



**GARDINER CITY COUNCIL**  
**AGENDA ITEM INFORMATION SHEET**



<b>Meeting Date</b>	01/09/2019	<b>Department</b>	Code Enforcement
<b>Agenda Item</b>	3.b Public Hearing and First Read of Proposed Amendments to the Sewer Ordinance		
<b>Est. Cost</b>	n/a		

<b>Background Information</b>	<p>This will be a Public Hearing and First Read of Proposed Amendments to the Sewer Ordinance.</p> <p>The proposed changes are attached. WWTP Director of Wastewater Doug Clark will be present to help facilitate the discussion.</p>
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<b>Requested Action</b>	n/a
<b>City Manager and/or Finance Review</b>	n/a
<b>Council Vote/ Action Taken</b>	
<b>Departmental Follow-Up</b>	

<b>City Clerk Use Only</b>	1 <sup>st</sup> Reading	01/09/2019 _____	Advertised	12/24/2018 _____	<b>EFFECTIVE DATE</b> 02/22/2019 _____
	2 <sup>nd</sup> Reading	01/23/2019 _____	Advertised	12/24/2018 _____ w/in 15 Days	
	Final to Dept	_____	Updated Book	_____	Online

TITLE 27

CHAPTER 5 - SEWER USE

<sup>12</sup>Section

- 2871. Definitions
- 2872. Use of Public Sewer Required
- 2873. Private Sewage Disposal
- 2874. Building Sewers and Connections
- 2875. Use of Public Sewers
- 2876. Service Charges
- 2877. Protection from Damage
- 2878. Powers and Authority of Inspectors
- 2879. Penalties
- 2880. Validity

**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.

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<sup>12</sup> Ordinance No. 81-53 & 81-54 Section 2871-2880 adopted December 7, 1981

- 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 storm water.
- 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) Hazardous Waste: a hazardous waste as that term is defined in 40 CFR 261 or Maine Department of Environmental Protection Regulations Chapter 850.

## TITLE 27 WATER AND SEWER ORDINANCE

- 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 storm water 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.
- xx) Illegal Connection: An illegal connection is any piping connection with inside a residence or commercial building or outside connection that does not conform to Maine State Plumbing Code and does not pass the inspection of the LPI, or that does not conform to this ordinance or other applicable law. An example may include but not limited to open cellar drains, sump pump connections, broken pipes or cleanouts and untrapped pipe connections leading to the city sewer system and causing a violation of Section 2874 Paragraphs I and J.

## Section 2872. Use of Public Sewer Required

### 1. Exemption from Connection Requirement

The Wastewater Superintendent may, upon petition supported by documentation with approval of the advisory board, recommend an exemption from the requirement for connection where special circumstances exist. Such special circumstances may include, but are not limited to, the presence of ledge, a prohibition by Local, State or Federal Law or regulation against excavation, or any other conditions that may warrant an exemption. The City Council, upon recommendation from the advisory board, may grant a waiver to connect to the public sanitary sewer. Such exemption, however, shall not nullify existing Federal, State or Local rule, regulation, ordinance, statute or other restriction. Any such exempted wastewater disposal system must meet State Plumbing Code or Maine Department of Environmental Protection requirements and completion of the DHHS 200 form and any and all applicable requirements. Further, in granting the exemption, the City Council may impose additional conditions that will ensure that the purposes of this Ordinance shall be met. Owners exempt from this requirement shall operate and maintain their private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City. All waivers granted by the City Council shall be recorded at the Kennebec Registry of Deeds in a form as approved by City Council.

- 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.

<sup>13 14 15 16 17</sup>**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.
- 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

<sup>13</sup> Ordinance No. 82-82-2 Section 2874 adopted March 7, 1983

<sup>14</sup> Ordinance No. 84-75-A Section 2874 adopted November 5, 1984

<sup>15</sup> Ordinance No. 85-15 Section 2874 adopted May 16, 1985

<sup>16</sup> Ordinance No. 85-57 Section 2874 adopted September 3, 1985

<sup>17</sup> Ordinance No. 89-39 Section 2874 adopted July 4, 1989

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 its 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.

The City shall provide or pay for cleanup costs in a residence associated with a sewer back up located in the public right of way.

The building owner shall be responsible for cleanup costs associated with a sewer back up located on private property or as a result of sewage backing into a building as a result of an illegal connection, even if the blockage is located in the public right of way.

- 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 storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- b) Storm water 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 CaCo<sub>3</sub>, 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 exceedance 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 pickling 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.

**<sup>18</sup>Section 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.

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<sup>18</sup> 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:

Outside Water Meter: A measuring device used to measure the flow of water through an outside spigot used for abatement purposes.

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. (also see Section 2868 Abatements (f) outside meters)

#### **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~~ General Assistance 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~~ General Assistance Director within six (6) months after the billing date for the charges concerned. The City ~~Welfare~~ General Assistance 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~~ General Assistance 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.

f) **Outside Water Meter Abatements**

Request for abatements for outside meter usage shall be made in writing quarterly in connection with the quarterly wastewater billing cycle to the Superintendent or Utility Billing Clerk. A billing cycle shall be the 30 days in which the bill was sent and the payment due date.

Any readings received outside of that's quarter's billing cycle will not be eligible for an abatement. Also, if the previous quarter was denied for being outside the abatement timeline, the next quarter will only be abated at ½ since it cannot be determined when the usage occurred.

To be eligible for an abatement, all water meters must measure in hcf and be approved by the Wastewater Superintendent. Meters are available for purchase through the Superintendent.

Abatement request of \$150.00 or less shall be processed by city staff. Abatement requests over \$150.00 will be referred to City Council for final action.

**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.