notification from the town that additional information is required. After full evaluation and acceptance of all submitted data, the town shall make the determination as to whether the user is subject to pretreatment requirements. If the town determines that the user is subject to pretreatment requirements, the town shall require the user to apply for a wastewater discharge permit as required by section 36-32 of this article. The user shall make application for a wastewater discharge permit, on a form provided by the town, within 30 days after having received notification from the town to do so.

The user shall provide with the permit application, at the user's own expense, the results of all sampling and analysis of the user's wastewater effluent as the town may require to accompany the permit application.

If so requested by the town, the user shall collect all required samples in the presence of the superintendent.

(l) Every new or existing user of the town's sewage works who is determined to be a categorical user or significant industrial user as defined in section 36-26 of this article is required to obtain a wastewater discharge permit from the superintendent.

(m) Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the superintendent to prevent waste pass-through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the sewage works. Wastewater discharge permits may impose effluent restrictions or limits on the user if the superintendent determines that such limits are necessary to protect the quality of the treatment plant influent, effluent, or sludge, or to maintain compliance with any applicable federal or state law, including requirements under the town's NPDES permit and national categorical pretreatment standards for new and existing sources set forth in 40 CFR Chapter I, Subchapter N Parts 401-471.

(n) Wastewater discharge permits shall be issued for a specified time period, not to exceed five years. A wastewater discharge permit may be issued for a period of less than five years. Each wastewater discharge permit shall indicate a specific date upon which it will expire and no permit shall run beyond the expiration of the town's NPDES permit.

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

UTILITIES

§ 36-32

(p) Wastewater discharge permits may contain requirements and compliance schedules for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, any of which would be designed to reduce, eliminate, or prevent the introduction of pollutants into the town's sewage works.

(q) Wastewater discharge permits may contain requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges to the town's sewage works.

(r) Wastewater discharge permits may contain requirements for the installation and maintenance of inspection and sampling facilities and equipment and for the reporting of all results to the town.

(s) The superintendent may modify, at any time, the wastewater discharge permit with cause.

(t) Any user who violates any condition of its permit, or of this article, or of applicable state and federal statutes and regulations, may have its permit revoked or suspended by the superintendent.

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

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the town of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in this article; and
- (4) Procedures to prevent adverse sewage works impacts from any accidental or sludge discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(v) Where additional pretreatment and/or operations or maintenance activities will be required to comply with this article, the user shall provide a declaration of the shortest schedule by which the user will provide such additional pretreatment and/or implementation of additional operations and maintenance activities. The town reserves the right to determine the reasonableness of the proposed schedule, to modify the proposed schedule, or to reject the schedule. The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional treatment required for the

§ 36-32

ORONO CODE

user to comply with the requirements of this article, including, but not limited to, dates relating to hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with this article. No later than 14 days following each milestone date in the schedule and the final date for compliance, the user shall submit a progress report to the town including, at a minimum, a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return to the approved schedule.

(w) All significant industrial user(s) shall, at a frequency stated in their wastewater permit or as determined by the superintendent, but in no case less than twice per year, submit a report to the town indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment permit criteria or ordinance standards and the measured or estimated average and maximum daily flows and loadings for the reporting period. All periodic compliance reports must be signed and certified in accordance with this article. All wastewater samples collected must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

If a user subject to the reporting requirement in this article or its permit monitors any pollutant more frequently than required, the results of this additional monitoring shall be included in the report.

(x) Each user must notify the superintendent in writing of any planned significant changes to its operations or process systems which might alter the nature, quality or volume of its wastewater at least 60 days before the change. No user shall implement the planned changed condition(s) until and unless the superintendent has responded in writing to the user's notice. Significant changes include, but are not limited to, flow or pollutant load increases of ten percent or greater, and the discharge of any previously unreported pollutants.

(y) If sampling performed by a user indicates a violation of their permit or this article, the user must notify the superintendent within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the superintendent within 30 days after becoming aware of the violation. In the case of any discharge, including, but not limited to, hazardous waste discharges, accidental discharges, discharges of a nonroutine or episodic nature, a non-customary batch discharge, or a slug load that may cause potential problems for the sewage works, the user shall immediately telephone and notify the superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user. Within five days following such a discharge, the user shall submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense,

UTILITIES

§ 36-33

loss, damage, or other liability which may be incurred as a result of damage to the sewage works, natural resources or other damage to person or property; nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this article. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

**Sec. 36-33. Article compliance monitoring.**

(a) The superintendent, the engineer, and other duly authorized employees of the town bearing proper credentials and identifications shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this article.

(b) The superintendent and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(c) The superintendent shall have the authority to set up, on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's waste discharges. The user shall bear the costs of such setup or installation.

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

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

§ 36-33

ORONO CODE

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

(g) If the superintendent has been refused access to any building, structure or property, or any part thereof, for the purpose of inspecting, sampling or otherwise monitoring compliance with this article, the superintendent shall seek to secure an administrative inspection warrant pursuant to M.R.Civ.P. 80E. The warrant, if issued by the district court, shall be executed pursuant to M.R.Civ.P. 80E and the superintendent shall be accompanied by a uniformed town police officer during said execution.

**Sec. 36-34. Protection from damage.**

(a) No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenances or equipment which is a part of the sewage works.

(b) A contractor must present a certificate of insurance showing minimum liability coverage of \$1,000,000.00/\$2,000,000.00 for bodily injury and a \$100,000.00 limit for property damage including collapse and underground coverage before a permit will be issued for construction of building sewers or sewer extensions. Sewer extensions may require higher coverage if so recommended by the engineer.

**Sec. 36-35. Sewer service charges.**

(a) The town council shall establish equitable and just sewer charges for the use of the sewerage facilities to be paid by every owner of an establishment whose building sewer connects directly or indirectly into public sewers. Such annual sewer charges shall be in proportion to the quantity of water supplied to every such establishment, subject to just and equitable discounts and abatements in exceptional cases, or in the case of private water supply, a fair estimate shall be used or readings from an installed water meter shall be made.

(b) The town council reserves the right, from time to time, to change sewer service charges originally or previously assigned to any property owner.

(c) The owner of the property connected to the municipal sewer will be charged for the use of this service. The municipal officers are to commit these charges each month to the municipal treasurer for collection. In collecting these charges, the treasurer has the same power and uses the same process set forth in 38 M.R.S.A., Sec. 1208.

(d) An interest charge at the same rate as established by the town council for uncollected taxes will be made on all bills not paid within 30 days after the due date.

(e) A special sewer service charge shall be established for any industrial firm or organization who, by virtue of the volume, strength or unusual characteristic of their waste alone, would overload or upset the capacity or efficiency of the sewerage works or any part thereof if such waste entered the public sewer, or whose waste disposal situation is such that it would be in the public interest to waive the basic requirements. The town council, after appropriate study and advice from the engineer, shall establish a special sewer service charge to the industrial firm by separate agreement with said firm. The applicable portions of the proceeding sections, as well as the equitable rights of the public, shall be the basis for such an arrangement.

(f) Before the issuance of a permit for any activity requiring a connection permit under section 36-29(a), the applicant shall pay to the Town of Orono a sanitary sewer connection fee in accordance with a fee schedule established by order of the town council pursuant to the fees ordinance. The connection fee shall be calculated by multiplying the sewer connection fee rate as established in the fee schedule by the daily design flow of the proposed activity as determined by the superintendent. In determining the daily design flow, the superintendent shall rely on the Maine Subsurface Wastewater Disposal Rules in effect at the time of application for a permit. In cases where the proposed activity is not listed in the rules, the superintendent shall make the determination of a reasonable daily design flow after consultation with the Maine Department of Human Services or any other appropriate authorities or references. For permit applications made on or after July 1, 2004 involving the expansion of an existing facility or use, an increase of sewage discharge, or the change of use of a property connected to the public sewer as of July 1, 2004 (and not involving a new building or structure), the superintendent shall determine whether the daily design flow for the proposed activity will increase over the current flow from the property, the current flow being the highest daily design flow based on the actual use of the property in the two years immediately preceding the date of the application. The superintendent shall first calculate the proposed daily design flow, and then subtract therefrom the current daily design flow. If there will be an increase in the daily design flow, the resulting number shall be the daily design flow on which the connection fee shall be calculated. If there will be no increase in the daily design flow, no connection fee will be charged. All connection fees shall be deposited into a special interest-bearing reserve fund, and the monies in the fund shall be used to pay all costs related to: (1) enlargement or reconstruction of existing sewer lines, (2) construction of new sanitary sewers to replace existing lines, (3) construction of or modifications to pumping stations to increase system capacity, (4) enlargement or upgrading of the sewage treatment plant, or (5) such other capital improvements to the system that the town council determines to be necessary or appropriate. The funds may not be used to finance routine maintenance and repair activities or other

expenses solely related to the operation of the system. If the activity authorized by the connection permit is not commenced within two years from the date of issuance of the permit, the permit shall become null and void and the connection fee shall be refunded, without interest, to the person who paid the fee, or that person's successor or assign, unless the town and the person enter into a written agreement extending the term of the permit. Provided, however, that if town has incurred costs or entered into obligations in reliance on the issuance of the connection permit and the payment of the connection fee, town may retain so much of the connection fee as may be reasonably necessary and appropriate to cover those costs or obligations.

(g) In instances where any proposed development or use of any parcel of land in the town results in the need to construct, replace, upgrade, reconstruct, enlarge, expand, or repair any essential infrastructure of the sanitary sewer system in order to accommodate the wastewater attributable to the proposed development or use, the town may require the payment of an impact fee to cover the costs of the required improvements. The amount of the impact fee shall be determined based on the portion of the improvements that will be utilized by the development or use. All impact fees shall be deposited into a special interest-bearing reserve fund, and any impact fee may only be expended for the purpose for which it was collected. If the town does not use any impact fee within ten years from the date of payment, town shall refund that impact fee, without interest, to the person who paid the fee, or that person's successor or assign. In addition, town shall refund any portion of the impact fee that exceeds the development's share of the town's actual costs for the improvements associated with that impact fee. If the development or use for which an impact fee was paid is not commenced within two years from the date of payment of the fee, the town shall refund the impact fee, without interest, to the person who paid the fee, or that person's successor or assign, unless the town and the person enter into a written agreement extending the time for the commencement of the development or use. Provided, however, that if town has incurred costs or entered into obligations in reliance on the proposed development and the payment of the impact fee, town may retain so much of the impact fee as may be reasonably necessary and appropriate to cover those costs or obligations.

(Ord. No. 04-124, 8-9-04)

### **Sec. 36-36. Penalty.**

(a) Any person found to be violating any provision of this article except subsection 36-34(a) shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Any such notice shall not be a prerequisite to bringing legal action to enforce any provision of this article.

(b) In addition to the civil penalty set forth in subsection 36-29(a) of this article, any person who violates or fails to comply with any provision of this article shall be subject to civil penalties pursuant to 30-A M.R.S.A. § 4452. Each day of violation shall constitute a separate offense. Pursuant to 30-A M.R.S.A. § 4452 and Rule 80K of the Maine Rules of Civil Procedure,

the town may seek reasonable attorney fees, court costs, expert witness fees and costs and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the town.

(c) The town, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful use, construction or maintenance of cesspools, septic tanks, sewage disposal systems, pipes or drains, to prevent the occupancy of any building structure or land where a violation of this article is found, or to restrain, correct or abate any violation of this article.

(d) Any person violating any of the provisions of this article shall liable to the town for any expense, loss, or damage occasioned the town by reason of such violation.

**Sec. 36-37. Appeals.**

Any person aggrieved by a decision of the superintendent to deny a wastewater discharge permit application, to impose terms and conditions on a wastewater discharge permit, or to revoke or suspend a wastewater discharge permit may appeal any such decision to the town manager. An appeal may be taken by filing a written petition with the town clerk within 15 days of the superintendent's action. The petition must state the decision that is being appealed and the grounds for the appeal. Failure to submit a timely petition for review shall be deemed to be a waiver of any appeal. The town manager shall conduct an administrative hearing within 35 days of the receipt of a petition by the town clerk. The town manager shall conduct the hearing so as to develop an adequate administrative record, and the petitioner shall bear the burden of proof to demonstrate that the superintendent's decision was unreasonable or contrary to the law. The town manager shall issue its written decision within 45 days of the hearing. Any person aggrieved by the decision of the town manager may appeal the same to Superior Court pursuant to Rule 80B of the Maine Rules of Civil Procedure.

**Sec. 36-38. Validity.**

(a) All ordinances or parts of ordinances in conflict herewith are hereby repealed.

(b) The invalidity of any section, clause, sentence, or provision of this article shall not affect the validity of any other part of this article which can be given effect without such invalid part or parts.

**Sec. 36-39. Effective date.**

This article was passed by Order #03-41 on March 10, 2003, effective April 9, 2003.

