

Chapter 15 - RESIDENTIAL, COMMERCIAL AND INDUSTRIAL USERS OF THE REGIONAL WASTEWATER TREATMENT FACILITY SEWER USE ORDINANCE<sup>11</sup>

Footnotes:

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**Editor's note**—A Res. of April 10, 1990, repealed ch. 15, arts. I—IV, in its entirety and added a new ch. 15, §§ 15-1—15-23, pertaining to similar subject matter. Former ch. 15 derived from Comp. Ords., ch. 32, §§ 1—7; a Res. of September 29, 1983; a Res. of September 23, 1986; and a Res. of January 20, 1987. Res. No. 97-06, adopted Jan. 7, 1997, amended ch. 15 in its entirety to read as herein set out.

**Charter reference**— Sewer commission, pt. I, § 1701 et seq.; sewerage system, pt. II, art. 2.

**Cross reference**— Buildings, ch. 5; deposits in sewers, § 8-9; housing, ch. 9; streets and sidewalks, ch. 16; zoning, app. A.

Sec. 15-1. - Purpose.

The town council hereby finds that it is necessary to establish adequate and uniform regulations governing:

- (1) The construction and alteration of sewer lines servicing the West Warwick Regional Wastewater Treatment Facility;
- (2) The constituents and concentration of pollutants of all wastewater discharged into the West Warwick Regional Wastewater Treatment Facility.

(Res. of 4-10-90; Res. No. 97-06, 1-7-97)

Sec. 15-2. - Definitions.

For the purposes of this chapter, the terms used herein are defined as follows:

*Act* or *the Act* means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

*Authorized representative of the user* means:

- (1) If the user is a corporation:
  - a. The president, secretary, treasurer, or a 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
  - b. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000.00 (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

- (4) The individuals described in paragraphs (1) through (3), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the town.

*Biochemical oxygen demand (BOD)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure of five days, at 20°C expressed in terms of weight and concentration (milligrams per liter).

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

*Building sewer* shall mean the extension from the building drain to the public sewer.

*Categorical standards* shall mean national categorical pretreatment standards or pretreatment standards.

*Collection system* means the equipment, structures, and processes used for the collection, transportation, and pumping of sewage.

*Compatible pollutant* means the constituents of BOD, suspended solids, pH, and fecal coliform bacteria, and such additional pollutants identified in the applicable RIPDES permit where the POTW is designed to treat such pollutants to the degree required by the RIPDES permit.

*Cooling water* means the water discharged from any use such as air conditioning, cooling or refrigeration, during which the only pollutant added to the water is heat.

*Domestic wastes* means liquid wastes (i) from the noncommercial preparation, cooking, and handling of food or (ii) containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions. It shall not contain groundwater, storm water, surface water, or cooling water or industrial wastewater.

*Dwelling unit* shall mean a house, an apartment a group of rooms, or a single room occupied or intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants have either:

- (1) Direct access from the outside of the building or through a common hall; or
- (2) Complete kitchen facilities for the exclusive use of the occupants.

*Equivalent dwelling unit* shall mean the number of units for a commercial and industrial user and is calculated by dividing the annual wastewater flow by 22,000 cubic feet, rounded down to a whole number.

*Floatable oil* shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated prior to entry into the sewage facilities and does not interfere with the sewage facilities.

*Garbage* means solid wastes from domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of food.

*Incompatible pollutant* means any pollutant which is not a "compatible pollutant" as defined in this section.

*Indirect discharge* or *discharge* means the introduction or pollutants into a POTW from any nondomestic source regulated under section 307(b), (c) or (d) of the Act.

*Industrial user* or *user* means a source of indirect discharge.

*Industrial wastewater* means the liquid wastes resulting from the processes employed in industrial, manufacturing, trade, or business establishments, as distinct from domestic wastes.

*Infectious waste* means waste which contains pathogens with sufficient virulence and quantity so that exposure to the waste by a susceptible host could result in disease. Under this definition, the normal microflora of the body are not classified as infectious.

Categories of waste designated as infectious are as follows:

- a. *Human blood, body fluids, and blood products* means all waste human blood, blood products (such as serum, plasma, and other blood components) and body fluids (such as suction fluid and wound drainage) which exist in nonabsorbed liquid form in more than trace quantities.
- b. *Contaminated sharps* consists of discarded sharps, e.g., hypodermic needles, syringes, Pasteur pipettes, broken glass and scalpel blades which may have come into contact with infectious agents during use in patient care or in medical research or have been removed from their original sterile container.
- c. *Contaminated animal carcasses, body parts, and bedding* refers to carcasses, body parts, and bedding of animals that were exposed to pathogens in research and in the production of biologicals or in vivo production of pharmaceuticals.
- d. *Discarded cultures and stocks of infectious agents and associated biological* constitute infectious wastes because pathogenic organisms are present at high concentration in these materials. Included in this category are pathological laboratories and pharmaceutical companies, wastes from the production of biological and discarded live and attenuated vaccines. Also, culture dishes and devices used to transfer, inoculate and mix cultures shall be designated as infectious waste.
- e. *Pathological waste* consists of tissues, organs, body parts, removed during surgery and autopsy.

*Infectious waste treatment* means any method, technique, or process designed to eliminate the infectious hazard, i.e., to change the biological character or composition of waste so as to remove any disease-causing potential and to render such waste noninfectious by killing the infectious agents present in the waste.

*Intercepting sewer* means a sewer which receives sewage flow from a number of main sewers and conducts such flow to a point for treatment.

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

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- (2) Therefore is a cause of a violation of any requirement of the POTW's RIPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA) the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

*Individual sewage disposal system (ISDS)* means a system approved by Rhode Island Department of Environmental Management which provides sanitary sewage disposal by means other than discharge into a public sewer.

*Lateral sewer* means a sewer that discharges into a main or other sewer and has no other common sewer tributary.

*New source* means:

- (1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
  - a. The building, structure, facility or installation is constructed at a site at which no other source is located; or
  - b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - c. The production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (k) and (l)(iii) of 40 CFR 403 but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
  - a. Begun, or caused to begin as part of a continuous onsite construction program:
    1. Any placement, assembly, or installation of facilities or equipment; or
    2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

*Ordinance* shall mean the sewer use ordinance of the town, this chapter.

*Owner* shall mean any person who alone or jointly (a) has a legal title to any premises, or (b) has control of any premises, such as an agreement to purchase, agent, executor, administrator, trustee, lessee or guardian of the estate of a holder of a legal title.

*Pass through* means a discharge which exits the POTW into a waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's RIPDES permit (including an increase in the magnitude or duration of a violation).

*Person* shall include an individual, trust, firm, joint stock company, corporation (including a quasi-government corporation) partnership, association, syndicate, municipality, municipal or state agency, fire district, club, nonprofit agency or any subdivision, commission, department, bureau, agency or department of state of federal government (including quasi-government corporation) or of any interstate body.

*pH* means the logarithm of the reciprocal of the concentration of hydrogen ions in grammoles per liter.

*Polluted water* means water containing man-made or man-induced alterations to its chemical, physical, biological or radiological integrity.

*POTW* means publicly owned treatment works of the town.

*Pretreatment* shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a water pollution control facility. The reduction or alteration can be obtained by physical, chemical, or geological processes, except as prohibited by Title 40, Code of Federal Regulations, Section 403.6(d).

*Pretreatment standards* means all applicable federal rules and regulations implementing section 403 of the Act, as well as any nonconflicting state or local standards. In cases of conflicting standards or regulations, the more stringent thereof shall be applied.

*Privately-owned wastewater treatment facility* shall mean a pump station, collection system and/or wastewater treatment facility owned by a user or an individual or association that is connected to a publicly owned wastewater treatment or collection system.

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

*Public sewer* shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

*Rhode Island Pollutant Discharge Elimination System (RIPDES)* means the Rhode Island system for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing discharge permits and imposing and enforcing pretreatment requirements pursuant to title 46, chapter 12 of the General Laws of Rhode Island and the Clean Water Act.

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

*Septage waste* means the wastewater from a domestic individual sewage disposal system.

*Service connection* shall mean the building sewer pipe from the building up to and including the "Y" connection to the main public sewer line.

*Sewage* shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.

*Sewage treatment plant* shall mean any arrangement of devices and structures used for treating sewage.

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

*Sewer commission* shall be construed to mean the town council acting as sewer commission as constituted and created by Article XVII of the Charter, which sewer commission shall be vested with the powers and authorities granted pursuant to the Charter and Public Laws 1920, Chapter 2005, as may be amended from time to time, including but not limited to the power and authority to plan, acquire, construct, operate, maintain, extend and improve a sewerage disposal system for the town or any part or parts thereof.

*Shall* is mandatory; *may* is permissive.

*Significant industrial user (SIU)* means any industrial user of the town wastewater treatment system whose flow exceeds:

- (1) An average of 25,000 gallons per day of process wastewater to the wastewater treatment system (excluding sanitary, non-contact cooling or boiler blowdown wastewater), or
- (2) Five percent or more of the average dry weather hydraulic or organic capacity of the wastewater treatment system, or
- (3) Has a reasonable potential to adversely affect the operation of the treatment plant or for violating any pretreatment standard or

- (4) A federal EPA categorical industry, or
- (5) Industries discharging prohibited pollutants but who are not subject to federal EPA categorical standards or
- (6) Industries with sanitary or non-toxic discharges using solvents, toxic chemicals and/or hazardous chemicals that could potentially be discharged into the sewers.

*Slug* shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or if quantity of flow exceeds for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration or flows during normal operation.

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

*Stormwater* means any flow occurring during or immediately following any form of natural precipitation and resulting therefrom.

*Superintendent* means the superintendent of water pollution control of the town or his duly appointed deputy agent or representative.

*Total suspended solids* means the total suspended matter that floats on the surface of, or is suspended in, wastewater, or other liquids, and which is removable by laboratory filtering.

*Town* means the Town of West Warwick, Rhode Island, or duly appointed representatives thereof.

*Toxic* shall mean any substance listed as toxic under section 307(a)(1) of the Clean Water Act, as amended, 33 U.S.C. 1251 et seq., listed under the Hazardous Substances Right-to-Know Act, R.I.G.L. § 28-21-1 et seq., and as may otherwise be designated by the town.

*Unpolluted water* is water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards.

*User* means any person who discharges or causes or permits the discharge of wastewater into the town's wastewater treatment system.

*User classification* means a classification of user based on the 1972 (or subsequent) edition of the Standard Industrial Classification (SIC) manual prepared by the office of management and budget.

*Wastewater* means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the town's wastewater treatment system.

*Wastewater treatment system or wastewater treatment facility* means any devices, facilities, structures, equipment or works owned or used by the town for the purpose of the transmission, storage, treatment, recycling, and reclamation of industrial and domestic wastes, or necessary to recycle or reuse water at the most economical cost over the estimated life of the system, including intercepting sewer, outfall sewers, sewage collection systems, pumping, power, and other equipment and their appurtenances, extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any work, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues from such treatment.

Terms not otherwise defined herein shall be as adopted in the most recent edition of "Standard Methods for Examination of Water and Wastewater," published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation; 40 CFR 403, and, 40 CFR 408.

(Res. of 4-10-10; Ord. of 10-2-90; Res. No. 97-06, 1-7-97; Ord. No. 2001-11, 8-21-01; Ord. No. 2008-2, 2-5-08; Ord. No. 2009-7, 6-16-09)

Sec. 15-3. - Prohibitions and limitations on wastewater discharges.

- (a) *General prohibitions.* No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

*Prohibitions on wastewater discharges.* No person shall discharge or deposit or cause or allow to be discharged or deposited into the wastewater treatment system any wastewater which contains the following:

- (1) *Oil and grease.*
  - a. Oil and grease concentrations of 100 mg/l or amounts from industrial facilities violating federal pretreatment standards.
  - b. Wastewater from industrial facilities containing floatable fats or oil, wax, grease, petroleum oil, cutting oil, or products of mineral oil origin that may cause interference or pass-through.
- (2) *Explosive mixtures.* Liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the sewerage facilities or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five percent nor any single reading over ten percent of the lower explosive limit (L.E.L.) of the meter. Also prohibited is the discharge of wastewater, which alone or by interaction with other wastewater, has a closed cup flashpoint of less than 140°F (60°C) using test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, petroleum products, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, perchlorates, bromates, carbides, hydrides, and sulfides.
- (3) *Noxious material.* Noxious or malodorous solids, liquids, or gasses, which either singly or collectively interact with other wastes which are capable of creating a public nuisance or hazard to life, including wastewater which results in the presence of toxic substances, gasses, vapors or fumes within the wastewater treatment system in a quantity sufficient to cause worker health, safety or accessibility problems.
- (4) *Improperly shredded garbage.* Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers, with no particle greater than one-half inch in dimension.
- (5) *Radioactive wastes.* Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and which will or may cause damage hazards to the wastewater treatment system or personnel operating the system.
- (6) *Solid or viscous wastes.* Solid or viscous which will or may cause obstruction to the flow in a sewer, or otherwise interfere with the proper operation of the wastewater treatment system. Prohibited materials include, but are not limited to, grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues from refining or processing of fuel or lubricating oil, and similar substances.
- (7) *Excessive discharge rate.* Wastewaters at a flow rate or containing such concentrations or quantities that exceeds for any time period longer than 15 minutes more than five times the average 24-hour concentration, quantities or flow during normal operation and that would cause a treatment process upset at the wastewater treatment facility and subsequent loss of treatment efficiency.

- (8) *Toxic substance.* Any toxic substances in amounts exceeding standards promulgated by the administrator of the U.S. Environmental Protection Agency pursuant to section 307(a) of the Act, and chemical elements or compounds, phenols or other taste or odor producing substances, or any other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the treatment system, or that will pass through the system.

This also includes any wastewater having a lethal concentration of 50 percent ( $LC_{50}$ ) as determined by a toxicity test of 96 hours or less using 100 percent of the industrial user's discharge and aquatic test species chosen by the superintendent.

- (9) *Unpolluted waters.* Any unpolluted water including, but not limited to, water from cooling systems or of storm water or groundwater origin, which, in the opinion of the Superintendent, will significantly increase the hydraulic load on the collection system. This includes, but is not limited to, storm water, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pools drainage, condensate, deionized water, cooling water and unpolluted wastewater.
- (10) *Discolored material.* Wastes with objectional color not removable by the treatment process.
- (11) *Corrosive wastes.* Any waste which will cause corrosion or deterioration of the treatment system. All nondomestic wastes discharged to the public sewer system must have a pH value in the range of 6.0 to 10.0 standard units. Prohibited materials include, but are not limited to, acids, bases, hydroxides, peroxides, sulfides, concentrated chloride and fluoride compounds, and substances which will react with water to form corrosive products.
- (12) *Untreatable wastes.* Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment system employed, or are amenable to treatment only to such a degree that the wastewater treatment system effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (13) *High temperature liquids.* Any liquid or vapor having temperature higher than 150°F (65°C) or which, either singly or in combination with other discharges would cause a temperature at the introduction into the treatment plan which exceeds 104°F (40°C).
- (14) *Viscous wastes.* Any water or waste containing fats, wax, grease or oils whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperature between 32°F and 150°F (0°C and 65°C).
- (15) *Hazardous waste.* Any material identified as hazardous waste according to 40 CFR, Part 261.
- (16) *Infectious waste.* Any infectious or medical waste except such waste which receives infectious waste pretreatment and meets the approval of the superintendent.
- (17) *BOD, suspended solids, total nitrogen and total phosphorus, and flow.* Industrial surcharge requirements will be in effect for BOD and TSS greater than 250 mg/l for each parameter. Total nitrogen in excess of 40 mg/l and total phosphorus in excess of 7 mg/l will also be subject to industrial surcharges. Industries exceeding these limitations shall be considered "significant", and shall require permitting. Flow reflects each industry's average daily discharge. In the event that loadings to the treatment facility approach capacity, the town reserves the right to place more stringent limitations on these parameters.
- (18) *Miscellaneous pollutants limitations.*
- a. All permitted industrial facilities shall discharge miscellaneous pollutants only in accordance with the limitations stated in their permits.
  - b. Facilities subject to these regulations to which permits have not yet been issued, shall have in these permits, permit limitations for miscellaneous pollutants. Permits issued may set limitations that shall not exceed:



Parameter	Concentration
Cadmium	0.02 mg/l
Chromium	0.70 mg/l
Copper	0.80 mg/l
Lead	0.15 mg/l
Mercury	1.0 µg/l
Nickel	1.0 mg/l
Zinc	0.60 mg/l
Cyanide	0.19 mg/l
Phenol	1.0 mg/l
Silver	0.24 mg/l
BOD	2000 mg/l
TSS	2000 mg/l

µg/l = micrograms per liter  
mg/l = milligrams per liter

More stringent limitations and additional parameters may be required based upon the specific industrial user.

- (b) *Dilution.* No user shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with this chapter, the federal categorical pretreatment standards, or in any other pollutant specific limitation developed by the town or state.
- (c) *Action of superintendent.* If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters or wastes contain the substances or possess the characteristics enumerated in subsection (a), and which in the judgment of the superintendent, may have a deleterious effect upon the sewage works, processes, equipment, receiving water, or which otherwise creates a hazard to life or constitute a public nuisance, the superintendent may:
  - (1) Reject the wastes;

- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing sewer charges under the provisions of this chapter.

If the superintendent permits the pretreatment or equalization of waste flows for any user, the design and installation of the plant and equipment shall be subject to review and approval of the superintendent, and subject to the requirements of all applicable codes, ordinances, laws, and regulations. All users which in the determination of the superintendent require pretreatment shall be subject to all applicable requirements of the town regional wastewater treatment facility industrial pretreatment program.

(Res. of 4-10-90; Ord. of 10-2-90; Res. No. 97-06, 1-7-97; Ord. No. 2008-2, 2-5-08)

Sec. 15-4. - Sewer connection and wastewater discharge permits.

- (a) *General requirements.* The following general requirements shall be applicable for all existing and proposed users of the wastewater treatment facility:
  - (1) It shall be unlawful for any person to connect, or permit the connection of, or authorize the connection of any service line to the wastewater treatment system without obtaining tie-in approval and a wastewater discharge permit from the town prior to making such connection.
  - (2) No building permit for the construction or alteration of any building or structure which requires a sewer connection shall be issued, unless the owner of the property on which such building or structure is to be situated has obtained a wastewater discharge permit.
  - (3) No permit shall be issued until the applicant has presented proof satisfactory to the superintendent that the applicant has either made application for a building permit or notified the building inspector's office of the proposed change in use or occupancy, in accordance with the town's zoning ordinance.
  - (4) The application shall be referred to the superintendent of the water pollution control facility.
  - (5) Wastewater discharge permits shall be issued on a first come, first served basis.
  - (6) Any service line which was connected without a town wastewater discharge permit, or which was connected as a result of any false statement, misrepresentation or nondisclosure on the application therefore or which was connected through any means which circumvented the limitations created by this article shall be disconnected from the sanitary sewer system.
  - (7) Any user violating any provision of this subsection (a) shall be fined in accordance with section 15-23.
- (b) *Classes of permits; applications.* There shall be three classes of sewer permits:
  - (1) For significant industrial users.
  - (2) For domestic, commercial and industrial sources not classified as significant industrial users.
  - (3) For commercial users or establishments which do not discharge domestic wastes. This includes, but is not limited to the following establishments: restaurants, food service industries, photographic processors, laundromats and linen services, laboratory services, emergency care walk-in services, mortuaries and motor vehicle maintenance and/or washing facilities.
  - (4) The superintendent may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter.
  - (5) Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal, state and local pretreatment standards or other requirements.

(c) *Permit applications.* Prior to connecting and/or contributing to the wastewater treatment system, all users shall apply for a wastewater contribution permit.

- (1) *Significant industrial user.* Users classified as significant industrial users shall be required to obtain an industrial wastewater discharge permit. All industrial users shall be required to obtain, complete and file with the town an industrial wastewater discharge permit application and questionnaire.

Proposed new industrial users shall apply at least 90 days prior to connecting to or contributing to the wastewater treatment system.

An industrial user connected to or contributing to the wastewater treatment system without applying for or possessing an industrial wastewater discharge permit shall be subject to enforcement procedures as deemed appropriate by the town.

The town will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the town may issue a wastewater discharge permit subject to terms and conditions produced herein.

- (2) *Domestic commercial, and industrial users not classified as significant industrial users.* Domestic users, commercial users, and industrial users not classified as significant, required to obtain a permit, shall complete and file with the town an application in the form prescribed by the town.

A drainlayer licensed in the town or a state-licensed master plumber shall complete and file an application in the name of the owner, obtain the owner's signature thereon, pay the application and inspection fee, and submit a location plan. The location plan shall show the lot lines and dimensions, location of water pipes, gas lines, buried cable, location of permanent buildings and location of building sewers, storm drains and the water authority meter number and initial reading. The plans must be approved and stamped by a registered professional engineer or registered land surveyor.

- (3) *Commercial users or establishments discharging non-domestic wastes.* Users discharging non-domestic wastes shall be required to obtain a permit, and shall complete and file with the town a commercial user pretreatment application in the form prescribed by the town. Such users shall install pretreatment apparatus if required by the superintendent. Such apparatus shall include but not be limited to grease traps, oil separators, silver reclamation units, lint screens and grit separators.

*Grease, oil and solids interceptors.* An interceptor (trap) shall be required to receive the drainage from fixtures and equipment discharging excessive amounts of grease, oil or sand. This applies to establishments such as restaurants, clubs, hotel kitchens, bars, factory cafeterias, car washes, and any establishment which, in the opinion of the superintendent, is necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients. All costs incurred in obtaining, installing and maintaining the interceptor and appurtenances shall be borne by the establishment. Interceptors shall be of type and capacity approved by the Plumbing and Drainage Institute and shall conform with the Building Officials Code Administrators Basic National Plumbing Code, Article 10, Section P-1002. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection. The establishment must clean the interceptor a minimum of twice per year. Maintenance records must be kept for a minimum of three years, and made available to wastewater treatment personnel. Interceptors shall not be required for private living quarters or dwelling units.

All such pretreatment apparatus shall be approved by the superintendent prior to installation. All cost incurred in obtaining, installing and maintaining the pretreatment apparatus and appurtenances shall be borne by the establishment. All pretreatment

apparatus shall be located as to be readily and easily accessible for cleaning and inspection. The establishment must clean the pretreatment apparatus a minimum of twice per year. Maintenance records must be kept for a minimum of three years, and made available to wastewater treatment personnel. Collected materials shall not be introduced into the wastewater treatment system.

All establishments regulated by this section must obtain and complete a grease and solids interceptor application with the town prior to installation and permit issuance. Such permits shall be renewable on an annual basis.

- (4) *Privately-owned wastewater treatment facilities.* Privately-owned and operated pump stations and collection systems connected to the regional wastewater treatment system must adhere to the following:
- a. Owners of privately-owned wastewater treatment facilities shall maintain the system in good working order. Proper operation and maintenance shall include, but not be limited to, effective performance based on facility design, adequate operator staffing and training, and adequate laboratory and process controls, including quality assurance procedures as determined to be appropriate by the town and backup or auxiliary facilities or similar systems to assure compliance or effective performance. Proper operation and maintenance must include emergency procedures and reporting requirements in case of power outages, natural disaster, labor shortage (whether the result of intentional work stoppages or epidemic), equipment failure, acts of terrorism/vandalism or sanitary sewer overflow. Reporting requirements shall include verbal notification to the director and the Rhode Island Department of Environmental Management (RIDEM) as soon as possible, but not exceeding 24 hours of discovery of the event; and a written report must be submitted to the director and RDEM not more than five business days of the event's ending.
  - b. The owner shall submit, for review and approval by the superintendent, an operations and maintenance manual describing standards and procedures by which the wastewater treatment facilities, pump station(s) and/or collection system(s) will be staffed, operated and maintained during normal and emergency conditions. Should development of the plan include the practice of engineering, the plan must be prepared and certified by a registered professional engineer (registered in the state).
    1. Owners of existing privately owned pump stations shall submit an operations and maintenance manual within one year of passage of this article and pay all associated fees as presented in section 15-21 and exhibit A (exhibit A is not set out herein, but is on file and available for inspection in the office of the town clerk).
    2. For newly constructed privately owned pump stations, the operations and maintenance manual must be submitted prior to the director issuing a sewer permit. The fee shall be submitted at the time of the submittal as presented in section 15-21 and exhibit A.
    3. The contents of the operations and maintenance manual shall be as outlined in the "Standard Sanitary Sewer Requirements of the Town of West Warwick".
  - c. Provide all required easements that will allow the town access to the site for unannounced periodic inspections.
  - d. The owner shall pay an annual permit fee for the operation of the facilities. The fee shall be adopted by the town from time to time.
  - e. The owner is required to conduct (at a minimum) monthly inspections of the pump station. The inspection reports shall be forwarded to the superintendent within three business days after the inspection. At a minimum, the inspection report shall provide the name of the individual or firm performing the inspection, hours of operation for each pump, generator

run time, summary of alarms, any maintenance undertaken during that month, condition of the station, and recommendations.

- (d) *Fee.* A permit and inspection fee per unit for a domestic or commercial building sewer permit must be paid to the town at the time the application is filed. The fee provides for site inspections and is specified in section 15-21.

The permit and inspection fee for an industrial building sewer permit must be paid to the town at the time of the application. The fee provides for site inspections, and is specified in section 15-21.

The permit application fee for an establishment requiring a grease, oil or solids interceptor (trap), silver recovery system, etc. must be paid to the town at the time of the application. The application fee is specified in section 15-21.

- (e) *Owner's cost.* The owner is to bear cost, expense of installation and connection. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (f) *Permit conditions.* Industrial wastewater discharge permits shall be subject to all provisions of this chapter and all other applicable regulations, and fees established by the town. The conditions of wastewater discharge permits shall be uniformly enforced. Permits may contain the following:
- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
  - (2) Limits on the average and maximum wastewater constituents and characteristics. Limits shall be derived from federal categorical standards, and/or calculated local limit values using EPA approved methodology;
  - (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
  - (4) Requirements for installation and maintenance of inspections and sampling facilities;
  - (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
  - (6) Compliance schedules;
  - (7) Requirements for submission of technical reports or discharge reports;
  - (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the town, and affording town access thereto;
  - (9) Requirements for notification of the town of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
  - (10) Requirements for notification of accidental discharges as per subsection 15-5(f);
  - (11) Other conditions as deemed appropriate by the town to ensure compliance with this chapter.
- (g) *Permit duration and modification.* Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit renewal a minimum of 90 days prior to the expiration of the user's existing permit. The terms and conditions of a permit may be subject to modification by the town during the term of the permit as limitations or requirements as identified in section 15-3 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective dates of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

- (h) *Permit transfer.* Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.
- (i) All applicable fees charged by the sewer commission shall be paid in full prior to the issuance of a sewer permit.

(Res. of 4-10-90; Res. No. 97-06, 1-7-97; Ord. No. 2001-11, 8-21-01; Ord. No. 2008-2, 2-5-08; Ord. No. 2009-7, 6-16-09)

Sec. 15-5. - Reporting requirements.

(a) *Baseline monitoring reports.*

- (1) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users current discharging to or scheduled to discharge to the POTW shall submit to the town a report which contains the information listed in subsection (2), below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standards, shall submit to the town a report which contains the information listed in subsection (2), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

- (2) Users described above shall submit the information set forth below.

- a. *Identifying information.* The name and address of the facility, including the name of the operator and owner.
- b. *Environmental permits.* A list of any environmental control permits held by or for the facility.
- c. *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
- d. *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
- e. *Measurement of pollutants.* The categorical pretreatment standards applicable to each regulated process.

The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the town of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed and sampled in accordance with procedures set out in subsection (i) or as specified in the user's permit.

- f. *Certification.* A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- g. *Compliance schedule.* If additional pretreatment and/or O & M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O & M. The completion date in this schedule shall not be

later than the compliance date established for the applicable pretreatment standards. A compliance schedule pursuant to this section must meet the requirements set out in subsection (b) of this section.

- h. *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with subsection (k) of this section.

(b) *Compliance schedule progress reports.*

- (1) The following conditions shall apply to the compliance schedule required by subsection (a)(2)g. above:

The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

No increment referred to above shall exceed nine months;

The user shall submit a progress report to the town no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

In no event shall more than nine months elapse between such progress reports to the town.

- (c) *Reports on compliance with categorical pretreatment standard deadline.* Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the town a report containing the information described in subsections (a)(2)d., e., and f. above. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit or production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with subsection (k) of this section.

(d) *Periodic compliance reports.*

- (1) All significant industrial users shall, at a frequency determined by the town, but in no case less than twice per year, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with subsection (k) of this section.
- (2) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- (3) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the town using the procedures prescribed in subsection (i) of this section, the results of this monitoring shall be included in the report.

- (e) *Reports of changed conditions.* Each user must notify the town of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 90 days before the change. For purposes of this requirement, significant changes include, but

are not limited to, flow increases of 20 percent or greater, and the discharge of any previously unreported pollutants.

(f) *Reports of potential problems.*

- (1) In the case of any discharge, including but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the town (401-822-9228) of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- (2) Within five days following such discharge, the user shall, unless waived by the town, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any 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 chapter.
- (3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in subsection (1) above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

(g) *Reports from unpermitted users.* All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the town as may be required by the town.

(h) *Notice of violation; repeat sampling and reporting.* If sampling performed by a user indicates a violation, the user must notify the town within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the town within 30 days after becoming aware of the violation.

(i) *Analytical requirements.*

- (1) All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

Except as indicated below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the town may authorize the use of time proportional sampling or a minimum number of grab samples which are representative of the effluent being discharged, as determined by the superintendent. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(j) *Record keeping.* Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of



any litigation, or where the user has been specifically notified of a longer retention period by the town.

- (k) *Application signatories and certification.* All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

"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 person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(Res. No. 97-06, 1-7-97; Ord. No. 2008-2, 2-5-08)

Sec. 15-6. - Town's responsibility.

- (a) The town shall be responsible for all repair and maintenance of all main sewer lines up to the Y connection for a building service connection.
- (b) The property owner shall be responsible for the repair and maintenance of the building service connection pipe, up to and including the Y connection.
- (c) Owners share the responsibility equally for a common chimney.

(Res. of 4-10-90; Res. No. 97-06, 1-7-97; Ord. No. 2001-11, 8-21-01)

Sec. 15-7. - Plugging of discontinued sewer connection.

- (a) *Plugging required.* Upon the permanent discontinuance of the use of the town's sewer system at any premises, including discontinuance caused by the abandonment of any premises, the tearing down of any building or any other cause, the property owner shall cause the connection to the sewer main of the town to be plugged in a manner which will be strong enough to prevent any leakage of any fluids. All such plugging shall be subject to inspection and approval by the town provided that no permit fee, inspection fee or other fee shall be charged for such inspection. If the owner of the property fails to plug the sewer connection in a satisfactory manner within 30 days of the time the owner is notified in writing by the town to plug the sewer service line, the town shall proceed to plug the service line and bill the owner for the costs. The cost may be collected by the town and a civil action filed in court. The collection of the costs in a civil action shall not prevent the filing of an action for a fine for the violation of this article.
- (b) *Violation.* Any user violating the provisions of this section shall be fined in accordance with section 15-23.

(Res. of 4-10-90; Res. No. 97-06, 1-7-97)

Sec. 15-8. - Construction of sewers and connections.

- (a) *Applicability.* All construction procedures, materials and specifications shall conform with the "Standard Sanitary Sewer Requirements of the Town of West Warwick" and all applicable federal, state, and town building and plumbing codes. Any deviations from these prescribed procedures and materials must be approved by the superintendent before installation.

- (b) *Authorization.* 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 permit from the superintendent.

Any person applying for a new connection of large volume or unusual character of pollutants or any persons proposing a substantial change in volume or character of pollutants that are being discharged into the system shall notify the superintendent.

- (c) *Drainlaying permit.* Building sewers and connections shall be made only by drainlayers licensed to perform such work in the town, and/or master plumber licensed by the state. Notice must be left at the office of the superintendent at least 48 hours before work is begun on a drain, and no material shall be used or work covered until inspected and approved by the plumbing inspector, the superintendent or his agent. Such information as the town has with regards to the position of junctions or branches will be furnished to drainlayers but at their risk as to the accuracy of the same.

Drainlayers shall complete and file application for drains in the name of the owner, obtain the owner's signature thereon, pay application and inspection fee, and complete the location plan required by subsection (d) of this section.

Drainlayers who are not licensed master plumbers within the state must complete the requirements for qualifying as a licensed drainlayer in the town as specified in section 5-3 of this Code, specifically a blanket bond in the sum of \$10,000.00 and three certified reference letters.

Licenses for drainlayers who are not a licensed master plumber within the state shall be renewed the last day of December each year. The annual fee for the license is stated in section 15-21.

- (d) *Location plans.* Accompanying each application for permit shall be a location plan showing the lot lines and dimensions, location of water pipes, gas lines, buried cable, location of permanent buildings and location of building sewers, storm drains and the water authority meter number and initial reading. The plans must be approved and stamped by a registered professional engineer or registered land surveyor.
- (e) *Costs.* All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner, including but not limited to, costs of extending the public sewer system to the nearest town main to service private facilities. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (f) *Private sewer exceptions.* A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building. The lot owner of a rear lot shall obtain and file in the town records a sewer easement from the front lot owner for the use of the sewer in this event.
- (g) *Use of old building sewers.* Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this chapter.
- (h) *Size, slope, alignment, etc.* The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town including the sanitary sewer standards. All connections are to be made gastight and watertight.
- (i) *Elevation.* In all buildings 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.
- (j) *Connection of roof downspouts, areaway drains, etc.* No person shall make connections of roof downspouts, exterior foundation drains, areaway drains, or other surfaces runoff or groundwater to a

building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

- (k) *Pipe size.* Unless expected below, all lateral sewer pipes shall have a minimum diameter of eight inches.
  - (1) Sewer pipes for house connections from the sewer main to the property line shall have a minimum diameter of six inches.
  - (2) Sewer pipes for single-family dwelling house from the property line to the building shall have a minimum diameter of four inches.
- (l) *Lint traps.* Commercial laundries shall be equipped with an interceptor having a wire basket or similar device, removable for cleaning, that will prevent passage into the drainage system of solids one-half inch (13 mm) or larger in size, string, rags, buttons, or other materials detrimental to the public sewage system.
- (m) *Clean-outs.* Clean-outs shall be installed at the property line, at every fitting over 22½ degrees and at 75-foot intervals up to 150 feet. Service connections which are longer than 150 feet shall have sanitary manholes installed at a location(s) as directed by the superintendent.
- (n) *Backflow valves.* One backflow valve per unit shall be installed prior to connection to the town's sewer system for all residential and multi-unit dwellings. The quantity of backflow valves necessary for commercial and industrial establishments must be submitted and approved by the superintendent prior to installation.
- (o) *Notification of readiness for inspection and connection.* The applicant for the building sewer permit shall notify the superintendent 24 hours prior to the applicant requiring inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent.
- (p) *Testing.* The superintendent shall apply appropriate tests to the pipes, and the drainlayer and contractor, at their own expense, shall furnish all necessary tools, labor, materials, and assistance for such tests and shall remove or repair any defective materials when so ordered by the superintendent.
- (q) *Guarding of excavation, restoration of streets and sidewalks.* All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of work shall be restored in a manner satisfactory to the town.
- (r) *Crossing roads, driveways, etc.* The contractor shall not block any driveway, street, road or railroad at any time without permission of the superintendent, director of public works or other controlling agencies. Every effort shall be made to permit the movement of vehicular traffic at all times. Whenever it becomes necessary to cross or interfere with roads, walks or drives, whether public or private, the contractor shall maintain, at his own expense, and subject to the approval of the superintendent, safe bridges or other means of egress.
- (s) *Excavation and repaving.* No person shall open any road, street or highway in the town for the purpose of installing sewer lines without first receiving a permit and complying with all of the criteria required by sections 16-60 through 16-72 of this Code. Failure to comply with these regulations shall be deemed a violation of this Code. Any person or persons in violation of this section shall be liable for a fine as specified in section 16-62.

(Res. of 4-10-90; Res. No. 97-06, 1-7-97; Ord. No. 2001-11, 8-21-01; Ord. No. 2008-2, 2-5-08)

Sec. 15-9. - Septage waste.

- (a) The contents of tank truck or tank wagon, licensed by the state department of environmental management, may be discharged into the sewer system of the town subject to the following rules and regulations:

- (1) Every person desiring to discharge the contents of any such tank truck or tank wagon into the sewer system shall first obtain a permit from the superintendent of the treatment facility.
- (2) Such a permit shall be issued annually; provided, however, that the superintendent of the treatment facility may at any time suspend or revoke any such permit because of the violation by the holder thereof of the rules and regulations herein prescribed, or for other just cause or complaint.
- (3) The fee for such a permit is stated in section 15-21.
- (4) Such contents shall be discharged into the sewer system only at such a point designated by the superintendent.
- (5) Such contents shall be discharged into the sewer system only during the hours designated by the superintendent.
- (6) Such contents shall not contain any articles or substances which may tend to injure any part of the sewer system.
- (7) No person shall discharge into the sewer system contents removed from any privy vaults, septage tanks or cesspools located outside the regional wastewater service area as defined in the facility plan as approved by the state department of environmental management in 1980 or subsequent approved editions.
- (8) Every tank truck or wagon whose contents shall be discharged into the sewer system shall be equipped with a proper mud valve or similar device, satisfactory to the superintendent to ensure the clean and complete discharge of such contents into such container or receptacle as may be provided by the superintendent.
- (9) The contents of hand tubs or barrels shall not be discharged into the sewer system.
- (10) The disposal of industrial waste from haulers is prohibited.
- (11) Waste haulers must provide a waste-tracking form for every load. The form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, names and addresses of sources of waste, volume and characteristics of waste.
- (12) A fee shall be charged for the discharge of waste materials into the sewer system: The fee is stated in section 15-21.
- (13) Violators of this section shall be subject to the conditions of section 15-15, and assessed a penalty in accordance with subsection 15-23(d).

(Res. of 4-10-90; Res. No. 97-06, 1-7-97; Ord. No. 2008-2, 2-5-08)

Sec. 15-10. - Pretreatment.

- (a) *Authority.* In accordance with federal regulation 40 CFR 403 and the state pretreatment regulations, the town shall operate, maintain and enforce a pretreatment program. The purpose of the program shall be to implement national pretreatment standards or locally, generating site specific limits, in order to control pollutants which pass through or interfere with the treatment processes of the town regional wastewater treatment facility, or which may contaminate sewage sludge and/or compost.
- (b) *Pretreatment.* Industry shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with pretreatment requirements and/or limitations mandated by the town. Any facilities required to pretreat wastewater to a level acceptable to the town shall submit detailed plans, showing the pretreatment facilities and operating procedures to the town for their review and comment prior to the construction of the facilities. The review of such plans and operating procedures will in no way relieve the user from the responsibility. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the town prior to implementation.

- (c) *Maintenance of pretreatment facilities.* Pretreatment or flow-equalizing facilities for any waters or wastes shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(Res. of 4-10-90)

Sec. 15-11. - Industrial monitoring.

The owner or operator of any premises of facility discharging industrial wastes into the system shall install at his own cost and expense, suitable monitoring equipment to facilitate the accurate observation, sampling, and measurement of wastes. Such equipment shall be maintained in proper working order and kept safe accessible at all times.

The monitoring equipment shall be located and maintained on industrial user's premises outside of the building. When such a location would be impractical or cause undue hardship on the user, the town may allow such facility to be constructed in the public street or sidewalk area, with the approval of the highway commissioner, and located so that it will not be obstructed by public utilities, landscaping, or parking vehicles. In the event that such an arrangement is not possible, the town may allow monitoring equipment to be located inside the building, provided the location is approved by the town.

When more than one user can discharge into a common sewer, the town shall require installation of separate monitoring equipment for each user. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the town may require that separate monitoring facilities be installed for each separate discharge.

Whether constructed on public property, the monitoring facilities shall be constructed in accordance with the town requirements and all applicable construction standards and specifications.

(Res. of 4-10-90; Res. No. 97-06, 1-7-97)

Sec. 15-12. - Sampling and analysis.

- (a) *Compliance determination.* Compliance determinations shall be conducted by the use of grab samples, time composited samples, or both, as determined necessary by the town. Composite samples may be taken over a 24-hour period, or over a longer or shorter time span, as determined necessary by the town to meet the needs of specific circumstances.
- (b) *Analysis of industrial wastewaters.* Laboratory analysis of industrial wastewater samples shall be performed in accordance with 40 CFR Part 136 or equivalent methods approved by the U.S. Environmental Protection Agency.
- (c) *Control manholes.* When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters, and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with the standard sanitary sewer requirements of the town. The manhole 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.

(Res. of 4-10-90; Res. No. 97-06, 1-7-97)

Sec. 15-13. - Powers and authority of inspectors.

- (a) The superintendent or other duly authorized employees of the town bearing proper credentials 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 article and for the

purpose of inspecting and copying the user's discharge records. The town shall also have the authority to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations.

- (b) While performing the necessary work on private properties referred to in subsection (a) above, the superintendent or duly authorized employees of the town 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 town employees and the town shall indemnify the company the loss or damage to its property by town 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 operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in subsection 15-12(c).
- (c) The superintendent or other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Res. of 4-10-90; Res. No. 97-06, 1-7-97)

Sec. 15-14. - Protection from damage.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the sewage facilities. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Res. of 4-10-90; Res. No. 97-06, 1-7-97)

Sec. 15-15. - Enforcement procedures.

- (a) *General.* Any owner, person, user or significant industrial user found in violation of any part of this chapter, discharge permit, compliance schedule or order, or any order of the town shall be subject to enforcement procedures. Such procedures shall include but are not limited to: revocation of permit, suspension of discharge, show cause hearing, sewer commission order, legal action and/or penalty costs.
- (b) *Compliance schedule.* When the superintendent finds that a user has violated or continues to violate the ordinance or a permit or order issued thereunder, he may issue an order to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate pretreatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including installation of pretreatment technology, addition self-monitoring and management practices.
- (c) *Permit revocation.*
  - (1) *Enforcement costs.* The permittee agrees to reimburse the town for the cost of enforcing the permit, including reasonable attorney's fees, if violation of the permit is found by a hearing officer during the course of a show cause hearing or if such decision is appealed, then in court of competent jurisdiction.
  - (2) *Damage to facilities.* The permittee agrees to indemnify and hold harmless the town from and against any liability, loss, cost, expense or actual damage (including reasonable attorney's and accountants' fees incurred in defending or prosecuting any claim for any such liability, loss,

cost, expense or damage) suffered by the town and caused by discharges from the permittee, either singly or by interaction with other wastes.

- (3) *Other violations.* Violation of any of the following conditions may result in the revocation of a wastewater discharge permit.
  - a. Failure to accurately and fully report the wastewater volume, constituents, and characteristics of its discharge.
  - b. Failure to report significant changes in wastewater volume, constituents, or characteristics.
  - c. Failure to allow town personnel statutorily authorized access for the purpose of inspection or monitoring.
  - d. Failure to pay any and all costs.
  - e. Violation of any condition of a permit or this chapter.
  - f. Failure to correct violations that have already resulted in the suspension of the permit.
  - g. Failure to adhere to compliance schedule or order.
- (d) *Suspension of discharge.* The town may suspend the wastewater service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of the town, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the town to violate any condition of its RIPDES permit.

Any person notified of a suspension of the wastewater treatment service and/or a wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the town shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The town shall reinstate the wastewater discharge and/or the wastewater service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any further occurrence shall be submitted to the town within 15 days of the date of occurrence.

(e) *Show cause hearing.*

- (1) If a violation is not corrected within the time frame mandated by the town, the superintendent may order any person who causes or allow an unauthorized discharge to show cause before the town council, acting as a sewer commission, why service should not be terminated. A notice shall be served on the offending party, specifying the time and place of a hearing to be held by the town council, acting as a sewer commission, regarding the violation and directing the offending party to show cause before said authority why an order should not be made directing the termination of service. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation.
- (2) The town council, acting as sewer commission, shall conduct the hearing and shall:
  - a. Issue notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relating to any matter involved in such hearings;
  - b. Take the evidence and proceed to conduct the hearing as it may deem just and proper and in accordance with the General Laws of the State of Rhode Island;
  - c. Review the evidence and hearing testimony, including transcription and other evidence.
- (3) At any public hearing, testimony taken before the hearing authority or any person designated by it, must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any part of the hearing upon payment of the usual charges.

- (4) After the town council, acting as a sewer commission, had reviewed the evidence, it may issue an order to the party responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices, or other related appurtenances are properly operated, and such further orders and directives as are necessary and appropriate.
- (5) An order issued by the commission or any action taken thereon, shall not be construed to limit or restrict the right of the aggrieved party to apply to a court of competent jurisdiction for relief from any decision, fine or penalty issued by the town council acting as sewer commission, which appeal or relief sought shall be taken within ten business days of the issuance of the order.
- (f) *Legal action.* Any discharge in violation of the substantive provisions of this chapter or an order of the town council, acting as a sewer commission, shall be considered a public nuisance. If any person discharges sewage, industrial wastes or other wastes into the town collection system contrary to the substantive provision of this chapter or any order of the town council, the town solicitor shall commence an action for appropriate legal and/or equitable relief in the superior court of this county.
- (g) *Reporting of violators.* The town council, acting as the sewer commission, will publish an annual list of violators in the local edition of the Providence Journal and the Kent County Daily Times.
- (h) *Penalty costs.* Any person who is found to have violated an order of the town council, acting as a sewer commission, or who has failed to comply with any provision of a discharge permit issued by the town, or provision of this chapter, and the orders, rules and regulations issued hereunder, shall be fined in accordance with subsection 15-23(d). In addition, the town may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued by the town.

(Res. of 4-10-90; Res. No. 97-06, 1-7-97; Ord. No. 2001-11, 8-21-01)

Sec. 15-16. - Industrial user surcharge.

- (a) Charges for the treatment of industrial wastes shall be based on the "average cost pricing" system as recommended in Federal Guidelines "Equitable Recovery of Industrial Waste Treatment Costs in Municipal Systems", published by the Environmental Protection Agency in October, 1971. The annual cost to industry shall be computed according to the formula:

$$C;sub\sub; = V_oV;sub\sub; + B_o(B_x-2.085V;sub\sub;) + S_o(S_x-2.085(V;sub\sub;) + N_o(N_x-.333V;sub\sub;) + P_o(P_x-.0584V;sub\sub;) + v_1V;sub\sub; + b;B;sub\sub; + S;S;sub\sub; + D(EDUs) + M$$

Where,

$C;sub\sub;$  = Total charge to industrial user, \$

$V_o$  = Average unit cost (operation and maintenance) of transport and treatment, chargeable to volume, \$/1,000 gallons.

$B_o$  = Average cost (operation and maintenance) of treatment, chargeable to BOD, \$/pound.

$S_o$  = Average unit cost (operations and maintenance) of transport and treatment chargeable to TSS, \$/1,000 gallons.

$N_o$  = Average cost (operation and maintenance) of treatment, chargeable to Total Nitrogen, \$/pound.

$P_o$  = Average cost (operation and maintenance) of treatment, chargeable to Total Phosphorus, \$/pound.



$V_{i}$  = Volume of wastewater from industrial user, 1,000 gallons/yr.

$B_{i}$  = Concentration of BOD, mg/l

$B_x$  = Weight of BOD, pounds

$S_{i}$  = Concentration of TSS, mg/l

$S_x$  = Weight of TSS, pounds

$N_x$  = Weight of Total Nitrogen, pounds

$P_x$  = Weight of Total Phosphorus, pounds

$V_f$  = Average unit cost (fixed) of transport and treatment, chargeable to volume, \$1,000 gallons.

$b_f$  = Average unit cost (fixed) of treatment chargeable to BOD, \$/pound.

$s_f$  = Average unit cost (fixed) of treatment, chargeable to S.S., \$/pounds.

D = Debt Service Repayment

M = Pretreatment Administration

$v_o$  = Charge per 1,000 gallons (changes annually)

$b_o$  = Charge per pound (changes annually)

$s_o$  = Charge per pound (changes annually)

$v_f$  = \$0.0877/1,000 gallons

$b_f$  = \$0.91/100 pounds

$s_f$  = \$1.14/100 pounds

$v_f$ ,  $b_f$ , and  $s_f$ , were assessed based upon the Industrial cost recovery formula established by EPA and the remaining industries subject these fees are The Original Bradford Soap and Riverpoint Lace Works.

(Res. of 4-10-90; Res. No. 97-06, 1-7-97; Ord. No. 2001-11, 8-21-01; Ord. No. 2006-10, 5-2-06, eff. 5-27-06; Ord. No. 2008-2, 2-5-08)

Sec. 15-17. - Annual sewage system user charges.

- (a) The following annual charges for use of the sewerage system of the town are hereby established, to be paid by every person, firm or corporation whose particular sewer enters into said system.
- (1) The cost of operation and maintenance of the complete sewer system shall be financed solely from sewer customer charges.
  - (2) A sewer charge shall be levied to each customer upon connection to the public sewage system. The service charge shall be based upon the quantity of water used at the premises of the customer as measured by the water meter in use thereat, except as otherwise hereinafter provided.
  - (3) For domestic and commercial users, the rates and charges for each billing period shall be determined by each user's annual water use. The rates shall be established from time to time by town council resolution. The council, acting as a sewer commission, may establish a

minimum amount per billing period which all customers must pay for which a maximum contribution of wastewater is allowed.

- (4) For industrial users exceeding conventional domestic BOD and total suspended solids total nitrogen and total phosphorus concentrations as defined in subsection 15-3(a)(17), the rates and charges for each billing period shall be determined by each user's water use in combination with a surcharge for BOD, TSS, total nitrogen and total phosphorus concentrations which exceed conventional domestic values. The rates shall be established from time to time by town council resolution. The council, acting as a sewer commission, may establish a minimum amount per billing period which all customers must pay for which a maximum contribution of wastewater is allowed.
- (5) In the event a lot, parcel of land, building or premises discharging sanitary commercial or industrial sewage or other liquids into the town sewage system either directly or indirectly, is not a user of water in the whole supplied by public or private water utility, then, in each such case the consumption shall be set at 10,000 cubic feet per year unless a meter is installed and readings are provided to and verified by the town. The superintendent must be notified if and when a property is connected to a well.
- (6) In the event two or more lots, parcels of real estate, residences, dwelling units or buildings discharging sanitary sewage water or other liquids into the sanitary sewage system of the town are users of water and the quantity of water is measured by a single water meter, then, in each case for billing purposes, the minimum charge for the sewer rates and charges shall be multiplied by the number of lots, parcels or real estate, residences, dwelling units or buildings served through the single water meter.
- (7) Charges for the sewage disposal service shall be billed and collected by the town council, acting as a sewer commission.
- (8) Outside meters. In the event water is used for purposes which do not enter the town sewage system, including but not limited to water used in pools and sprinkler systems, the owner of such premises may, at his own expense, install such meter as shall be approved by the superintendent for the measurement of water so used in order that a proper allowance may be made, and the sewage service charge reduced accordingly. The superintendent may set policies and procedures for documentation of outside water usage.
- (9) The rates and charges may be billed to the tenant or tenants occupying the property serviced, but such billing shall in no way relieve the owner or owners from liability in the event payment is not made as herein required. The owners of property served which are occupied by tenants shall have the right to examine the collection records of the town for the purpose of determining whether such rates and charges have been paid by such tenants, provided that such examination shall be made at the office in which the records are kept and during the regular business hours of such office.
- (10) Each charge or service fee levied pursuant to this chapter is hereby made a lien upon the corresponding lot, land or premises served by the connection to the sanitary sewage system of the town. Failure to pay said charge or service fee within the prescribed period time, such charge or fee shall then be collected as other town taxes are collected. The official record of the town shall constitute notice of penalty and of said lien as herein provided.
- (11) All money collected under the provisions of this chapter shall be deposited in a sewage enterprise fund and expenditures from which are to be made only for maintenance, operation, administration, treatment, debt service and other related sewage system expenses.
- (12) The town, in addition to the other remedies provided by this chapter may institute legal proceedings to collect overdue sewer service charges. Penalties may be added to the original sewer bill for late payment which penalties shall be set by the town council by resolution.
- (13) Said sewer use charges may be paid in four installments of 25 percent due on or before the 15th day of July and the remaining installments as follows:

Twenty-five percent on or before October 15th, 25 percent on or before January 15th, and 25 percent on or before April 15th.

If the total sewer use bill is less than \$100.00, it must be paid in full on or before July 15th. Each installment of sewer use, if paid on or before the last day of each installment period successively and in order, shall be free from any charge for interest. If the installment or any succeeding installment of sewer use is not paid by the last day of the perspective installment period or periods as they occur, then the whole tax or remaining unpaid balance of the tax, as the case may be, shall immediately become due and payable and shall carry until collected a penalty at the rate of 18 percent per annum. Unpaid accounts shall be charged and collected in accordance with Rhode Island General Laws.

Sewer use charges for industrial users may be billed bi-annually or more frequently, with charges due and payable within 30 days of billing. Interest on and collection of delinquent accounts shall be the same as for non-industrial users and in accordance with Rhode Island General Laws.

(Res. of 4-10-90; Ord. of 12-11-90; Res. No. 97-06, 1-7-97; Res. No. 97-68, 3-4-97; Ord. No. 2001-11, 8-21-01; Ord. No. 2008-2, 2-5-08)

Sec. 15-18. - Confidential information.

- (a) Industrial user confidentiality requests will be honored in accordance with Rule 16 of the Rhode Island pretreatment regulations R.I.G.L. 46-12-19. In addition, the user must be able to demonstrate to the satisfaction of the town that the release of such information would divulge information, processes or methods of production that are protected as trade secrets of the user.
- (b) Any information submitted to the town pursuant to Rule 16 of the Rhode Island Pretreatment Regulations and authorized by R.I.G.L. 46-12-19 et seq. may be claimed as confidential by the submittee. This claim must be asserted at the time of submission in the manner described below. If no claim is made at the time of submission, the town or authorized federal agency may make the information available to the public without further notice. Effluent data, however, shall at all times be available to the public without restriction.
- (c) A business confidentiality claim may be asserted by attaching or placing on this information, a cover sheet, or a stamped or typed legend upon each page, or other suitable form of notice employing language such as "trade secret," "proprietary" or "company confidential." Allegedly confidential portions of otherwise nonconfidential documents should clearly be identified as such, and may be submitted separately to facilitate identification and handling by the town. If confidential treatment is desired only until a certain date or until the occurrence of a certain event, this should be stated on the notice as well.
- (d) Information covered by such claims will be disclosed only on the extent, and by means of the procedures, set forth in the federal EPA Regulations at 40 CFR 2.
- (e) Wastewater constituents and characteristics will not be recognized as confidential information.
- (f) In addition to the provisions of G.L. 1956, § 42-12-19, all records maintained by or submitted to the town are also governed by G.L. 1956, § 38-2-1 et seq., entitled "Access to public records".

(Res. of 4-10-90; Res. No. 97-06, 1-7-97; Ord. No. 2001-11, 8-21-01; Ord. No. 2008-2, 2-5-08)

Sec. 15-19. - Saving clause.

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

(Res. of 4-10-90; Res. No. 97-06, 1-7-97)

Sec. 15-20. - Conflict.

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

(Res. of 4-10-90; Ord. of 10-2-90; Res. No. 97-06, 1-7-97)

Sec. 15-21. - Summary of fees.

- (a) The fees included in prior sections of this ordinance are presented in exhibit A, which is not set out herein but is on file and available for inspection in the office of the town clerk. These fees may be revised from time to time by resolution of the town council, acting as a sewer commission. The following are the categories listed in exhibit A.

Purpose	Fee
<b>Drainlaying</b>	
Permit application and annual fee	\$\$
Insurance requirements:	
Property damage and bodily injury liability	\$\$ for each occurrence \$\$ aggregate
Drainlayer's bond	\$\$
<b>Septage haulers</b>	
Annual fee	\$\$
Disposal fee	\$\$ per hundred gallons
Rhode Island uniform septage disposal fee	\$\$ per hundred gallons (or fee as set by RIDEM)
Recreational vehicle disposal fee	\$\$ per hundred gallons
<b>Connection to town sewer system</b>	

Domestic users	
Permit application fee	\$\$ per unit
Connection costs	To be paid by owner
Commercial users	
Permit application fee	\$\$ per unit
Connection costs	To be paid by owner
Significant industrial users	
Permit application fee	\$\$ per unit
Connection costs	To be paid by owner
Privately-owned pump stations	
Permit application fee	\$\$
Annual inspection fee	\$\$
Sewer extension	
Permit application fee	\$\$
Inspection fee	
Sewers installed within the regional wastewater service area	\$\$ per linear foot
Repairs to service connections	
Permit application fee	\$\$
<b>Pretreatment Program Charges</b>	
Significant industrial users	

Annual permit fee	
Classes 1 through 3	\$\$
Class 4	\$\$ To be billed with use charges
Any and all commercial users	
Pretreatment application	\$\$
Grease interceptor	
Permit application fee	\$\$
Annual inspection fee	\$\$
Installation costs	To be paid by owner
Gas stations (grit traps)	
Permit application fee	\$\$
Annual inspection fee	\$\$
Installation costs	To be paid by owner
Photo finishing	(See Commercial Application)
Annual inspection fee	\$\$
Laundromats/cleaners	
Annual inspection fee	\$\$
Silver users	
Annual program administration charge (with provision of certification and	\$\$ Failure to provide certification by the program deadline will result in assessment of the annual program inspection fee of \$\$

waste manifests)	
<b>Annual use charges</b>	
Domestic and commercial users	\$\$ per hundred cubic feet based on 80% of the actual water meter reading, set annually by Resolution of the West Warwick Sewer Commission
Industrial users	\$\$ per hundred cubic feet based on actual metered water or wastewater flows; also \$\$ per pound of BOD over the design strength of 250 mg/l and \$\$ per pound of total suspended solids over the design strength of 250 mg/l, \$\$ per pound of total nitrogen over the design strength of 40 mg/l, and \$\$ per pound of total phosphorus over the design strength of 7 mg/l, set annually by resolution of the town sewer commission
Bonds repayment	\$\$ per dwelling unit (or EDU)
Quaker pump station upgrade fee	
Facilities larger than a duplex	\$\$ per gallon of wastewater to be discharged to this pump station (based on average daily flow)
Brookfield pump station upgrade fee	\$\$ per residential unit connecting to the sewer system upstream of this pump station
Out of town connections	
Lien processing fee	\$\$
Line recording fee	As set by city or town where facility is located
Dye tests	\$\$ (reimbursable if testing determines property is not connected to the sewer system)
Charges for copies	Costs for copies of documents deemed public records shall be as set forth by G.L. § 38-2-4, as may be amended
Checks written/insufficient funds	\$\$ processing fee following a second unsuccessful attempt to re-

	deposit the check
Sewer assessment fees	
Residential Single-family units and condominium units	Assessment of \$\$ payable over 20 years and a rate of 7% interest on the entire unpaid balance charged yearly after the first year
Multi-family units (up to and including 2—5 units)	\$\$ per unit
Multi-family units (additional units over 5)	\$\$ per additional unit
Commercial	\$\$ per thousand for the first one hundred thousand dollars of assessed value and, thereafter, at a rate of \$\$ per thousand on the remaining assessed value, as established by the assessor of the town or the community where the property is located, at a rate of 7% interest for a period of 20 years, and which assessment amount shall be based on the date of assessment
Compost	
Residential use (small amounts)	No charge to residents of the town and regional participating communities. Charges and quantities subject to approval of superintendent
Non-residential use	Minimum charge \$\$ per cubic yard, freight on board at wastewater treatment facility

(Res. of 4-10-90; Ord. of 10-5-93; Res. No. 97-06, 1-7-97; Res. No. 97-338, § 1-1, 12-2-97; Res. No. 99-124, 4-20-99; Res. No. 2000-92, § 1-1, 4-18-00; Ord. No. 2000-17, § 1-1, 11-14-00; Ord. No. 2001-11, 8-21-01; Ord. No. 2005-20, 12-6-05, eff. 12-28-05; Ord. No. 2006-10, 5-2-06, eff. 5-27-06; Ord. No. 2008-2, 2-5-08; Ord. No. 2009-7, 6-16-09)

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Sec. 15-22. - Collection of delinquent sewer charges and fees.



The town council, acting as a sewer commission, may develop a policy and establish procedures for the collection sewer charges as necessary to ensure timely receipt of said charges. Any such policy and procedures, and any revisions thereto, shall be subject to approval by the town council.

(Ord. No. 2003-1, 2-4-03)

**Editor's note**— Ord. No. 2003-1, adopted Feb. 4, 2003, renumbered the former §§ 15-22—15-26 as 15-23—15-27 and enacted a new § 15-22 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

Sec. 15-23. - Summary of penalties.

- (a) Any user or person violating any provision of the general requirements for sewer connection and wastewater discharge permits, subsection 15-4(a), shall be fined up to \$500.00 for each offense. A separate offense shall be deemed committed on each day during on or which a violation occurs or continues.
- (b) Any user or person violating any provision of section 15-7 shall be fined up to \$500.00 for each offense, and a separate offense shall be deemed committed on each day during on or which a violation occurs or continues.
- (c) Any user or person violating any provision of subsection 15-8(s) shall be fined not more than \$500.00, or by imprisonment of not more than 30 days. Each day of violation of this article shall constitute a separate offense.
- (d) Any person who is found to have violated an order of the town council or who fails to comply with any provision of a discharge permit issued by the town, or provision of this chapter, and the orders, rules and regulations issued hereunder, shall be fined up to \$25,000.00 per day for each offense, for each and every day during which a violation occurs. In addition to the penalties provided herein, the town may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rule and regulation issued hereunder, or a discharge permit issued by the town.

(Res. of 4-10-90; Res. No. 97-06, 1-7-97; Ord. No. 2003-1, 2-4-03)

**Note**— See the editor's note to § 15-22.

Sec. 15-24. - Authority and applicability.

All rules, regulations and requirements stated in this chapter shall be complied with by all users of the town's sewer system, regardless of whether or not the user is located in the town. The town has this authority, as stated in Rhode Island General Law, Chapter 45-6-2.3, amended 1987.

(Res. of 4-10-90; Res. No. 97-06, 1-7-97; Ord. No. 2003-1, 2-4-03)

**Note**— See the editor's note to § 15-22.

Sec. 15-25. - Approvals of sewer connections for outside town.

Granted for one year by sewer commission; extension. Whenever the town council, acting as a sewer commissioner, grants a permit for property located outside the town, said permit shall expire one year from the date of the granting of said permit, unless the applicant exercises commences construction or requests the town council, acting as a sewer commission, to extend the time for performance for an

additional one-year period. The granting of said extension is entirely at the discretion of the town council, and the council may require the applicant to demonstrate, through testimony or other evidence, that the effect of the extension of the permit has not substantially changed since the original application.

(Res. of 4-10-90; Res. No. 97-06, 1-7-97; Ord. No. 2001-11, 8-21-01; Ord. No. 2003-1, 2-4-03)

**Note**— See the editor's note to § 15-22.

Sec. 15-26. - Sewer use board of review.

- (a) *Established; terms; vacancies.* There shall be a sewer use board of review consisting of three members appointed by the town council. Each to serve a three-year term, no more than two of whom shall be members of the same political party at any one time, and all of whom shall be electors and residents of the town. The terms of the members of said board shall be arranged in such manner that the term of one member shall expire each year. All members of said board in office at the time of the taking effect of this section shall continue to serve until the expiration of their respective terms, and all members shall serve until their successors are appointed and qualified or until they shall cease to have qualifications for office set forth in this section. All vacancies shall be filled for the remainder of the unexpired term in the manner prescribed for appointments to the board in this section.
- (b) *Procedure.* The sewer use board of review shall enact such rules and regulations as are necessary to provide for the receiving, considering and disposition of appeals. Any such rules shall be subject to approval by town council. The rules and regulations, may be amended from time to time as, in the opinion of the town council, acting as sewer commission, be necessary. It is the intent that the procedure before the board shall be informal and of a nature calculated to affect justice in as simple a manner as possible, provided that the requirements of this section are observed.
- (c) *Appeals; records; payment required.* The sewer use board of review shall hear and consider the appeals of any person or business concerning the amount of the sewer usage fee. The superintendent of sewers or his/her designee shall attend all hearings of the board to explain the sewer usage billing, but shall have no vote. The clerk of the board shall keep an accurate record of its proceedings which shall be available for public inspection. The board shall meet at such times as may be necessary to hear appeals. No appeal shall be considered unless it is made in writing and is received by the board no later than three months from the date that the sewer usage fee is due and payable unless for cause shown by an applicant in the satisfaction of the board the appeal period should be extended. No appeal shall be considered by the board unless the sewer usage fee that is due and payable has been paid under protest.
- (d) *Correction; final action.* If it appears that the sewer usage fee has been inaccurately or inequitably computed, then the board may recommend to the town council a correction of the fee. The town council, by resolution can take final action as to any such recommended correction and/or refund. Upon such final council action, the finance director shall be authorized to make any such refunds.
- (e) *Nonlimitation of appeal.* The taking of an appeal to the sewer use board of review or any action thereon shall not be construed to limit or restrict the right of any taxpayer to apply to a court of competent jurisdiction for relief from any sewer usage fee determined by the tax collector or subsequently heard by the board of review.

(Ord. of 10-3-89, §§ 1—5; Res. No. 97-68, 3-4-97; Ord. No. 2001-11, 8-21-01; Ord. No. 2003-1, 2-4-03; Ord. No. 2008-2, 2-5-08)

**Editor's note**— Nonamendatory Ord. of October 3, 1989, §§ 1—5, was codified herein by the editor as § 15-25 and was subsequently renumbered as § 15-26 by Ord. No. 2003-1, adopted Feb. 4, 2003.

**Charter reference**— Department of finance, § 701 et seq.; sewer commission, § 1701 et seq.

Sec. 15-27. - Amendment to rules and regulations.

This chapter may be amended from time to time as, in the opinion of the town council, acting as sewer commission, may be necessary and appropriate. The town council, acting as sewer commission, shall amend the sewer use ordinance by giving notice of such amendment in accordance with applicable Rhode Island General Laws.

(Ord. No. 2001-11, 8-21-0; Ord. No. 2003-1, 2-4-03)

**Note**— See the editor's note to § 15-22.