

**TITLE 27
WATER AND SEWER**

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TITLE 27

CHAPTER 1 -- GARDINER WATER DISTRICT

SECTION

2801. Operation of district

2810. Purpose of regulation

2811. Prohibiting the swimming on Cobbossee Stream adjacent to the Gardiner Pumping Station

2812. Enforcement

Section 2801. Operation of district

All the affairs of the Gardiner Water District shall be managed by a board of trustees composed of three members to be chosen by the Mayor and City Council of the City of Gardiner, but no member of the City Council shall, during the term for which he is elected, be chosen one of the said board of trustees. As soon as convenient after the members of said board have been chosen, said trustees shall hold a meeting at the city rooms in the City of Gardiner, and organize by the election of a president and clerk, adopt a corporate seal and when necessary may choose a treasurer and all other needful officers and agents for the proper conduct and management of the affairs of said district. At said first meeting they shall determine, by lot, the term of office of each trustee so that one shall serve for 1 year, one for 2 years and one for 3 years; and whenever the term of office of a trustee expires the said municipal officers of the City of Gardiner shall appoint a successor to serve the full term of 3 years; and in case any other vacancy arises, it shall be filled in like manner for the unexpired term. They may also ordain and establish such bylaws as are necessary for their own convenience and proper management of the affairs of the district. The term of office of trustee shall begin on the first Monday of April. Said trustee may procure office and incur such expenses as may be necessary. Each member shall receive in full compensation for his services an allowance of \$100 per annum.

Cross references. Fluoridation, see 1954 R.S. ch. 25, ss 145 See Private and Special Laws of Maine 1903, ch. 82 and ch. 194, amended by 1917, ch. 53; 1951, ch. 153; 1955, ch. 1519.
Water supply, see 1954 R.S. ch. 90-A, ss 12, I.G.

¹Section 2810. Purpose of Regulation

The purpose of this ordinance is to protect the quality of sources of public water supply and to protect the health, safety and welfare of persons dependent upon such supplies.

¹ Ordinance No. 77-36 Section 2810-2812 adopted March 13, 1978

Section 2811. Prohibiting the swimming on Cobbossee Stream adjacent to the Gardiner Water District Pumping Station.

It shall be unlawful for any person to swim, bathe or wade in Cobbosseecontee Stream within a radius of three hundred feet (300') of the intake system of the Gardiner Water District pumping station.

Section 2812. Enforcement

Whoever willfully violates this regulation shall, upon conviction, be punished by a fine of not less than five dollars (\$5.00), or more than fifty dollars (\$50.00) for each offense.

TITLE 27

CHAPTER 2 _ PRETREATMENT

SECTION

2820. Purpose

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Section 2820. Purpose

- A. This Ordinance sets forth uniform requirements for discharges into the City of Gardiner's wastewater facilities and enables the municipality to protect public health in conformity with all applicable State and Federal laws relating thereto.

The objectives of this ordinance are to:

1. Prevent the introduction of pollutants into the municipality's wastewater facilities which will interfere with the normal operations of the facilities or contaminate the resulting sludge;
2. Prevent the introduction of pollutants into the municipality's wastewater treatment facility which will pass through the municipality's wastewater treatment facility, inadequately treated, into receiving waters or otherwise be incompatible with the municipality's wastewater treatment facility.
3. To ensure that the quality of the municipality's wastewater treatment facility sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations.
4. Improve the opportunity to recycle and reclaim wastewater and sludge facilities.
5. Protect the municipality's wastewater treatment facility personnel who may be affected by the wastewater and sludge in the course of their employment and to protect the general public.

6. Provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the municipality's wastewater treatment facility.
7. Enable Gardiner to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, sludge use and disposal requirements and any other federal or state laws to which the municipality's wastewater treatment facility is subject.

- B. This Ordinance shall apply to all domestic sewage dischargers and other users of the municipality's wastewater treatment facility. This Ordinance authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the operation of the municipality's wastewater treatment facility.

This Ordinance further provides for the regulation of discharges into the municipality's wastewater facilities through the enforcement of administrative regulations. This Ordinance does not provide for the recovery of operations, maintenance or replacement costs associated with the municipal wastewater facilities or the cost associated with the construction of collection and treatment facilities used by industrial dischargers, in proportion to their use of the municipal wastewater facilities which are the subject of separate enactment.

Section 2821. Definitions

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| A. <u>Act</u> | The Clean Water Act (33 U.S.C. 1251 et seq), as amended. |
| B. <u>Bypass</u> | The intentional diversion of wastes from any portion of a discharger's treatment facility. |
| C. <u>Categorical (National) Pretreatment Standards</u> | National Pretreatment Standards means a standard promulgated by EPA under 40 CFR Chapter I, Subchapter N, specifying quantities or concentrations of pollutant properties which may be discharged or introduced into municipally owned wastewater facilities by specific industrial discharges. |
| D. <u>Cooling Water</u> | <ol style="list-style-type: none"> 1. Uncontaminated (non-contact): Water used for cooling purposes only which has no direct contact with any raw material, intermediate, or final product. 2. Contaminated: Water used for cooling purposes only which may become contaminated either through the use of water treatment chemicals used for corrosion or biocides, or by direct contact with process materials and/or wastewater. |

- E. Discharger-Industrial Discharger/User Any non-residential user who discharges a non-domestic waste into municipally owned wastewater facilities by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, intercepting ditches, and all constructed devices and appliances and in structures appurtenant thereto.
- F. Indirect Discharge The discharge or the introduction of non-domestic pollutants from a source regulated under Section 307 (b) or (c) of the Act, into municipally owned wastewater facilities.
- G. Industrial Waste Solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade, or business process or from the development, recovery or processing of natural resources.
- H. Interference The inhibition or disruption of a municipal sewer system, treatment processes, or operations, or sludge processes, use or disposal, and therefore is a cause of a violation of any requirements of its NPDES permit, State Waste Discharge License, or prevents sewage sludge use or disposal in accordance with State and Federal regulations.
- I. NPDES National Pollutant Discharge Elimination System permit program of the US EPA.
- J. O & M Operation and Maintenance.
- K. Other Wastes Decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals, and other substances except sewage and industrial wastes.
- L. Pass-through A discharge which exits the municipally owned wastewater facility into waters of the United States (as defined in 40 CFR Part 122.2), 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 requirement of the facilities State discharge license or federal NPDES permit (including an increase in the magnitude or duration of a violation).
- M. Pollutant Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into a municipally owned wastewater facility or it's collection system.

- N. Pretreatment The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into municipally owned wastewater facility.
The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR Part 403.6(d). Appropriate pretreatment technology includes control equipment such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere or otherwise be incompatible with the municipally owned wastewater facility.
- O. Process wastewater Any water which, during manufacturing or processing , comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.
- P. Process wastewater pollutants Pollutants present in process wastewater.
- Q. Sewage Water-carried human wastes or a combination of water-carried wastes from residences, business building, institutions and industrial establishments, together with such ground, surface, storm, or other waters as may be present.
- R. Shall Is mandatory; "may" is permissive
- S. Significant Industrial User (SIU) (a) all categorical industrial users and (b) any noncategorical industrial user that (i) discharges 25,000 gallons per day or more of process wastewater, (ii) contributes process waste-water which makes up five percent or more of the average dry weather hydraulic or organic capacity of the municipal treatment plant, or (iii) has a reasonable potential, in the opinion of the City to adversely affect the treatment plant operation (inhibition, pass through, sludge contamination, or endangerment of City employees).
- T. Slug discharge Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.
- U. Slugload Any substance released in a discharge at a rate and/or concentration which causes interference to municipally owned wastewater facility.
- V. Toxic Pollutants Those substances listed in 40 CFR Part 401.15.

- W. Upset An exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth in their discharge permit or this Ordinance due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed or inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.
- X. Wastewater Industrial waste, or sewage or any other waste including that which may be combined with any ground water, surface water or storm water, that may be discharged to the municipal wastewater facilities.
- Y. WastewaterFacilities Any sewage treatment works and the sewers and conveyance appurtenances discharging thereto, owned and operated by the municipality. The definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature.

Section 2822: Regulations

- A. No discharger shall discharge or cause to be discharged, directly or indirectly any of the following described substances or those listed in Section 2875 of this municipality Sewer Use Ordinance into the municipality's wastewater facilities:
1. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire, or explosion or be injurious in any other way to the operation of the municipal wastewater facilities.
 2. Any solid or viscous substances, including ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch, or manure, capable of causing obstructions or other interferences with the proper operation of the sewer or wastewater facilities.
 3. Any wastewater having a pH less than 5.0 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the wastewater facilities.
 4. Any wastewater containing toxic pollutants or poisonous substances, in sufficient quantity either singly or by interaction to injure or interfere with any wastewater treatment process, or which constitutes a hazard to humans or animals, or to create any hazard in waters that receive treated effluent from the municipally owned wastewater treatment facilities. Toxic wastes shall include, but are not limited to,

wastes containing cyanide, chromium, cadmium, mercury, copper or nickel ions, or others listed in 40 CFR 401.15.

5. Any noxious or malodorous liquids, gases, or substances which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair, including pollutants which result in the presence of toxic gases, vapors, or fumes.
 6. Any substance which may cause the municipality's wastewater facility to be in noncompliance with sludge use, recycle or disposal criteria pursuant to guidelines or regulations developed under Section 405 of the Federal Act, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or other regulations or criteria for sludge management and disposal as required by the State of Maine.
 7. Any substance which may affect the municipal wastewater facility effluent and cause violation of its NPDES Permit and/or State of Maine Waste Discharge License.
 8. Any substance containing color that is not removed in the municipally owned wastewater facilities.
 9. Heat in amounts which will inhibit biological activity in the municipal wastewater treatment works resulting in interference but in no case, heat in such quantities that the temperature at the influent of the municipal wastewater treatment works exceeds 40 degrees Centigrade (104 degrees Fahrenheit).
 10. Any slug, which shall mean any pollutant, including oxygen demanding pollutants (BOD, etc.), released on a single extraordinary discharge episode of such volume or strength as to cause interference at the municipal wastewater facility.
 11. Any unpolluted water including, but not limited to, non-contact cooling water.
 12. Any wastewater containing any radioactive wastes or isotopes.
 13. Any wastewater which causes a hazard to human life or creates a public nuisance.
 14. Any medical or infectious waste.
 15. Any waste containing solids of such character and quantity that special and unusual attention is required for their handling.
- B. National Categorical Pretreatment Standards as promulgated by U.S. Environmental Protection Agency (EPA) pursuant to the Act and as codified in 40 CFR Chapter I, Subchapter N shall be met by all dischargers, as applicable. An Application for modification of the National Categorical Pretreatment Standards may be considered for submittal to the Regional Administrator by the municipality when the municipality's

wastewater treatment system achieves consistent removal of the pollutants as defined by 40 CFR 403.7.

- C. State requirements and limitations on discharges to the municipal wastewater facilities shall be met by all dischargers that are subject to such standards in any instances in which they are more stringent than Federal requirements and limitations or those in this or any other applicable ordinance.
- D. The municipality reserves the right to amend this Ordinance to provide for more stringent limitations or requirements on discharges to the municipal wastewater facilities where deemed necessary to comply with the objectives set forth in Section 2820, (A) of this Ordinance.
- E. No discharger shall increase the use of potable or process water in any way, for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Ordinance.
- F. No dischargers shall discharge wastewater containing concentrations of toxic pollutants that cause the City's treatment plant discharge to exceed State of Federal water quality limits.
The municipality reserves the right to amend this Ordinance to include concentration-based limits for toxic pollutants. The municipality may impose mass limitations on dischargers in cases where the imposition of mass limitations is deemed appropriate by the municipality.
- G. Each discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this Ordinance. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the dischargers cost and expense. Detailed Slug Control Plans showing facilities and operating procedures to provide this protection shall be submitted to the municipality for review and shall be approved by the municipality before construction of the facility. Each existing discharger shall complete its plan and submit same to the municipality by January 1, 1983. No discharger who discharges to the municipal wastewater facilities after the aforesaid date shall be permitted to introduce pollutants into the system until Accidental Discharge Protection Procedures have been approved by the municipality. Review and approval of such plans and operating procedures by the municipality shall not relieve the discharger from the responsibility immediately upon the occurrence of a 'slug' or accidental discharge of substances prohibited by this Ordinance. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective action. Any discharger who discharges slugs of prohibited materials shall be liable for any expense, loss or damage to the municipal wastewater facilities in addition to the amount of any fines imposed on the municipality on account thereof under State or Federal Law.
- H. Duty to Comply: The industrial discharger must comply with all conditions of this Ordinance and their industrial discharge permit. Failure to comply may be grounds for

administrative action or enforcement proceedings including civil or criminal penalties, injunctive relief, and summary abatements.

I. Bypass of Discharger's Pretreatment Facilities

- a) Bypass is prohibited unless it is unavoidable to prevent loss of life, personal injury, or severe property damage or no feasible alternatives exist.
- b) Upon prior notice to and the approval of the Superintendent, the discharger may allow bypass to occur which does not cause effluent limitations to be exceeded, but only if it is also for essential maintenance to assure efficient operations.
- c) Notification of bypass:
 1. Anticipate bypass. If the discharger knows in advance of the need for a bypass, it shall submit prior written notice, at least ten days before the date of the bypass, to the municipally owned treatment plant Superintendent.
 2. Unanticipated bypass. The discharger shall immediately notify the municipally owned treatment plant Superintendent and submit a written notice to the City within 5 days. This report shall specify:
 - i. A description of the bypass, and its cause, including its duration;
 - ii. Whether the bypass has been corrected; and
 - iii. The steps being taken or to be taken to reduce, eliminate and prevent a recurrence of the bypass.

Section 2823: Fees

- A. It is the purpose of this chapter to provide for the payment of fees from discharges to the municipality's wastewater disposal system, to compensate the municipality for the cost of administration of the pretreatment program established herein.
- B. The municipality shall adopt charges and fees which may include:
 1. Fees for monitoring, inspections, and surveillance procedures.
 2. Fees for filing appeals.
 3. Fees for reviewing accidental discharge procedures and construction.
 4. Fees for evaluating initial information regarding proposed discharges.

5. Fees for processing Industrial Discharge Permit applications, modifications and renewals.
6. Fees for consultant services.
7. Fees for laboratory tests.
8. Fees for legal services.
9. All other costs associated with industrial dischargers as appropriate.

Section 2824: Administration; requirements; industrial discharge permits

- A. Administration. Except as otherwise provided herein, the Superintendent of the municipality's wastewater treatment facility shall administer, implement and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to other qualified city personnel.
- B. Applicable law. Any reference in this Ordinance to a state or federal statute or regulation or local ordinance shall mean the statute, regulation or ordinance in force on the effective date of this Ordinance or as any such statute, regulation or ordinance may be amended from time to time thereafter.
- C. Unlawful Discharges. It shall be unlawful to discharge sewage, industrial wastes or other wastes to any sewer outlet within the jurisdiction of the municipality and to the municipal wastewater facilities without having first complied with the terms of this Ordinance.
- D. Industrial Discharges. All industrial dischargers proposing to connect to or to discharge sewage, industrial wastes and other wastes to municipal wastewater facilities shall comply with all terms of this Ordinance.
- E. Industrial Discharge Permit Requirements:
 1. All nondomestic users must notify the municipality of the nature and characteristics of their wastewater prior to commencing their discharge. The municipality will provide forms for this purpose, or authorize the use of other, suitable forms.
 2. It shall be unlawful for significant industrial users to discharge wastewater, either directly or indirectly, into the sanitary sewer system without first obtaining an industrial discharge permit from the City. Any violation of the terms and conditions of an industrial discharge permit shall be deemed a violation of this ordinance. Obtaining an industrial discharge permit does not relieve a permittee of its obligation to obtain other permits required by Federal, State, or local law.

3. The City may require that other industrial users, including liquid waste haulers, obtain industrial discharge permits as necessary to carry out the purpose of this chapter.
4. Any industrial user located beyond the city limits shall submit a permit application in accordance with Section D. below within 90 days of the effective date of this ordinance. New industrial users located beyond the city limits shall submit such applications to the City 180 days prior to discharging into the sanitary sewer. Upon review and approval of such application, the City may enter into a contract with the user which requires the user to subject itself to, and abide by this Chapter, including all permitting, compliance monitoring, reporting, and enforcement provisions herein.
5. Existing connections: Any significant industrial user that discharges nondomestic waste into the sanitary sewer system prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, unless waived by the City, within ninety (90) days after said date, apply to the City for an industrial discharge permit and shall not cause or allow discharges to the sewer to continue after 180 days from and after the effective date of this ordinance except in accordance with a permit issued by the City.
6. New connections: Any significant industrial user proposing to begin or recommence discharging nondomestic wastes into the sanitary sewer system must obtain an industrial discharge permit prior to beginning or recommencing such discharge. An application for this permit must be filed at least 180 days prior to the anticipated start up date.

F. Industrial Discharge Permit Applications

Industrial dischargers shall complete and file with the municipality the following information on an application form provided or another otherwise approved by the municipality, and accompanied by the appropriate fee. Unless waived by the City, existing industrial dischargers shall file application forms within 30 days after the effective date of this Ordinance, and proposed new discharges shall file disclosure forms at least 90 days prior to connecting to the municipal facilities. The applications shall include:

1. Name, address, and location of the discharger;
2. Standard Industrial Classification (SIC) code(s), as established within the federal Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended, of both the industry as a whole and any processes for which National Categorical Standards have been promulgated;
3. Known or suspected to be present wastewater constituents and characteristics in the discharge which are limited by any Federal, State, or local standards. Any sampling and analysis that is required by the municipality shall be performed in accordance

with procedures established by the US EPA and contained in 40 CFR, Part 136, as amended;

4. Time and duration of discharges;
5. Daily maximum, daily average, monthly average and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variation, if any. All flows shall be measured unless other verifiable techniques are approved by the municipality due to cost or nonfeasability;
6. The site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation;
7. Description of activities, facilities and plant processes on the premises including a list of all raw materials and chemicals used at the facility which are or may be accidentally or intentionally discharged to the sewer or works of the municipality;
8. Each product produced by type, amount, process or processes and rate of production;
9. Type and amount of raw materials processed (average and maximum per day);
10. Number and type of employees, hours of operation, and proposed or actual hours of operation of any pretreatment system;
11. Disclosure of the nature and concentration of any known or suspected pollutants or materials prohibited by this Ordinance in the discharge, together with a statement regarding whether or not compliance is being achieved with this Ordinance on a consistent basis and if not, whether additional operations and maintenance activities and/or additional pretreatment is required for the discharger to comply with this Ordinance;
12. Whether additional pretreatment and/or operation and maintenance (O & M) activities will be required for the discharger to meet all applicable Federal, State and local standards. If additional pretreatment and/or O & M will be required to meet the standards, then the industrial user shall indicate the shortest time schedule necessary to accomplish installation or adoption of such additional treatment or O & M consistent with the requirements of the Compliance Schedule provisions of Section 2824(G)(8);
13. Any other information as may be deemed by the municipality to be necessary to evaluate the permit application;
14. All plans required in Section D must be certified for accuracy by a State registered professional engineer;

15. The municipality will evaluate the data and information furnished by the user and may require additional information. After evaluation of the data furnished, the municipality may issue an industrial discharge permit subject to the terms and conditions herein;
16. All applications, reports, and other official documents submitted to the municipality must contain the following certification statement and be signed in accordance with paragraphs (a), (b), (c) or (d) below:

" 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 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 and imprisonment for knowing violations."

- a) By a responsible corporate officer, if the Industrial User submitting reports is a corporation. For the purpose of this paragraph, a responsible corporate officer means:
 - i. a president, secretary, treasurer or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or;
 - ii. the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- b) By a general partner or proprietor if the Industrial User submitting reports is a partnership or sole proprietorship respectively.
- c) The principal executive officer or director having responsibility for the overall operation of the discharging facility if the Industrial User submitting the reports is a Federal, State, or local government entity, or their agents.
- d) By a duly authorized representative of the individual designated in paragraph (a), (b), or (c) of this section if:
 - i. the authorization is made in writing by the individual described in paragraph (a), (b), or (c);
 - ii. the authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, site

superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

iii. the written authorization is submitted to the municipality.

- e) If an authorization under paragraph (d) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for the environmental matters for the company, a new authorization satisfying the requirements of paragraph (d) of this section must be submitted to the City prior to or together with any reports to be signed by an authorized representative.

G. Industrial Discharger Permit Contents

Industrial discharger permits shall include such conditions as are reasonably deemed necessary by the municipality to prevent pass-through or interference, protect the quality of the water body receiving the municipally owned wastewater facilities effluent, protect worker health and safety, facilitate treatment plant sludge management and disposal, protect ambient air quality and protect against damage to the sewer system or treatment plant. Permits may contain, but need not be limited to, the following:

1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
2. Limits on the average and/or maximum concentration, mass, or other measure of identified wastewater constituents or properties;
3. Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
4. Development and implementation of spill control plans or other special conditions including additional management practices necessary to adequately prevent accidental, unanticipated, or routine discharges;
5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the treatment works;
6. Requirements for installation and maintenance of inspection and sampling facilities;
7. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules;
8. Compliance schedules. For purpose of this Ordinance, the term compliance schedule refers to the following:

- a) Where additional pretreatment and/or O&M activities will be required to comply with this Ordinance, the user shall provide a declaration of the shortest schedule by which the user will provide such additional pretreatment and/or implementation of additional O&M activities.
- b) The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to comply with the requirements of this Ordinance, including but not limited to dates relating to hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction and all other acts necessary to achieve compliance with this Ordinance.
- c) Under no circumstances shall the City permit a time increment for any single step directed toward compliance which exceeds nine months.
- d) 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 City, including, at a minimum, a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the approved schedule. In no event shall more than nine months elapse between such progress reports to the City.

9. Requirements for submission of technical reports or discharge reports;
10. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the municipality and affording the City, or their representatives, access thereto;
11. Requirements for notification of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater being introduced into the treatment works;
12. Requirements for the notification of any change in the manufacturing and/or pretreatment process used by the permittee;
13. Requirements for notification of excessive, accidental, or slug discharges;
14. Other conditions as deemed appropriate by the municipality to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations; and
15. A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the permit.

1. Permit Duration: Permits shall be issued for a specified time period, not to exceed five (5) years). A permit may be issued for a period less than five (5) years, at the discretion of the municipality.
2. Public Notification: The municipality will publish in a local daily newspaper, notice of intent to issue an industrial discharge permit, at least fourteen (14) days prior to issuance. The notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted.
3. Permit Appeals: The municipality will provide all interested persons with notice of final permit decisions. Any aggrieved person, including the user, may file a petition with the City, in writing, to reconsider the terms of a wastewater discharge permit or the denial of a wastewater discharge permit application within 15 days of the permit's issuance or notification of the Superintendent's denial.
 - a) Failure to submit a timely petition for review shall be deemed to be a waiver of the appeal.
 - b) In its petition, the petitioner must indicate the wastewater discharge permit provisions objected to, the reasons for this objection and the alternative condition, if any, it seeks to place in the wastewater discharge permit. A petitioner seeking review of a permit denial must specifically allege reasons why a permit should be issued, along with conditions of issuance that the petitioner believes should satisfy any concerns the City may have about the suitability of the user's wastewater for discharge to the City's municipal wastewater treatment facility.
 - c) The requirements of conditions of any wastewater discharge permit shall not be stayed by the City pending the outcome of the administrative appeal.
 - d) Upon receipt of the petition, the Superintendent may act to grant the petitioner's request. Said action must take place within 14 days of receipt of the petition. If the Superintendent refuses to grant the petitioner's request, however, the Superintendent shall notify the City Manager in writing who will notify the City Council.
 - i. The City Council shall schedule an administrative hearing, which shall be recorded within 30 days of notification by the Superintendent or as soon thereafter as may be arranged. The City Council shall conduct the hearing so as to develop an adequate administrative record, and the City Council may choose to limit the asking of questions to the members of the City Council only. At the hearing, the petitioner shall have the right to be heard and offer evidence relevant to the petition. The petitioner will bear the burden of proof at the hearing and will present its case first.

- ii. The City Council shall issue its decision, in writing, within 45 days of the hearing. The City Council's decision must be guided by the provisions of this Ordinance. Failure by the City Council to issue a decision within that time period shall constitute a denial of the administrative appeal; however, the record of the administrative hearing, including any exhibits, shall be made a part of any further judicial reviews. Decisions by the City not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, not to modify a wastewater discharge permit or to issue a modified wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- e) Parties seeking judicial review of the final administrative action must do so by filing a complaint with the Kennebec County Superior Court within thirty (30) days pursuant to Maine Rules of Civil Procedure 80B.

4. Modifications.

- a) The Superintendent may modify at any time the wastewater discharge permit for good cause, including but not limited to the following:
 - i. To incorporate any new or revised federal, state or local pretreatment standards or requirements.
 - ii. To address significant alterations or additions to the user's operation, processes or wastewater volume or character since the issuance of the wastewater discharge permit.
 - iii. A change in the municipality's wastewater treatment facility that requires either a temporary or permanent reduction or elimination of the authorized discharge.
 - iv. Information is received by the City indicating that the permitted discharge poses a threat to the City's municipal wastewater treatment facility, City personnel or the receiving waters.
 - v. Violations of any terms or conditions of the wastewater discharge permit.
 - vi. Misrepresentations or failure to fully disclose all relevant facts in the wastewater survey form, wastewater discharge permit application or in any other required reporting.
 - vii. Revision of, or a grant of a variance from, categorical pretreatment standards pursuant to 40 CFR 403.13.
 - viii. To correct typographical or other errors or omissions in the wastewater discharge permit.

- ix. To reflect transfer of the facility ownership and/or operation to a new owner/operator.
 - x. Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.
 - b. Challenges to any such modifications can be made pursuant to the provisions of Subsection H(3) of this section.
- 5. Permit Transfer: Permits may be reassigned or transferred to a new owner and/or operator with prior approval of the municipality:
 - a. The permittee must give at least thirty (30) days advance notice to the municipality.
 - b. The notice must include a written certification by the new owner which:
 - i. States that the new owner has no immediate intent to change the facility's operations and processes;
 - ii. Identifies the specific date on which the transfer is to occur;
 - iii. Acknowledges full responsibility for complying with the existing permit; and
 - iv. Is signed by an individual designated in Section 2824(F)(16) of this Ordinance and authorized to sign on behalf of the new owner.
- 6. Permit Revocation: The permit of any user which violates any condition of its permit or this Ordinance or of applicable state and federal statutes and regulations may be revoked by the Superintendent. Violations subjecting a user to possible revocation of its permit also include, but are not limited to the following:
 - a. Failure of a user to accurately report the wastewater constituents and characteristics of its discharge.
 - b. Failure of a user to report significant changes in operations or its wastewater constituents and characteristics.
 - c. Refusal of reasonable access by the Superintendent to the user's premises during regular business hours for the purpose of inspection or monitoring.
 - d. Violations of the conditions of the permit.

- e. Failure to provide advance notice of the transfer of the ownership of a permitted user.
 - f. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application, any required wastewater surveys or other required reporting.
 - g. Falsifying monitoring reports or tampering with monitoring equipment.
 - h. Failure to pay surcharges, user fees, permit fees, fines or other required payments.
 - i. Failure to meet the requirements of a compliance schedule.
7. Permit Reissuance: The industrial discharger shall apply for permit reissuance by submitting a complete permit application a minimum of ninety (90) days prior to the expiration of the existing permit.
8. Continuation of Expired Permits: An expired permit will continue to be effective and enforceable until the permit is reissued if:
- a. The industrial discharger has submitted a complete permit application at least ninety (90) days prior to expiration date of the user's existing permit; and
 - b. The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the industrial discharger.
9. Special Agreements: Nothing in this ordinance shall be construed as preventing any special agreement or arrangement between the municipality and any industrial user whereby wastewater of unusual strength or character is accepted into the municipally owned treatment works and specially treated and subject to any payments or user charges, as may be applicable. However, no discharge which violates pretreatment standards will be allowed under the terms of such special agreements. If, in the opinion of the City, the wastewater may have the potential to cause or result in any of the following circumstances, no such special agreement will be made:
- a. Pass through or interference.
 - b. Endanger municipal employees or the public.
- I. The municipality reserves the right to amend this Ordinance and the term's conditions thereof in order to assure compliance by the municipality with applicable laws and regulations. All National Categorical Pretreatment Standards are hereby adopted by the municipality as part of this Ordinance. When a discharger becomes subject to a National Categorical Pretreatment Standard , the discharger shall file a notice to the municipality within 180 days after the promulgation of the applicable National Categorical

Pretreatment Standard by the U.S. EPA. In addition, any discharger operating on the basis of information provided in a disclosure submitted previous to the adoption of this ordinance as amended, shall submit to the municipality within 180 days after the promulgation of an applicable National Categorical Pretreatment Standard, the additional information required by paragraph 11 and 12 of Section 2824 (D). The discharger shall be informed of any proposed changes in their discharge permit and/or Ordinance at least 30 days prior to the effective date of change. Any changes or new conditions set forth in the Ordinance shall include a reasonable time schedule for compliance.

J. Reporting Requirements

1. All permitted dischargers must, within 90 days following the date for final compliance by the discharger with applicable permit limits and Pretreatment Standards set forth in this Ordinance or 90 days following commencement of the introduction of wastewater into the municipal wastewater facilities by a new discharger, shall submit to the municipality a report indicating the nature and concentration of all known or suspected prohibited and/or regulated substances contained in its discharge, and the average and maximum daily flow in gallons. The report shall state whether the applicable permit limits or Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the discharge into compliance with the applicable Pretreatment Standards or Requirements. This Statement shall be signed by an authorized representative of the discharger.
2. All permitted dischargers and those subject to a National Categorical Pretreatment Standard as adopted by this Ordinance, after the compliance date of such National Categorical Pretreatment Standard, or, in the case of a new discharger, after commencement of the discharge to the municipality shall submit to the municipality during the months of June and December unless required more frequently by the municipality in the industrial discharge permit, a report indicating the nature and concentrations of known or suspected prohibited and/or regulated substances in the effluent which are limited by the permit and National Categorical Pretreatment Standards. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the report period. Flows shall be reported on the basis of actual measurement, provided however, where costs or feasibility considerations justify, the municipality may accept reports of average and maximum flows estimated by verifiable techniques. The municipality for good cause shown considering such factors as local high or low flow rates, holidays, budget cycles, or other extenuating factors may authorize the submission of said reports in months other than those specified above.

Reports of discharges shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentrations, or production and mass where required by the municipality. The frequency of monitoring by the discharger shall be as prescribed in the industrial discharger permit and applicable

National Categorical Pretreatment Standard. All analyses shall be performed in accordance with 40 CFR, Part 136 and amendments thereto. (Comment: Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator of the U.S. EPA).

3. The discharger shall give notice to the municipality 90 days prior to any facility expansion, production increase, or process modifications which result in new or substantially increased discharges or a change in the nature of the discharge.
4. The discharger shall give advance notice to the municipality of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.
5. In addition to all other requirements of this Ordinance, any user which discharges hazardous waste into the municipality's wastewater treatment facility shall notify the municipality's wastewater treatment facility, the EPA Regional Waste Management Division Director and Maine hazardous waste authorities, in writing, within five days of the discharge, of any such discharge. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, the type of discharge (continuous, batch or other) and the user's plan to avoid future discharges of the same or other hazardous waste. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the municipality's wastewater treatment facility, natural resources or other damage to person or property, nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this Ordinance.
6. If sampling performed by a user indicates a violation, the user must notify the Superintendent within 24 hours of becoming aware of the violation. Upon the request of the Superintendent, 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. The user is not required to resample if the municipality's wastewater treatment facility monitors at the user's facility at least once a month or if the municipality's wastewater treatment facility samples between the user's initial sampling and when the user receives the results of this sampling.
7. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or a report required by this Ordinance shall be performed in accordance with the techniques prescribed in 40 CFR 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question,

sampling and analyses must be performed in accordance with appropriate procedures approved by the EPA.

8. Sample collection.

- a. Except as indicated in Subsection 8(b) below, the user must collect wastewater samples using proportional collection techniques. In the event that flow proportional sampling is infeasible, the Superintendent may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- b. Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides and volatile organic chemicals must be obtained using grab sample collection techniques.

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

K. Monitoring

Each discharger shall provide and operate at the dischargers own expense, a monitoring facility to allow inspection, sampling, and flow measurement of each sewer discharge to the municipality. Each monitoring facility shall be situated on the dischargers premises, except where such a location would be impractical or cause undue hardship on the discharger, the municipality may concur with the facility being constructed in the public street or sidewalk area providing that it is located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the discharger. All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. Construction shall be completed within 120 days of receipt of a permit by the discharger.

L. Inspections

1. Inspection and sampling. The City shall have the right to enter the facilities of any user to ascertain whether the purpose of this Ordinance, and any permit or order issued hereunder, is being met and whether the user is complying with all requirements thereof. The discharger shall allow the municipality or its representatives to enter upon the premises of the discharger at all reasonable hours, for the purpose of inspection, sampling, or records examination. The municipality

shall have the right to set up on the dischargers property such devices as are necessary and/or metering operations.

2. Administrative inspection warrants. 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 Ordinance, the Superintendent shall seek to secure an administrative inspection warrant pursuant to Maine Rules of Civil Procedure 80E. The warrant, if issued by the District Court, shall be executed pursuant to Maine Rules of Civil Procedure 80E, and the Superintendent shall be accompanied by a uniformed City police officer during said execution.

M. Confidentiality

Information and data furnished to the municipality with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restriction unless the discharger specifically requests and is able to demonstrate to the satisfaction of the municipality that the release of such information would divulge information, processes or methods of production entitled to protections as trade secrets or proprietary information of the discharger.

When requested by a discharger furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State of Maine Waste Discharge License and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review of enforcement proceedings involving the discharger furnishing the report.

Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the municipality as confidential, shall not be transmitted to any governmental agency or to the general public by the municipality until and unless a ten-day notification is given to the discharger.

Section 2825. Enforcement

A. Administrative Enforcement Remedies.

1. Notice of violation (NOV). When the Superintendent finds that a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Superintendent may serve upon that user a written NOV. Within 30 days of receipt of this notice, an explanation of the violation and a plan for the

satisfactory correction and prevention thereof, which must include specific required actions, shall be submitted by the user to the Superintendent. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the NOV.

2. Consent orders. The Superintendent may enter into consent orders, assurances of voluntary compliance or other documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Subsections E and F of this section and shall include language which make them judicially enforceable. Such orders may require the payment of administrative fines pursuant to Section 2826(A)(1).
3. Show cause hearing. The Superintendent may order a user which has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder or any other pretreatment standard or requirement to appear before the Superintendent and show cause why the proposed enforcement should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally by the Superintendent or by registered or certified mail, return receipt requested, at least 14 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or a prerequisite for, taking any other action against the user. Failure to appear for a show cause hearing may be grounds for revocation of the user's wastewater discharge permit and disconnection from or termination of discharge to the municipality's wastewater treatment facility.
4. Compliance orders. When the Superintendent finds that a user has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Superintendent may issue an order to the user responsible for the discharge directing that the user comes into compliance within 30 days. If the user does not come into compliance within 30 days, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the municipality's wastewater treatment facility. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

5. Cease and desist orders.
 - a. When the Superintendent determines that a user violated or continues to violate any provision of this chapter, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement or that the user's past violations are likely to recur, the Superintendent may issue an order for the user directing it to cease and desist any such violations and directing the user to:
 - i. Immediately comply with all requirements; and
 - ii. Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge to the municipality's wastewater treatment facility.
 - b. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.
6. Emergency suspensions. The Superintendent may immediately suspend a user's discharge either with or without written or verbal notice to the user whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of the public. The Superintendent may also immediately suspend a user's discharge, either with or without written or verbal notice, that threatens to interfere with the operation of the municipality's wastewater treatment facility or which presents or may present an endangerment to the environment.
 - a. Any user notified of a suspension of its discharge shall immediately stop or eliminate its discharge to the municipality's wastewater treatment facility. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Superintendent shall take such steps as deemed necessary, including immediate severance of the connection to the municipality's wastewater treatment facility, to prevent or minimize damage to the municipality's wastewater treatment facility, its receiving waters or endangerment to any persons. The Superintendent shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings in Subsection A(7) of this section are initiated against the user.
 - b. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement to the Superintendent describing the causes of the harmful contribution and the measures taken to prevent any future occurrence. Said report must be

submitted at least seven days prior to the date of any show cause or termination hearing held pursuant to Subsections A(3) and A(7) of this section.

- c. Nothing in this subsection shall be interpreted as requiring a hearing prior to any emergency suspension under this subsection.

7. Termination of discharge.

- a. In addition to the provisions in § 2824(H)(6) of this Ordinance, any user that violates the following conditions is subject to termination of the user's discharge to the municipality's wastewater treatment facility:

- i. Violation of wastewater discharge permit conditions;
- ii. Failure to accurately report the wastewater constituents and characteristics of the user's discharge;
- iii. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
- iv. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling; or
- v. Violation of the pretreatment standards in this Ordinance.

- b. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause pursuant to Subsection A(3) of this section why the proposed action should not be taken. Additionally, the user may request an administrative hearing, in writing, within 30 days of the decision of the show cause hearing. The hearing shall be conducted in accordance with the procedures delineated in § 2826(A)(3) of this section. Exercise of this option by the City shall not be a bar to, or a prerequisite for, taking any other action against the user.

B. Judicial Enforcement Remedies.

- 1. Injunctive relief. When the Superintendent determines that a user has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Superintendent may request that the Attorney for the municipality seek appropriate injunctive relief pursuant to the laws of this state which restrains or compels the specific performance of the conditions of the wastewater discharge permit, order or other requirements imposed by this Ordinance on activities of the user. The City may

also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. The decision whether to seek injunctive relief shall not be a bar against, or a prerequisite for, taking other action against a user.

C. Supplemental Enforcement Action.

1. Performance bonds. The Superintendent may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this Ordinance, a previous wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement unless such user first files a satisfactory bond with the City, payable to the City, in a sum not to exceed a value determined by the Superintendent to be necessary to achieve consistent compliance with this Ordinance.
2. Liability Insurance. The Superintendent may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this Ordinance, a previous wastewater discharge permit or order issued hereunder or any pretreatment standard or requirement unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the municipality's wastewater treatment facility caused by its discharge, which shall include naming the City as an additional insured.
3. Water supply severance. Whenever a user violates or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the City will work with the Gardiner Water District to sever water service to the user under district regulations or by laws, as applicable. Service will only recommence at the user's expense, after the user has satisfactorily demonstrated its ability to comply with this Ordinance.

- D. Remedies not exclusive. The provisions of this Ordinance are not exclusive remedies. The City reserves the right to take any and all enforcement actions or combinations thereof against a noncompliant user.
- E. A list of all significant industrial users discharges which were the subject of enforcement proceedings pursuant to Sections 2825 of this Ordinance during the twelve (12) previous months, shall be annually published by the municipality in the largest daily newspaper, published in the municipality in which the municipality is located, or by the largest daily newspaper servicing the municipality summarizing the enforcement actions taken against the charges during the same twelve (12) months whose violations remained uncorrected 45 or more days after notification of non-compliance; or which have exhibited a pattern of non-compliance over that twelve month period, or which involve failure to accurately report non-compliance.
- F. Any discharger or any interested party shall have the right to request in writing an interpretation of ruling by the municipality on any matter covered by this Ordinance and shall

be entitled to a prompt written reply. Appeal of any final judicial order entered pursuant to this Ordinance may be taken in accordance with local and state law.

G. Any discharger that experiences an upset in operations, which places the discharge in a temporary state of noncompliance with the provisions of their permit or this Ordinance shall inform the municipality thereof within 24 hours of first awareness of the commencement of the upset. An upset is an exceptional incident caused by factors beyond the reasonable control of the discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. Where such information is given orally, a written follow-up report thereof shall be filed by the discharger with the municipality within five days. The report shall specify:

1. Description of the upset, the cause(s) thereof and the upset's impact on the discharger's compliance status.
2. Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the anticipated time the noncompliance is expected to continue, by which compliance is reasonably expected to occur.
3. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

A documented and verified bonafide operating upset, as defined in 40 CFR Part 403.16(c) shall be an affirmative defense to any enforcement action brought against the discharger for violations attributable to the upset event, by the municipality against a discharger for any noncompliance with the Ordinance which arises out of violations alleged to have occurred during the period of upset.

In any enforcement proceeding the discharger seeking to establish the occurrence of an upset shall have the burden of proof.

Section 2826. Fines and Penalties

A. Administrative fines.

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

became aware of the need for such a permit. The City may add the costs of preparing administrative enforcement actions, such as notices and orders, to any fine assessed.

2. Any and all unpaid charges, fines and penalties under this Ordinance shall, after 30 calendar days from the due date, be assessed an additional penalty of 12% of the unpaid balance, and interest shall accrue thereafter at a rate of 1% per month. A lien against the user's property may be sought for unpaid charges, fines and penalties as allowed under state law.
3. Users desiring to dispute such fines must file a written request with the Superintendent for the City Council to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. The City Council shall convene an administrative hearing on the matter and conduct said hearing in accordance with procedures delineated in § 2824 (H)(3) of this Ordinance. Failure to timely request an administrative hearing constitutes a waiver of any administrative appeal. The decision of the City Council, including a decision to not reduce the fine, shall be final, and any appeal must follow the requirements of Maine Rules of Civil Procedure 80B. In the event that the user's appeal is successful, the payment, together with any interest accruing thereon, shall be returned to the user.
4. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

B. Judicial Penalties.

1. Civil penalties and criminal referral.
 - a) Any person who violates the provisions of this Ordinance shall be subject to civil penalties pursuant to 30-A M.R.S.A. § 4452, as well as applicable civil or criminal penalties pursuant to 38 M.R.S.A. §§ 349 and 1319-T. The penalties in those statutes shall be in addition to the specific penalties in this Ordinance.
 - b) A user which has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or other permit issued hereunder or any other pretreatment standard or requirement shall be required to pay a fine of not less than \$1,000 per day and not more than \$2,500 per day for each and every day of a violation for a first offense. These fines shall increase to a minimum of \$2,500 per day and a maximum of \$25,000 per day for a second offense of the same or a similar nature occurring within two years of the first offense. Each day of violation shall constitute a separate offense subject to fine. In the case of a monthly or other longterm average discharge limit, penalties shall accrue for each day during the period of the violation.
 - c) Pursuant to 30-A M.R.S.A. § 4452 and Maine Rules of Civil Procedure 80K, the City may seek reasonable attorney fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

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

e) No person shall willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment or other part of, or otherwise harm, the municipality's wastewater treatment facility. Penalties for violations of this provision of this Ordinance shall be a minimum fine of \$1,000 and a maximum fine of \$10,000 for the first offense. A second offense committed within five years shall be punished by a minimum fine of \$10,000 and a maximum fine of \$25,000. These penalties are in addition to any penalties associated with other civil or criminal provisions of state and federal law to which said person may be subject.

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

3. The City reserves the right to make appropriate referrals for criminal prosecution pursuant to the provisions of 38 M.R.S.A. §§ 349 and 1319-T, as well as any other applicable federal or state law. Additionally, enforcement of this Ordinance shall not preclude criminal prosecution for other violations of state or federal law, and the City will cooperate in any such prosecutions.

C. Any person who willfully, or negligently violates their permit or this Ordinance, or knowingly makes false statement, representation or certification in the application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, may be subject to criminal penalties and a fine of up to \$1000 per day of violation, or by imprisonment for not more than six (6) months or by both.

Section 2827. Records Retention

A. All dischargers subject to this Ordinance shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling, and chemical analyses made by or on behalf of a discharger in connection with its discharge. All records which pertain to matters which are the subject of Administrative Adjustment or any other enforcement or litigation activities brought by the municipality pursuant hereto shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

Section 2828. Miscellaneous

- A. Where applicable, the municipality may elect to initiate a program of removal of credits as part of this Ordinance to reflect the municipal wastewater facilities_ ability to remove pollutants in accordance with 40 CFR, Part 403.7C. .
- B. The municipality may elect to adjust Categorical Pretreatment Standards to reflect the presence of pollutants in the dischargers intake water, in accordance with 40 CFR, Part 403.15.

Section 2829. Severability

- A. If any provision, paragraph, word, section, or chapter of this Ordinance is invalidated by any court or competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

Section 2830. Conflict

- A. All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

TITLE 27

CHAPTER 3 - GARDINER SEWER DEPARTMENT

²REPEALED

Section

- ³ 2850. Establishment of sewer department
- ⁴ 2851. Accounting
- 2852. Financing
- 2853. Collection of Rates
- 2854. Rules and Regulations
- ⁵ 2855. Extensions
- ⁶ 2856-2859

² Ordinance No. 89-85 repealed Section 2850-2855 adopted February 1, 1990

³ Ordinance No. 65-27 Section 2850-2854 adopted April 4, 1965

⁴ Ordinance No. 72-11 Section 2851 adopted October 2, 1972

⁵ Ordinance No. 74-38 repealed Section 2855-2859 adopted May 28, 1974

⁶ Ordinance No. 74-38 Section 2855-2859 adopted May 28, 1974

TITLE 27

CHAPTER 4 - SEWER USE CHARGES

Section:

- ⁷⁸ 2860. Definitions
- ^{9 10 11} 2861. Charges
- 2862. External Water Usage
- 2863. Surcharges
- 2864. Inter-municipal Charges
- 2865. Billing and Collection of Sewer Charges
- 2866. Special Industrial Waste

Section 2860. Definitions

Dwelling unit: a room or group of rooms designed and equipped exclusively for use as living quarters for one or more persons as a single housekeeping unit including provisions for living, sleeping, cooking and eating. The term shall include mobile homes.

Commercial and industrial property: facilities operating primarily for profit. The term shall include boarding homes, nursing homes, and all other facilities not classified as a dwelling unit.

Section 2861. Charges

Owners of all property connected to the sewer system shall be assessed a user fee of a pro-rata share of 100% of the operation, maintenance, and debt service cost for all facilities built as part of EPA Grant #C230151, based on the volume of water usage as reported by the Gardiner Water District, but in no case less than \$24.00 (per quarter). The City of Gardiner shall provide and install metering equipment on any residential water supply system not connected to the Gardiner Water District for the purpose of determining the volume of water used upon which the user fee shall be computed. Owners of commercial and industrial property connected to the sewer system who obtain water from sources other than the Gardiner Water District shall provide metering equipment on the water supply and report water usage quarterly to the City of Gardiner for the purpose of computing the user fee.

⁷ Ordinance No. 82-28 Section 2860-2864 adopted April 20, 1982

⁸ Ordinance No. 82-46 Section 2860-2865 adopted June 21, 1982

⁹ Ordinance No. 90-2 Section 2861 adopted March 7, 1990

¹⁰ Ordinance No. 84-75-A Section 2861 adopted November 5, 1984

¹¹ Ordinance No. 90-5-A Section 2861 adopted March 22, 1990

Section 2862. External Water Usage

All sewer users may provide additional water metering equipment to meter water usage which is not drained into the sewer system. Where such metering equipment is provided the volume of reported water usage not drained into the sewer system will be deducted from the volume of water usage on which the user fee is to be based prior to the user fee being computed.

Section 2863. Surcharges

User fee surcharges for wastewater with waste strength characteristics exceeding the limits shown in Section 2876 of the City of Gardiner Code will be assessed to users of the system based on wastewater sample analyses conducted under the direction of the City but paid for by the system user.

Section 2864. Inter-municipal Charges

User fee charges to be paid by the town of Farmingdale and Randolph will be based on wastewater flow and waste strength, in accordance with the terms of the inter-municipal sewage disposal agreement existing between the towns and the City of Gardiner.

Section 2865. Billing and Collection of Sewer User Charges

Sewer user charges shall be computed and billed quarterly. Said charges shall be due 30 days from the date billed. Sums not paid after said 30 days period shall be charged interest at the rate set by the municipal officers for unpaid taxes as of the time of said billing. Sewer user charges shall be collected in accordance with the provisions of the Maine Revised Statutes Annotated.

Section 2866. Special Industrial Waste

No provision of this ordinance shall be construed as requiring the City to accept into the sewer system any industrial waste of unusual strength of character into sewer system, it shall do so only after entering into a special and specific agreement with the specific industrial user providing for all aspects of handling and treating of said industrial waste.

TITLE 27

CHAPTER 5 - SEWER USE

¹²Section

- 2871. Definitions
- 2872. Use of Public Sewer Required
- 2873. Private Sewage Disposal
- 2874. Building Sewers and Connections
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Section 2871. Definitions

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

- a) Applicant: shall mean any person requesting approval to discharge wastewater to the wastewater works or requesting approval to construct a new connection to the public sewer system.
- b) Council: shall mean the City Council of Gardiner, Maine.
- c) BOD (denoting the Biochemical Oxygen Demand): shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter.
- d) 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 four (4) feet (1.25 meters) outside the inner face of the building wall.
- e) Building Sewer: shall mean the extension from the building drain to the public sewer or other place of disposal.
- f) City: shall mean the City of Gardiner.

- g) Combined Sewer: shall mean a sewer receiving both surface runoff and wastewater.
- h) Composite Sample: the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time or any sample collected in the manner specified in any controlling Industrial Discharge Permit.
- i) Cooling Water: shall mean the water discharged from any use such as air conditioning cooling, or refrigeration, during which the only pollutant added to the water is heat.
- j) Domestic Water: shall mean the wastewater derived principally from dwellings, business buildings, institutions and the like. It may or may not contain ground water, surface water, or stormwater.
- k) EPA: shall mean the United States Environmental Protection Agency.
- l) Excessive: shall mean amounts or concentrations of a constituent of a wastewater which in the judgment of the City (a) will cause damage to any city facility; (b) will be harmful to a wastewater treatment process; (c) cannot be removed in the regional treatment works to the degree required to meet the limiting stream classification standards of the Kennebec River and/or EPA and State effluent standards; (d) can other wise endanger life, limb, or public property; and (e) can constitute a nuisance.
- m) Facilities: shall include structures and conduits for the purpose of collecting, treating, neutralizing, stabilizing, or disposal of by means of such structures, conduits, including treatment and disposal stations, integral to such facilities with sewers, equipment and furnishing and other connected appurtenances.
- n) Garbage: shall mean the animal and vegetable wastes resulting from the handling, preparation, cooking and serving of food. It is composed largely of putrescible organic matter and its natural moisture content.
- o) Grab Sample: a sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time or any sample collected in the manner specified in any controlling Industrial Discharge Permit.
- p) (p) Hazardous Waste: a hazardous waste as that term is defined in 40 CFR 261 or Maine Department of Environmental Protection regulations Chapter 850.
- q) Heavy Metals: shall include but are not limited to mean those metal such as Cadmium (Cd), Chromium (Cr), Copper (Cu), Mercury (Hg), Nickel (Ni), Lead (Pb), Zinc (Zn) that accumulate in the sludge, and are generally toxic in low concentrations to animal and plant life.

- r) Incompatible Pollutant: shall mean any pollutant, other than biochemical oxygen demand, suspended solids, pH, coliform bacteria, or additional pollutants identified in the permit, which the treatment works were not designed to treat and do not remove to a substantial degree.
- s) Industrial Waste: shall mean the wastewater in which solid, liquid, or gaseous wastes from industrial manufacturing processes, laboratory, trade, or business predominate, as distinct from domestic wastewater.
- t) Industry: shall mean an establishment with facilities for mechanical, testing, trade, or manufacturing processes.
- u) Industrial User: shall mean any nongovernmental, nonresidential user of a publicly owned treatment works which: (1) discharges more than the equivalent of 25,000 gallons per day of sanitary wastes; (2) has a flow greater than five percent of the flow carried by the municipal system receiving the waste; (3) has Section 307 (a) of the Federal Water Pollution Control Act; or (4) has a significant impact either singly or in combination with other contributing industries, on a publicly owned treatment works or on the quality or effluent from that treatment works.
- v) Natural Outlet: shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- w) NPDES: shall mean the National Pollutant Discharge Elimination System as defined in Section 402 of the Federal Water Pollution Control Act.
- x) Medical Waste: Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.
- y) Owner: The owner, tenant, occupant or person in charge of any building or premises or any person acting in the owner's behalf.
- z) Person: Any individual, partnership, firm, company, association, society, corporation, group, joint-stock company, trust, estate, governmental entity or any other legal entity of whatever relationship or their legal representatives, agents or assigns. This definition includes all federal, state or local governmental entities.
- aa) pH: shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- bb) Pretreatment: shall mean the treatment of wastewater by the user before the introduction into the publicly owned system.

- cc) Pretreatment Effluent Standard: shall mean all applicable rules and regulations contained in Part 403 of the Code of Federal Regulations (CFR) as established in the Federal Water Pollution Control Act, under Section 307.
- dd) Prohibited Discharge Standard or Prohibited Discharges: Absolute prohibitions against the discharge of certain substances. These prohibitions appear in § § 2822 and 2875.
- ee) Properly Shredded Garbage: shall mean garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
- ff) Public Sewer: shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- gg) Receiving Waters: shall mean any watercourse, river, pond, ditch, lake, aquifer, or other body of surface or groundwater receiving wastewater discharges.
- hh) Sanitary Sewer: shall mean a sewer which carries wastewater and to which storm, surface, and groundwaters are not intentionally admitted.
- ii) Sewer: shall mean a pipe or conduit which carries wastewater.
- jj) Shall: is mandatory; May is permissive.
- kk) Sludge: shall mean the solid residues removed from the wastewater during wastewater treatment.
- ll) Sludge Disposal: shall mean the disposal of stabilized sludge by methods such as composting, landfilling, land spreading and incineration.
- mm) Slug: shall mean any discharge of water, wastewater, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- nn) Storm Drain (sometimes termed Storm Sewer): shall mean a pipe which carries storm and surface waters and drainage but excludes wastewater and industrial wastes, other than unpolluted cooling water when discharge of such cooling waste into the storm drain is approved by the City Manager or Commissioner of Public Works.
- oo) Superintendent: The Wastewater Treatment Plant Superintendent of the City's Wastewater Facilities or his or her authorized deputy, agent or representative.

- pp) Suspended Solids: shall mean solids that either float on the surface of, or are in suspension in water, wastewater, or other liquids, and which are removable by laboratory filtering, and are referred to as non-filterable residue in the laboratory test prescribed in 'standard Methods for Examination of Water and Wastewater_.
- qq) State: shall mean the State of Maine Department of Environmental Protection.
- rr) Total Suspended Solids: Solids or other matter that either floats on the surface of or is in suspension in water, wastewater or other liquids and which is removable by laboratory filtering.
- ss) Wastes: shall mean substances in liquid, solid or gaseous form that can be carried in water.
- tt) Wastewater: shall mean the spent water of a community and may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be unintentionally present.
- uu) Wastewater Treatment Works: shall mean any arrangement of devices and structures used for treating wastewater.
- vv) Wastewater Works: shall mean all structures, equipment and processes operated and maintained by the City for collecting, pumping, treating, and disposing of wastewater.
- ww) Watercourse: shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Section 2872. Use of Public Sewer Required

- a) It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste, other than for conventional agricultural purpose.
- b) It shall be unlawful to discharge to any natural outlet within the area under the jurisdiction of said City, any sanitary sewage, industrial wastes, or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this regulation.
- c) Except as hereinafter provided in Section 2873, Subsections a and e, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
- d) The owner(s) of all new construction having sanitary waste facilities and which are located within the city and abutting on any street, alley or right-of-way in which there

is located a public sanitary sewer within 100 feet of the property line, is hereby required at his expense to connect directly to the public sewer in accordance with the provisions of this regulation.

- e) Each and every community and/or special district, wishing to connect to the City of Gardiner sewer system, either directly or indirectly, shall adopt and enforce a sewer use ordinance. Said ordinance shall be at least as stringent as the provisions of this ordinance with regard to waste discharge quality.

Section 2873. Private Sewage Disposal

- a) Where a public sanitary sewer is not available under the provisions of Section 2872, Subsection (d), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article and the State of Maine Plumbing Code, Part II Subsurface Wastewater Disposal Regulations.
- b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the licensed plumbing inspector. The application form for such permit shall be made on a form furnished by the Division of Health Engineering, Maine Department of Human Services which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the plumbing inspector. A permit and inspection fee of dollars as established by the State of Maine shall be paid to the City at the time the application is filed.
- c) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City. The Licensed Plumbing Inspector shall be allowed to inspect work at any stage of construction, and in any event the applicant for the permit shall notify the City when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within two (2) business days of the receipt of notice by the City.
- d) The type, capacities, location and layout of a private sewage disposal system shall comply with all regulations and recommendations of the State of Maine Plumbing Code, Part II, Subsurface Wastewater Disposal Regulations and the Minimum Lot Size Law (Maine Revised Statutes Annotated, Title 12, Chapter 432-A). No private sewage disposal system shall be permitted to discharge into any natural outlet.
- e) All properly functioning private sewage disposal system in use upon the date of adoption of this ordinance may remain in use and may be maintained, repaired or replaced so long as such continued use complies with all applicable regulations of the Maine State Plumbing Code. Except that when an existing sewage disposal system serving a property adjacent to and within 100 feet of a public sanitary sewer is deemed inoperable under the requirements of the Maine State Plumbing Code and cannot be repaired or replaced to meet the requirements of said code, a direct connection shall be made to the public sewer compliance with this ordinance within

ninety (90) days, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned, cleaned of sludge, and filled with suitable material. The use of holding tanks will not be allowed.

- f) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
- g) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by other City or State agencies having jurisdiction.

^{13 14 15 16 17}**Section 2874. Building Sewers and Connections**

- a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.
- b) Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the City at least forty-five (45) days prior to the proposed change or connection, and shall comply with the Maine Revised Statutes Annotated, Title 38, Chapter 3, Subchapter I, 361.

¹³ Ordinance No. 82-82-2 Section 2874 adopted March 7, 1983

¹⁴ Ordinance No. 84-75-A Section 2874 adopted November 5, 1984

¹⁵ Ordinance No. 85-15 Section 2874 adopted May 16, 1985

¹⁶ Ordinance No. 85-57 Section 2874 adopted September 3, 1985

¹⁷ Ordinance No. 89-39 Section 2874 adopted July 4, 1989

- c) There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the City. A permit and inspection fee of fifty dollars (\$50.00) for new residential or commercial building sewer, seventy five dollars (\$75.00) for an industrial building sewer and \$25.00 for replacement of any existing sewer connection shall be paid to the City at the time the application is filed. However, no permit or inspection fee will be charged for any approved connection to a newly constructed sewer pipe within sixty days after such newly constructed sewer pipe is declared serviceable or for any approved connection to existing sewer pipes made within sixty day after adoption of this ordinance. Before a commercial or industrial permit can be issued, review and approval by the City must be obtained. A state plumbing permit will also be required. After January 1, 1983, and in addition to the permit fee above and whether or not a permit or inspection fee is paid, a cumulative capital cost fee equal to ninety dollars (\$90.00) times the number of years and structure has been in existence from January 1, 1983, to the date of connection to the sewer system up to a maximum of eighteen hundred (\$1800.00) for twenty years existence shall be paid. This charge represents a pro rata share of the local capital cost for construction of the Wastewater Treatment Facility built as part of EPA Project C 230151. Funds collected for payment of cumulative cost are to be credited to the Wastewater Treatment System Budget.
- d) All costs and expenses incident to the installation and connection of all new building sewers including, but not limited to, equipment, materials and labor charges for installation of sewer pipe in the right of way from the property line to the sewer as well as for installation of sewer pipe on owner's property, shall be borne by the owner. Installation of the building sewer within the right of way shall be done by the City and the cost for such shall be reimbursed to the City by the owner requesting the new building sewer. Such costs shall be part of the sewer charges to the property served and shall be collected in accordance with Section 2865 of this ordinance. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The City shall maintain and/or replace at it's expense existing building sewer connections in the right of way to the property line. The owner shall be responsible for the building sewer located on private property.
- e) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through 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.
- f) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City, to meet all requirements of this Code.

Any cost involved in examinations and tests shall be paid by the person making the application for a permit.

- g) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, place of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the State and City building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Standard Testing Methods (ASTM) and Water Pollution Control Federation (WPCF) Manual of Practice No. 9 shall apply.
- h) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all building in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- i) No person shall make connections of roof downspouts, exterior foundation drains, areaway drains, basement sump pump 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.
- j) The connection of the building sewer into the public sewer shall conform to the requirements of the State and City building and plumbing code or other rules and regulations of the City, or procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City before installation.
- k) The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City.
- l) All excavations for building sewer installation shall be adequately guarded by the applicant 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 works shall be restored in a manner satisfactory to the City.
- m) The City shall be responsible for the maintenance and replacement of Public Sewers within the public right of way from the property lines to the Public Sewer.
- n) Whenever a blockage of a building sewer occurs and the owner notifies the City, the City will attempt to clear the blockage. If the blockage is found within the private property, the owner will be billed for all cost associated with attempting to clear the blockage, whether or not the blockage is cleared, and such cost shall become part of the sewer user fee for that property. If the blockage is found within the public right of

way, the City shall bear the costs for clearing the blockage. The City shall not be responsible for any costs for work not authorized by the City Manager, and shall not be responsible for replacement of any building sewer within the private property.

Section 2875. 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.
- b) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as combined sewers or storm sewers, or to a natural outlet approved by the City. Industrial cooling water or unpolluted process waters may be discharged, on approval of the City to a storm sewer, combined sewer, or natural outlet.
- c) No person shall discharge or cause or allow to be discharged into any sewer under the control of the City, the hereinafter described substances, materials, waters, or wastes if it appears likely in the opinion of the City that such wastes in quantity or quality exceed limitations established by the City, can harm either the sewers, wastewater treatment process, or equipment, have any adverse effect on the receiving waters, or can otherwise endanger life, limb, public property, or constitute a nuisance.
- d) Persons, including industries, who desire to discharge industrial waste into City facilities or facilities appurtenant thereto shall make their requests in writing to the City. In forming its opinion as to the limitations on acceptability of any wastes, the City will give consideration to such factors as the quantities of subject wastes in relation to the capacity of sewers, flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant, heavy metal limitations of sludge disposal, degree of treatability of wastes in the wastewater treatment plant, and other pertinent factors. The City may require the applicant to submit an application for an industrial discharge permit and furnish such analyses of the proposed wastewater discharge as may be needed to determine its acceptability for discharge into the sewer system and as required by State and Federal regulations.
- e) Costs for unauthorized additional treatment on or for repairing damages to City facilities, resulting due to violations of the City's rules and regulations, are to be reimbursed to the City by the person or industry discharging the wastewater which caused the adverse effect.
- f) The amounts and concentrations given in this section are for guidance and may be modified by the City if circumstances justify such modification. Wastewaters and wastes prohibited include:

1. Any waters or wastes containing toxic pollutants, heavy metals, or poisonous solids, liquids, or gases, in sufficient quantity, either singly or by interaction with other wastes, injure or interfere with sludge disposal and sludge utilization, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the water receiving effluent from wastewater works.
2. Any wastewater liquid or vapor having a temperature higher than 140 degrees F (60 degrees C) at the connection point to the public sewer and/or which will inhibit the biological activity of the wastewater works.
3. Any wastewater containing caustic alkalinity calculated at CaCo₃, Calcium Carbonate, in excess of 75 milligrams per liter (mg/l), or in volumes which may be determined by the City to be excessive.
4. Any waters or wastes having a pH lower than 5.0 or higher than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
5. Any waters of waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees F and 140 degrees F (0 degrees and 60 degrees C).
6. Any gasoline, kerosene, benzene, naphtha, alcohol, fuel oil, crude oil, lubricating oils, or other flammable or explosive liquid, solid or gas; and in no case pollutants with a closed cup flashpoint of less than one-hundred forty (140) degrees F (60 degrees C) or pollutants which cause an exceedence of ten (10) percent of the Lower Explosive Limit (LEL) at any point within the municipally owned treatment works.
7. Any noxious or malodorous solids, liquids, or gases, which either singly or by interaction with other waste, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair, including pollutants which result in the presence of toxic gases, vapors or fumes.
8. Any unpolluted water including, but not limited to, water from cooling systems or of stormwater origin, which will increase the hydraulic load on the wastewater works.
9. Any solids or viscous substances in quantities or of such size capable of causing obstruction of the flow in the sewer, or other interference with the proper operation of the wastewater works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, waste, paper, unground garbage, whole blood, paunch manure, hair, fleshings, entrails

and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

10. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the City.
11. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the City for such materials.
12. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the City as necessary, after treatment of the composite wastewater to meet the requirements of the State, Federal, or other public agencies or jurisdiction for such discharge to the receiving waters.
13. Any radioactive wastes or isotopes in excessive amounts.
14. Any wastewater containing:
 - a) Excessive concentrations of suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of excessive dissolved solids (such as, but not limited to, sodium chloride, and sodium sulfate). Average concentrations of suspended solids greater than 250 mg/l will be considered excessive.
 - b) Materials which may cause excessive discoloration (such as, but not limited to, dye wastes, vegetable tanning solutions).
 - c) Materials which cause unusual BOD, chemical oxygen demand, or chlorine requirements in excessive amounts. Average concentrations of BOD greater than 250 mg/l will be considered excessive.
 - d) Materials in such concentrations as to constitute a 'slug' as defined in Article I, Section 3 which would cause a treatment process upset or loss of treatment efficiency.
 - e) Materials which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such a limited degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the

receiving waters, or wastewater containing constituents whose removal requires increased cost of operation of the wastewater treatment plant.

15. Any waters or wastes containing strong acid iron pickling wastes, or concentrated planting solutions whether neutralized or not.
- g. If any wastewater or wastes are discharged, or are proposed to be discharged to public sewers, which may contain characteristics as outlined in Subsection (f) of this Article, the City may:
1. Reject the wastewater or wastes;
 2. Require pretreatment of wastewater or wastes to modify them to any acceptable condition for discharge to the public sewers;
 3. Require control over the quantities and rates of discharge, of the wastewater or wastes; and/or
 4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provision of Subsection 27 of the section.

If the City permits the pretreatment or equalization of wastewater or waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the city and subject to the requirements of all applicable codes, ordinances, laws, rules and regulations of the City. Any costs involved with such reviews shall be paid by the Applicant requesting the permit.

- h. Grease, oil and sand interceptors shall be provided at the point of discharge, when, in the opinion of the City, they are necessary for the proper handling of liquid wastes containing grease in excessive amount 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 type and capacity approved by the city and shall be located as to be readily and easily accessible for cleaning and inspection. The installation and material cost of such grease, oil, and sand interceptors shall be the responsibility of the property owner producing the waste discharge.
- i. Where preliminary treatment or flow-equalizing facilities are provided for any wastewater or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- j. When required by the City, the owner of any property services by a building sewer carrying industrial wastes shall install a suitable control structure together with such necessary meters, and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastewater or wastes. Such structures, when required, shall be accessible and safely located and shall be constructed in accordance with plans

approved by the City. The structure shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

- k. All measurements, tests, and analyses of the characteristics of wastewaters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of 'standards Methods for the Examination of Water and Wastewater', published by the American Public Health Association, and shall be determined at the control structure provided, or from suitable samples taken at said control structure. In the event that no special structure has been required by the City, samples shall be taken at suitable locations within the establishment from which the wastewaters are being discharged. Sampling shall be carried out by accepted methods specifically designed to obtain representative samples of the total wastewater discharge and of slugs if any occur. (The particulate analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a separate sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pHs are determined from compliance determination with periodic grab samples). Frequency of sampling for compliance determination with respect to Subsection (f) shall be established by the City on an individual basis. However, it is the intention of the City to conduct compliance sample for all industries users at least once every one-year period. Any cost involved in examination and tests shall be paid by the individual industry. The City may check these tests as necessary.
- l. All industries discharging into a public sewer shall perform such monitoring of their discharges as the City and/or other duly authorized employees of the City may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the City. Such records shall be made available upon request by the City to other agencies receiving waters.
- m. If any accidental discharge of prohibited or regulated pollutants to the wastewater works should occur, the industrial facility responsible for such discharge shall immediately notify the City so that corrective actions may be taken to protect the wastewater works. In addition, a written report addressed to the City detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges, shall be filed by the responsible industrial facility within five (5) days of the occurrence of the accidental discharge.
- n. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment thereof, by the industrial concern.

Section 2876. Service Charges

- a. An annual service charge for the use of public sewers and wastewater treatment works shall be paid to the City each year. The money so received shall be applied to the payment of costs of operation and maintenance of the Wastewater works. This charge or tax established shall be levied against any and all person owning lots or premises so benefited or served, shall have priority over any other claims except for claims for taxes, and may be enforced and collect by the Treasurer of the City of Gardiner as provided by law.

Section 2877. Protection from Damage

- a. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the wastewater works. Any person violating this provision shall be subject to immediate arrest and punishable by law.

Section 2878. Powers and Authority of Inspectors

- a. The City bearing proper credential and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The City shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastewater treatment.
- b. While performing the necessary work on private properties referred to in Section 2878 (a) above, the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operations, except as may be caused by negligence or failure of the company to maintain safe conditions as required in Section 2875, Subsection (d).
- c. The City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater 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.
- d. The City and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter a building on private property to prevent any illegal discharge to the sewers.

¹⁸Section 2879. Penalties

- a. Any person found to be violating any provision of this Ordinance except Section 2877, shall be served by the City with written notice stating the nature of the violation and providing 90 days for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- b. Any person who shall continue any violations beyond the time limit provided for in Section 2879, Subsection (a), may be subject to a civil penalty of at least two hundred dollars (\$200.00) for each violation.
- c. Any person violating any of the provisions of this code shall become liable to the City by reason of such violation.

Section 2880. 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 Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid or parts.

¹⁸ Ordinance No. 84-75-A Section 2879 adopted November 5, 1984

BE IT ORDAINED by the City Council of the City of Gardiner that Title 27, Chapter 4 of the Ordinances of the City of Gardiner is hereby amended in its entirety to read as follows:

TITLE 27

CHAPTER 4 - SEWER USE CHARGES

Section:

- 2860. City Council to Establish Rates
- 2861. Definitions
- 2862. Rate Components
 - (a) Minimum or Standby Charges
 - (b) Metered Flow Charges
- 2863. External Water Usage
- 2864. Surcharges
- 2865. Inter-Municipal Charges
- 2866. Special Industrial Waste
- 2867. Other Charges
- 2868. Abatements
 - (a) Minimum or Standby Charges
 - (b) Metered Flow Charges or Billing Errors
 - (c) Hardship
 - (d) Minor or Uncollectible Amounts
 - (e) Abatement Records
- 2869. Billing and Collection of Rates

Section 2860. City Council to Establish Rates

Pursuant to Title 30-A MRSA sections 3406 and 5405, as may be amended, and in accordance with the provisions of this Chapter, the Gardiner City Council shall annually establish a schedule of sewer rates for improved properties connected with the City's sewer system. Provided, that any rate schedule established by the City Council shall remain in force from year to year, until revised or amended by the City Council.

Section 2861. Definitions

For purposes of this Chapter, the definitions set forth in Section 2821 are incorporated by reference herein. In addition, the following terms shall have the meanings indicated:

Superintendent: The department head of the City of Gardiner's Sewer Department, or other City official having general supervisory authority over the operation of the City's wastewater facilities.

Sewer Users: All persons or entities discharging pollutants, wastewater, process wastewater, other waste or other matter directly or indirectly into the City's wastewater facilities, or otherwise connected to or receiving service from the City's wastewater facilities.

The City: The City of Gardiner

This Ordinance: Title 27, Chapter 4 of the Ordinances of the City of Gardiner, pertaining to water and sewer service, as the same may be amended from time to time.

Section 2862. Rate Components

Except as otherwise provided in this Chapter, sewer rate schedules established by the City Council shall include the following rate components:

a) **Minimum or Standby Charges.**

Sewer rate schedules established by the City Council shall include a minimum or standby charge for each improved property connected to the City's wastewater facilities. The minimum or standby charge shall be designed to recover all fixed costs of maintaining and repairing the City's wastewater facilities on an annual basis, including capital depreciation and reserve requirements and annual debt service payments on wastewater facilities capital projects. The City Council shall determine the amount of the annual minimum or standby charge

b) **Metered Flow Charges.**

Sewer rate schedules established by the City Council shall include an additional charge based on metered water flow for each improved property connected to the City's wastewater facilities. This charge shall be designed to recover all variable costs of operating the City's wastewater facilities on an annual basis, including necessary operating reserves, water treatment, administration, and related costs. The City of Gardiner shall provide, install and read metering equipment on any residential water supply not connected to the Gardiner Water District for the purpose of determining the volume of water used upon which flow charges shall be computed. Owners of commercial and industrial properties connected to the City's wastewater facilities who obtain water from sources other than the Gardiner Water District shall provide metering equipment for the water supply and shall report water usage quarterly to the City of Gardiner for the purpose of computing flow charges.

SECTION 2, all tables for sewer charges in the City of Gardiner Ordinances applicable to improved properties located within the City of Gardiner that are connected to the City's wastewater facilities for sewer service provided by the City, including Table 1, Table 2, and Table 3 of the Sewer Ordinance, are hereby repealed and replaced by tables for sewer charges to be designated as Table A and Table B as of July 1, 2012.

SECTION 3, "EFFECTIVE DATE": Article 2, Section 7 of the City of Gardiner Charter provides that ordinances shall take effect and be in full force 30 days from and after they have received final passage by the City Council. Consistent with this Charter provision, this ordinance amendment shall take effect on July 1, 2012, more than 30 days from the date of final passage indicated below.

Section 2863. External Water Usage

All sewer users may provide additional water metering equipment to meter water usage that does not drain into the City's wastewater facilities. Where such metering is provided, the volume of reported water usage not drained into the City's wastewater facilities will be deducted from the volume of water usage on which flow charges under section 2682(b) are to be based, prior to computation of the charge.

Section 2864. Surcharges

Sewer users or properties discharging into the City's wastewater facilities whose waste strength exceeds the limits established in sections 2822 or 2875 of this Ordinance shall be assessed a surcharge by the Superintendent, based on wastewater sample analyses conducted by the City but paid for by the sewer user. All surcharges under this section shall be in addition to charges for sewer rates established under section 2862 above. Assessment and payment of a surcharge under this section shall not constitute a license or approval the discharge concerned, and shall not bar enforcement action by the City under other provisions of this Ordinance.

Section 2865. Inter-Municipal Charges

Sewer use charges to be paid by the Towns of Farmingdale and Randolph shall be based on wastewater flow and waste strength, in accordance with the terms of the inter-municipal sewage disposal agreement existing between those Towns and the City of Gardiner, or such future agreements or amendments thereto as may be negotiated.

Section 2866. Special Industrial Waste

No provision of this Ordinance shall be construed as requiring the City to accept for discharge into the City's wastewater facilities any industrial waste of unusual strength or character. Industrial waste of significant industrial users, or that exceeds the waste strength limits of sections 2822 or 2875 of this Ordinance, shall be accepted for discharge into the City's wastewater facilities only after entering into a written wastewater discharge agreement with the industrial user concerned, providing for all aspects of the handling and treatment of said industrial waste, including industrial pretreatment when required under Chapter 2 of this Ordinance.

Section 2867. Other Charges

Building sewer permit and inspection fees and capital cost connection fees established under section 2874 of this Ordinance shall be in addition to the sewer use charges established under this Chapter. In addition, the City Council may assess benefitted properties a proportionate share of the cost of any new sewer extension constructed by the City after May 1, 2001, in accordance with the provisions of 30-A MRSA sec. 3441-3445. Assessments toward the cost of any new sewer extensions beyond the corporate limits of the City of Gardiner will be based on negotiated agreements with the Towns concerned.

Section 2868. Abatements

- a) **Minimum or Standby Charges.** Requests for abatement of sewer use charges based on disagreement with the Superintendent's determination of a property's equivalent user rating under section 2862(a) above must be made to the Superintendent in writing within six (6) months after the billing date for the charges concerned. If the Superintendent fails to grant the requested abatement, an appeal may be made in writing to the City Manager within thirty (30) days after the Superintendent's action. Abatement requests exceeding \$150.00 per account shall be referred to the City Council for final action.
- b) **Metered Flow Charges or Billing Errors.** Upon recommendation of the Superintendent, the City Manager shall have the authority to abate sewer use charges based on errors or mistakes in metering, meter reading or billing for the account or property concerned. Requests for abatement under this paragraph must be made to the Superintendent in writing within six (6) months after the billing date for the charges concerned. Abatement requests exceeding \$150.00 per account shall be referred to City Council for final action.
- c) **Hardship.** Upon recommendation of the City Welfare Director, the City Manager shall have the authority to abate sewer use charges for personal hardship. Requests for abatement under this paragraph must be made in writing to the City Welfare Director within six (6) months after the billing date for the charges concerned. The City Welfare Director shall have discretion to extend this period for reasonable cause. Requests for abatement under this paragraph shall include such financial information regarding the applicant and other persons legally responsible for the account as the Welfare Director may reasonably require. Abatement requests exceeding \$150.00 per account shall be referred to the City Council for final action. No abatement may be granted under this paragraph except upon a finding by the City Manager or City Council that no person legally responsible for the account is capable of paying the charges concerned. Abatements may be granted in whole or part, as the circumstances may require. No abatement shall be granted under this paragraph for service provided to a non-residential property. All requests for abatement under this paragraph and associated information shall be treated as confidential, and all hearings on such applications shall be conducted in executive session. Provided that the final decision and/or vote of the City Manager or City Council on any abatement request under this paragraph shall be a matter of public record.

- d) **Minor or Uncollectible Amounts.** The Superintendent shall have the authority to abate uncollected balances on closed accounts, not exceeding \$20.00 per account, that the Superintendent determines to be not readily collectible through ordinary collection procedures.

Upon recommendation of the City Attorney, the City Manager shall have the authority to abate unpaid, unsecured balances on any sewer account that has been discharged in bankruptcy, or that the City Manager determines to be uncollectible due to death, business dissolution, or other causes. Abatements exceeding \$150.00 per account shall be referred to the City Council for final action.

- e) **Abatement Records.** The Superintendent shall maintain records of all abatements granted under this section, indicating the account number, property location, amount abated, date, and type of abatement. Records maintained by the Superintendent for this purpose shall be public records. The Superintendent shall provide a written report to the City Manager and City Council, on a quarterly basis, listing all abatements granted during the preceding quarter.

2869. Billing and Collection of Rates

Sewer use charges under this Chapter shall be computed and billed quarterly. Said charges shall be due thirty (30) days after the billing date. Amounts not paid within said thirty (30) day period shall be charged interest at the rate set by the municipal officers for unpaid taxes as of the billing date for the charges concerned. Unpaid sewer use charges shall be collected in accordance with the provisions of the Maine Revised Statutes. Provided, that the Superintendent shall discharge, without additional fee, any sewer lien recorded on account of unpaid sewer use charges that are subsequently abated in full under section 2868 above.