

INFRASTRUCTURE COMMITTEE MEETING

Monday, November 28, 2016

6:00 P.M.

HAMPDEN TOWN OFFICE

AGENDA

1. MINUTES – October 12, 2016 Meeting
2. OLD BUSINESS
  - a. Review of Drumlin LLC report on landfill monitoring
  - b. Review of speed enforcement on Main Road South and jake brakes  
Ordinance – *request of Councilor Wilde*
  - c. Proposed amendments to Sewer Ordinance – abatement policy, summer meters, testing standards etc. – *DPW Director Currier*
  - d. Update regarding consideration of LED streetlights; updated proposal from Pemco, and review of information from Realterm Energy – *Angus Jennings, Town Manager*
3. NEW BUSINESS
  - a. Recommendation of vendor for Old County Road Storm Drain slip lining project – *DPW Director Currier*
  - b. Stockpiled brush at Transfer Station – *DPW Director Currier*
  - c. Update on upcoming (November 30) working meeting regarding route and financing for water supply to Fiberight/MRC and Coldbrook Road area – *Angus Jennings, Town Manager*
  - d. Discussion of timeline for consideration of sewer rates taking into account borrowing authorized by local ballot questions, and notice from Bangor WWTP regarding unbudgeted sewer repairs – *Angus Jennings, Town Manager*
  - e. Discussion of potential amendments to Transfer Station policy – *Angus Jennings, Town Manager*
4. PUBLIC COMMENTS
5. COMMITTEE MEMBER COMMENTS

INFRASTRUCTURE COMMITTEE MEETING  
Wednesday, October 12, 2016

**MINUTES – DRAFT**

*Attending:*

*Councilor Dennis Marble, Chair  
Mayor David Ryder  
Councilor Terry McAvoy  
Councilor Greg Sirois  
Councilor Mark Cormier  
Councilor Stephen Wilde*

*Councilor Ivan McPike  
Town Manager Angus Jennings  
DPW Director Sean Currier  
Utility Clerk Danielle Simons  
Resident William Shakesphere*

*Chairman Marble called the meeting to order at 6 PM.*

1. **MINUTES – 8/22/2016 Meeting** – *Motion by Mayor Ryder seconded by Councilor McPike to approve August 22, 2016 minutes. 7-0 vote in favor.*
2. **OLD BUSINESS**
  - a. **DPW project list for pre-winter 2016** – *Angus Jennings, Town Manager – Informational only; no discussion.*
  - b. **Update regarding consideration of LED streetlights** – *Manager Jennings recommended that they table the consideration of LED streetlights until he is able to get more information from Pemco, he hasn't received responses to his prior inquiries. Manager Jennings stated that he didn't need a motion he just wanted to make sure everyone knew he was still working on it but tabling for the time being.*
  - c. **Town Center holiday lights - recommendation to proceed with bid process** – *Manager Jennings asked to confirm the sense of the Committee that this work is TIF eligible. If so, DPW Director would be working on bids. DPW Director Sean Currier pointed out the installation and removal of lights would be a separate cost from the work to improve the electrical outlets on the utility poles. Chairman Marble confirmed that the Committee wanted to move forward with the bids. Manager Jennings stated that this would move to Finance after a dollar amount is confirmed.*
  - d. **Discussion of recommended sewer ordinance amendments regarding testing procedures** – *DPW Director Sean Currier stated that there are several changes that need to happen to the sewer ordinance. He pointed out the testing portion of the mandrel is a 7.5%*

*angle which is acceptable to the ASTM standards. Our specs say 5% which is only a minimal difference and still acceptable per current construction standards.*

*Manager Jennings said that typically they would have red line language to refer to when considering ordinance amendments. Where this is highly technical he asked the committee if they were comfortable with the approach he would like to give DPW Director Sean Currier to get the language right and we could move straight to Council.*

*Mayor Ryder asked what other changes needed to be made. Director Currier asked if they wanted to add a grandfather clause to waive the requirement to connect to sewer. He stated currently, if sewer goes by their property they must connect within ninety days of notification from the town to do so. After intensive review of the accounts we found several accounts that are not hooked to town sewer that should be and it's been that way for years. There was discussion about the policy as written. Manager Jennings stated that we are trying to enforce policy as written or change to match current practice.*

*The general sense of the committee was that we should not require those folks hook on until their current system fails. Councilor McAvoy suggested we add the cost associated with the system added to the ordinance. Chairman Marble suggested we add an insert to a sewer billing that explains there have been changes and invites the customer to come in to discuss their options.*

*Manager Jennings stated that he had two issues to address which are abatement requests and summer meters neither of which appears in our ordinance anywhere. Utility Clerk Danielle Simons explained that a summer meter is available for purchase at the Water District and it's a separate meter that hooks to an outside faucet and measures water usage that does not reach the sewer. It is used for things such as watering the garden and filling a pool. Manager Jennings pointed out that we have people that want to reach back to prior billing for abatements. Utility Clerk Danielle Simons explained that the current abatement requests along with previous ones are for things such as a pipe broke in the basement or a leak in the outside hose. There are often requests from customers that don't have a summer meter for whatever reason and have put in a lawn or a pool. Danielle explained the process of looking back at the customers billing history and if she can see an obvious increase in usage she instructs the customer to*

*send a letter to Manager Jennings requesting abatement. Manager Jennings says that because there's no formal policy, currently it's a judgement call on each one but that isn't ideal. There was discussion about how to notify customers about summer meters. The general census was that we do an insert during the first quarter 2017 billing explaining summer meters as well as other items we feel may not be broadly understood by sewer customers.*

- e. Proposed amendments to driveway/culvert policy as relates to responsibility for maintenance/repair of driveway underdrains –** *Manager Jennings said the intent of the Committee from prior discussions is clear and he wants to amend policy so that it reflects that. Director Currier explained that he added the descriptor underdrain and culvert and also added “in excess of three inches” to the current policy with regard to the frost heaving underdrains. Mayor Ryder suggested seeing the repairs incorporated into the 8 year paving plan.*

*William Shakespeare asked what the difference was between existing policy and new policy. DPW Director explained that the existing policy states if a culvert or underdrain fails we will replace it. The maintenance of bumps in the driveway from frost heaving culverts we do not currently address. With the new policy we will fix them if it is in excess of three inches where underdrain has been installed. Culverts will be treated as they are currently handled in the policy, which means frost heaves in driveway where culverts are installed will not be fixed by the Town.*

*Councilor Wilde made a motion to accept changes and refer to Council and seconded by Terry McAvoy. 7-0 vote in favor.*

- f. Update on MRC/Fiberight engineering review of road and sewer; construction inspection –** *Manager Jennings stated that the MRC Board recently acted to authorize payment of past due bills for engineering reviews and a portion (approx. \$1.2 million dollars) of infrastructure spending has been committed. MRC wants to take advantage of the construction cycle this fall but have been held up by appeals which have affected Fiberight's ability to close on financing. The MRC had to decide if they would be willing to take the risk understanding there is a scenario where if the DEP appeal is successful and permit is over turned or because of the time associated with the appeal Fiberight fades away. MRC did vote to take that risk but wants to minimize their risk. They proposed a phased approach*

*where they would construct one lane of the road through subbase gravel essentially creating a construction entrance. At the time we were presented with proposal we hadn't received authorization from MRC for peer reviewers to review engineering on road or sewer despite months of requests. Once our engineers got the vote authorizing work they moved very quickly. Manager Jennings presented the memo from Woodard and Curran which identified some of the key engineering issues. The latest design of the roads and sewer incorporate a lot of prior comments that have been pointed out in prior reviews so, it's moving in the right direction. Woodard and Curran feel that phased approach will work if handled properly.*

- g. Fiberight sewer rate setting – revisiting earlier discussion based on anticipated project changes indicating lower than expected water usage** – *Manager Jennings explained that Fiberight is now planning to switch from a water cooled system to an electrical cooled system. The sewer rate setting previously considered by this Committee had been based on what was presented earlier of 150,000 gallons of water a day. Manager Jennings is now recommending more of a surcharged based off the annual costs that the departments will incur (rather than embedded within a slightly higher sewer usage rate which was previously discussed). The Committee was in agreement with this approach.*

### **3. NEW BUSINESS**

- a. Potential TIF funding for MRC/Fiberight construction inspections to supplement escrow account to be funded by developer** – *Manager Jennings stated as the presumptive eventual owner of this infrastructure the Town has an interest in ensuring the work is done properly. We added language from the Town Ways Ordinance to the Planning Board order approving the project to provide for a third party review. The onsite engineer will provide Director Currier with daily reports. Sean needs to have the ability to have a third party engineer look at that. Fiberight has approved \$5000 for third party review which we will take as far as we can. Manager Jennings stated that he does not want to draw from the TIF but would pursue this if needed when the time comes. He is not proposing specific funding he just wanted it on the Committee's radar in case this comes up in the future.*
- b. Update on Western Ave sidewalk / Sidney Blvd culvert** – *Sean Currier, DPW Director – Manager Jennings informed the Committee that the Sidney Blvd culvert was a critical path issue for the Western*

*Ave. sidewalk construction. He said that the Western Ave sidewalk agreement with the State must be completed by the end of June 2017 unless further extended with DOT. Manager Jennings stated that the Sidney Blvd culvert must precede that because once the curbing and sidewalk is complete we will not be able to touch it. Director Currier is proposing a catch basin prior to the sidewalk starting on Western Avenue. He says once curbed it will channel water down to Sidney Blvd so he wants to capture it in a catch basin prior to that. He would like to get it done prior to the sidewalk project so the infrastructure will exist when the project starts. Sean confirmed this would be put out to bid.*

- c. Timing and process for consideration of Transfer Station operations, policy** – *Dennis Marble, Infrastructure Committee Chair – Chairman Marble stated that this discussion had started months ago and there were varying opinions but there was an undercurrent of agreement that this needed to be a public process.*

*There was much discussion on the importance of the policy and that due to focusing on day to day operations there hasn't been time to complete the research needed to be ready for broad public consideration. There was a general understanding that no one wanted to lose track of this issue. There was discussion about involving the public with the process including starting with a general discussion without having numbers or answers just discussion. It was agreed to table this until December.*

**4. PUBLIC COMMENTS** – *None.*

**5. COMMITTEE MEMBER COMMENTS** – *None.*

*There being no further business, the meeting was adjourned at 7:32 PM.*

Respectfully submitted –  
Danielle Simons

	<p><u>Drumlin Environmental, LLC</u> Hydrogeologic and Engineering Consultants</p>	
<p><b>Soil Metrics, LLC</b></p>		

**MEMORANDUM**

**To:** Angus Iggpløi u & Hampden Town Council  
**From:** Matt Reynolds & Steve Rabasca  
**Date:** November 21, 2016 (*updated from March 15, 2016*)  
**Subject:** Pine Tree Landfill –Post-Closure Monitoring Review & Update

This memorandum has been prepared to provide the Town with an overview of recent monitoring data and associated corrective actions and post-closure conditions at the Pine Tree Landfill (PTL). The review is based on data provided in the 2015 Annual Report, water quality data from 2015, April 2016 and July 2016, and 2015 and 2016 memoranda prepared by Richard Heath of the Maine Department of Environmental Protection (MDEP).

The goal of this memorandum is to update the March 15, 2016 memorandum and provide the Town with a general overview of conditions associated with the landfill since closure in 2010. The March 2016 memo was prepared prior to the issuance of the 2015 Annual Report. However the March 2016 memo did include review of water quality data collected during 2015. This updated memorandum includes review of the 2015 Annual Report as well as April 2016 water quality data

Figure 1-1 from Attachment C of the 2015 Annual Report (prepared by Sevee & Maher Engineers) is attached to this memorandum for reference and shows the configuration of the landfill and location of the monitoring points and other site features. This update does not include detailed graphs and figures, however, we would be glad to prepare these if it would assist the Town and/or address specific questions.

**I. Landfill Closure Status**

In accordance with the October 2006 Schedule of Compliance agreed to by the Maine Department of Environmental Protection (MDEP) and the Town of Hampden, PTL completed closure of the landfill in 2010. Since that time, monitoring of water quality, gas, settlement, etc. has continued in accordance with the Environmental Monitoring Plan (EMP) for the site. Landfill gas containing methane has also been collected and used to fuel the Landfill Gas to Energy (GTE) facility constructed in 2007. Additionally, some of the leachate collected by the leachate collection system and groundwater extracted from wells at the perimeter of the landfill is being recirculated into the landfill with the approval of the MDEP.

## II. Corrective Action Summary

Prior to closure, a number of corrective actions were implemented to mitigate impacts from the PTL facility. Corrective actions systems that control and/or mitigate impacts to groundwater and surface water include the following.

- Gas collection systems were installed in the Conventional Landfill and Secure Landfills to collect a portion of the landfill gas generated by decomposition of waste. Both gas collection systems are connected to the GTE plant.
- The Secure landfill liner system functions as a cover for the Conventional Landfill and the cover system for the Secure Landfills was completed in 2010;
- The perimeter drain (PDPS) borders the west, south and east sides of the Conventional Landfill and intercepts some shallow groundwater;
- Six groundwater extraction wells have been installed near the edge of the landfill (shown on Figure 1-1). Wells EW-2R and EW-3R are located adjacent to the southeast corner of the landfill. Wells EW-5R, EW-6R, EW-101 and EW-102 are located adjacent to the northeast corner of the landfill. There is also a perimeter drain (PDPS) located along the perimeter of the Conventional Landfill that intercepts leachate and groundwater. The gallons of leachate and groundwater extracted by these wells and drain during 2013, 2014 and 2015 are summarized below.

Year	Northeast (EW-5R, -6R, -101, -102)	South (EW-2R, -3R)	PDPS	Total (gallons)
2013	2,687,000	1,121,000	3,721,000	7,529,000
2014	1,857,000	506,000	3,802,000	6,165,000
2015	3,112,039	781,344	3,356,269	7,249,652

- PTL began constructing an active gas collection system along the edge of the landfill in 2009 to collect landfill gas (e.g., methane and carbon dioxide) that was migrating away from the landfill. This external landfill gas (LFG) collection system consists of 6 gas collection wells and a passive gas collection trench. The gas extracted from the collection wells (shown in Figure 1-1) during 2013, 2014 and 2015 is summarized below.

Year	PTGW08-1 (MMSCF/Tons)	PTGW08-11 (MMSCF/Tons)	PTGW08-12 (MMSCF/Tons)	PTGW08-13 (MMSCF/Tons)
2013	20.8/218	2.0/17	0.5/2	0.6/4
2014	19.7/220	2.6/22	0.1/0.3	0.4/6
2015	19.2/200	2.5/19	2.1/10	1.7/8

- Notes: 1. MMSCF = Million Standard Cubic Feet. Tons = Tons of Methane Extracted  
 2. Estimate of Tons is Based on Volume Extracted and Percent Methane  
 3. No Gas Was Extracted from PTGW08-3, -9 During 2013to 2015 Due to Low Gas & Methane

Based on the water quality data collected at the site, these corrective actions appear to be improving the groundwater quality in certain areas around the landfill. Of particular note from the 2015 Annual Report is that increased extraction of landfill gas from wells -12

and -13 in 2015 resulted in a decrease in the dissolved methane concentrations compared to 2014 in downgradient monitoring wells located southwest of the landfill (e.g., MW-03-802A, -802B, -803B).

### III. Water Quality Target Criteria

The MDEP Closure Order identified 5 specific criteria for determining “successful corrective action” at PTL under the MDEP Solid Waste Regulations. These criteria incorporate the state Maximum Exposure Guideline (MEG) values and the federal Maximum Contaminant Level (MCL) and Ambient Water Quality Criteria (AWQC) values.

These criteria are as follows.

- Groundwater Quality on PTL Property:
  - Specific Conductance must be less than 500 umhos/cm
  
- Groundwater Quality off of PTL Property:
  - Groundwater must be below the applicable MCLs and MEGs;
  - Specific Conductance must be less than 400 umhos/cm
  - Dissolved Methane must be below 700 ug/L
  
- Surface Water Quality:
  - Surface water quality must existing water quality classification standards

These criteria must be met at the PTL monitoring locations during the 30 year post-closure period in order for the MDEP to determine that corrective actions have been successful. The 30-year post-closure period began in 2010, so it is premature to expect that monitoring locations will meet these criteria currently. However, tracking data against these criteria allows PTL, the MDEP and the Town to judge whether the existing corrective actions will be sufficient to meet these criteria over time, or whether supplemental corrective actions may be necessary in the future.

### IV. Water Quality Overview

In accordance with the Post-Closure Environmental Monitoring Plan, water quality is monitored two or three times each year at a network of sampling locations around PTL. These monitoring points are located in different regions around the landfill and include groundwater monitoring wells, residential wells and surface water, as summarized in Table 1.

An overview of the data is reflected in Table 1 and discussed below.

Discussion of Water Quality Monitoring. As noted in Table 1, the majority of monitoring locations have improved (i.e., a downward trend) since 2008, although the improvements have generally been gradual.

**Table 1**  
**PTL 2014, 2015 & April 2016 Water Quality Monitoring Summary**

Monitoring Pt	2011-2015 Analysis <sup>1</sup> (Frequency/yr)	2016-2020 Analysis <sup>1</sup> (Frequency/yr)	Specific Cond. Range <sup>2</sup> (umhos/cm)	Predominant Trend Since 2008 <sup>3</sup>
<b>South/Southeast</b>				
<b>200*</b>	F, L (3)	F, L (2)	440 - 691	Down
641	F, L (3), M (2)	F, L (2), M (1)	922 - 1,368	Down
<b>MW-906B*</b>	F, L (3), M (2)	F, L (2)	427 - 513	Down
MW02-801A	F, L (3), M (2)	F, L (2), M (1)	2776 - 3530	Down
MW02-801B	F (3)	F (2)	2320 - 3700	None**
MW03-802A	F, L (3), M (2)	F, L (2), M (1)	470 - 837	Down
MW03-802B	F (3), M (1)	F (2), M (1)	1077 - 1323	Up
MW03-803A	F (3), M (1)	F (2), M (1)	1264 - 1343	Up
MW-03-803B	F, L (3), M (2)	F, L (2), M (1)	1157 - 1423	Up
<b>West &amp; North</b>				
MW03-804A	F (3)	F (2)	682 - 854	None***
P-914A	F, L (3)	F, L (2)	683 - 828	Up
P-914B	F (3)	F (2)	589 - 747	None
516B-B	F, L (3)	F, L (2)	981 - 1103	Up
<b>Northeast &amp; East</b>				
MW98-601A	F (2)	F (2)	2270 - 2880	None
MW96-601B	F (2)	F (2)	1176 - 1730	None
<b>MW01-602B*</b>	F (2)	F (2)	259 - 520	Down
MW97-123	F, L (3)	F, L (2)	866 - 1414	None**
509A	F (3)	F (2)	841 - 1144	None
509B	F, L (3), M (2)	F, L (2)	827 - 1120	Up
P-911B	F (3)	F (2)	768 - 959	None
<b>916*</b>	F, L (3), M (2)	F, L (2), M (1)	257 - 616	Down
917	F, L (3), M (2)	F, L (2), M (1)	354 - 1007	Down**
<b>Residential</b>				
<b>DW04-109****</b>	F (3), L (1), M (3)	F (2), L (1), M (2)	215 - 793	
DW-103	F (3), L (1), M (3)	F (2), L (1), M (2)	409 - 482	
DW-111	F (3), L (1), M (3)		Not Accessible	
<b>Surface Water</b>				
SW-A	F, L (3)	F, L (2)	89 - 126	
SW-C	F, L (3)	F, L (2)	66 - 145	
SW-D	F, L (3)	F, L (2)	197 - 788	
SW-E	F, L (3)	F, L (2)	241 - 914	

Notes: 1. Analyses: F=Field Parameters, L=Laboratory Parameters, M= Methane

2. SC Range Reflects Data from 2014, 2015 & April 2016

3. Trend Identification Reflects Statistical Analysis in 2015 Annual Report and Review by Richard Heath of the MDEP, Independent evaluation was not conducted for this review.

4. Wells in **BOLD\*** are close to or below Corrective Action Criteria.

5. \*\* = 2015 Specific Conductance Generally Lower than 2014, Increased Conductance in April 2016

6. \*\*\* = Increase in 2015 Specific Conductance

7. \*\*\*\* = DW08-109 2015 & 4/ 2016 Specific Conductance below Off-Site Criteria: 400 umho/cm

Comparison to of 2014, 2015 & April 2016 Data to the Target Criteria

- Prior to 2013, all on-site groundwater was above the 500 umhos/cm criteria. However, groundwater at MW-200 was below the 500 umhos/cm target criteria for 5 of the 7 sampling events during 2014, 2015 and April 2016. Groundwater at MW-906B has been below 500 umhos/cm since July 2014 (6 of 7 events). Groundwater at MW01-602B was been below 500 umhos/cm for the 6 events in 2014 and 2015 and was 520 umhos/cm in April 2016. Groundwater at MW-916 has been below 500 umhos/cm for 6 of 7 events since 2014.
- Groundwater at off-site well DW09-109 was below the 400 umhos/cm target criteria during the 3 sampling rounds in 2015 and in April 2016.
- Groundwater exceeds several MCL and/or MEG values for arsenic and sodium at off-site monitoring location DW-103. Monitoring locations MW-916 and MW-917 are close to but not on property owned by PTL and the MDEP and PTL have not resolved whether these locations are to be considered on-site or off-site for the purposes of compliance with the post-closure criteria. However, at MW-916 arsenic exceeded the MCL or MEG value in all 2014 and the July and October 2015 sampling events. At MW-917, arsenic exceeded the MCL or MEG at 7 of 7 events. Secondary drinking water criteria of iron and manganese are also exceeded at MW-916 and MW-917.
- Groundwater was below the 700 ug/L methane target criteria for off-site well DW-103 (and also for MW-916 and MW-917) in 2014 and 2015. Methane concentrations have been below the 700 ug/L criteria in DW04-109 since the September 2014 sampling event.
- Surface water meets the applicable classification criteria and AWQC standards.

As noted above, there has been a gradual improving trend in specific conductance and related cations and anions in many of the locations included in the monitoring network at the PTL site. There are several locations where significant improvements have been observed as a result of specific actions.

- Groundwater quality improved significantly at MW01-602B near the northeast corner of the landfill after repairs were made to the leachate collection system in this area in 2008 and 2009.
- Groundwater quality related to migration of landfill gas to the east has improved significantly in several wells east of the landfill (e.g. MW-916, MW-917, DW04-109) since PTL began operation of external gas extraction wells, particularly PTGW08-1, in this area. Prior to 2010, methane concentrations in MW-916 and MW-917 exceeded 5,000 ug/L compared to 2015 when methane concentrations were 140 ug/L or less.

- The overall trend in water quality at well MW97-123 in the northeast corner of the landfill rose from 2008 through 2011. From 2012 through July 2015, the specific conductance in MW97-123 declined from approximately 1700 umhos/cm to a low of 866 umhos/cm in July 2015. In the 2014 Annual Report, Sevee & Maher Engineers suggests that the changed in this well are related to the repair of the leachate collection system in the vicinity of MW01-602 in 2008 and 2009. However, the specific conductance in this well was 1190 and 1382 umhos/cm in October 2015 and April 2016, respectively, suggesting that there may be multiple influences on groundwater quality at this location

There are also several locations noted in Table 1 where the rising trends have been observed. A review of data at these locations is discussed below.

- MW03-802B, -803A, -803B: These monitoring wells are along the south side of the landfill and have generally shown elevated and increasing concentrations of specific conductivity and other parameters since the wells were installed in 2003. During 2012, PTL began operation of 2 gas extraction wells PTGW08-12 and -13 in the vicinity of the 802 and 803 wells. In response to the gas extraction, the methane concentrations in these wells have decreased, particularly in 2015, when an effort was made to extract landfill gas on a more consistent basis (see Section II). However the decrease in methane concentration in these wells has not resulted in a significant decrease in specific conductance, suggesting the potential for leachate migration in this area that is influencing the rising trend in these wells.

Discussion of Arsenic in Groundwater. The 2014 Annual Report identified that the concentration of arsenic exhibited a 3-year increasing trend in 9 of the 12 on-site locations where arsenic is analyzed. The increase was attributed to a combination of factors related to closure (e.g., completing the cover, decreasing recharge to the waste mass, etc.). During 2015, arsenic concentrations continued to increase in 4 wells, decreased in 2 wells and the rest of the wells remained in the same (elevated) range as was measured in 2014.

In response to this trend, the MDEP requested and PTL agreed to conduct a residential well sampling event in 2014 to gather data on the concentration of arsenic off-site wells around the landfill. Twenty-one sampling locations were identified and access was obtained to wells at 14 of these locations. The June 2014 arsenic concentrations were below the detection limit at all off-site wells except DW-103, where the concentration was 0.012 mg/L, slightly above the MCL and MEG concentrations for arsenic of 0.010 mg/L. Arsenic was detected at concentrations below the MCL & MEG at the PTL office well and the well at the Gas to Energy plant.

After reviewing the data, the MDEP concluded that the arsenic sampling program “did not suggest widespread impact of the closed landfill on water quality of the surrounding residential wells included in the investigation”. To provide further confirmation of this initial conclusion, the MDEP requested and PTL agree to include the historically sampled

residential wells in the three rounds of sampling planned for 2015. Wells identified as DW-103 and DW04-109 (east), DW-104 (south) and DW-105 (west) were sampled and analyzed for arsenic in April, July and October 2015. The 2015 data were as follows.

- Arsenic was detected in the 0.014 to 0.019 mg/L range in DW-103, which is above the MCL/MEG value of 0.010 mg/L but within the historical range for this well.
- Arsenic was detected in the 3 sampling events in DW04-109 at concentrations of 0.005 to 0.006 mg/L, which his below the MCL/MEG and below concentrations of 0.036 to 0.042 mg/L detected in 2013 and 2014.
- Arsenic was detected in the 3 sampling events in DW-104 at concentrations of 0.005 to 0.007 mg/L, which is below the MCL/MEG and below concentrations of 0.011 to 0.012 mg/L detected in 2010 and 2011.
- Arsenic was detected in July and October in DW-105 at 0.006 mg/L, which is below the MCL/MEG and below concentrations of 0.011 to 0.015 mg/L detected in 2010 and 2011.

The 2014 and 2015 data from off-site residential wells do not appear to indicate that the landfill is causing elevated arsenic concentrations off-site.

Water Quality Monitoring - 2016 to 2020. In March 2016, Sevee & Maher Engineers (SME) on behalf of PTL sent an e-mail to the MDEP with suggested changes to the on-going Environmental Monitoring Plan (EMP) for 2016 to 2020. The MDEP provided comments and the 2015 Annual Report included proposed changes to the Environmental Monitoring Plan. Table 1 above includes a comparison of the sampling regime from 2011 to 2015 versus 2016 to 2020. The primary changes are as follows.

- Reducing the sampling from 3 times per year (spring summer and fall) to 2 times per year (spring and fall).
- Reducing the sampling of dissolved methane to one time per year in monitoring wells;
- Eliminating off-site well DW-111 (which has not been accessible during 2014 and 2015 sampling events) unless this well has not been sealed and would not be reused in the future.
- Reducing the number of locations where leachate quality is sampled regularly from 7 to 2 (i.e., PDPS and LCS-3C, which have the largest flows). The remaining leachate flow locations will be each be sampled once during the 5 year period.

## **V. Geotechnical Monitoring**

The geotechnical monitoring program for the landfill is summarized in a report prepared by Dr. Richard Wardwell, PE, who has been involved with the geotechnical monitoring at that site for many years. The observational approach is utilized in the monitoring, based primarily on topographic surveying of the surface and surveying of multiple survey

monuments that were embedded in the surface of the landfill cover system. The primary purposes of the geotechnical monitoring are to assess if the internal waste mass and foundation soils are stable, and to assess if the cover system is performing as-designed.

Internal and Waste Mass Stability: The internal and waste mass stability is assessed by an evaluation of the horizontal and vertical deformation of four displacement monuments at the toe of the landfill along the east side. The horizontal and vertical movements measured do not indicate that there are any detrimental large-scale movements occurring that would be indicative of large-scale waste-mass or foundation soil movements. There is a significant amount of scatter in the data, but the overall trends indicate that the foundation soils and waste mass are not undergoing detrimental displacements. There was some settlement measured in three of the four monuments in the last survey date, but there was no unusual horizontal movement associated with this reading. The cause of the settlement is being investigated, but since there was no unusual horizontal movement, these settlement readings were not thought to be related to instabilities. It is also noted that if there were instabilities, the most likely movement would have been heave at these locations, not settle.

Cover System Monitoring: The performance of the cover system is also assessed using survey measurements of embedded displacement monitors. Several monuments are installed in each phase of the closure, and horizontal and vertical measurements have been made at least quarterly since those phases were closed. The report includes the plots of horizontal and vertical deformation.

- The horizontal deformation plots for all phases do not indicate any trends that would be indicative of large scale movements that would be detrimental to the cover system integrity. The data are scattered, and some general downslope creep is evident but this is expected given the overall large deformation of the waste mass due to secondary settlement.
- The vertical displacement plots all indicate that the rate settlement is diminishing with time. This is also expected especially since waste loading has stopped and the landfill is now covered. These vertical displacement plots are also used to calculate strain that has likely occurred in the liner. Excessive strain could result in a rupture of the primary geomembrane liner, therefore these periodic assessments of liner strain are important to demonstrate that the movements that are occurring are within those originally predicted during the design phase. The strain calculations are summarized in a table and indicate that the likely strain incurred to date is well within the allowable strain for this type of membrane. The current rate of strain is also extrapolated over the 30-year closure period and those extrapolations are also well within the allowable strain for the liner.

Topographic and Drainage Swale Surveying: Topographic surveying of the landfill is also performed on a regular basis. The results of these surveys do not show any unusual features on the topographic surface that would indicate large scale movements. The drainage ditch invert elevations were recently surveyed for baseline elevations. These surveys indicate that overall the drainage swales are draining in a positive direction and

shedding surface and water that has infiltrated through the surficial cover soils. The survey did show some localized low spots, which are highlighted for surveillance and if necessary, remedial repairs in the future to restore positive drainage. The reason for remediating these low spots is that if left to pond water, excessive seepage could enter the drainage layer on top of the liner leading to liner system instabilities (i.e. sloughing of the liner system). The routine inspections are an important maintenance for the system to ensure it is operating effectively, given the large amount of yearly settlement that occurs.

One additional point that was not indicated, is that the overall side slopes of the landfill are becoming flatter. The side slopes were designed originally at a 2.5H:1V slope angle. As the waste mass consolidates, these side slopes have gradually flattened and will continue to flatten. It is estimated that the slopes may be on the order of 2.65 to 2.75H to 1V as of the 2015 survey. The flatter slopes will result in an overall increase in the factor of safety from that calculated after construction, provided the drainage system in the cover system remains functional as-designed.

## **VI. Closing**

Overall, the water quality monitoring data from PTL reflected in the 2014 and 2015 Annual Reports indicate that there has been gradual improvement at many monitoring locations. There are several on-site locations that are close to or meet the corrective action criteria, compared to 2013 when no locations met these criteria. However, groundwater in several wells south and southwest of the landfill has exhibited increasing concentration trends.

Operation of the corrective action systems (groundwater extraction and external gas extraction) should be continued to maintain the improvement and PTL should be encouraged to look for opportunities to improve and enhance the correction action systems to accelerate the rate of improvement in the future.

The geotechnical monitoring at the landfill indicates that the cover system is performing as designed, and that there are no indications of large-scale waste mass of foundation instabilities.

We hope that the information summarized in this memorandum is helpful to the Town. If there are any questions or a more detailed review would be appropriate, please give me a call at your convenience.





Angus Jennings &lt;townmanager@hampdenmaine.gov&gt;

---

**Re: Infrastructure committee**

1 message

---

**Angus Jennings** <townmanager@hampdenmaine.gov>

Mon, Oct 31, 2016 at 9:50 AM

To: "Wilde, Stephen" &lt;SWILDE@allstate.com&gt;

Cc: Dennis Marble &lt;marbletowncouncil@hampdenmaine.gov&gt;

I'll receive a report from Chief Rogers re what enforcement changes have been made and whether additional changes may be warranted. Will include this on Nov 28 Infra Comm, as well as the jake brakes issue.

On Mon, Oct 31, 2016 at 9:29 AM, Wilde, Stephen <SWILDE@allstate.com> wrote:

I have not seen the cruisers where we suggested but rather deep into the lower speed zone. Example is we can almost depend on one being parked beside the Napa Auto parts sign.

I was hoping we could have resolved this with one meeting but it appears that we need this on the next agenda. Also to be included should be the discussion on jake brake ordinance.

Dennis, this is your district so I am respectfully CC'ing you.

Sent from my iPad

Begin forwarded message:

**From:** Rebecca McElrath <beccamae90@gmail.com>

**Date:** October 31, 2016 at 9:24:19 AM EDT

**To:** Steve Wilde <SWILDE@allstate.com>

**Subject:** Infrastructure committee

Hi Steve,

I hope all is well with you and the family.

So it has been over 3 months since I went to the Infrastructure Committee about the Jake brake issues in town and I have not seen any positive changes come about. I'm starting to wonder if there are people on the committee who have a vested interest in the trucking industry that is superseding their doing what is right for the citizens of the town. I have spoken with many people who work and live right on my hill and they too are disgusted by the increase in noise and the lack of response to my inquiry. Feel free to stop and get gas at Rawcliff's and ask their thoughts or stop at any house here on the hill for their views.

If nothing is going to be done this month, I guess I will need to go back before the committee. Can you make this happen?

Thank you so much for your help.

Rebecca McElrath

Sent from Rebecca's iPhone

--  
Angus Jennings  
Town Manager

Town of Hampden  
106 Western Avenue  
Hampden, ME 04444  
(207)-862-3034

[townmanager@hampdenmaine.gov](mailto:townmanager@hampdenmaine.gov)

Road Commissioner reserves the right to specify culvert diameter in excess of 12" where necessary to achieve drainage of projected volumes.

**2.12 Opening Town Ways or Streets** - No town way or street shall be opened for the purpose of installing or repairing sewers, water, gas, or for any other purpose, unless the individual or corporation wishing to make such an opening shall first obtain from the Road Commissioner a Street Opening/Utility Connection permit to do so and agree to pay the full cost of repairing the damage to the street caused by such opening. Refer to the Town of Hampden Street Opening/Utility Connection Ordinance for permit requirements.

**2.13 Modified or Additional Standards** - The Road Commissioner may modify or require additional standards due to local soil, physical, or topographical conditions, provided that modifications and variances secure substantially the objectives of the standard or requirement so varied or modified.

### ARTICLE III LIMITATION OF TRUCK TRAFFIC

**3.1 Limitation/Prohibition of Truck Traffic** - Upon designation by the Town Manager and approval of the Town Council truck traffic may be limited or prohibited on specified roads or streets passing through residential areas within the Town of Hampden. There shall be a sign posted at each end of the streets or portions of street so designated showing that the same is a residential street and that through heavy traffic is not allowed. A schedule of those streets or portions of streets so designated shall be maintained in the town office and be available for public inspection during regular business hours. *(Amended: 12/7/87, 3/4/91)*

**3.2 Enforcement** - When any violation of any limitation or prohibition on truck traffic imposed under Section 1.1 shall be found to exist, any police officer of the Town of Hampden, or any law enforcement officer authorized to enforce traffic violations in the Town of Hampden, is hereby authorized to institute any and all actions and proceedings in the name of the Town of Hampden, either legal or equitable, that may be appropriate or necessary to enforce the provisions of this Ordinance. *(Amended: 3/4/91)*

**3.3 Civil Penalties** - Whoever violates any limitation or prohibition on truck traffic imposed under Section 1.1 shall be liable for a civil penalty in the amount of \$50.00 for each subsequent offense. Each and every violation shall constitute a civil penalty which shall inure to the benefit of the Town of Hampden.

Article IV, below, was removed  
from Ordinance by vote of  
Council on April 19, 2016

### ARTICLE IV ~~USE OF ENGINE OR TRANSMISSION BRAKING DEVICES~~

*(Adopted: 8/18/03)*

~~**4.1 Findings.** The Town Council finds that the use of engine or transmission braking devices or methods (a/k/a "engine braking" or "dynamic braking") within the Town of Hampden creates unusual and excessive noise that unreasonably disturbs and annoys residents. The prohibition of such devices and methods is necessary to protect the health, safety and public welfare.~~

~~**4.2 Prohibition.** No person may slow a vehicle by a device, method, or practice known as engine or transmission braking (a/k/a "engine braking" or "dynamic braking") whereby rapid downshifting of a vehicle's engine or a compression release device is used in lieu of applying a~~

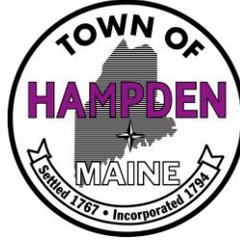
~~vehicle's wheel brakes, causing loud noises to emit from the vehicle's engine and/or exhaust system. Such braking by any motor vehicle on any public highway, street, or parking lot within the Town of Hampden is declared to be a public nuisance and is prohibited.~~

~~**4.3 Enforcement.** When any violation of any prohibition imposed under this Article is found to exist, any police officer of the Town of Hampden, or any law enforcement officer authorized to enforce traffic violations in the Town of Hampden, is hereby authorized to institute any and all actions and proceedings in the name of the Town of Hampden, either legal or equitable, that may be appropriate or necessary to enforce the provisions of this Article.~~

~~**4.4 Civil Penalties.** Whoever violates this Article shall, upon conviction therefor, be liable for a civil penalty in the amount of \$100.00 for the first offense and \$200.00 for each subsequent offense. Each and every violation shall constitute a separate offense. All civil penalties shall inure to the benefit of the Town of Hampden.~~

~~**4.5 Emergency Vehicles.** The provisions of this Article do not apply to emergency vehicles.~~

**Town of Hampden**  
106 Western Avenue  
Hampden, Maine 04444



**Phone:** (207) 862-3034  
**Fax:** (207) 862-5067  
**Email:**  
townmanager@hampdenmaine.gov

**TO:** Infrastructure Committee

**FROM:** Angus Jennings, Town Manager

**DATE:** November 23, 2016

**RE:** Recommended Sewer Ordinance Amendments

---

DPW Director Currier has drafted the attached recommended amendments to the Sewer Ordinance. Kyle Severance drafted additional recommended amendments to Sec. 5.3 "Requirements for Extending Sanitary Sewer Systems".

I am working on additional draft amendments to address policy and procedure regarding abatements and so-called "summer meters." Article 10 will also need revision. I hope to bring these recommendations to Monday night's meeting, but am including Sean's and Kyle's work in the packet to allow for your advance review.

**TOWN OF HAMPDEN, MAINE  
SEWER ORDINANCE**

ADOPTED by Hampden Town Council, December 5, 2011  
Effective Date: January 4, 2012

AMENDED: Hampden Town Council April 19, 2016  
Effective: May 19, 2016

AMENDED: Hampden Town Council \_\_\_\_\_, 2016  
Effective: \_\_\_\_\_, 2017

CERTIFIED BY: \_\_\_\_\_  
        Paula Scott, Town Clerk

Affix Seal

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Town Clerk¶

Title Affix Seal¶



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**Preamble**

An Ordinance to promote the general welfare, to prevent disease and to promote health, and to provide for the public safety by regulating the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer systems, and providing penalties for violations thereof in the Town of Hampden, County of Penobscot, State of Maine.

**ARTICLE 1  
GENERAL ADMINISTRATION**

**Section 1.1. Definitions.** As used in this Ordinance, "shall" is mandatory and "may" is permissive. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance will be as follows:

**ABATEMENT:**

**ACT OR THE ACT:** The Federal Water Pollution Control Act, also known as the "Clean Water Act," 33 U.S.C. § 1251 et seq.

**APPROVAL AUTHORITY:** The Maine Department of Environmental Protection.

**ASTM:** American Society for Testing and Materials.

**AUTHORIZED REPRESENTATIVE OF THE USER:**

(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 policymaking or decision making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where 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 government facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility or his/her designee.

(4) The individuals described in Subsections (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.

**BEST MANAGEMENT PRACTICES (BMPs):** Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 6.3. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

**BIOCHEMICAL OXYGEN DEMAND (BOD):** The quantity of oxygen utilized in the biochemical oxidation

of organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter, (mg/l).

**BUILDER:** Any person, persons, or corporation who undertake to construct, either under contract or for resale, any habitable building.

**BUILDING DRAIN:** The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside a building and conveys it to the building sewer beginning two (2) feet outside of the building wall.

Deleted: eight (8)

**BUILDING SEWER:** The extension from the building drain to the point of connection to the public sewer or other place of disposal.

**CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD:** Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in Title 40 of the Code of Federal Regulations, Chapter 1, Subchapter N, Parts 405 through 471.

**CATEGORICAL USER:** Any user of the Town's wastewater treatment system whose discharges are regulated under 40 CFR 403 and 40 CFR 405 through 471 or who is otherwise subject to United States Environmental Protection Agency pretreatment requirements as a categorical user.

**CITY:** The City of Bangor, Maine.

**CITY ENGINEER:** The City official appointed and designated by the City Manager as the City Engineer for the City of Bangor.

**CODE ENFORCEMENT OFFICER:** The individual(s) retained or designated by the Manager to enforce provisions of this ordinance. For purposes of this Ordinance, the Local Plumbing Inspector shall act under the authority and direction of the Code Enforcement Officer.

**COLOR:** The optical density at the visual wavelength of maximum absorption, relative to distilled water. One-hundred-percent transmittance is equivalent to zero optical density.

**COMBINED SEWER:** A sewer receiving both surface runoff and sewage.

**COMPOSITE SAMPLE:** The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

**CONTRACTOR:** Any person, firm, or corporation approved by the Town Council to do work in the Town of Hampden.

**DAILY MAXIMUM LIMIT:** The maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

**DEP:** Maine Department of Environmental Protection.

**DEVELOPER:** Any person, persons or corporation who undertake to construct simultaneously more than one housing unit on a given tract or land subdivision.

**DISCHARGE:** Any substance knowingly put or allowed to flow into any part of the Town's POTW.

**DISCHARGER:** All industrial users, including categorical users and significant industrial users as defined in this section. "Discharger" also refers to any nonindustrial user of the Town's POTW which discharges wastewater into the POTW.

**DOMESTIC SEWAGE:** Water and water-carried wastes and sewage normally discharged into the sanitary sewers from dwellings, including single-family homes, multifamily homes and hotels, and from office buildings, factories and institutions, but not including stormwater drainage or surface water drainage and not including industrial wastes as defined in this section.

**ENVIRONMENTAL PROTECTION AGENCY:** The United States Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director or other duly authorized official of said agency.

**EXCESSIVE LOADING:** Any discharge resulting in a BOD or TSS loading in excess of 350 mg/l or a loading of fats, oils or greases of animal or vegetable origin or oil and grease or other petroleum or mineral oil products in excess of 140 mg/l. Where a correlation is established between BOD and COD or TOC, a discharge in excess of the equivalent COD or TOC loading shall constitute excessive loading.

**EXISTING SOURCE:** Any source of discharge the construction or operation of which commenced prior to the publication by the EPA of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

**GARBAGE:** Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

**GRAB SAMPLE:** A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

**HAZARDOUS WASTE:** A hazardous waste as that term is defined in 40 CFR 261 or Maine Department of Environmental Protection regulations Chapter 850

**HIGH-STRENGTH CONVENTIONAL WASTE:** Any nonindustrial waste of a substantially greater density, toxicity or acidity than normal domestic sewage, including all wastes likely to cause excessive loading as defined in this section.

**INDIRECT DISCHARGE or DISCHARGE:** The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act.

**INDUSTRIAL USER or USER:** A source of indirect discharge. This term covers discharges from any source, including agriculture, forestry, fishing, mining, manufacturing, transportation, communication, electrical, gas and sanitary services and other industrial services discharging into the POTW any industrial waste or discharging into the POTW any waste other than domestic sewage as defined in this section. This term may also apply to any other source of pollutant which adversely affects the POTW.

**INDUSTRIAL WASTES:** All water, water-carried solids, liquid and gas wastes resulting from any industrial, manufacturing or food processing operation or process or from the development of any natural resource or any mixture of these fluids and domestic sewage or any mixture of these fluids with any other water or with any other liquid.

**INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT:** The maximum concentration or loading of a pollutant allowed to be discharged at any time, determined from the analysis of any grab or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

**INTERFERENCE:** A discharge that, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the Town's POTW, treatment processes or operations or its sludge processes, use or disposal; and
- (2) Which thus contributes to cause a violation of any requirement of the Town's MEPDES permit,

including an increase in the magnitude or duration of a violation, or of the prevention of sludge use or disposal in compliance with statutory provisions and regulations or permits issued under Section 405 of the Clean Water Act, RCRA, the Clean Air Act, SWDA, the Toxic Substances Control Act, the Marine Protection, Research and Sanctuaries Act and any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of RCRA.

**MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM (MEPDES):** Permit program of the Maine Department of Environmental Protection.

**MANAGER:** The term Manager shall have the same meaning as Town Manager.

**MASS-BASED LIMITATIONS:** Users implementing process changes, including best management practices, may request permit discharge limitations be based on mass limitations in lieu of concentration-based limitations. The intent of mass-based limitations is to encourage and allow best management practices, pollution prevention and/or water conservation measures that may result in increased pollutant concentrations while not increasing actual mass of pollutant discharged. Mass-based limitations shall be calculated from current, pollutant-specific concentration and user discharge flow. Mass-based limitations shall not exceed the previous mass of specific pollutant discharged (prior to the implementation of process changes or best management practices) based on the historic performance of that user. Decisions on granting requests for mass-based limitations will be based on user-specific information and current operating conditions of the POTW and will be at the discretion of the Town. Implementation of mass-based limitations shall not contravene any requirements or limitations of federal or state law and/or regulations implemented thereunder and may not waive applicable categorical pretreatment standards.

**MEDICAL WASTE:** Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

**MILLIGRAMS PER LITER:** A weight to volume ratio. The figure appearing before the symbol "mg/l" shall be the number of milligrams to be found in one liter of the substance being tested. This figure can be transposed to pounds per million gallons of water by multiplying said figure by 8.34.

**NATURAL OUTLET:** Any outlet into a watercourse, ditch, pond, lake, or other body of surface or ground water.

**NEW SOURCE:**

(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 of the Act, 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 or wastewater-generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether the sources 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 Subsection 1.1(1)(b) or (c) above but otherwise alters, replaces or adds to existing process or production equipment.

(3) Construction of a new source as defined under this section has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous on-site construction program, any placement, assembly or installation of facilities or equipment or 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 is intended to be used in his or her 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 subsection.

**NONCONTACT COOLING WATER:** Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

**NORMAL DOMESTIC SEWAGE:** Sewage in which the average concentration of TSS does not exceed 250 mg/l and in which the five-day BOD does not exceed 250 mg/l and fats, oils or greases of animal or vegetable origin or oil and grease and other petroleum or mineral oil products do not exceed 100 mg/l.

**NPDES:** The National Pollutant Discharge Elimination System permit program of the EPA.

**OWNER:** Any individual, firm, company, association, society, or group having title to real property.

**PASS-THROUGH:** Any discharge from the Town's POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, cause a violation of any requirement of the Town's MEPDES permit, including an increase in the magnitude or duration of a violation.

**PERSON:** Any individual, partnership, firm, company, association, society, corporation, group, joint-stock company, trust, estate, governmental entity or any other legal entity of whatever relationship or their legal representatives, agents or assigns. This definition includes all federal, state or local governmental entities.

**pH:** The logarithm (base 10) of the reciprocal of the hydrogen ions concentration expressed in moles per liter. pH shall be determined by standard methods as defined in this section.

**POLLUTANT:** Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sludge, pretreatment by-products, munitions, wastewater, medical wastes, chemical wastes, biological materials, metals, oil and grease, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes and other waste or material that alters or adversely affects the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, TTO, TOC or odor).

**PREMISES:** Any building or lot under individual ownership or individual use where water service is metered independently or that discharges wastewater to the POTW.

**PRETREATMENT:** The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes or by other means, except by diluting the concentration of the pollutants, unless allowed by an applicable pretreatment standard.

**PRETREATMENT PROGRAM COORDINATOR:** The Town's designated individual responsible for supervision of the Town's wastewater pretreatment program.

**PRETREATMENT REQUIREMENTS:** Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

**PRETREATMENT STANDARD or STANDARDS:** Prohibited discharge standards, categorical pretreatment standards and local limits.

**PRIVATELY OWNED SEWER EXTENSION:** An extension of the public sewer where ownership and maintenance is retained by the developer or property owner.

**PRIVATE SUBSURFACE DISPOSAL SYSTEM:** A disposal system generally consisting of a subsurface storage tank and leaching field most commonly used in residential housing.

**PROHIBITED DISCHARGE STANDARD or PROHIBITED DISCHARGES:** Absolute prohibitions against the discharge of certain substances. These prohibitions appear in Article 6 of this Ordinance.

**PROPERLY SHREDDED GARBAGE:** The wastes from the preparation, cooking, and dispensing of food or produce 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.

**PROPERTY LINE:** The property boundary line if the building sewer is to connect with the public sewer in a public street, or the edge of a sewer right-of-way in those instances where the building sewers connect to the public sewer in a right-of-way.

**PUBLICLY OWNED TREATMENT WORKS (POTW):** A treatment works, as defined by Section 212 of the Act (33 U.S.C. § 1292), which is owned by the City/Town. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of wastewater of a liquid nature and any conveyances which convey wastewater to a treatment plant. Depending on the context, POTW may include the collection, transport and treatment facilities of the City of Bangor that handle wastewater from the Town's POTW.

**PUBLIC SEWER:** A sewer in which all owners of abutting property have equal rights and which is controlled by public authority.

**PUBLIC WORKS DIRECTOR:** The individual retained or designated by the Manager to supervise and oversee the operation and maintenance of the municipal sewer system and treatment facilities.

**SANITARY SEWER:** A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

**SEPTIC TANK WASTE:** Any wastewater from holding tanks, such as vessels, chemical toilets, campers, trailers and septic tanks.

**SEWAGE:** A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such incidental ground, surface, and storm water that may be present.

**SEWER:** A pipe or conduit for carrying sewage.

**SEWER EXTENSION:** The connection of any public or private sewer to the existing sewer system, except as required under Section 5.1 of this Ordinance.

**SIGNIFICANT INDUSTRIAL USER:**

(1) A user subject to categorical pretreatment standards; or

(2) A user that:

(a) Discharges an average of 25,000 gpd or more of process wastewater to the POTW, excluding sanitary, noncontact cooling and boiler blowdown wastewater; or

(b) Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW; or

(c) Is designated as such by the Town on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Town may at any time, on its own initiative or in response to a petition received from a user and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

**SIGNIFICANT NONCOMPLIANCE:** Includes the following:

(1) Chronic violations of wastewater discharge limits, defined here as those violations in which 66% or more of all the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in Section 1.1;

(2) Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement, including instantaneous limit, as defined in Section 1.1, multiplied by the applicable criteria 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment standard or requirement as defined by Section 1.1 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Town or Pretreatment Program Coordinator determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public as defined in this section;

(4) Any discharge of a pollutant that has caused an imminent danger to human health, including the health of the Town's or City's POTW personnel, or to the environment or has required an exercise of the Town's or City's emergency authority to halt the discharge under 40 CFR 403.8(f)(2)(vi)(B);

(5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide, within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report any noncompliance with permit requirements; or

(8) Any other violation or group of violations, which may include a violation of best management practices, which the Town determines will adversely affect the operation or implementation of the Town's pretreatment program.

**SLUDGE:** A by-product of the primary and secondary treatment processes of the POTW, also known as "biosolids." This term does not include by-products resulting from the pretreatment of industrial wastes.

**SLUG or SLUG LOAD:** Any discharge at a flow rate or concentration which could cause a violation of the general prohibitions of Section 6.3.1 and the specific prohibitions of Section 6.3.2 of this Ordinance. A "slug discharge" is any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge, which has a reasonable potential to cause interference or pass-through or in any other way violate the POTW's regulations, local limits or permit conditions.

**STANDARD INDUSTRIAL CLASSIFICATION CODE:** A classification pursuant to the Standard Industrial Classification Manual issued from time to time by the United States Office of Management and Budget.

**STANDARD METHODS:** Testing methods and techniques prescribed in 40 CFR Part 136 or, if not found therein, other appropriate procedures approved by the EPA..

**STATE PLUMBING CODE:** The latest edition of the State of Maine Plumbing Code.

**STORM SEWER OR STORM DITCH:** A pipe or conduit which carries storm, surface waters and drainage but excludes sewage and industrial wastes.

**STORMWATER:** Any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.

**SUPERINTENDENT:** The Wastewater Treatment Plant Superintendent of the City of Bangor POTW or his or her authorized deputy, agent or representative.

**SUSPENDED SOLIDS:** Solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering in accordance with Standard Methods.

**TOTAL TOXIC ORGANICS:** The summation of all quantifiable values greater than 0.01 mg/l for the toxic organics listed at 40 CFR 413.02(i).

**TOWN:** The Town of Hampden, Maine.

**TOWN MANAGER:** The Town Manager of Hampden or the individual designated by the Town Council to perform this function, or the authorized deputy, agent, or representative of this individual which shall include but not be limited to the Code Enforcement Officer, Public Works Director, POTW Superintendent, City Engineer, etc.

**TOWN COUNCIL:** The duly elected Town Council of the Town of Hampden, Maine, or its authorized representative.

**TOXIC POLLUTANT:** One of 126 pollutants or a combination of those pollutants listed as toxic in regulations promulgated by the EPA pursuant to Section 307 (33 U.S.C. § 1317) of the Act. This term also includes any pollutants that may be added to this promulgated list by amendment.

**TREATMENT PLANT EFFLUENT:** The discharge from the POTW into waters of the United States.

**TREATMENT PLANT INFLUENT:** The wastewater in the POTW which is presented for treatment at the City's wastewater plant.

**UPSET:** An exceptional incident in which a discharger is in a state of noncompliance with the categorical pretreatment standards due to factors beyond the reasonable control of the discharger. This term excludes noncompliance due to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, careless or improper operation of the treatment facilities or other similar reason.

**WASTEWATER:** Liquid and water-carried industrial wastes and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated, which are contributed to the POTW.

**WASTEWATER PLANT:** Any facility owned by the City and used for receiving and treating wastewater.

**WATERCOURSE:** A channel in which a flow of water occurs, either continuously or intermittently.

Subsection 1.1.1 Abbreviations.

The following abbreviations shall have the designated meanings:

ASTM            American Society for Testing and Materials

BOD             Biochemical oxygen demand

BMP	Best management practices
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
DEP	Maine Department of Environmental Protection
EPA	United States Environmental Protection Agency
Gpd	Gallons per day
L	Liter
MEPDES	Maine Pollutant Discharge Elimination System
Mg	Milligrams
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
O&M	Operation(s) and maintenance
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification Code
SWDA	Solid Waste Disposal Act
TOC	Total organic carbon
TSS	Total suspended solids
TTO	Total toxic organics
U.S.C.	United States Code
WEF	Water Environment Federation

**Section 1.2. Powers and Authority of Inspectors:** The Town Manager or his/her designee, shall administer, implement and enforce the provisions of this Ordinance. The appointed designee, including but not limited to Hampden Code Enforcement Officer, Public Works Director, and Superintendent of the POTW or their designee, shall be permitted to enter upon all properties for the purpose of inspection, observation, enforcement and measurement sampling and testing in accordance with the provisions of this Ordinance.

**Section 1.3. Repeal of Prior Ordinances:** The Sewer Ordinance enacted on June 19, 1978, as amended, shall stand repealed as of the effective date of this Ordinance. The enactment of this Ordinance, however, shall not affect or prevent any pending or future prosecution of, or action to abate, any violation of the Ordinance repealed hereby.

**Section 1.4. Conflict with Other Ordinances:** Whenever the requirements of this Ordinance are in conflict with any other rule, regulation, or ordinance, that imposing the most restrictive or higher standard

shall govern.

**Section 1.5. Severability:** In the event that any section, subsection, or any provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection, or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

**Section 1.6 Effective Date:** Pursuant to Section 213(c) of the Town Charter, this Ordinance shall become effective at the expiration of thirty (30) days after its adoption by the Town Council.

## ARTICLE 2 USE OF PUBLIC SEWERS REQUIRED

**Section 2.1. Discharges:** It shall be unlawful to discharge to any watercourse, either directly or through any storm sewer, within the Town or to any area under the jurisdiction of the Town, any sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with federal, state or local laws.

**Section 2.2. Discharges to Land:** It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner on public or private property within the Town or to any area under the jurisdiction of the Town, any human or animal excrement, garbage, or other objectionable waste. This section shall exclude normal agricultural practices.

**Section 2.3. Private Sewers:** Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, leaching pit, or other facility intended or used for the disposal of sewage.

**Section 2.4. Connection of Plumbing Facilities to Public Sewers:** The owner of any house, structure, building or property used for human occupancy, employment, recreation, or other purpose, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the Town, is hereby required, at owner's expense, to install suitable plumbing facilities therein, including but not limited to toilets, and to connect such facilities to the public sewer, in accordance with the provisions of this Ordinance, within ninety (90) days after the date of official notice to do so, provided that said public sewer is located opposite any portion of the frontage of the property to be served by said sewer.

**Section 2.5. Waivers from Connecting to Public Sewer:** The Town Council may waive the requirement to connect to the public sewer under certain circumstances. Waivers may be obtained where 1) unusual circumstances exist due to the presence of ledge, incompatible elevations, and financial hardship. 2) excavation of a public highway is prohibited by State law or regulation. 3) a new subsurface wastewater disposal system had been installed within the previous five (5) year period. Private subsurface sewer systems shall be grandfathered outside of the five (5) year period until such time as the system is in disrepair or is no longer operable. At that time, the owner shall connect to the public sewer system at the owners cost. The Town Council may impose conditions on waivers as they see necessary to carry out the intent of this ordinance. All waivers granted by the Town Council shall be recorded at the Penobscot Registry of Deeds.

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## ARTICLE 3 PRIVATE SEWAGE DISPOSAL

**Section 3.1. Unavailability of Public Sewers:** Where a public sanitary sewer is not available under the provisions of Section 2.4, the building sewer shall be connected to a private subsurface disposal system complying with the provisions of this Article and the State Plumbing Code.

**Section 3.2. Construction of Private Subsurface Disposal Systems:** Construction of private

subsurface disposal systems shall comply in all respects with requirements of the State Plumbing Code. Before commencement of construction of a private subsurface disposal system, the owner shall first obtain a permit from the Town. The application for such permit shall be made on a form furnished by the Division of Health Engineering, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Town.

A use permit for a private subsurface disposal system shall not become effective until the installation is completed to the satisfaction of the Town. The Town shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Town before any underground portions are covered and when the work is ready for final inspection.

**Deleted:** , and before any underground portions are covered.

No additional private subsurface disposal system serving more than one private residence or commercial establishment shall be connected to, nor in any way discharge to, any portion of the Town's POTW, except as provided in Article 5.

Whereas maintenance of the POTW in compliance with Federal and State pollution abatement legislation is essential to the public good; no existing private sewers discharge to the POTW shall be increased in extent or flow, and upon issuance of written notice by the Town Manager, all existing private sewers shall be maintained in full compliance with construction and infiltration standards of this Ordinance, at no expense to the Town.

Failure to maintain an existing private sewer in compliance with this Ordinance within 90 days of issuance of written notice shall be adequate cause for the Town seek penalties from the owner/resident to rectify the issue and to notify the State of Maine of the infraction.

**Deleted:** to cease accepting discharge from the private sewer into the sewage works and to take such action as necessary, including plugging of the private sewer at the point of connection to the sewage works, as necessary to protect the public interest.

**Section 3.3. Division of Health Engineering State Department of Health Recommendations:** The type, capacities, location, and layout of a private subsurface disposal system shall comply with all requirements of the Division of Health Engineering, State of Maine.

**Section 3.4. Conversion to Public Sewer:** At such time as a public sewer system becomes available to a property served by a private sewer system, as provided in Section 2.4, connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools or similar private sewage disposal facilities shall be abandoned and filled with suitable material. Septic tanks, cesspools or similar private sewage disposal facilities shall be suitably cleaned and septage disposed of in accordance with current State and Federal regulations. Tanks and similar structures shall be removed or broken and filled with 4" minus compacted well-graded granular material.

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**Section 3.5. Additional Requirements:** No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Town.

**Section 3.6. Septage Disposal:** Septic tank waste and private pump station waste originating from or generated in the Town of Hampden may be introduced into the POTW only at the designated receiving structure of the Bangor POTW and at such times as are established by the Town of Hampden and the City of Bangor. Such wastes shall not violate Section 6.3 of this Ordinance or any other requirements established or adopted by the Town of Hampden or the City of Bangor. In no circumstance will wastes be accepted without prior approval from the City of Bangor, Director of Water Quality (hereafter "Director") or his/her designee.

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The Town and/or City may collect samples of each hauled load to ensure compliance with this Ordinance and the City of Bangor's Chapter 252: Sewers and Drains Ordinance. The Town and/or City may require the hauler to provide a waste analysis of any load prior to discharge.

**Deleted:** . Wastewater discharge permits for individual vehicles to use such facilities may be issued by the Town.

**Deleted:** The Town may issue wastewater discharge permits to original sources of hauled industrial waste. The Town shall also have the authority to prohibit the disposal of hauled industrial wastes. ¶ Waste haulers may only discharge loads at locations specifically designated by the Town. No load may be discharged without prior consent of the Town.

Waste haulers must provide the POTW with a copy of a waste-tracking form for every load prior to discharge. This form shall include, at a minimum, the name and address of the waste hauler, truck identification, sources of waste and volume and characteristics of waste.

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**Deleted:** In addition, for hauled industrial waste, the form shall identify the type of industry, known or suspected constituents and whether any wastes are RCRA hazardous wastes.

Waste haulers using trucks having a volume gauge or sight glass will be charged at the applicable rate per 1,000 gallons of wastewater discharged. Trucks lacking such a volumetric measuring device or other means satisfactory to the Town to measure the volume of wastewater discharged will be presumed full and will be charged accordingly.

**Deleted:** Waste haulers must dispose of hauled wastewater at the designated receiving structure only during such days and times as designated by the Town.

Any person who discharges hauled wastewater at any other location in the Town or at the designated receiving structure at other than the times allowed shall be subject to applicable civil and criminal penalties, including those prescribed at 30-A M.R.S.A. § 4452 and 38 M.R.S.A. §§ 349 and 1319-T.

A suitable odor-control chemical approved by the Town and the Director or his/her designee, shall be introduced to the hauled wastewater prior to its transportation to the designated receiving structure. Sufficient quantities of such chemical shall be used by the waste hauler to adequately control odors emanating from the hauled wastewater.

If at any time, in the opinion of the Town or the Director or his/her designee, the discharge of hauled wastewater is placing an excessive burden on the POTW's treatment process or is otherwise causing a nuisance, the Town or City can refuse to accept such wastewater for treatment in the POTW.

#### ARTICLE 4 BUILDING SEWERS AND CONNECTIONS TO PUBLIC SEWERS

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**Section 4.1. State Plumbing Code:** The provisions of this article shall be deemed to supplement provisions of the State Plumbing Code with respect to building sewers and connections thereof to public sewers. In event of conflicts between this article and the state plumbing code, the most restrictive or higher standard shall be deemed to apply. Permits and fees stipulated hereunder are additional to any permits or fees, or both, required under the State Plumbing Code.

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**Deleted:** the provisions of this article

**Section 4.2. Connection to Public Sewers:** No person shall uncover, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written Street Opening/Utility Connection permit from the Town. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Town at least 45 days prior to the proposed change or connection and pay applicable sewer connection fees.

**4.2.1. Street Opening/Utility Connection Permit:** Said Permit shall specify whether the connection is for residential or commercial service or for service to establishments producing or handling industrial wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the Town. The permit application shall be accompanied by any plans, specifications, or other information required in accordance with the provisions in the Street Opening/Utility Connection Ordinance. The fee for the Street Opening/Utility connection permit is established in the Town of Hampden Fees Ordinance.

**4.2.2.** Except on an emergency basis to serve existing structures only (e.g. following a failure of an existing private septic system), no street opening/utility connection permit shall be issued authorizing connection to any public or private sewer line or sewer extension which is found by the Town to be inadequate, by reason of its design, condition or lack of hydraulic capacity, to accommodate the additional volume or flow or types of wastes to be discharged from the premises concerned; or which by reason of its design, condition or hydraulic capacity, causes or materially contributes to upsets, surcharges, slug loads or untreated outfalls at any downstream or other location. All permits issued on an emergency basis under this subsection shall bear the designation of "emergency permit" and shall be subject to annual review by the Public Works Director and/or the Town Manager. Any emergency permit shall be deemed terminated upon correction of the condition that led to its issuance.

**4.2.3.** Except for the purpose of correcting the violation concerned, no new street opening/utility

connection permit shall be issued to any person who has been cited by the Public Works Director or the Town Manager for violations of this ordinance if such violation remains uncorrected at the time of application.

**4.2.4. Backwater Valves Required:** To protect from the possibility of backflow of sewage, backwater valves shall be required for all new connections to public sewers and shall also be required when existing sewer services are excavated.

1. **Material.** All bearing parts of backwater valves shall be of corrosion-resistant material. Backwater valves shall comply with ASME A112.14.1, CSA B181.1 or CSA B181.2.
2. **Seal.** Backwater valves shall be so constructed as to provide a mechanical seal against backflow.
3. **Diameter.** Backwater valves, when fully opened, shall have a capacity not less than that of the pipes in which they are installed.
4. **Access.** Backwater valves shall be installed so that access is provided to the working parts for service and repair.

**Section 4.3. Permits and Connection Fees:** There shall be two (2) classes of building sewer connection permits/fees:

1. residential service, and
2. commercial, industrial, and other nonresidential service.

In either case, the owner or owner's agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent to the judgment of the Town. A permit and inspection fee at the rate prevailing at the date of application shall be paid to the Town at the time an application is filed. The Town Council shall fix a permit and inspection fee for each commercial, industrial, or other non-residential building, after recommendation of the Town Manager based on the size and nature of the operation proposed in such commercial, industrial, or other non-residential building as compared to the demands of a residential structure. The permit (or sewer connection fee) is calculated based on a form (Sewer Connection Fee Worksheet) provided by the Town. No sewer connection fee will be required for repair of an existing sewer service, although a Street Opening/Utility Connection Permit will be required as applicable.

**Section 4.4. Shared Building Sewers:** A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, in which case the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Separate clean outs shall be provided for both buildings. Existing building sewers may be used in connection with new buildings only when they are demonstrated by examination to be in full conformance with all requirements of this ordinance.

**Section 4.5. Quality and Weight of Materials:** The building sewer shall be cast iron pipe, PVC pipe or other suitable materials approved by the Town and meeting current State Plumbing Code. The quality and weight of materials shall conform to the specifications of the State Plumbing Code. All joints shall be gastight and watertight. Where the building sewer is exposed to damage by tree roots or is installed in filled or unstable ground, the Town shall have the authority to stipulate such special pipe materials or installation provisions as it deems necessary for the circumstances. Testing of the building sewer installation shall be done at no cost to the Town, in the presence of the Town Representative and using a Town approved method.

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**Section 4.6. Size and Slope of Sewer:** The size and slope of the building sewer shall be regulated by the State Plumbing Code, but in no event shall the diameter be less than 4 inches. The slope of a 4 inch pipe shall not be less than one-quarter inch per foot. The slope of a six-inch pipe shall not be less than one-eighth inch per foot.

**Section 4.7. Elevation and Location of Sewer:** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. If frost protection depth (5ft. min) is not attainable due to ledge or other circumstances, rigid styrofoam insulation may be used at the rate of 1 inch per 12 inches of soil depth required. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with approved pipe and fittings.

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**Section 4.8. Building Drains:** In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

**Section 4.9. Excavations and Backfilling:** All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Town. Pipe laying and backfill shall be performed in accordance with ASTM Specification C12 except that no backfill shall be placed until the work has been inspected by the Town. Refer to Section VI of the Street Opening/Utility Connection Ordinance for additional requirements.

**Section 4.10. Joints and Connections:**

**4.10.1. Cast Iron Pipe:** Cast iron pipe joints shall be of the push-on type and conform to ASTM 0564-70 (Rubber Gaskets) and ANSI (A21.11). Fittings shall be of the type specifically manufactured for the cast iron pipe used. Cast iron pipe, joints, and fittings shall be cement lined and double asphalt coated inside and bituminous coated outside. Lubricants shall be suitable for lubricating the gasket to facilitate assembly of the pipe joint. The lubricant shall be non-toxic, shall not support the growth of bacteria and shall have no deteriorating affects on the gasket material.

**4.10.2. Plastic Pipe:**

**4.10.2.1.** ABS pipe fittings and connection shall conform to ASTM (D1527) for Schedule 40, 80, 120 or ASTM (2661) for DMV Schedule 40.

**4.10.2.2.** Schedule 40 PVC fittings and connections shall conform to ASTM (D2665) for DMV Schedule 40 or ASTM (D1785) for Schedule 40, 80, 120 PVC. Fittings and connections shall be installed in accordance with the manufacturer's written instructions.

**4.10.2.3.** SDR 35 pipe fittings and accessories shall be as manufactured and furnished by the pipe supplier or approved equal and have a bell and/or spigot configuration compatible with SDR 35 PVC. Joints shall meet the requirements of ASTM (D3212) "Joints for Drain and Sewer Plastic Pipe Using Elastomeric Seals".

**4.10.3. Joints:** All Joints shall be sealed with gaskets of rubber, or other approved elastomeric material, as provided by the manufacturer of the pipe being installed. Joints shall be made up in conformance with the manufacturer's written installation instructions. Copies of the installation instructions shall be submitted to the Town a minimum of one week prior to the construction.

**4.10.4. Alternate Materials and Methods:** Alternate jointing materials and methods may be used only if of standard manufacture for the pipe and fittings being installed and submitted for approval to the Town.

**Section 4.11. Connections:** Connections of a building sewer into a public sewer shall be made, at a location determined by the Town.

**4.11.1. Connections at Manholes:** Where connection to the sewer main is not possible, connections to a manhole are permitted. Tapping of pre-cast manholes shall be done with core drill or other approved method. A flexible rubber pipe to manhole connector shall be employed in the connection of service lines to pre-cast manholes. The connector shall be the sole element relied on to assure a

flexible watertight seal of the pipe to the manhole. No adhesives or lubricants shall be employed in the installation of the connector into the manhole. The rubber for the connector shall comply with ASTM C443 and ASTM C923 and consist of EPDM and elastomer designed to be resistant to ozone, weather elements, chemicals, including acids, alkalis, animal and vegetable fats, oils and petroleum products from spills.

All stainless steel elements of the connector shall be totally non-magnetic Series 304 Stainless, excluding the worm screw for tightening the steel band around the pipe which shall be Series 305 Stainless. The worm screw for tightening the steel band shall be torqued by a break-away torque wrench available from the pre-cast manhole supplier, and set 60 - 70 inch/lbs.

The connector shall be installed in the manhole wall by activating the expanding mechanism in strict accordance with the recommendation of the connector manufacturer.

The connector shall be of a size specifically designed for the pipe material and size being utilized on the project.

The contractor shall furnish evidence that materials meet or exceed the requirements given in ASTM Specification C923-84, which covers rubber seals used in concrete sewer pipe and culvert Joints.

	<b>PHYSICAL PROPERTIES</b>	<b>ASTM C-023</b>	<b>ACTUAL</b>
<b>I.</b>	Chemical Resistance		
	1 N Sulfuric Acid	No weight loss	No weight loss
	1 N Hydrochloric Acid	No weight loss	No weight loss
<b>II.</b>	Tensile, psi, min	1,200 psi	1,550 psi
	Elongation at break	350% min	450% min
	Hardness	+ 5 from the manufacturer's specified hardness	44 + 5
<b>III.</b>	Accelerated Oven Aging: 96 hrs @ 158°F		
	Tensile Change, % max	15	10.4
	Elongation Change, % max	20	14.0
<b>IV.</b>	Comp.Set, % max	25	19.6
<b>V.</b>	Water Absorption: 48 hrs @ 158°F Weight increase, % max	10	3.5
<b>VI.</b>	Ozone Resistance 120 Hrs @ 100° + 02°F	0	0
<b>VII.</b>	Low-temperature brittle point Fracture @ -40°C	None	None
<b>VIII.</b>	Tear Resistance	200 lbf/in	200 lbf/in

On completion of the installation, the Contractor shall patch all cracks, gaps or other damage to the manhole with non-shrink epoxy grout or other approved material. Following installation the contractor shall pneumatically test the service per Article 5 - Section 5.4.2 of this Ordinance.

**4.11.2. Connections at Wye Branches:** When connecting a 4 or 6 inch building sewer to a public sewer, an inline wye branch fitting or tapped gasketed saddle connection shall be used. The fitting shall be of the proper design for the public sewer pipe materials. Any building sewer greater than 6 inch diameter shall be connected to the public sewer at a manhole. If a manhole is not available within the project limits, the developer and/or owner shall install one at a location determined by the Town. The manhole invert shall be reconfigured to accept the new pipe and direct flow downstream.

The tap shall be made with a hole saw and all rough edges sanded smooth. The tap location shall be centered horizontally on the pipe spring line or above. The service shall extend horizontally from the public sewer a distance not less than 2 feet.

The wye-saddle gasket shall be rubber or elastomeric material of section designed to provide a water tight seal without transfer of significant stress to the sewer pipe. The wye-saddle shall be securely clamped in place with a minimum of two each 3/4 inch wide, Type 304 stainless steel bonds.

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**4.11.3. Service Marker:** Electronic markers shall be provided at the terminus points of all new services or point of reconnection for all existing services. Marker disks shall be placed directly over the point of termination at least 6 inches above the pipe. Depth of marker burial shall not be less than 4 feet or more than 6 feet. Markers shall be laid in a level position and hand backfilled to 1 foot above the disk to prevent movement or damage.

Markers disks shall consist of a passive waterproof device capable of reflecting a specifically designated repulse frequency turned to the utility being installed. Marker disks shall be color coded green (for Sanitary) in accordance with AWPA Utility Location and Coordinating Council Standards. Markers shall be of the brand and style specified by the Town.

**4.11.4. Swing Ties:** Swing ties locating the terminus points of all new services or point of reconnection for all existing services shall be provided to the Town. Ties shall consist of measurements to permanent structures tabulated on reproducible record drawings submitted to the Town at completion of construction.

**Section 4.12. Inspection and Connection to Public Sewers:** The applicant for the building sewer permit shall notify the Town when the building sewer is ready for inspection and prior to connection to the public sewer. No public sewer shall be disturbed except under the supervision of the Town. The Town shall be available to supervise and inspect the connection within 48 hours of notification of readiness.

**4.12.1. Guarding of Excavations:** All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard.

**4.12.2. Restoration of Public Property:** Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

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**Section 4.13. Building Sewers Requiring Frequent Maintenance:** Maintenance of the building sewer, as defined in section 1.0 of this Ordinance, shall be the responsibility of the property owner. Any building sewer serving a school, hospital, or similar institution or public building, or serving a complex of commercial or industrial buildings, or which, in the opinion of the Town, will receive sewage or industrial wastes of such volume or character that frequent maintenance of said building sewer is anticipated, then such building sewer shall be connected to the public sewer through a manhole. If required, a new manhole shall be installed in the public sewer and the location of this manhole and the building sewer connection to it or to any existing manhole shall be as specified by the Town.

**4.13.1 Interceptors and Traps:** Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; (except that such interceptors shall be required for private living quarters or dwelling units). All interceptors shall be of a type and capacity approved by the Town and shall be located so as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors or traps shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

**Section 4.14. Infiltration:** The maximum acceptable infiltration rate for all sewers constructed after enactment of this amendment shall be 100 gpd/in-mile of extent including service connection to the building foundation.

The maximum acceptable infiltration rate for all existing private sewers shall be 1,000 gpd/in-mile of extent, including service connection to the building foundation.

Infiltration rate measurements shall be made using manufacturer calibrated insert weirs and sound engineering practices. Infiltration measurements shall be reported in tabular form, showing all reaches monitored, antecedent precipitation, and groundwater conditions, and signed by a professional engineer registered in the State of Maine. A current manufacturer's calibration certificate for the weirs used to take the infiltration measurements shall be included with the report.

**Section 4.15. Costs and Expenses Borne by the Owner:** All costs and expense incident to the installation, connection and maintenance of the building sewer shall be borne by the owner. The costs for verification of existing pipe condition for reuse shall also be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation, maintenance, or failure of the building sewer service.

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## ARTICLE 5 SEWER EXTENSIONS

**Section 5.1. Sewer Extensions Constructed by the Town:** Public sewer extensions may be constructed by the Town under public contract if, in the opinion of the Town Council, the number of properties to be served by such extension warrants its cost. Property owners may propose such sewer extensions within the Town by drafting a written petition signed by a majority of the benefited property owners, and filing it with the Town Council. The cost of such extensions may be assessed to the benefited property owners in any lawful manner determined by the town council. Under this arrangement the property owner shall pay for and install the building sewer from the public sewer to the property to be served in accordance with the requirements of Article 4.

**Section 5.2. Sewer Extensions Constructed by Private Developer:** If the Town does not elect to construct a sewer extension under public contract, the property owner, builder, or developer may construct the necessary sewer extension, if such extension is approved by the Town Council and constructed in accordance with the requirements of Section 5.3. The cost of sewer extensions thus made, including all building sewers, shall be absorbed by the developers or property owners. Each building sewer must be installed and inspected as previously required and the inspection fees shall be paid therefore. Design of sewers shall be as specified in Section 5.3. and Section 5.3.1. The installation of the sewer extension shall be subject to inspection by the Town and the expenses for this inspection shall be paid for by the owner, builder or developer. The Town's decision shall be final in matters of quality and methods of construction. Before it may be used, the sewer as-constructed must pass the inspection test(s) specified under Section 5.4.

To the maximum extent practicable all sewerage extensions shall be constructed within approved street right-of-ways. Otherwise, sewerage extensions shall be constructed centered in a 20 foot (minimum) wide right-of-way deeded to the Town.

**Section 5.3. Requirements for Extending Sanitary Sewer Systems:** All extensions to the sanitary sewer system shall be properly designed in accordance with this Ordinance and the most recent edition of the Recommended Standards for Sewage Works, as adopted by the Great Lakes Upper Mississippi River Board of State Sanitary Engineers. All design computations, plans and specifications shall be stamped and signed by a professional engineer, currently registered in the State of Maine. Plans and specifications and computations for sewer extension shall be submitted to and approval obtained from the Town before construction may proceed. Plans and profiles of proposed sewer line construction shall be a scale of not more than 100 feet to the inch (1200:1) and a vertical scale of not more than 10 feet to the inch (120:1). Topographic base mapping shall be controlled with minimum 2 foot contour intervals. All mapping shall be based on MSL (Mean Sea Level) and Digital Data of GEO referenced plans as described below; Submission of digital data/preparation of geo-referenced plans: The digital submission should include all applicable sewer features (pipes, junctions, pumps, etc), topography, property lines, streams with flow direction, wetlands, or any other applicable features as would be shown on a printed

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plan. Features are to be GPS located using at least sub-meter accuracy GPS units. Plans are to be geographically referenced using no less than four non-linear (dispersed across the area) projected control points of at least sub-meter accuracy and shall be submitted in one of two acceptable formats: 1) Universal Transverse Mercator (UTM) Zone 19 meters, or 2) US State Plan Coordinate System Maine Zone East 1983 feet. Accepted file types are ESRI .shp and associated files, AutoCAD .dwg files. AutoCAD files must be purged of all empty layers and presented with model space objects only. All files are to be submitted with clear layer names, such as "Sewer-Line-8inch", that obviously describe each layer (for example, "gp-pl-0" is not acceptable). Metadata should be included if available. If not available, a text file should be included with the following: surveyor or engineer name and license number, phone number, mailing address, email address, projection and datum used, date of preparation of data, description of equipment used to collect data (make, model, manufacturer's reported accuracy level), any disclaimers, limitations, or other notes. [Electronic files](#) should be submitted on a CD, DVD or flash drive. [Submission of physical plan copies: No less than two physical copies in ARCH D or ARCH E format will be provided on clear and legible media \(suitable for microfilming\).](#)

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**5.3.1.** All extensions of the sanitary sewer system constructed under Section 5.2 shall be designed to provide gravity collection and flow from the development to the point of connection with the existing public sewer system. Pump stations shall not be incorporated in the design of sewer systems in any proposed development within the Town of Hampden, Maine except under the following conditions:

**5.3.1.1** Lift stations serving individual single-family homes are exempt from the foregoing requirements of Section 5.3.1, unless said homes are part of a common scheme of development, such as a subdivision or group development.

**5.3.1.2** The parcel of land on which the development is to be located shall be no more than 500 feet from an existing public gravity sewer line.

**5.3.1.3** No force main shall exceed 2,000 feet in length unless prior approval has been obtained from the Town Council upon their finding that such increased length is the only practicable option to service the subject property, and upon their finding that any increased operations and maintenance costs that would result from such increased length over the life of the infrastructure will be offset by sewer fees to be paid by the user or users of the force main.

**5.3.1.4** A gravity sewer is not feasible. For example: Although a 2" force main sewer might be less expensive to install than an 8" gravity sewer, the gravity sewer must be not feasible, not simply more expensive.

**5.3.1.5** The private pump stations and sewer extensions must be maintained in perpetuity by either a single private entity or a maintenance association.

**5.3.1.6** Any private pump stations and sewer extension must be designed and stamped by a duly licensed and qualified professional engineer, registered in the State of Maine.

**5.3.1.7** The private pump station design, and the construction thereof, must include a redundant sewage lift pump, backup electrical generator and approved alarm system to provide warning in case of mechanical failure.

The Planning Board shall not approve any development or subdivision that includes private pump stations or private sewer extensions unless the design thereof and the legal documents showing evidence of their perpetual maintenance have been reviewed and approved by the Town Council with written recommendation of the Town Manager, Town Attorney and Town engineering consultant.

**5.3.2.** Materials, Joints and Connection to Building Sewers: Gravity sewer pipe and fittings shall be Ductile Iron (DI) or Polyvinyl Chloride (PVC) unless otherwise approved by the Town.

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Minimum internal pipe diameter shall be 8 inches. DI pipe shall be a minimum of Class 51 conforming to the requirements of ANSI A21.5 and ANSI A21.11 push on joints. Pipe shall be cement lined and double asphalt seal coated inside and bituminous coated outside. PVC sewer pipe and fittings 15 inches or less in diameter shall conform to the requirements of ASTM D3034 or ASTM F789, sizes 18 inches through 27 inches shall conform to ASTM P679. Pipe wall thickness shall be sized in accordance with ASTM D2412.

Pipe joining shall be bell and spigot with elastomeric gaskets. Pipe will be furnished in standard lengths. PVC to be installed at a depth greater than 14 feet shall meet the requirements of AWWA C900 (PVC Pressure Pipe). All Class 100 pipe shall meet the requirements or DR 25. Class 150 pipe shall meet the requirements of DR 18 and Class 200 shall meet the requirements of DR 14.

Wye branch fittings shall be installed for connections to building sewers in accordance with Section 4.10.

**5.3.3. Excavation:** Excavation for pipe lines shall be true to line and grade and shall be carried to a minimum of 6 inches below the bottom of the pipe. The Town may require additional excavation and backfill with granular material if unstable soil conditions are encountered.

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For pipe diameters 12 inches and less the trench width - two pipe diameters above the pipe invert - shall be 36 inches. The trench width for diameters in excess of 12 inches - two pipe diameters above the pipe invert - shall be the pipe outside diameter "0" plus 2 feet. The trench width for parallel pipes in the same trench shall be 4 feet 6 inches, two pipe diameters above the highest pipe invert. The trench width shall not exceed the above limits unless authorized by the Town.

All Excavated areas shall be properly shored and braced so that earth will not slide or settle and so that all surrounding property and structures of any kind will be duly protected from damage. Work shall be performed in accordance with all existing State and Federal safety requirements. If in the opinion of the Town the work area and procedures are unsafe, the Town representative shall have the right to notify the proper authorities. (i.e. OSHA)

**5.3.4. Bedding Material:** Pipe bedding shall consist of a foundation (6" minimum depth) and side-fill to the top of the pipe embedment zone (12" min. over top of pipe) and accessories extending for the full width between the undisturbed trench walls. The bedding material required beneath the pipe shall be placed, graded and compacted to the pipe sub-grade profile over the entire width between undisturbed trench walls. The pipe shall be placed and adjusted to proper grade on this prepared bedding, then jointed, braced and blocked, as required. After pipe is graded into place, bedding material shall be placed simultaneously on both sides of the pipe and worked carefully into place without disturbing the pipe alignment or grade, to an elevation of 12" over the pipe.

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PVC pipe shall be placed in accordance with latest Uni-Bell PVC Pipe Association Design and Construction Standards.

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Backfill in the embedment zone for PVC pipe shall be machine placed bedding material, placed in 6 inch layers and compacted to 90% of relative density as determined by ASTM-D2049. Bedding material shall be crushed stone or gravel similar to MDOT Specification 703.06A Aggregate Base, conforming to following gradation:

**Deleted:** NI B-5 Class I Bedding Conditions.

Sieve Size	Percent Passing
1 1/2"	100
1/2	45-70
1/4"	30-55
No. 4	5-20
No. 200	0-5

Crushed stone without fine grained material will be allowed. Bedding Material – If crushed stone material is used for pipe bedding in roadway areas, filter fabric shall be placed over the full trench

width and length just above the stone cover prior to placing backfill material.

Samples and a sieve analysis of the bedding material may be requested by the Town for approval prior to use.

Additionally, sieve analyses of randomly drawn samples of placed bedding material at a frequency of 1 per 2000 LF of pipe shall be provided if in the judgment of the Town, there is an apparent change in consistency of bedding material. All sampling and analyses specified herein shall be performed at no cost to the Town.

**5.3.5. Pipe Thickness and Field Strength:** Pipe thickness and field strength shall be calculated on the following criteria:

1. Safety factor: 1.9,
2. Load factor: 1.7,
3. Weight of soil: 120/cubic foot,
4. Wheel loading: 6,000 pounds.

Utilizing the above information, design shall then be made as outlined in Chapter IX of the Water Pollution Control Federation Manual of Practice No. 9, "Design and Construction of Sanitary and Storm Sewers," current edition.

**5.3.6. Manholes:** Manholes shall be constructed at all changes in slope or alignment or at intervals not exceeding 400 LF.

Components: Manhole components consist of: a pre-cast reinforced concrete base section with pre-cast invert channel and steps in either 2 foot or 4 foot lengths, 4 foot lengths will be required whenever the pipe diameter is greater than 18 inches; pre-cast concrete transition rings from one barrel diameter to another; a pre-cast reinforced concrete eccentric top section, with steps, in 4 foot lengths; pre-cast concrete transition rings from one barrel diameter to another; pre-cast reinforced concrete barrel sections, with steps, in 1 foot, 2 foot, 3 foot or 4 foot lengths; a boot type pipe to manhole seal; concrete riser rings in 2 inch, 3 inch or 6 inch thickness; and a metal frame and cover. No exterior face of the finished manhole above the base shall be inclined away from the vertical manhole centerline.

Concrete work shall be in accordance with applicable requirements of ACI 318 except as modified herein. Concrete shall be normal weight (i.e., produced using normal weight aggregate) having a minimum ultimate strength of 4,000 psi at 28 days. Maximum size of coarse aggregate shall be 3/4 inch. Cement shall be Type 1 conforming to ASTM C150. Reinforcement shall be Grade 40. The finished concrete shall be durable, dense and water-resistant, free from honeycombs, voids, cracks, pop-outs, scaling and dusting. All components shall be designed to accept H-20 loading. Four concrete compression test specimens shall be made from the working mix and broken for each 100 vertical feet of manhole sections. All testing shall be done in conformance with applicable ASTM requirements for sampling and testing concrete. Certified copies of the test results shall be submitted to the Town.

Each section of the pre-cast manholes shall have cast in place pins for the purpose of lifting, handling and setting.

The boot type pipe to manhole seal shall be of molded neoprene compound conforming to ASTM C443, with 3/8 inch wall thickness throughout. A series of beads shall be molded into the boot surfaces that contact the manhole part and pipe barrel to fill surface irregularities when clamped in place. Boot attachment bands and draw bolts shall be corrosion resistant non-magnetic stainless steel.

Manhole steps shall be copolymer polypropylene type designed for a minimum concentrated live load of 300 pounds and meeting ASTM 2146 Polypropylene, BOWCO step and socket system or

approved equal, spaced vertically 12 inches on center. Irregular or non-vertical spacing of steps shall be cause for rejection.

Pre-cast concrete manhole sections shall be of lapped joint construction. All joints shall be triple sealed with:

1. Flexible butyl resin sealant on the inner lap conforming to Federal Specification SS-S-210A and AASHTO M-1983. Minimum acceptable product application range shall be 10°F to 130°F.
2. Flexible strip consisting of butyl rubber-hydrocarbon (24+/-1%) and sodium bentonite (75+/-1%) sealant on the outer lap. Minimum acceptable product application range shall be 5°F to 125°F.
3. Flexible 9 inch wide wrap consisting of 0.045 inch EPDM rubber backing supporting a 0.035 inch thick self-bonding butyl compound applied to the exterior face of the manhole and centered on the joint.

All sealing compounds shall be applied to clean, dry, primed surfaces in accordance with manufacturer's instructions. All joint sealants shall be fully applied prior to vacuum testing.

Riser rings will **not be accepted**. Brick and mortar (**no pre-mixed mortar**) will be used for final finish grade adjustment. Finish grade adjustment with bricks **and mortar** shall not exceed 14 inches (not including frame height). If more than 14 inches is needed to adjust to finish grade, an additional manhole barrel section shall be used

**Deleted:** be pre-cast and shall be reinforced, and fitted with lifting pins

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Cast iron manhole frames and covers shall be cast of material conforming to the requirements of ASTM A48 and be of uniform quality, free from blow-holes, porosity, hard spots, shrinkage distortion or other defects. They shall be smooth and well-cleaned by shot-blasting or other approved method. They shall be of heavy duty construction weighing not less than 300 pounds and machined on both vertical and horizontal seating surfaces. Covers shall be of checkered top design embossed with the word "SEWER" in 2 inch letters. Frames shall have a minimum clear opening of 23 3/4 inches.

Locking or watertight frames and covers shall conform to the above. In addition, covers shall be gasketed and attached with four brass or stainless steel bolts.

Brick for manhole inverts shall meet Standard Specifications for Sewer Brick, AASHTO Designation M91-42, Grade SA, Size No. 1, wire cut. Mortar shall be a mixture of sand and cement consisting of one part cement, three parts clean, well-graded hard, durable sand, and water. The amount of water shall be held to the minimum that yields a workable mortar.

**5.3.7. Shop Drawings:** Prior to issuance of the construction permit, shop drawings for all materials and components to be incorporated in the work shall be submitted for review and approval of the Town. No portion of the work shall be commenced unless and until shop drawings for materials and components to be incorporated in the work have been approved.

Shop drawings shall consist of manufacturer's standard product literature and technical data sheets which clearly demonstrate the proposed materials and components to be in full compliance with the requirements of this Ordinance.

Five sets of shop drawings shall be submitted to the Town for review and approval. Upon completion of review two copies will be retained by the Town and the remaining three sets shall be returned to the developer. The developer shall maintain one complete set of approved shop drawings at the job site throughout the construction.

All shop drawings must be reviewed and approved or disapproved by the Town within four weeks of receipt of same. Shop drawings held longer than four weeks shall be considered approved as submitted.

**5.3.8. Flushing:** All completed sewer lines, manholes and appurtenances shall be flushed and cleaned to remove grit and other debris. Care shall be taken to ensure that grit and debris are contained and removed from the line. Under no circumstances shall grit and debris from installation be permitted to enter Town sewers. Flushing shall be performed at no expense to the Town. Mandrel or cctv shall be used immediately following flushing as specified below.

**Section 5.4. Testing:** All public sewers shall conform to the requirement of the following tests before they will be approved and sewage flow accepted from them by the Town. Final testing and retesting as stipulated below shall be performed in the presence of the Town and at no expense to the Town. Results of tests performed in the absence of the Town will not be accepted.

**5.4.1. Vacuum Testing of Manholes:** Each manhole shall be tested immediately after assembly or modification, and prior to backfilling. All lift holes shall be plugged with an approved non-shrink epoxy grout. All pipes entering the manhole shall be plugged, taking care to securely brace the plug from being drawn into the manhole. The test head shall be placed at the inside of the top of the cone section and the seal inflated in accordance with the manufacturer's recommendations. A vacuum of 10 inches of mercury shall be drawn and the vacuum pump shut off. With the valves closed, the time shall be measured for the vacuum to drop to 9 inches. The manhole shall pass if the time is greater than 60 seconds for 48 inch diameter, 75 seconds for 60 inch diameter and 90 seconds for 72 inch diameter manholes. If the manhole fails the initial test it shall be repaired and retested until it passes.

**5.4.2. Pneumatic Pipe Test:** All newly installed, repaired or modified sewers shall pass a pneumatic test prior to acceptance by the Town. Pneumatic testing shall be administered after installation and capping of house service fittings and leads at their upper termination, and after completing backfill of the gravity sewer trench.

Pneumatic testing shall be performed using equipment and procedures outlined herein.

Equipment used shall meet the following minimum requirements:

1. Pneumatic plugs shall have a sealing length equal to or greater than the diameter of the pipe to be inspected.
2. Pneumatic plugs shall resist internal test pressures without requiring external bracing or blocking.
3. All air used shall pass through a single control panel.
4. Three individual hoses shall be used for the following connections:
  - a. From control panel to pneumatic plugs for inflation.
  - b. From control panel to sealed line for introducing the low pressure air.
  - c. From sealed line to control panel for continually monitoring the air pressure rise in the sealed line.
5. Internal pipe pressure gauge shall have a psi range from 0 to 25 max.

All pneumatic plugs shall be seal tested before being used in the actual test installation. One length of pipe shall be laid on the ground and sealed at both ends with pneumatic plugs to be checked. Air shall be introduced into the plugs to 25 psig. The sealed pipe shall be pressurized to 5 psig. The plugs shall hold against this pressure without bracing and without movement of the plugs out of the pipe.

After a manhole to manhole reach of pipe has been backfilled and cleaned, and the pneumatic plugs are checked by the above procedure, the plugs shall be placed in the line at each manhole and inflated to 25 psig. Low pressure air shall be introduced into this sealed line until the internal air pressure reaches 4 psig greater than the average back pressure of any groundwater that may be over the pipe. At least two minutes shall be allowed for the air pressure to stabilize.

After the stabilization period (3.5 psig minimum pressure in the pipe), the air hose from the control

panel to the air supply shall be disconnected. The portion of line being tested shall be termed "acceptable" if the time required in minutes for the pressure to decrease from 3.5 to 2.5 psig (greater than the average back pressure of any groundwater that may be over the pipe) shall not be less than the time shown for the given diameters in the following table:

Pipe Diameter in Inches	Minutes
4	2.0
6	3.0
8	4.0
10	5.0
12	5.5
15	7.5
18	8.5
21	10.0
24	11.5

In areas where groundwater is known to exist, a 1/2 inch diameter capped pipe nipple, approximately 10 inches long, shall be installed through the manhole wall on top of one of the sewer lines entering the manhole. This shall be done at the time the sewer line is installed. Immediately prior to the performance of the Line Acceptance Test, the groundwater shall be determined by removing the pipe cap, blowing air through the pipe nipple into the ground so as to clear it, and then connecting a clear plastic tube to the nipple. The hose shall be held vertically and a measurement of the height in feet shall be divided by 2.3 to establish the pounds of pressure that will be added to all readings. (For example, if the height of water is 11 1/2 feet, then the added pressure will be 5 psig, and the 2.5 psig increased to 7.5 psig. The allowable drop of one pound and the timing remain the same).

If the installation fails the pneumatic test, the source of leakage shall be determined and eliminated by repair or replacement at no expense to the Town.

**5.4.3. Deflection Test:** An in-place deflection test shall be performed on all PVC gravity pipe by drawing a gauge plug (mandrel) through each section of sewer. Equipment used shall meet the following minimum requirements.

1. The gauge plug shall be constructed of durable, abrasion resistant material in a cylindrical shape. The full diameter barrel length to pipe diameter ratio shall not be less than 1.5 and the minimum barrel diameter shall be 5% less than the un-deflected base inside diameter of the pipe being tested. Each end of the cylinder shall be radiused at not less than one-fourth of the pipe diameter being tested. Each gauge shall have a 1/4 inch tie rod drilled through the entire unit. Tie rod terminations shall be closed eyes. Upon prior approval of the Public Works Director and under certain conditions only, (pipe grade 1% min. more than minimum slope, pipe installation was inspected and properly installed, etc), if the 5% mandrel does not pass, the 7-1/2% mandrel may be used. In no condition shall the 7-1/2% mandrel be acceptable unless prior authorization by the Public Works Director is given.
2. Pull cord shall be attached to the gauge eyes with safety snaps. This cord shall be high quality material with a minimum test strength of 250 pounds. Cord on each side of the gauge shall be of sufficient length to span the maximum distance between any two adjacent manholes at the project site. This cord shall be marked in such a way that the user can determine the location of any constrictions found in the line as the test is being performed. The gauge plug and pull cord shall be submitted to the Town Manager for approval prior to use.

The deflection test shall be performed after the trench has been completely backfilled and compacted, and adequate settlement of the area around the trench has occurred (not less than 30 days following installation of the pipe).

To perform this test, the gauge is inserted into the pipe at the upstream manhole and slowly drawn through the line to the downstream manhole. When a constriction is encountered the

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cord shall be pulled with a force not to exceed 100 pounds, until it can go no further. Location of the constriction shall be noted, the spindle shall be withdrawn to the upstream manhole, and the section of pipe shall be excavated to correct the problem. When the area around the new pipe section has adequately settled, the deflection test shall be performed again along the entire section where the constriction occurred.

**5.4.4 Video Testing:** Video Testing may be acceptable to the Town in Lieu of pressure testing if the newly installed sewer has active house services connected to the public sewer. This option is at the discretion of the Town.

Testing shall consist of passing a video camera completely through the interior of the new sewer from the upstream manhole to the downstream manhole, while recording and viewing the results. The video camera shall be self powered and capable of rotating its lens to look into service connections. A Written report noting any deficient area will be given to the Town upon completion of the test with (2) electronic copies of the video. Video testing shall be done by a competent firm approved by the Town.

A Town representative shall be present at the time of testing.

**Section 5.5. Transfer of Ownership to the Town:** All extensions of public sewerage shall become the property of the Town through the following procedures initiated by the Developer:

The developer shall:

1. Request written approval from the Town indicating that all sewer improvements have been completed as specified herein to their satisfaction.
2. Indicate in writing to the Manager that said improvements will be guaranteed against defects in materials or workmanship for a period of 18 months from the time of acceptance by the Town.
3. Indicate in writing to the Manager that said sewer improvements are free and clear of any liens, all right-of-ways have been deeded to the Town as shown on the approved subdivision plans.
4. Petition the Manager in writing to go before the Council to request acceptance of the sewer line.

After all the above items have been completed by the developer, the manager may then schedule the item for review by the Town Council. The Town Council shall be the ruling authority on acceptance.

**Section 5.6. Privately Owned Sewer Extension:** Privately owned sewer extensions of the public sewer will be permitted with the following additional conditions:

**5.6.1** Maintaining the privately owned sewer extension shall include an annual inspection report of the complete system. This shall include, but not limited to, the condition of manholes, (interior and frame/covers), brick and mortar, inverts, pump stations, generators, infiltration and inflow sources and any other pertinent areas. The report shall be filed with the Town Manager and signed by a professional engineer (PE) registered in the State of Maine. All other construction requirements of this ordinance shall apply to privately owned sewer extensions.

**Section 5.7. Requirements for Building Permits:** No builder or developer shall be issued a building permit for new dwelling or structure requiring sanitary facilities within the Town, unless a suitable and approved method of waste disposal has been constructed and is available for service.

**ARTICLE 6  
USE OF PUBLIC SEWERS**

**Section 6.1. Unlawful Deposits and Discharges; Use of Public Sewers Required:**

- A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town, or in any area under the jurisdiction of the Town, any human or animal excrement, garbage or other objectionable waste.

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- B. It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of the Town, any wastewaters, except where suitable treatment has been provided in accordance with this Ordinance.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of domestic sewage.
- D. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the Town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Town is hereby required, at the owner's expense, to install suitable plumbing facilities therein, including but not limited to toilets, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet (30.5 meters) of the property line.

**Section 6.2. Storm Sewers:** Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet, as approved in writing by the Town Manager or his/her designee. All other discharges may be granted only with written approval of the Town Manager or his/her designee.

**Deleted:** Industrial cooling water or unpolluted process waters may be discharged, upon written approval of the Town Manager, to a storm sewer or natural outlet, provided however, that such discharge shall be in accord with all State and Federal regulations.

**Section 6.3. General Sewer Use Requirements:**

**6.3.1** General prohibitions. No discharger or 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 federal, state or local pretreatment standards or requirements. The provisions of this section shall apply to wastewater originating in the Town of Hampden, which is introduced to the Town's POTW.

**6.3.2.** Specific prohibitions. No discharger or user shall introduce or cause to be introduced into the POTW the following pollutants, substances or wastewater:

- (1) Pollutants which create a fire or explosive hazard in the POTW, including but not limited to waste streams with a closed-cup flashpoint of less than 140° F. (60°C). using the test methods specified in 40 CFR 261.21
- (2) Wastewater having a pH less than 5.0 or more than 12.0 or otherwise causing corrosive structural damage to the POTW or equipment. Any pH above 12.5 is considered hazardous under 40 CFR 261.22.
- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case shall solids greater than three inches or 7.6 centimeters in any dimension be introduced to the POTW.
- (4) Pollutants, including oxygen-demanding pollutants (BOD, COD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.
- (5) Wastewater having a temperature greater than 150° F. (65° C.) or which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater which causes the temperature of the treatment plant influent of the POTW to exceed 104° F. (40° C.).
- (6) Petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass-through.
- (7) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

- (8) Trucked or hauled pollutants, except at discharge points designated by the Town pursuant to Section 3.6 of this ordinance.
- (9) Noxious or malodorous liquids, gases, solids or other wastewater which, either singly or by interaction with other wastes, is sufficient to create a public nuisance or a hazard to life or prevent entry into the sewers for maintenance or repair.
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's MEPDES permit.
- (11) Stormwater, groundwater, roof runoff, subsurface drainage or any water from downspouts, yard drains, fountains and ponds, swimming pool drainage, sump pumps, septic tanks, lawn sprays or geothermal-type heating or cooling systems, unless such drainage from such sources is discharged into drains specifically designated for such purposes by the Town. Industrial cooling water may be discharged only after written approval and to a receptor site designated by the Town. Such industrial cooling water discharges shall comply with the requirements of 38 M.R.S.A. § 413 and be approved by the Pretreatment Coordinator.
- (12) Sludges, screenings or other residues or by-products from the pretreatment of industrial wastes.
- (13) Wastewater containing any radioactive wastes or isotopes, except as specifically approved by the Town. Such approval shall only be given upon certification by the discharger or user that applicable federal and state regulations concerning such wastewater have been complied with before such a discharge. Radioactive waste includes, but is not limited to, any substance required by the United States Department of Transportation to have Type A or B packaging, pursuant to 49 CFR 173.426.
- (14) Medical wastes, except as specifically authorized by the Town in a wastewater discharge permit.
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- (16) Fats, oil or greases of animal or vegetable origin or oil and grease and other petroleum or mineral oil products in concentrations greater than 200 mg/l.
- (17) Toxic pollutants or any other toxic substances hereinafter determined by the Town not to be amenable to treatment or reduction by the wastewater treatment processes of the Town or which might interfere with the effectiveness of the POTW's processes or which might limit the potential end uses of the POTW's sludges.
- (18) Any substance or material prohibited under 40 CFR 403, in particular 403.5(a) and (b). Also any other substance or material the discharge of which results in a violation by the Town of the regulations, now or herein after existing, of any public entity, including the EPA, or results in a violation of the City's MEPDES permit.
- (19) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solids or gases.
- (20) Any garbage except properly shredded garbage.
- (21) Any hazardous waste.

**6.3.3 Action by Town outflow metering.**

- (1) If any wastewater or other wastes are discharged or proposed to be discharged to the public sewers, which wastewaters or other wastes contain the substances or possess the characteristics enumerated in this section and which in the judgment of the Town may have a deleterious effect upon

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the Town's POTW processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Town may:

- (a) Reject the wastewater or other wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the POTW;
- (c) Require control over the quantities and rates of discharge;
- (d) Require payment to cover the added cost of handling and treating the wastes; and/or
- (e) Take any appropriate enforcement action against an industrial user or user which violates the prohibitions of this section.

(2) If the Town permits the pretreatment or flow equalization of waste flows, the design and installation of the plant and equipment for such pretreatment or flow equalization shall be subject to the review and approval of the Town and subject to the requirements of all applicable Town, state and federal codes, ordinances and laws. The Town's approval, if granted, shall not be deemed to relieve the discharger of its responsibility to comply with its wastewater discharge permit requirements and shall not constitute an acceptance of the adequacy of the pretreatment process equipment selected. Where preliminary treatment or flow-equalizing facilities are provided for any wastewater or other wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

(3) Outflow metering.

(a) Whenever the Town has reason to believe that a particular discharger is discharging unmetered flows into the Town's POTW or public sewers in the form of storm runoff, groundwater, roof runoff or subsurface drainage or from any other source listed in Subsection 6.3.2(11) of this section or otherwise and that the volume of such flows, on a percentage basis, exceeds the Town-wide average for such flows, the Town may install, or require the discharger to install, an outflow metering device and may thereafter charge the discharger the Town's cost, if any, of installing the outflow metering device and the Town's cost of treating such flows as provided in the Town's approved schedule of sewer fees. All charges imposed by the Town under this Subsection 6.3.3(3) shall be collected in the same manner as other sewer fees established under 30-A M.R.S.A. § 5405.

(b) Prior to imposing charges under this Subsection, the Town shall give the discharger written notice of a show cause hearing, as provided in Section 6.10.4 of this Ordinance. At the show cause hearing, the discharger shall be afforded an opportunity to show that its discharges into the Town's POTW or public sewers do not include excessive unmetered flows or that such flows were caused by an upset or unavoidable malfunction. For this purpose, the term "unavoidable malfunction" shall be defined as provided in 38 M.R.S.A. § 359, Subsection 9. In the event of excessive unmetered flows caused by an unavoidable malfunction, the Town shall issue an order directing correction of the malfunction within 90 days of the order date. This period may be extended for an additional period of up to 90 days if the malfunction cannot be corrected within the original ninety-day period due to winter weather conditions. If the malfunction remains uncorrected upon expiration of the specified period, the Town shall impose the additional charges provided in this Subsection retroactively to the date of the Town's order.

(c) Imposition of additional charges as provided in this Subsection 6.3.3(3) shall not bar or be a prerequisite for other enforcement action under Sections 6.10, 6.11 or 6.12 of this Ordinance.

**6.3.4** Grease, oil and sand interceptors shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, sand or other harmful ingredients, except that such interceptors shall not be required for private residential

living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Town and shall be located so as to be readily and easily accessible for cleaning and inspection.

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

**6.3.6** Federal Categorical Pretreatment Standards. The categorical pretreatment standards found at Title 40 of the Code of Federal Regulations, Chapter I, Subchapter N, Parts 405 through 471, are incorporated herein by reference. These standards must be adhered to by dischargers to, or users of, the POTW.

(1) When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, an industrial user may request that the Town convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Town. The Town may establish equivalent mass limits only if the industrial user meets all the conditions set forth in Subsection 6.2.6(a) through (c) below.

(a) To be eligible for equivalent mass limits, the industrial user must:

- [1] Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
- [2] Currently use control and treatment technologies adequate to achieve compliance with the applicable pretreatment standard and not have used dilution as a substitute for treatment;
- [3] Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
- [4] Not have daily flow rates, production levels, or pollution levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
- [5] Have consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.

(b) An industrial user subject to equivalent mass limits must:

- [1] Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
- [2] Continue to record the facility's flow rates through the use of a continuous flow monitoring device;
- [3] Continue to record the facility's production rates and notify the Town whenever production rates are expected to vary by more than 20% from its baseline production rates determined in Section 6.2.6. Upon notification of a revised production rate, the Town will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

[4] Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to Subsection 6.3.6 (1)(a)[1] so long as it discharges under an equivalent mass limit.

(c) When developing equivalent mass limit, the Town:

[1] Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the industrial user by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;

[2] Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

[3] May retain the same equivalent mass limit in subsequent individual wastewater discharge permit terms if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 6.3.5. The industrial user must also be in compliance Section 6.13.3 regarding the prohibition of bypass.

(2) Once included in its permit, the industrial user must comply with the equivalent limitations developed as per this section in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

(3) Any industrial user operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the Town within two business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the Town of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate.

#### **6.3.7. Local limits.**

(1) Limits for certain pollutants will be established to protect against pass-through or interference. No person shall discharge wastewater containing in excess of the instantaneous maximum allowable discharge limits as identified on the user's wastewater discharge permit. All discharge local limits shall be technically based and approved by the DEP.

(2) Local limits may be set for the following pollutants: arsenic, barium, cadmium, chromium, copper, cyanide, lead, mercury, nickel, fats, oils or other greases of animal or vegetable origin or oil and grease and other petroleum or mineral oil products, silver, TTO and zinc. This list may be amended or local limits may be developed for any other pollutants deemed appropriate, including pollutants that can cause pass-through, interference, worker health and safety problems, fume toxicity, etc. The Town will provide advanced written notice of new local limits to users prior to initiating enforcement actions.

(3) The discharge local limits must be met at the point where the user's wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless otherwise indicated on the wastewater discharge permit. The Town may impose mass limitations in addition to or in place of concentration-based limitations.

(4) The Town may develop best management practices (BMPs) and mass-based limits by ordinance or in individual wastewater discharge permits, to implement local limits and any other general discharge prohibitions as regulated in Section 6.2.

**6.3.8.** Town's right of revision. The Town reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

**6.3.9.** Special agreement. The Town reserves the right to enter into special agreements with users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. A user may also request a variance from the categorical pretreatment standard from the approval authority. Such a request will be approved only if the user can prove that the factors relating to its discharge are fundamentally different from the factors considered by the EPA when establishing that categorical pretreatment standard. A user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13. The Town is authorized to set appropriate fees or other charges for such agreements.

**6.3.10.** Pretreatment facilities. Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in this Ordinance within the time limitations specified by the EPA, the state or the Town, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the Town shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Town for review and shall be approved by the Town before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the Town's POTW under the provisions of this Ordinance.

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

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

#### **Section 6.4. Wastewater Surveys.**

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**6.4.1.** It shall be unlawful to discharge wastewater to any public or private sewer within the Town of Hampden where such discharged wastewater reaches the Town's POTW without having first complied with the provisions of this Ordinance.

**6.4.2.** When requested by the Town, all users must complete a wastewater survey form, on a form supplied by the Town, which contains information on the nature and characteristics of their wastewater. This form must be submitted to the Town prior to discharge of the user's wastewater into the Town's POTW. The Town is authorized to prepare a form for this purpose and may periodically

require users to update the survey. Failure to complete this wastewater survey form shall be reasonable grounds for terminating service to the user and shall be considered a violation of this Ordinance. Existing industrial dischargers shall file wastewater survey forms within 30 days after being notified by the Town and proposed new dischargers shall file such forms at least 90 days prior to connecting to the POTW. The information to be supplied to the Town by the user shall include, but not be limited to, the following information:

- (1) The name, address and location of the user and the number of employees.
- (2) The SIC of the user.
- (3) The known or suspected to be present wastewater constituents and characteristics, including but not limited to those mentioned in this Ordinance. Any sampling and analysis that is required by the Town shall be performed in accordance with standard methods and/or those contained in 40 CFR 136. The costs of all such sampling, analysis and reporting shall be fully borne by the user.
- (4) The time and duration of discharges.
- (5) The average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be as actually measured unless other verifiable techniques are approved by the Town due to cost or non-feasibility.
- (6) The site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation adjacent to or at the user's premises.
- (7) The activities, facilities and plant process on the premises, including all materials which are or may be discharged to the POTW.
- (8) The nature and concentration of any known or suspected pollutants or materials prohibited by this Ordinance from being included in the discharge, together with a statement regarding whether or not compliance is being achieved with this Ordinance on a consistent basis and, if not, whether additional O&M activities and/or additional pretreatment is required for the user to comply with this Ordinance.
- (9) The identification of each product produced by the user by type, amount, process or processes and rate of production.
- (10) The type and amount of raw materials utilized, average and maximum per day, by the user.

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

**6.4.4.** The Town will evaluate the completed wastewater survey forms and material safety data sheets furnished by the user and may require the user to furnish additional information. The user shall provide all requested additional information within 15 days after receiving notification from the Town that additional information is required. After full evaluation and acceptance of all submitted data, the Town shall make the determination as to whether the user is subject to EPA pretreatment requirements. If the Town determines that the user is subject to EPA pretreatment requirements, the

Town shall require the user to apply for a wastewater discharge permit as required by Section 6.5 of this Ordinance. The user shall make application for a wastewater discharge permit, on a form provided by the Town, within 30 days after having received notification from the Town to do so. The user shall provide, with the permit application, at the user's own expense, the results of all sampling and analysis of the user's wastewater effluent as the Town may be required to accompany the permit application. If so requested by the Town, the user shall collect all required samples in the presence of the Town.

**Section 6.5. Wastewater Discharge Permits.**

**6.5.1.** Every new or existing user of the Town's POTW or wastewater plant which is determined to be a categorical user or significant industrial user as defined in Section 1.1 of this Ordinance, is required to obtain a wastewater discharge permit from the Town.

**6.5.2.** The Town may prescribe special license, disclosure and reporting requirements for nonindustrial users of high-strength conventional waste distinct from the requirements imposed on industrial users under this section. Such requirements shall not be more burdensome than the requirements imposed on industrial users by this section.

**6.5.3.** Wastewater discharge permits shall be subject to all provisions of this Ordinance and all other regulations, user charges and fees established by the Town. The conditions of wastewater discharge permits shall be enforced in accordance with this Ordinance and applicable state and federal regulations.

**6.5.4.** Wastewater discharge permits may impose effluent restrictions or limits on the user if the Town determines that such limits are necessary to protect the quality of the treatment plant influent, effluent or sludge or to maintain compliance with any applicable federal or state law, including requirements under the Town's NPDES permit and national categorical pretreatment standards for new and existing sources set out in Title 40 of the Code of Federal Regulations, Chapter I, Subchapter N, Parts 401 through 471.

**6.5.5.** The Town will evaluate the data furnished by the user and may require additional information to complete the user's wastewater discharge permit application. Within 14 days of receipt of a complete wastewater discharge permit application, the Town will determine whether a wastewater discharge permit is required and, if so, whether a wastewater discharge permit should be issued. The Town may deny any application for a wastewater discharge permit. The Town shall notify the user, in writing, of the decision on the wastewater discharge permit application.

**6.5.6.** Wastewater discharge permits shall be issued for a specified time period, not to exceed five years. Each wastewater discharge permit shall indicate a specific date upon which it will expire.

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

**6.5.8.** Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Town to prevent pass-through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal and protect against damage to the POTW.

(1) Wastewater discharge permits shall contain the following conditions:

(a) A statement that indicates the wastewater discharge permit duration.

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(b) A statement that indicates that the wastewater discharge permit is nontransferable pursuant to Section 6.5.7 of this section and a provision requiring any new owner or operator to be furnished with a copy of the existing wastewater discharge permit by the prior user.

(c) Pretreatment standards and effluent limits based on the general and specific prohibited discharge standards, categorical pretreatment standards, local limits, including best management practices and mass-based limitations, and all applicable law.

(d) Self-monitoring, sampling, reporting, notification and recordkeeping requirements. These requirements shall include a sampling frequency and sample type based on federal, state and local law.

(e) A statement of applicable penalties for violation of pretreatment standards and requirements and any required compliance schedule. Such schedule may not extend the time for compliance beyond that required by federal, state or local law.

(f) Other specific conditions the Town deems necessary to ensure compliance with this Ordinance and federal and state regulations and statutes.

(2) Wastewater discharge permits may contain, but need not be limited to, the following conditions:

(a) Limits on the average and/or maximum rate of discharge, time of discharge and/or requirements for flow regulation and flow equalization.

(b) Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass or other measure of identified wastewater pollutants or properties.

(c) Requirements for the installation of pretreatment technology, pollution control or construction of appropriate containment devices, any of which would be designed to reduce, eliminate or prevent the introduction of pollutants into the POTW.

(d) Requirements for the development and implementation of spill and/or slug control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated or routine discharge.

(e) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW by the user.

(f) The unit charge or schedule of user charges and fees for the management of the user's wastewater discharged to the POTW.

(g) Requirements for the installation and maintenance of inspection and sampling facilities and equipment.

(h) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit.

(i) Identification by the user of the location of the user's outfall to the POTW.

(j) Other specific conditions the Town deems necessary to ensure compliance with this Ordinance and federal and state regulations and statutes.

**6.5.9.** Any aggrieved person, including the user, may file a petition with the Town, in writing, to reconsider the terms of a wastewater discharge permit or the denial of a wastewater discharge permit application within 15 days of the permit's issuance or notification of the Town's denial.

(1) Failure to submit a timely petition for review shall be deemed to be a waiver of any administrative appeal.

(2) In its petition, the petitioner must indicate the wastewater discharge permit provisions objected to, the reasons for this objection and the alternative condition, if any, it seeks to place in the wastewater discharge permit. A petitioner seeking review of a permit denial must specifically allege reasons why a permit should be issued, along with conditions of issuance that the petitioner believes should satisfy any concerns the Town may have about the suitability of the user's wastewater for discharge to the Town's POTW.

(3) The requirements or conditions of any wastewater discharge permit shall not be stayed by the Town pending the outcome of the administrative appeal.

(4) Upon receipt of the petition, the Town may act to grant the petitioner's request. Said action must take place within 14 days of receipt of the petition. If the Town refuses to grant the petitioner's request, however, the Town Manager shall notify, in writing, the Town Council.

(a) The Town Council shall schedule an administrative hearing, which shall be recorded within 30 days of notification by the Town Manager or as soon thereafter as may be arranged. The Town Council shall conduct the hearing so as to develop an adequate administrative record, and the Town Council may choose to limit the asking of questions to the members of the Town Council only. The petitioner will bear the burden of proof at the hearing and will present its case first.

(b) The Town Council shall issue its decision, in writing, within 45 days of the hearing. The Town Council's decision must be guided by the provisions of this Ordinance. Failure by the Town Council to issue a decision within that time period shall constitute a denial of the administrative appeal; however, the record of the administrative hearing, including any exhibits, shall be made a part of any further judicial reviews. Town Council decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, not to modify a wastewater discharge permit or to issue a modified wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

(5) Parties seeking judicial review of the final administrative action must do so by filing a complaint with the Penobscot County Superior Court pursuant to Maine Rules of Civil Procedure 80B.

**6.5.10. Modifications.**

(1) The Town may modify at any time the wastewater discharge permit for good cause, including but not limited to the following:

(a) To incorporate any new or revised federal, state or local pretreatment standards or requirements.

(b) To address significant alterations or additions to the user's operation, processes or wastewater volume or character since the issuance of the wastewater discharge permit.

(c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.

(d) Information is received by the Town indicating that the permitted discharge poses a threat to the Town's POTW, Town personnel or the receiving waters.

- (e) Violation of any terms or conditions of the wastewater discharge permit.
- (f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater survey form, wastewater discharge permit application or in any other required reporting.
- (g) Revision of, or a grant of a variance from, categorical pretreatment standards pursuant to 40 CFR 403.13.
- (h) To correct typographical or other errors or omissions in the wastewater discharge permit.

(2) Challenges to any such modifications can be made pursuant to the provisions of Subsection I of this section.

**6.5.11.** Any user which violates any condition of its permit or of this Ordinance or of applicable state and federal statutes and regulations may have its permit revoked by the Town. Violations subjecting a user to possible revocation of its permit include, but are not limited to, the following:

- (1) Failure of a user to accurately report the wastewater constituents and characteristics of its discharge.
- (2) Failure of a user to report significant changes in operations or its wastewater constituents and characteristics.
- (3) Refusal of reasonable access by the Town to the user's premises during regular business hours for the purpose of inspection or monitoring.
- (4) Violations of the conditions of the permit.
- (5) Failure to provide advance notice of the transfer of the ownership of a permitted user.
- (6) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application, any required wastewater surveys or other required reporting.
- (7) Falsifying monitoring reports or tampering with monitoring equipment.
- (8) Failure to pay surcharges, user fees, permit fees, fines or other required payments.
- (9) Failure to meet the requirements of a compliance schedule.

**6.5.12.** Compliance schedules.

- (1) Where additional pretreatment and/or O&M activities will be required to comply with this Ordinance, the user shall provide a declaration of the shortest schedule by which the user will provide such additional pretreatment and/or implementation of additional O&M activities.
- (2) The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to comply with the requirements of this Ordinance, including but not limited to dates relating to hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction and all other acts necessary to achieve compliance with this Ordinance.
- (3) Under no circumstances shall the Town permit a time increment for any single step directed toward compliance which exceeds nine months.

(4) No later than 14 days following each milestone date in the schedule and the final date for compliance, the user shall submit a progress report to the Town, including, at a minimum, a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the approved schedule. In no event shall more than nine months elapse between such progress reports to the Town.

**Section 6.6. Reporting Requirements:**

**6.6.1. 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 currently discharging to or scheduled to discharge to the POTW shall be required to submit to the Town a report which contains the information listed in Subsection 6.5.1(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 standard shall be required to submit to the Town a report which contains the information listed in Subsection 6.5.1(2) below. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

(2) Users described in Subsection 6.6.1(1) above shall submit the information set forth below:

(a) The name and address of the facility, including the name of the operator and owner.

(b) A list of any environmental control permits held by or for the facility.

(c) A brief description of the nature, average rate of production and SIC of the operations 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) 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 waste stream formula set out in 40 CFR 403.6(e).

(e) Categorical pretreatment standards; sampling results.

[1] The categorical pretreatment standards applicable to each regulated process.

[2] 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 sampled and analyzed in accordance with the provisions of Sections 6.6.9 and 6.6.10 of this section.

(f) 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 O&M and/or pretreatment is required to meet the pretreatment standards and requirements.

(g) 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 standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 6.5.12 of this Ordinance.

(h) All baseline monitoring reports must be signed and certified in accordance with Section 6.4.3 of this Ordinance.

**6.6.2.** Compliance schedule progress report. The requirements imposed by Section 6.5.12 of this Ordinance shall apply to the compliance schedule required by Subsection 6.6.1(2)(g) of this section.

**6.6.3.** Report 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 Subsection 6.6(2)(d) through (f) of this section. 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 of 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 Section 6.4.3 of this Ordinance.

**6.6.4.** 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 in June and December, 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. In cases where the pretreatment standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the user must submit documentation required by the Town or the pretreatment standard necessary to determine the compliance status of the user. All periodic compliance reports must be signed and certified in accordance with Section 6.4.3 of this Ordinance.

(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 POTW, using the analytical requirements and sampling procedures prescribed in Sections 6.6.9 and 6.6.10 of this section, the results of this monitoring shall be included in the report.

**6.6.5.** Report of changed conditions. Each user must notify the Town of any planned significant changes to the user's operations or process systems which might alter the nature, quality or volume of its wastewater at least 60 days before the change.

(1) The Town may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 6.5 of this Ordinance.

(2) The Town may issue a wastewater discharge permit under Section 6.5 of this Ordinance or modify an existing wastewater discharge permit under Section 6.5.10 of this Ordinance in response to changed conditions or anticipated changed conditions.

(3) No user shall implement the planned changed conditions until and unless the Town has responded, in writing, to the user's notice.

(4) For purposes of this subsection, significant changes include, but are not limited to, flow increases of 10% or greater and the discharge of any previously unreported pollutants.

**6.6.6. Reports of potential problems.**

(1) In the case of any discharge, including but not limited to hazardous waste discharges, accidental discharges, discharges of a non-routine or episodic nature, a non-customary batch discharge or a slug load that may cause potential problems for the POTW, the user shall immediately telephone and notify the Town 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 a discharge, the user shall submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, natural resources or other damage to person or property, nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this Ordinance.

(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 6.5.6(1) above. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

(4) Significant industrial users are required to notify the Town immediately of any changes at their facility affecting the potential for a slug discharge.

**6.6.7. Notification of the discharge of hazardous waste.** In addition to all other requirements of this Ordinance, any user which discharges hazardous waste into the POTW shall notify the POTW, the EPA Regional Waste Management Division Director and Maine hazardous waste authorities, in writing, within five days of the discharge, of any such discharge. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, the type of discharge (continuous, batch or other) and the user's plan to avoid future discharges of the same or other hazardous waste. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, natural resources or other damage to person or property, nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this Ordinance.

**6.6.8. Notice of violation/repeat sampling and reporting.** If sampling performed by a user or the POTW 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. The user is not required to resample if the POTW monitors at the user's facility at least once a month or if the POTW samples between the user's initial sampling and when the user receives the results of this sampling.

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

**6.6.10. Sample collection.**

(1) Except as indicated in Subsection 6.6.10(2) below, the user must collect wastewater samples using twenty-four-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Town. Where time-proportional composite sampling or grab sampling is authorized by the Town, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and

oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Town, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(2) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides and volatile organic chemicals must be obtained using grab sample collection techniques.

(3) For sampling required in support of baseline monitoring and ninety-day compliance reports required in Sections 6.6.1 and 6.6.3 of this section and 40 CFR 403.12(b) and (d), a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical data are available, the Town may authorize a lower minimum. For the reports required by Section 6.6.4 of this section and 40 CFR 403.12(e) and 403.12(h), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

**6.6.11.** Determination of noncompliance. The Town will use appropriate sampling to determine noncompliance with pretreatment standards, including the use of standard methods.

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

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

**6.6.14.** State requirements. State requirements and limitations on discharges to the POTW shall be met by all users which are subject to such requirements and limitations; provided, however, that such requirements and limitations are more stringent than the provisions of this Ordinance or federal law requirements or limitations.

**6.6.15.** Reports from unpermitted users. All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Town upon the request of the Town.

**6.6.16.** Certification of permit applications, user reports and initial monitoring waiver. The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with Section 6.4.4, users submitting baseline monitoring reports under Section 6.6.1, users submitting reports on compliance with the categorical pretreatment standard deadlines under Section 6.6.3, and users submitting periodic compliance reports required by Section 6.6.4. The following certification statement must be signed by an authorized representative as defined in Section 1.1:

"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."

**Section 6.7. Compliance Monitoring; Right of Entry.**

**6.6.1.** Inspection and sampling. The Town/City shall have the right to enter the facilities of any user to ascertain whether the purpose of this Ordinance, and any permit or order issued hereunder, is being met and whether the user is complying with all requirements thereof. All users shall allow the Town ready access to all parts of the premises for the purpose of inspection, sampling, records examination and copying and the performance of any additional duties as the Town Manager deems necessary.

- (1) Each user shall provide and operate, at its own expense, a monitoring facility to allow inspection, sampling and flow measurement of the user's wastewater discharge to the POTW.
- (2) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Town will be permitted to enter without delay for the purposes of performing specific responsibilities, such as compliance monitoring.
- (3) The Town shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations. The user shall bear the costs of such setup or installation.
- (4) The Town shall require the user to install monitoring equipment as the Town deems necessary. The user's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated quarterly (four times per year) to ensure their accuracy.
- (5) Any temporary or permanent obstruction to the safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Town and the obstruction shall not be replaced. The costs of clearing such access shall be borne by the user.
- (6) Unreasonable delays in allowing the Town access to the user's premises shall be a violation of this Ordinance.
- (7) In the event that the user is in or has previously been in noncompliance with this Ordinance or with the user's wastewater discharge permit, the user shall be required to pay the full cost of all additional sampling and analysis that the Town may conduct to determine the user's compliance with this Ordinance.
- (8) All monitoring facilities shall be constructed and maintained in accordance with all applicable construction codes, standards or specifications. Construction, if required, shall be completed within 120 days of receipt of the wastewater discharge permit by the user.

**6.7.2.** Administrative inspection warrants. If the Town has been refused access to any building, structure or property, or any part thereof, for the purpose of inspecting, sampling or otherwise monitoring compliance with this Ordinance, the Town shall seek to secure an administrative inspection warrant pursuant to Maine Rules of Civil Procedure 80E. The warrant, if issued by the District Court,

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shall be executed pursuant to Maine Rules of Civil Procedure 80E, and the Town shall be accompanied by a uniformed Town police officer during said execution.

**Section 6.8. Confidential Information.**

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

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**Section 6.9. Publication of Users in Significant Noncompliance.**

The Town shall publish annually, in a newspaper of general circulation that provides a meaningful public notice within the jurisdiction served by the POTW, a list of the users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" as defined in Section 1.1 shall be applicable to all significant industrial users (or any other industrial user) as defined in Section 1.1 of this Ordinance.

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**Section 6.10 Administrative Enforcement Remedies.**

6.10.1. At the time of enactment of this Ordinance, the Town will have developed an enforcement response plan (ERP) which outlines the Town's general procedure for the enforcement of this Ordinance. The ERP shall be initially adopted by Town Council order and may be subsequently amended by order. The Town will follow the ERP to the greatest extent possible when contemplating compliance with and enforcement of this Ordinance; however, nothing in the ERP or this Ordinance will preclude or otherwise limit the Town from taking any action, including emergency actions or other enforcement actions, prior to undertaking any initial enforcement procedure in the ERP, including issuance of a notice of violation (NOV).

6.10.2. Notice of violation (NOV). When the Town finds that a user has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Town may serve upon that user a written NOV. Within 30 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, which must include specific required actions, shall be submitted by the user to the Town. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the NOV.

6.10.3. Consent orders. The Town may enter into consent orders, assurances of voluntary compliance or other documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 6.10.5 and 6.10.6 of this section and shall include language which make them judicially enforceable. Such orders may require the payment of administrative fines pursuant to Section 6.10.7 of this section.

6.10.4. Show cause hearing. The Town may order a user which has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement to appear before the Town and show cause why the proposed enforcement should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally by the Town or by registered or certified mail, return receipt requested, at

least 14 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user. Failure to appear for a show cause hearing may be grounds for revocation of the user's wastewater discharge permit and disconnection from or termination of discharge to the POTW.

**6.10.5. Compliance orders.** When the Town finds that a user has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Town may issue an order to the user responsible for the discharge directing that the user comes into compliance within 30 days. If the user does not come into compliance within 30 days, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the POTW. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

**6.10.6. Cease and desist orders.**

(1) When the Town determines that a user violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement or that the user's past violations are likely to recur, the Town may issue an order to the user directing it to cease and desist any such violations and directing the user to:

(a) Immediately comply with all requirements; and

(b) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge to the POTW.

(2) Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

**6.10.7. Administrative fines.**

(1) When the Town finds that a user violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, including a user's failure to obtain a wastewater discharge permit pursuant to Section 6.5 of this Ordinance, the Town may fine such user in an amount not to exceed \$2,500 per day. Each day of violation shall constitute a separate offense subject to fine. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation. In the case of failure to obtain a required wastewater discharge permit, the fine shall accrue on a daily basis commencing on the day the user first was notified or became aware of the need for such a permit. The Town may add the costs of preparing administrative enforcement actions, such as notices and orders, to any fine assessed.

(2) Any and all unpaid charges, fines and penalties under this Ordinance shall, after 30 calendar days from the due date, be assessed an additional penalty of 12% of the unpaid balance, and interest shall accrue thereafter at a rate of 1% per month. A lien against the user's property may be sought for unpaid charges, fines and penalties as allowed under state law.

(3) Users desiring to dispute such fines must file a written request for the Town to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. The Town shall convene an administrative hearing on the matter and conduct said hearing in accordance with the procedures delineated in Section 6.5.9 of this Ordinance. Failure to file a timely request for an administrative hearing constitutes a waiver of any administrative appeal. The decision of the Town Council conducting the administrative hearing, including a decision to not reduce the fine, shall be final, and any appeal must follow the requirements of Maine Rules of Civil Procedure 80B. In the

event that the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user.

(4) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

**6.10.8. Emergency suspensions.** The Town may immediately suspend a user's discharge either with or without written or verbal notice to the user whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of the public. The Town may also immediately suspend a user's discharge, either with or without written or verbal notice, that threatens to interfere with the operation of the POTW or which presents or may present an endangerment to the environment.

(1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its discharge to the POTW. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Town shall take such steps as deemed necessary, including immediate severance of the connection to the POTW, to prevent or minimize damage to the POTW, its receiving waters or endangerment to any persons. The Town shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Town that the period of endangerment has passed, unless the termination proceedings in Section 6.10.9 of this section are initiated against the user.

(2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement to the Town describing the causes of the harmful contribution and the measures taken to prevent any future occurrence. Said report must be submitted as least seven days prior to the date of any show cause or termination hearing held pursuant to Sections 6.10.4 and 6.10.9 of this section.

(3) Nothing in this subsection shall be interpreted as requiring a hearing prior to any emergency suspension under this subsection.

**6.10.9. Termination of discharge.**

(1) In addition to the provisions in Section 6.5.11 of this Ordinance, any user that violates the following conditions is subject to termination of the user's discharge to the POTW:

- (a) Violation of wastewater discharge permit conditions;
- (b) Failure to accurately report the wastewater constituents and characteristics of the user's discharge;
- (c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
- (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling; or
- (e) Violation of the pretreatment standards in Section 6.3 of this Ordinance.

(2) Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause pursuant to Section 6.10.4 of this section why the proposed action should not be taken. Additionally, the user may request an administrative hearing, in writing, within 30 days of the decision of the show cause hearing. The hearing shall be conducted in accordance with the procedures delineated in Subsection 6.10.7(3) of this section. Exercise of this option by the Town shall not be a bar to, or a prerequisite for, taking any other action against the user.

**Section 6.11. Judicial Enforcement Remedies.**

**6.11.1.** Injunctive relief. When the Town determines that a user has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Town may request that the Town Attorney seek appropriate injunctive relief pursuant to the laws of this state which restrains or compels the specific performance of the conditions of the wastewater discharge permit, order or other requirements imposed by this Ordinance on activities of the user. The Town may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. The decision whether to seek injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

**6.11.2.** Civil penalties and criminal referral.

(1) Any person who violates the provisions of this Ordinance shall be subject to civil penalties pursuant to 30-A M.R.S.A. § 4452, as well as applicable civil or criminal penalties pursuant to 38 M.R.S.A. §§ 349 and 1319-T. The penalties in those statutes shall be in addition to the specific penalties in this Ordinance.

(2) A user which has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit or other permit issued hereunder or any other pretreatment standard or requirement shall be required to pay a fine of not less than \$1,000 per day and not more than \$2,500 per day for each and every day of a violation for a first offense. These fines shall increase to a minimum of \$2,500 per day and a maximum of \$25,000 per day for a second offense of the same or a similar nature occurring within two years of the first offense. Each day of violation shall constitute a separate offense subject to fine. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(3) Pursuant to 30-A M.R.S.A. § 4452 and Maine Rules of Civil Procedure 80K, the Town may seek reasonable attorney fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Town.

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

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

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

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

**6.11.5.** The provisions of Sections 6.10 and 6.11 of this Ordinance are not exclusive remedies. The Town reserves the right to take any and all enforcement actions or combinations thereof against a noncompliant user.

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**Section 6.12. Supplemental Enforcement Action.**

**6.12.1.** Performance bonds. The Town may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this Ordinance, a previous wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement unless such user first files a satisfactory bond with the Town, payable to the Town, in a sum not to exceed a value determined by the Town to be necessary to achieve consistent compliance with this Ordinance.

**6.12.2.** Liability insurance. The Town may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this Ordinance, a previous wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge, which shall include naming the Town as an additional insured.

**6.12.3.** Water supply severance. Whenever a user violates or continues to violate any provision of this Ordinance, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Town will work with the Water District to sever water service to the user under district regulations, if applicable. Service will only recommence at the user's expense, after the user has satisfactorily demonstrated its ability to comply with this Ordinance.

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**Section 6.13. Affirmative Defenses to Discharge Violations.**

**6.13.1.** Upset.

(1) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of Subsection 6.13.1(2) below are met.

(2) A user which wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:

(a) An upset occurred and the user can identify the cause(s) of the upset;

(b) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable O&M procedures; and

(c) The user has submitted the following information to the Town within 24 hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five days.

[1] A description of the indirect discharge and cause of noncompliance;

[2] The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time period the noncompliance is expected to continue; and

[3] Steps being taken and/or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.

(3) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(4) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(5) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

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**6.13.2 Prohibited discharge standards.** A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 6.3.1 of this Ordinance or the specific prohibitions in Subsection. 6.3.2(3) through (18) and (20) of this Ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass-through or interference and that either:

(1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass-through or interference; or

(2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Town was regularly in compliance with its NPDES permit and, in the case of interference, was in compliance with applicable sludge use or disposal requirements.

**6.13.3. Bypass.**

(1) For the purposes of this Ordinance, the following terms shall have the meanings indicated:

**BYPASS** - The intentional diversion of waste streams from any portion of a user's treatment facility.

**SEVERE PROPERTY DAMAGE** - Any substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(2) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Subsections 6.13.3(3) and 6.13.3(4).

(3) Notice.

(a) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Town at least 10 days before the date of the bypass, if possible.

(b) A user shall submit oral notice to the Town of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The Town may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(4) Enforcement action.

(a) Bypass is prohibited, and the Town may take an enforcement action against a user for a bypass, unless:

[1] Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

[2] There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

[3] The user submitted notices as required under Subsection 6.13.3.(3).

(b) The Town may approve an anticipated bypass, after considering the adverse effects, if the Town determines that it will meet the three conditions listed in Subsection 6.13.3(4)(a).

**ARTICLE 7  
PROTECTION FROM DAMAGE**

**Section 7.1. Tampering with Town's Publicly Owned Works:** No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of or will affect operation of the Town's POTW. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct, and shall be subject to any of the penalty provisions of this Ordinance or State law.

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**Section 7.2. Contractor's Liability Insurance:** A contractor must present a certificate showing proof of liability insurance before a permit will be issued for construction of building sewers, sewer extensions, or disposal of private sewage.

**ARTICLE 8  
TOWN OF HAMPDEN  
INDUSTRIAL/COMMERCIAL ENFORCEMENT RESPONSE,**

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**Section 8.1. Purpose:**

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The purpose of this plan is to document a well defined, legally defensible sequence of steps to be followed when dealing with industrial users who are out of compliance with the Town of Hampden's Industrial Pretreatment Program and Sewer Ordinance. These formal enforcement actions will help to resolve any confusion between the Town and its Industrial Users as to consequences of one-time, repeated or continuing non-compliance and are intended to ensure equitable treatment of Industrial Users.

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EPA regulations require the Town to take specific enforcement action against Industrial Users found to be in Significant Non-Compliance with the pretreatment requirements of this Ordinance. This Enforcement Response Plan defines the conditions under which the Town must cite a User for Significant Non-Compliance and lists appropriate enforcement measures to remedy such situations.

EPA guidelines also require that the selected enforcement response be appropriate to the extent of the Pretreatment Program violation. While a telephone call to the Industry might be appropriate for a late submission, a more severe response is needed for a more serious violation which, for example, might result in an upset of the Wastewater Treatment Plant caused by an Industrial discharge. This EPA guideline based Enforcement Response Plan will consider the Following criteria when assessing the appropriateness of a particular response:

- A). Magnitude of the violation;
- B). Duration of the violation;
- C). Effect of the violation on the receiving water;
- D). Effect of the violation on the Treatment Plant
- E). Compliance history of the Industrial User;
- F). Good faith efforts on the part of the Industrial User; and
- G). Degree of the Industrial User's responsibility for the violation.

**8.2 Significant Non-Compliance:**

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EPA requires the Town to identify Industrial Users that are in Significant Non-Compliance (SNC) with the requirements of the federally mandated Pretreatment Program regulations. Users found to be in SNC are subject to enforcement action by the Town, and to public notification of the violation(s) once per year in the newspaper. Federal regulations define Significant Non-Compliance as violations which meet at least one of the following criteria:

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**8.2.1. Chronic Violations-** Sixty six percent (66%) or more of all the measurements taken for the same pollutant parameter during a six month period exceed by any magnitude a numeric

Pretreatment Standard or Requirement including Instantaneous Limits as defined in Section 1.1 of the Sewer Ordinance.

**8.2.2.** Technical Review Criteria (TRC) Violations- Thirty three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined in Section. 1.1 of the Sewer Ordinance multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).

**8.2.3.** Any other violation of a Pretreatment Standard or Requirement as defined by Sec. 1.1 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Town or Pretreatment Coordinator determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public as defined by Section. 1.1 of the Sewer Ordinance.

**8.2.4.** Any discharge of a pollutant that caused imminent danger to human health, including the health of the Town's or City's POTW personnel, or to the environment or has required an exercise of the Town's emergency authority to halt the discharge under 40 CFR 403.8(f)(2)(vi)(B).

**8.2.5.** Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

**8.2.6.** Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance schedules.

**8.2.7.** Failure to accurately report any non-compliance with permit requirements.

**8.2.8.** Any other violation or group of violations, which may include a violation of Best Management Practices, which the Town determines will adversely affect the operation or implementation of the Town's pretreatment program.

### **8.3 Selection of Enforcement Responses:**

Table 1 attached to this Ordinance represents an Enforcement Response Guide based on EPA recommended response measures for varying degrees of permit violations. The Guide will be used by the Town to determine appropriate measures in the event of a violation of the Town's Pretreatment Program and/or Sewer Ordinance. Selection of appropriate enforcement response will be based on the following steps:

**8.3.1.** The Town will locate the type of non-compliance in the first column (1) of the Response Guide.

**8.3.2.** Using column two (2), the Town will identify the most accurate description of the nature of the violation.

**8.3.3.** The Town will assess the appropriateness of the recommended responses in column three (3). First time offenders, or those demonstrating "good faith" progress may merit a more lenient response. Similarly, repeat or frequent offenders or those demonstrating negligence may require a more stringent response. Furthermore, the Town will judge the violation by seven (7) additional criteria:

(1). Magnitude- Generally, an isolated instance of non-compliance can be addressed with an informal response or Notice of Violation (NOV). However, since even an isolated violation could threaten human health and/or the environment, the Treatment Plant, damage public and private property, or threaten the integrity of the Town's or Bangor's Pretreatment Program (i.e., falsifying a self-monitoring report) all instances of Significant

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Non-Compliance will be responded to with an Administrative Order (AO) which requires a return to compliance by a specific deadline.

(2). Duration- Violations, regardless of severity, which continue over prolonged periods of time will subject the violator to escalated enforcement actions. Minor violations which are chronic in nature are one form of Significant Non-Compliance and will be dealt with through the use of AOs.

(3). Effects to the Receiving Water- Any violation which causes environmental harm will be met at a minimum with an AO and a fine. Environmental harm will be presumed whenever an industrial discharge:

- a). Passes through the Treatment Plant;
- b). Is directly responsible for causing a violation of the Town of Hampden NPDES/MEPDES permit, including its' water quality standards; or
- c). Has a toxic effect upon the receiving waters, such as fish kill.

In addition, the response will be designed to recover any NPDES/MEPDES fines paid by the Town, which are the result of the industry's discharge violation.

(4). Effects on the POTW- Any violation having a negative impact on the Treatment Plant and/or Collection System (such as increased treatment costs, harm to personnel or equipment, pipe corrosion, etc.), which hinders the operation of the Treatment Plant or Collections System; and/or which contaminates the Treatment Plant's sludge, thereby reducing sludge disposal options, will be met with a fine of civil penalty as well as the recovery of additional costs and expenses involved.

(5). Compliance History of the User- A pattern of recurring violations of any program requirements may indicate either that the user's treatment system is inadequate or that the user has taken a lackadaisical approach to operating and maintaining its' treatment system. These indications should alert the Town to the likelihood of future Significant Non-Compliance. Accordingly, stronger enforcement responses should be applied against users exhibiting consistent compliance problems than against those with only an occasional problem.

(6) "Good Faith" of the User- Generally, a users' demonstrated willingness to comply should predispose the Town to select one of the less stringent enforcement actions specified, provided the violation has not caused serious Treatment Plant upset or resulted in environmental damage. However, good faith does not eliminate the necessity of enforcement action, and compliance with previous enforcement orders should not necessarily be considered good faith.

(7). Responsibility of the User- Although Industrial Users should always be held accountable for their violations, some consideration should be given to whether the violation was the result of an unforeseeable accident, was preventable or was intentional on the part of the User. This will affect the enforcement response selection by the Town from the range of responses provided.

**8.3.4.** Column four (4) designates personnel responsible for the action.

**8.3.5.** The Town will document, in writing to the User, the rationale for selecting the particular enforcement response applied.

**8.3.6.** The Town will apply the enforcement response to the violator. The Town will specify the corrective action or other response required by the User, including response time limits.

- 8.3.7. The Town will document any Users' responses and the resolution of non-compliance.
- 8.3.8 The Town will follow up with escalated enforcement action if a Users' response is not received within thirty (30) days or sooner if appropriate or severe violations continue.
- 8.3.9 The Town normally will issue an NOV to the violator as a first step in enforcement proceedings. However, the Town may elect to by-pass this procedure in favor of an AO when it appears that the violation requires immediate remedial action.

**Section 8.4 – Enforcement Response Plan Definitions:**

AO	Administrative Order
Civil Litigation	Civil litigation against the User, seeking equitable relief, monetary penalties, and actual damages.
Criminal Prosecution	Pursuing punitive measures against an individual and/or organization through a court of law.
Fine	Monetary penalty assessed by the Town.
IU	Industrial User of the POTW.
Meeting	Informal meeting with the User to resolve non-compliance.
NOV	Notice of Violation of the City of Bangor's Industrial Pretreatment Program and/or the Sewer Use Ordinance.
NPDES	National Pollutant Discharge Elimination System.
PC	Pretreatment Coordinator of the City of Bangor.
POTW	Publicly Owned Treatment Works
S	Superintendent for the City of Bangor WWTP.
Show Cause Hearing	Formal meeting requiring the User to attend and demonstrate why the Town should not take proposed enforcement action. The meeting may also Serve as a forum to discuss corrective actions and corrective actions.
SV	Significant Violation of the City of Bangor's Industrial Pretreatment Program and/or Sewer Use Ordinance.

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**SECTION 8.5  
SELECTION OF ENFORCEMENT RESPONSES:  
TABLE 1**

<u>NON-COMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>INITIAL RESPONSE: FOLLOW UP</u>	<u>PERSONNEL</u>
<b><u>A. ILLEGAL DISCHARGE</u></b>			
1) Unpermitted discharge (no permit)	Discharger unaware of permit requirement; no harm to POTW or to the environment.	NOV and application, or AO issued within 14 days of identifying the violation; requires a permit application within 30 days and the results of wastewater analysis within 60 days; proposed fine of \$300-\$500.	PC
	Results in violation of POTW NPDES permit, or dangerous situation- SNC	AO issued as soon as possible, but in any case within 5 days to immediately halt discharge. Fine or civil litigation seeking penalties of \$1000 to \$2500 per day. Terminate service.	PC S
2) Non-permitted discharge (expired permit)	Failure to apply for permit renewal. No damage to POTW or environment.	Telephone call and NOV should be made within 5 days of detection.	PC
	Results in violation of POTW NPDES permit, or dangerous situation- SNC	AO issued as soon as possible, but in any case within 5 days to immediately halt discharge. Fine or civil litigation seeking penalties of \$1000 to \$2500 per day. Terminate service.	PC S
<b><u>B. DISCHARGE PERMIT VIOLATIONS</u></b>			
1) Exceedance of discharge limits (local or categorical)	Isolated, non-significant	Telephone call and NOV issued within 5 days of receipt of laboratory results requiring written report with corrective and preventative action taken to prevent recurrence. (1st/2nd offense)	PC
	Frequent, non-significant (repeated offense)	Meeting with violator or show cause hearing requested within 14 days of detection of violation. Meeting will be held within 30 days of detection of the violation. Proposed fine of \$300-\$500.	PC

<u>NON-COMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>INITIAL RESPONSE; FOLLOW UP</u>	
	SNC	AO issued within 5 days with compliance schedule; fine of \$1000 per day of violation, or civil litigation seeking penalties of \$1000 to \$2500 per day.	PC S
	Caused known damage to POTW or environment, or worker health hazard	AO issued within 5 days to immediately halt discharge; fine, civil litigation, or criminal prosecution.	PC S
2) Slug load discharge	Isolated without known damage.	NOV; AO issued within 14 days to develop a Spill Control Plan within 30 days.	PC
	Isolated with known damage, interference, pass-through. SNC	Fine or civil litigation seeking penalties of \$500 to \$700 per day and recovery of costs. Terminate service.	PC S
	Recurring SNC.	Fine or civil litigation seeking penalties of \$1000 to \$2500 per day and recovery of costs. Terminate service.	PC S

**C. SAMPLING, MONITORING, AND REPORTING VIOLATIONS**

1) Minor sampling, monitoring or reporting deficiencies.	Isolated or infrequent (1st/2nd offense)	Telephone call and NOV issued within 14 days of detection.	PC
	Frequent or continuous	NOV issued within 5 days; proposed fine \$100-\$300.	PC
2) Major sampling, monitoring or reporting deficiencies.	Isolated or infrequent (1st/2nd offense)	NOV issued within 5 days of detection; meeting with violator requested within 14 days. Proposed fines of \$300 to \$500.	PC
	Frequent or continuous; SNC	Meeting with Show Cause Hearing requested within 14 days of detection. Fine or civil litigation seeking penalties of \$500.	PC S

<u>NON-COMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>INITIAL RESPONSE; FOLLOW UP</u>	<u>PERSONNEL</u>
3) Complete failure to sample, monitor or report is more than 30 days late.	SNC	AO with compliance schedule issued within 5 days of detection; civil litigation and/or criminal prosecution seeking penalties of \$1000-\$2500 per day. Terminate service.	PC S
4) Failure to submit schedule of compliance	Violation of AO.	Fine; civil litigation and/or criminal prosecution seeking penalties of \$1000-\$2500 per day until schedule is filed.	S
5) Failure to notify of discharge limit violation slug discharge.	Isolated or infrequent, no known Effects.	NOV; AO issued within 14 days of detection.	PC
	Frequent or continued violation-SNC	Show Cause Hearing requested within 14 days; AO issued within 5 days of detection; civil litigation seeking penalties of \$1000 per day per violation; criminal Prosecution.	PC S
6) Failure to install monitoring equipment	Continued SNC	AO issued within 5 days of detection; temporarily suspend service if agreed upon compliance date is exceeded by 30 days.	PC S

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**D. COMPLIANCE SCHEDULE VIOLATIONS**

1) Missed milestone date	Will not effect other milestone dates, or final date.	Telephone call and NOV issued within 5 days of milestone date passage.	PC
	Will effect other milestones or final date.	Meeting requested within 14 days or prior to next milestone date; AO issued within 5 days of missed milestone date.	PC S

<u>NON-COMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>INITIAL RESPONSE; FOLLOW UP</u>	<u>PERSONNEL</u>
	Will effect other milestones or final date. Violation not for good cause	Show Cause Hearing requested within 14 days or prior to next milestone date; fine or seek civil penalties of \$500-\$2500 per day of violation.	PC S
2) Failure to meet compliance schedule reporting requirements	Did not submit report, but did complete milestone.  Did not submit report or complete milestone.	Telephone call and NOV issued within 14 days of Detection.  NOV; AO issued within 5 days of missed milestone date; proposed fines of \$300-\$500.	PC  PC S
3) Missed final date	Good cause  30 days or more outstanding; failure or refusal to comply without good cause.	Telephone call and NOV issued within 5 days of missed date.  Show Cause Hearing requested within 14 days of detection; AO with fines; judicial action.	PC  PC S
4) Reporting false information	Any instance SNC.	Referral to prosecutor for criminal investigation; civil litigation and/or criminal prosecution seeking maximum penalties allowed by State law (at least \$1000 per day per violation); Termination of service	S
<b><u>E. SPILL INCIDENTS</u></b>			
1) Spill incident	Reported and investigated  Failure to report spill	NOV issued at time of inspection; meeting requested within 14 days of detection; AO  NOV; meeting within 14 days of detection; AO with proposed fines of \$300-\$500.	PC  PC

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<u>NON-COMPLIANCE</u>	<u>NATURE OF VIOLATION</u>	<u>INITIAL RESPONSE; FOLLOW UP</u>	<u>PERSONNEL</u>
2) Repeated spills	Failure to develop or upgrade Spill Prevention Plan	NOV; AO with fines; Show Cause Hearing to be held within 30 days of notification.	PC
	Failure to act on a decision of compliance meeting and results in known damage to POTW or environment.	Judicial action; terminate service.	

**F. VIOLATIONS DETECTED DURING FIELD INSPECTIONS/INVESTIGATIONS**

1) Minor violation of analytical procedures	Any instances	Telephone call and NOV issued within 14 days of receipt of monitoring results.	PC
2) Major violation of analytical procedures	No evidence of negligence or intent.	NOV; meeting to be held within 30 days of notification. AO issued within 14 days of receipt of monitoring results.	PC
	Evidence of negligence or intent-SNC	AO or civil action and penalty; possible criminal prosecution.	PC S
3) Minor violation of permit condition	No evidence of negligence or intent	NOV; AO for immediate corrective action required.	PC
	Evidence of negligence or intent	AO or civil litigation and penalties; possible criminal prosecution. Terminate service.	PC S
4) Major violation of permit condition	Evidence of negligence or intent-SNC	AO or civil litigation and penalties; possible criminal prosecution. Terminate service.	S

**G. OTHER PERMIT VIOLATIONS**

1) Wastestreams are diluted	Initial violation	AO with fines	PC
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**ARTICLE 9**  
**PENALTIES - RESIDENTIAL**

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**Section 9.1. Violation of Sewer Ordinance:** Any person found to be violating any provision of this Ordinance, except Section 7.1, shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

**Section 9.2. Fines:** Any person who fails to comply with the provisions of this Ordinance other than those provisions pertaining to the payment of charges for services established herein shall, upon conviction, be subject to a fine not exceeding one hundred dollars (\$100.00) for each offense. The continued violation of any provision of any section of this Ordinance, other than those pertaining to the payment of charges for services established herein, shall constitute a separate offense for each and every day such violation of any provision hereof shall continue. If the Town prevails in the prosecution of an offense hereunder, it shall be reimbursed for the attorney's fees and costs.

**Section 9.3. Alternate Penalties:** As an alternative, upon violation of this Ordinance, the proper authorities of the Town, in addition to other remedies may institute any appropriate action or proceedings including an injunction to prevent such unlawful use, construction, or maintenance of cesspools, septic tanks, sewage disposal systems, pipes or drains, to restrain, correct, or abate such violation, or to prevent the occupancy of any building, structure or land where said violations of this Ordinance are found.

**Section 9.4. Liabilities to the Town:** Any person violating any of the provisions of this Ordinance shall become liable to the Town for any and all expense, loss, or damage occasioned by the Town by reason of such violation.

**ARTICLE 10**  
**SEWER SERVICE CHARGE**

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**Section 10.1. Establishment of a Sewer Service Charge:** The source of a portion of the revenue for retiring debt services and for capital expenditures, operation and maintenance of the public sewage works shall be a sewer service charge. That portion of the sewer service charge related to capital expenditures and retirement of debt service shall be made against all properties within the public sewage works service area having or required to have sanitary facilities, whether actually connected to the public sewer system or not. The public sewage works service area and the nature of buildings required to have sanitary facilities shall be as defined in Section 2.4 thereof. In the case of a building not connected to the public system, such charge shall be deemed a "ready to serve" charge levied to aid in defraying expense incurred in making service available to the property. In the case of a connected building not in active use or occupancy and having no discharge during a given billing period, the portion related to capital expenditures and retirement of debt service shall be regarded as minimum charge. In the case of a connected building actively discharging to the public system for all or part of any given billing period, the charge shall be increased to include the cost of operation and maintenance of the public sewage works.

**Section 10.2. Sewer Service Charge Rate:** Sewer service charge rates shall be determined by the Town Council on a year-to-year basis and, in general, such charges will be determined on a rate structure based on water consumption. The sewer service charge will be computed and billed at regular intervals throughout each calendar year, as established by the Town Council in accordance with the Town of Hampden Fees Ordinance. There shall be no discounts or abatements given for sewer use charges unless such discounts or abatements are provided in accordance with the provisions outlined in § [redacted].

Users shall be given annual notification of the rates and distribution of costs between capital expenditures and operation and maintenance charges. Any revenue from Sewer Service Charges in excess of cost must be retained in the sewerage account and cannot be used to defray costs in other functions of the Town.

**Section 10.3. Special Charge for Industrial Organizations:** A Special Sewer Service Charge shall be

assigned to any industrial firm or organization, the strength or other characteristic of whose waste varies significantly from that of normal domestic sewage. In general, such charges will be based on equitable prorating of costs for conveying and treating such waste, taking into account, but not necessarily limited to, the effect of volume, BOD, suspended solids, settleable solids, chlorine demand, toxicity, and pH. Pretreatment by the industry may also be a requirement if necessary to make the waste compatible with flow in the sewer system. The Town Council, after appropriate study, and advice from the Town Manager, shall assign a Special Sewer Charge to the industrial firm by separate agreement with said firm. The applicable portions of the preceding sections, as well as the equitable rights of the public, shall be the basis for such an arrangement.

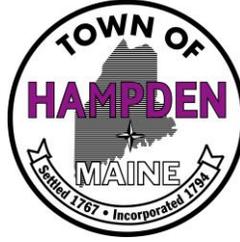
**10.3.1. Additional Special Charge:** In addition to the Special Sewer Service Charge, which is concerned solely with the cost to the Town for debt service, capital expenditures, operation and maintenance of the public sewage works, there shall be a special charge to nongovernmental users of the public sewage works in accordance with the Town of Hampden Fees Ordinance identified in the Standard Industrial Classification Manual, 1972, prepared by the Federal Government Office of Management and Budget, as amended and supplemented, under the following divisions:

- Division A - Agriculture, Forestry and Fishing
- Division B - Mining
- Division D - Manufacturing
- Division E - Transportation, Communications, Electric, Gas and Sanitary Services
- Division I - Services

**Section 10.4. Reserved Right to Charge Sewer Service Charge:** The Town Council reserves the right from time-to-time to change Sewer Service Charges originally or previously assigned to any property owner.

**Section 10.5. Charge for Property Owners Outside Town Limits:** All property owners outside the Town limits who, by their own request, are served by sanitary sewers must pay a sewer service charge in accordance with the Town of Hampden Fees Ordinance.

**Town of Hampden**  
106 Western Avenue  
Hampden, Maine 04444



**Phone:** (207) 862-3034  
**Fax:** (207) 862-5067  
**Email:**  
townmanager@hampdenmaine.gov

**TO:** Infrastructure Committee

**FROM:** Angus Jennings, Town Manager

**DATE:** November 23, 2016

**RE:** LED Street Lighting

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At a prior meeting of the Infrastructure Committee, the initiative to seek conversion of street lights to LED for long-term cost savings was tabled, in part because my office hadn't received information from a vendor we'd been corresponding with. Since that time the vendor, Pemco, has provided additional information including an updated proposal.

There has also been more "chatter" on the Town Managers' listserv about this topic, and I recently attended a "lunch and learn" session with a competing vendor RealTerm Energy. Following this session, I submitted an informational questionnaire to them, and expect they'll follow up with a proposal.

No action is requested at this time, but I do recommend continuing to advance this effort as time allows. It offers the potential for real cost savings, and potentially significant enhanced nighttime aesthetics relative to current street lights.



Angus Jennings <townmanager@hampdenmaine.gov>

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## Street Lights

1 message

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Nathan Poore <MTCMA-Members@mmaaffl.org>

Wed, Nov 2, 2016 at 12:28 PM

Reply-To: MTCMA-Members@mmaaffl.org

To: "MTCMA-Members@mmaaffl.org" <MTCMA-Members@mmaaffl.org>

Good afternoon,

Falmouth, Rockland and South Portland have been working on street light LED conversion and municipal ownership matters for several years. I have been working on it since 2002. Legislation passed in 2013 and PUC final rulings are nearly complete. The legislation and PUC rulings will now allow towns to convert all utility owned lights on utility owned poles to town owned fixtures (including LED). The costs savings are significant but the process is somewhat complicated (worth the effort).

Biddeford joined our team last spring and we went out to bid for consulting services for the following - street light auditing, design, procurement, installation and maintenance options. We presented our story at a session in Bangor at the MMA convention. That presentation along with the law, PUC rulings, RFQ, RFQ responses, contract for services, and more can be found at this link <http://www.falmouthme.org/finance/streetlight-conversion-process>. This link is the "play book" for Falmouth, Rockland, South Portland and Biddeford. We are sharing this with you in case you think it has value and you are welcome to use it. We tried to design it in a way for other communities to piggy back as if it were a state wide or cooperative bidding process. It met all requirements in all four communities purchasing policies so hopefully it can also work for you.

I joined one member of our consultant team earlier this fall in a web conference call, hosted by the Urban Sustainability Directors Network (they requested our presence and a presentation). 30 +/- communities from the US and Canada were part of the call and some indicated that they are interested in following our play book. Currently, the state of NY and MA is also looking into whether they can use our process for communities in their states to piggy back our specific process without going through another formal bidding process.

If you have interest, my suggestion is to first look at the presentation – first link within the link identified above. Feel free to contact me if you have any questions.

Best regards,

Nathan A. Poore, Town Manager  
Town of Falmouth  
271 Falmouth Road  
Falmouth Maine 04105

Telephone: 207-699-5314

Email: [npoore@falmouthme.org](mailto:npoore@falmouthme.org)

Under Maine's Freedom of Access ("Right to Know") law, all e-mail and e-mail attachments received or prepared for use in matters concerning Town business or containing information relating to Town business are likely to be regarded as public records which may be inspected by any person upon request, unless otherwise made confidential by law.



receive semi-annual reports on the performance of the project, savings, maintenance issues, etc.

**Term** One hundred and twenty (120) months. Client may elect a shorter term as described herein.

**Ownership** Pemco will own, maintain, and be responsible for all utility costs during the term. Upon expiration of the term, Client may elect to (a) take ownership and 100% of savings, (b) extend the agreement under new equipment, terms, and conditions, or (c) extend the maintenance portion of the agreement.

**Payment Options** Client may elect a shorter term with higher monthly payments as shown below:

Term	Monthly Payment	Annual Savings
5 Years	\$ 3,670	\$ 13,965
7 Years	\$ 3,264	\$ 18,838
10 Years	\$ 3,006	\$ 21,928

**Pre-Payment** Client may pre-pay the remaining term at a discount at any time as provided in the agreement.

**Agreement** The agreement is structured in three (3) phases with a break-up fee provided at each stage. Provided Client elects to continue through all three phases, no charges will be assessed. Upon signing and returning this proposal Pemco will present the proposed project and agreement for Client at one or more designated meetings upon Clients request.

**References** Available upon request.

**Agreed** Client and Pemco are in general agreement with the proposed terms and conditions herein. This proposal is non-binding in all respects.

TOWN OF HAMPDEN ("CLIENT")

PEMCO & CO., LLC ("PEMCO")

BY: \_\_\_\_\_

BY:  \_\_\_\_\_

NAME: \_\_\_\_\_

NAME: **Joshua Heald** \_\_\_\_\_

DATE: \_\_\_\_\_

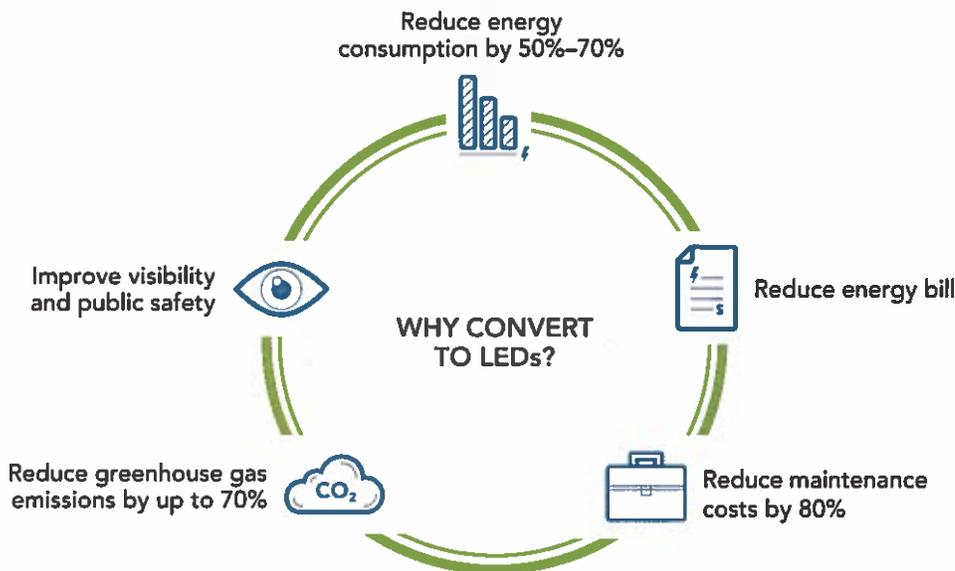
DATE: **10/27/16** \_\_\_\_\_

**EXHIBIT A**  
**Existing Inventory**

<b>Fixture Type</b>	<b># Units</b>
50w HPS	56
70w HPS	243
100w HPS	25
150w HPS	6
250w HPS	12
100w MV	1
175w MV	4
400w MV	5
105w Incan	14
	<hr/>
	366

## LED LIGHTING SOLUTIONS

**RealTerm Energy** is a North American leader in providing LED lighting solutions, designed to maximize energy efficiency and cost savings for our municipal, commercial and industrial clients.



- ✓ 160+ municipalities have chosen RealTerm Energy for their complete LED conversions
- ✓ RealTerm Energy can provide up to 100% financing
- ✓ State-of-the-art custom app and installation tools
- ✓ Lux Mapping™ Surveying Technology
- ✓ 40+ team of LED lighting specialists
- ✓ All designs follow Recommended Practices

### STREET AND AREA

RealTerm Energy's solutions are tailored to the needs of the streetlight owner – whether a municipality or a utility. From an enhanced business case study to a full turnkey service, all of our options include extensive field investigations, infrastructure analysis, comprehensive lighting designs and detailed energy savings calculations to project accurate energy and maintenance savings.

### COMMERCIAL AND INDUSTRIAL

RealTerm Energy's commercial lighting solutions are specifically tailored to provide maximum efficiencies to organizations seeking an environmentally considerate approach to doing business. Advanced LED lighting solutions can be a game-changer for the commercial, industrial and retail industries' energy conservation efforts.

# THE REALTERM ENERGY DIFFERENCE



A team of **over 40 full-time employees** is dedicated exclusively to designing and executing high-quality, cost-effective LED conversions.



RealTerm Energy takes its **design work** to a higher level of detail in order to maximize the potential energy savings that the technology affords and to save its clients even more money and further reduce their carbon footprint.



Our **custom app** provides the backbone to our processes. Data is recorded at each stage in our process, ensuring accuracy and increasing efficiencies for all parties. The end result is a complete database of all streetlights, a valuable tool for ongoing maintenance, asset and warranty management.



**Lux Mapping™** is a proprietary light audit technology and software. It consists of a vehicle-mounted, GPS-based, data-gathering technology that measures the light levels (illuminance) along a targeted roadway at night. The raw data collected is then post-processed to identify (by GPS location) noncompliant lighting sections according to the specific road category lighting requirements.

## Proud to be recognized by the World Bank.

RealTerm Energy's "remarkable" partnership in the joint procurement model developed with LAS and the Association of Municipalities of Ontario has been recognized by the World Bank as being among the most efficient and successful delivery models in the world.

The World Bank Group estimates that 20% of global electricity is consumed by lighting and it projects that widespread adoption of LED lighting can reduce that to 7%. We are proud to join the World Bank's efforts to increase energy efficiency and lower greenhouse gas emissions as we continue to expand to new jurisdictions.

## PRE-LED CONVERSION

The Lux Mapping™ technology can be deployed in areas of concern (traffic accidents, pedestrian incidents, police responses, etc.) to determine the lighting performance. Based upon the results, our designers can identify enhanced savings potential for the business case by creating customized, photometric-based models for roadway segments that are underlit, with the goal of improving nighttime visibility and safety.

## POST-LED CONVERSION

A Lux Mapping™ survey can be deployed to provide the City with a baseline lighting performance of all newly installed LED lights. By conducting a Lux survey every 3–4 years, a municipality will be able to thoroughly review and identify any lumen depreciation and lighting degradation by referencing the baseline Lux data. This can allow the City to pinpoint where lens cleaning is required or where fixture adjustment and/or replacement is needed.

## ENERGY SAVINGS. RIGOROUSLY DESIGNED.

**CONTACT** • 1.866.422.5200 • [info@realtermenergy.com](mailto:info@realtermenergy.com)

**GOLD-LEVEL  
MEMBER**



**LED BY REALTERM ENERGY**

# Street Lighting Questionnaire



Date: November 17, 2016

MUNICIPALITY: Town of Hampden

Address: 106 Western Ave

City/Town: Hampden

State: ME

Zip Code: 04444

*The information requested below is very important for assessing the benefits of this street light conversion project. Your contribution in retrieving it is highly appreciated.*



## CONTACT INFORMATION

Principal Contact		
Name:	Phone Number:	Email Address:
Angus Jennings, Town Manager	207-862-3034	townmanager@hampdenmaine.gov

Technical Contacts Person at your electric utility		
Name:	Phone Number:	Email Address:
Electric Utility 1 (Emera Maine) Contact:	207-973-2000 855-363-7211	custserv@emeramaine.com
Electric Utility 2[Insert Name] Contact:		

- Please fill in and include consent forms for each electric utility, giving them permission to provide RealTerm Energy with information about your street light accounts. Consent can be given to us through an email sent to both us and the direct contact at the utility, using the following basic form:

"I/We \_\_\_\_\_(authorized representative and municipality names)\_\_\_\_\_ consent to the release of information to an authorized representative of RealTerm Energy, and specifically to FranciscoReinoso, ([freinoso@realtermenergy.com](mailto:freinoso@realtermenergy.com)) for the purpose of calculating our energy savings from converting our street lights to LEDs.

I/We understand that this consent will apply to inquiries made regarding account(s) # \_\_\_\_\_ relating to our electric consumption/usage history over the past five years.

Signature \_\_\_\_\_ Title: \_\_\_\_\_  
 \_\_\_\_\_ Date: \_\_\_\_\_"

**(Please note account numbers must be included.)**

**Please see attached letter to Emera Maine.**

Town of Hampden  
106 Western Avenue  
Hampden, Maine 04444



Phone: (207) 862-3034  
Fax: (207) 862-5067  
Email:  
townmanager@hampdenmaine.gov

TO: Emera Maine  
FROM: Angus Jennings, Town Manager  
DATE: November 17, 2016  
RE: Consent

I, Angus Jennings, Town Manager of Hampden, Maine, consent to the release of information to an authorized representative of RealTerm Energy, and specifically to Francisco Reinoso, (freinoso@realtermenergy.com) for the purpose of calculating our energy savings from converting our street lights to LEDs. I understand that this consent will apply to inquiries made regarding the following accounts relating to our electric consumption/usage history over the past five years.

<u>Acct. Number</u>	<u>Service Location</u>
10056982-9	RT 202 BUSINESS PARK
10056985-6	KENNEBEC RD STREET LIGHT
10027066-1	KENNEBEC RD CIVIL DEFENSE
10027065-9	DUDLEY ST RT 9 CIVIL DEFENSE
10057014-8	STREET LIGHTS
10056973-0	STREET LIGHTS (part 1)
10056973-0	STREET LIGHTS (part 2)
10027067-3	OLD COUNTY RD CIVIL DEFENSE
10057012-4	RT 1A & RT 9 INTERSECTION
10056997-1	STREET LIGHTS
10056998-3	STREET LIGHTS
10057015-1	ACADEMY BLINKING LIGHT
10056974-2	STREET LIGHTS
10056971-6	STREET LIGHTS
10056970-4	STREET LIGHTS
10056972-8	STREET LIGHTS
10056981-7	KENNEBEC RD
10057000-9	STREET LIGHTS RTE #1 (part 1)
10057000-9	STREET LIGHTS RTE #1 (part 2)
10057000-9	STREET LIGHTS RTE #1 (part 3)
10056990-6	BALLFIELD
10113822-0	BALLFIELD RD
10056992-0	CANOE CLUB RD - HOCKEY
10056976-7	VFW DRIVE BALLFIELD
10057003-5	MAIN RD GATE

Signature: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "Angus Jennings", is written over a horizontal line.

Title: Town Manager Date: Nov. 17, 2016

## EXISTING LIGHTING INVENTORY

Who is the current owner of the municipality's street lights

The Municipality: Yes/**No**

The Electric Utility (Emera Maine): **Yes**/No

- Municipality's Street Lights Inventory  
*If you have your own spreadsheets with the same information, please feel free to attach them instead. The columns highlighted in yellow are required for an accurate analysis. If the municipality does not have that information, we will try to get it from the electric utility. This information will be confirmed as part of the next phase, the Investment Grade Audit.*

Quantity	Type: HPS, LPS, MH, Other (specify)	Wattage of Light	Wattage of Ballast	Notes
<b>See attached Excel file, "Street Lights" tab.</b>				

- Decorative Fixtures (*Please provide pictures of the current decorative fixtures if available*)

Quantity	Type	Wattage of Light	Wattage of Ballast	Comments
<b>N/A – no known decorative fixtures.</b>				

**Town of Hampden Analysis of Street Light Accounts as of 1-27-16**

<u>Acct. Number</u>	<u>Service Location</u>	<u>Street Light(s)?</u>	<u>If lights, unit count?</u>	<u>Wattage (if known)</u>	<u>Acct (paid from)</u>
10056982-9	RT 202 BUSINESS PARK	Not sure - bill lists meter.			06-06-15-05
10056985-6	KENNEBEC RD STREET LIGHT	Not sure - bill lists meter.			06-06-15-05
10027066-1	KENNEBEC RD CIVIL DEFENSE	Not sure - bill lists meter.	n/a	n/a	06-06-15-05
10027065-9	DUDLEY ST RT 9 CIVIL DEFENSE	Not sure - bill lists meter.	n/a	n/a	06-06-15-05
10057014-8	STREET LIGHTS	14 units	14	105W Incandescent Lighting	06-06-15-05
10056973-0	STREET LIGHTS (part 1)	19 units	19	100W High-Pressure Sodium Vapor	06-06-15-05
10056973-0	STREET LIGHTS (part 2)	1 unit	1	150W High-Pressure Sodium Vapor	06-06-15-05
10027067-3	OLD COUNTY RD CIVIL DEFENSE	Not sure - bill lists meter.	n/a	n/a	06-06-15-05
10057012-4	RT 1A & RT 9 INTERSECTION	no - traffic signal(?)			06-06-15-05
10056997-1	STREET LIGHTS	12 units	12	250W High-Pressure Sodium Vapor	06-06-15-05
10056998-3	STREET LIGHTS	12 units	12	70W High-Pressure Sodium Vapor	06-06-15-05
10057015-1	ACADEMY BLINKING LIGHT	no - blinking signal light			06-06-15-05
10056974-2	STREET LIGHTS	5 units	5	150W High-Pressure Sodium Vapor	06-06-15-05
10056971-6	STREET LIGHTS	231 units	231	70W High-Pressure Sodium Vapor	06-06-15-05
10056970-4	STREET LIGHTS	56 units	56	50W High-Pressure Sodium Vapor	06-06-15-05
10056972-8	STREET LIGHTS	6 units	6	100W High-Pressure Sodium Vapor	06-06-15-05
10056981-7	KENNEBEC RD	Not sure - bill lists meter.			06-06-15-05
10057000-9	STREET LIGHTS RTE #1 (part 1)	4 units	4	175W Mercury Vapor Lighting	06-06-15-05
10057000-9	STREET LIGHTS RTE #1 (part 2)	5 units	5	400W Mercury Vapor Lighting	06-06-15-05
10057000-9	STREET LIGHTS RTE #1 (part 3)	1 unit	1	100W Mercury Vapor Lighting	06-06-15-05
10056990-6	BALLFIELD	Not sure - bill lists meter.			20-05-15-05
10113822-0	BALLFIELD RD	Not sure - no charge on bill.			20-05-15-05
10056992-0	CANOE CLUB RD - HOCKEY	Not sure - bill lists meter.			20-05-15-05
10056976-7	VFW DRIVE BALLFIELD	Not sure - bill lists meter.			20-05-15-05
10057003-5	MAIN RD GATE	No - lighting for Library sign.			20-10-15-05
			366		
<i>Source: Angus Jennings, Town Manager</i>					

## FINANCIAL MODEL

1. Please provide one copy of the latest Invoice for each street light account and complete the tables below.

**Two complete years of invoices attached.**

- Electric Utility 1 Emera Maine

Electrical Cost FY15		Electrical Cost FY16	
Budget	Actual	Budget	Actual

- Electric Utility 2 N/A

Electrical Cost FY15		Electrical Cost FY16	
Budget	Actual	Budget	Actual

- TOTAL Energy Costs

Electrical Cost FY15		Electrical Cost FY16	
Budget	Actual	Budget	Actual

**See attached Excel file, "Expense Trends" tab.**

2. Please provide the annual totals for maintenance costs for the past 5 years.

FY12		FY13		FY14		FY15		FY16	
Budget	Actual								

**See attached Excel file, "Expense Trends" tab.**

3. If your maintenance is done by a 3<sup>rd</sup> party, please provide details on contract costs, duration and any special clauses.

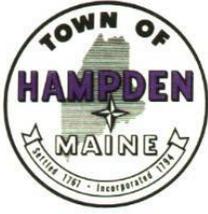
As-needed repairs by a couple of different contractors. No standing contract.

4. Does the municipality have any specific financing preferences, requirements or limitations for LED Street Lighting upfront project costs or ongoing maintenance?

Looking for option with no to low up-front cost, with payment resulting from shared savings over a period of years after lights are replaced.

**Town of Hampden Analysis of Street Light Account Cost Trends, FY12 to FY16, as of 11-17-16**

Account Number	Account Name	FY12		FY13		FY14		FY15		FY16	
		Budgeted	Expended	Budgeted	Expended	Budgeted	Expended	Budgeted	Expended	Budgeted	Expended
	<b>Non-Dept. Utilities</b>										
06-06-15-05	Streetlight Electricity	\$ 49,750.00	\$ 49,479.00	\$ 49,750.00	\$ 48,586.00	\$ 49,000.00	\$ 45,072.00	\$ 49,000.00	\$54,494.71	\$ 52,000.00	\$ 57,051.68
06-06-20-30	Streetlight Repair	\$ 2,500.00	\$ 1,889.00	\$ 2,500.00	\$ -	\$ 2,500.00	\$ -	\$ 2,500.00	\$ 245.55	\$ 2,500.00	\$ 748.00
<i>Source: Angus Jennings, Town Manager</i>											



# TOWN OF HAMPDEN

## PUBLIC NOTICE

TOWN OF HAMPDEN  
NOTICE OF PUBLIC BID

Multiple proposals were received prior to the submittal deadline and are under review. DPW Director Currier will recommend vendor selection at Monday's meeting.

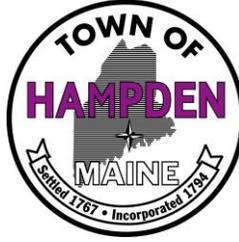
The Town of Hampden, Maine will receive sealed proposals for Old County Road Storm Drain Sliplining. Proposals are required to be submitted to the Hampden Town Office, located at 106 Western Avenue, Hampden, Maine 04444, on or before November 23, 2016 at 1pm, at which time all bids will be publicly opened. A bid tab will be documented and presented at the next regularly scheduled Council meeting, on December 5, 2016, at which time the winning bid will be awarded.

Request for Proposals, Specifications and the Contract Documents, are available at the Hampden Town Office at 106 Western Avenue, Hampden Maine 04444. Questions regarding this RFP may be directed to Sean Currier, Director of Public Works by calling 862-3337.

Paula A. Scott, CCM  
Town Clerk

11/01/2016

**Town of Hampden**  
106 Western Avenue  
Hampden, Maine 04444



**Phone:** (207) 862-3034  
**Fax:** (207) 862-5067  
**Email:**  
townmanager@hampdenmaine.gov

**TO:** Infrastructure Committee

**FROM:** Angus Jennings, Town Manager

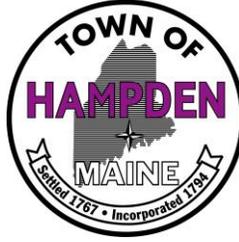
**DATE:** November 23, 2016

**RE:** Stockpiled brush at Transfer Station

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Some time ago, DPW was advised by DEP that they could stockpile brush at the Transfer Station. DEP has recently provided an updated opinion that these materials should not be stockpiled. Director Carrier sought quotes for chipping of the stockpiled brush and received a single quote from JD Raymond for \$3,800.00. Director Carrier would like to find a solution before winter and get rid of the brush if possible. He will attend Monday's meeting to discuss this.

**Town of Hampden**  
106 Western Avenue  
Hampden, Maine 04444



**Phone:** (207) 862-3034  
**Fax:** (207) 862-5067  
**Email:**  
[townmanager@hampdenmaine.gov](mailto:townmanager@hampdenmaine.gov)

**TO:** Infrastructure Committee

**FROM:** Angus Jennings, Town Manager

**DATE:** November 23, 2016

**RE:** Update on MRC water route

---

Since attending meetings last week with the landowner and with the Hampden Water District, I have been working to organize a meeting (to be held on Nov. 30) of interested parties with the goal of finding a way to get the water service for the Fiberright facility and new roadway along the Coldbrook Road. At Monday's meeting I'll update the Committee on this effort.



## BANGOR WATER DISTRICT

P.O. BOX 1129 · BANGOR, ME 04402-1129  
TEL: (207) 947-4516 · FAX: (207) 947-5707  
www.bangorwater.org

Kathy Moriarty  
General Manager

Mr. Jamie Holyoke, Superintendent  
Hampden Water District  
140 Main Road North  
Hampden, ME 04444

Dec. 22, 2015

Dear Jamie;

We have reviewed the proposed plan for providing water to the new Fiberright facility to be located in the New Hampden Industrial Park. I have drawn up a sketch plan (Figure 1) which shows the existing infrastructure and the proposed route for water to the facility to the best of my knowledge. We have reservations about the proposed plan and will discuss these after we give a brief overview of the current situation.

Bangor Water District's (BWD) 12" diameter transmission main, constructed in 1979, was originally designed to deliver approximately 1,000 gallons per minute to the IMC (Holtra-Chem) Plant in Orrington.

BWD's Perry Road Pump Station was constructed in 1987 to provide constant pressure in the transmission main when the PERC plant was located next to the IMC Plant. Our agreement with PERC is to supply up to 840 GPM but currently, they limit their usage to approximately 400 GPM. PERC has on onsite standpipe which they use to meet their peak flow demands.

In the early 90's the Perry Road Pump Station was updated with Variable Frequency Drives (VFD's) to provide a constant pressure of 78 pounds per square inch (PSI) at the pump outlet. Pump intake pressure averages about 58 PSI but varies based on the tank level in BWD's standpipes. At about the same time, the Hampden Water District constructed the Route 202 Pump Station which also draws off the BWD transmission main at a rate of up to 500 GPM.

In 2002, a 12" diameter connection was made on the BWD transmission main to serve the "New Hampden Industrial Park". This connection is made through a meter pit that has two 4 inch meters with a nominal combined capacity of 880 GPM. There are also two reduced pressure zone (RPZ's) in this pit which will restrict the flow/pressure available to the Park.

Lastly, Hampden Water District authorized a further extension of the New Hampden Industrial Park main which we believe is currently under construction. When we became aware of that situation, I cautioned you that we would need to review any potential large users of water that came onto this line because the BWD has limited capacity to supply water here.

Earlier this year, we replaced the pumps at Perry Road to give us a capacity of 1,200 GPM at 60 feet of head (26 PSI). Because we normally provide a 20 PSI boost, the pump can deliver up to approximately 1,600 GPM before pressure on the discharge side starts falling below 78 PSI.

Although the pump station has two pumps, we operate only one pump with the second pump on stand-by in case of a malfunction of the primary pump. This pump station does not have a standby emergency generator so in the case of a power failure; the entire transmission main will see a pressure drop of at least 20 PSI until we can connect a portable generator.

The proposed plan we have reviewed for the Fiberight facility shows a further extension of the Hew Hampden Industrial Park line to the planned facility and then beyond it to the Cold Brook Road. Additional commercial/industrial lots are planned on this extension with an unknown amount of future use. It would be solely up to the BWD to supply this water from our Perry Road Pump Station. While the BWD could perhaps barely meet the projected demand of 250 GPM for the FiberRight facility, you would have little or no capacity for any future development on this main. Further, we would not be able to provide much, if any fire protection on this line, especially if PERC, HWD and the new facility were drawing at the same time.

There is a perception that perhaps the new Fiberight Facility will replace PERC which would result in freeing up PERC's capacity on this line. However, our agreement with PERC is still in place and we do not know what the future status of PERC will be.

From our perspective, the proposed facility would best be served by a main extension down Cold Brook Road and into the proposed facility as indicated in Figure 2. This line would be fed and pressure maintained by your Ball Field Road Standpipe. Then, flows available at the proposed site would only be limited by water main size.

We greatly appreciate the opportunity to be involved and provide our input to these issues. Please give me a call if you have any further questions.

Rick Pershken,

District Engineer,  
Bangor Water District

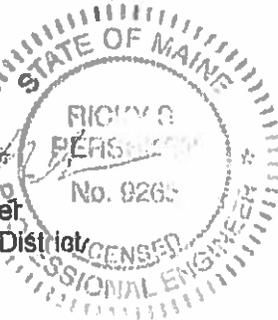
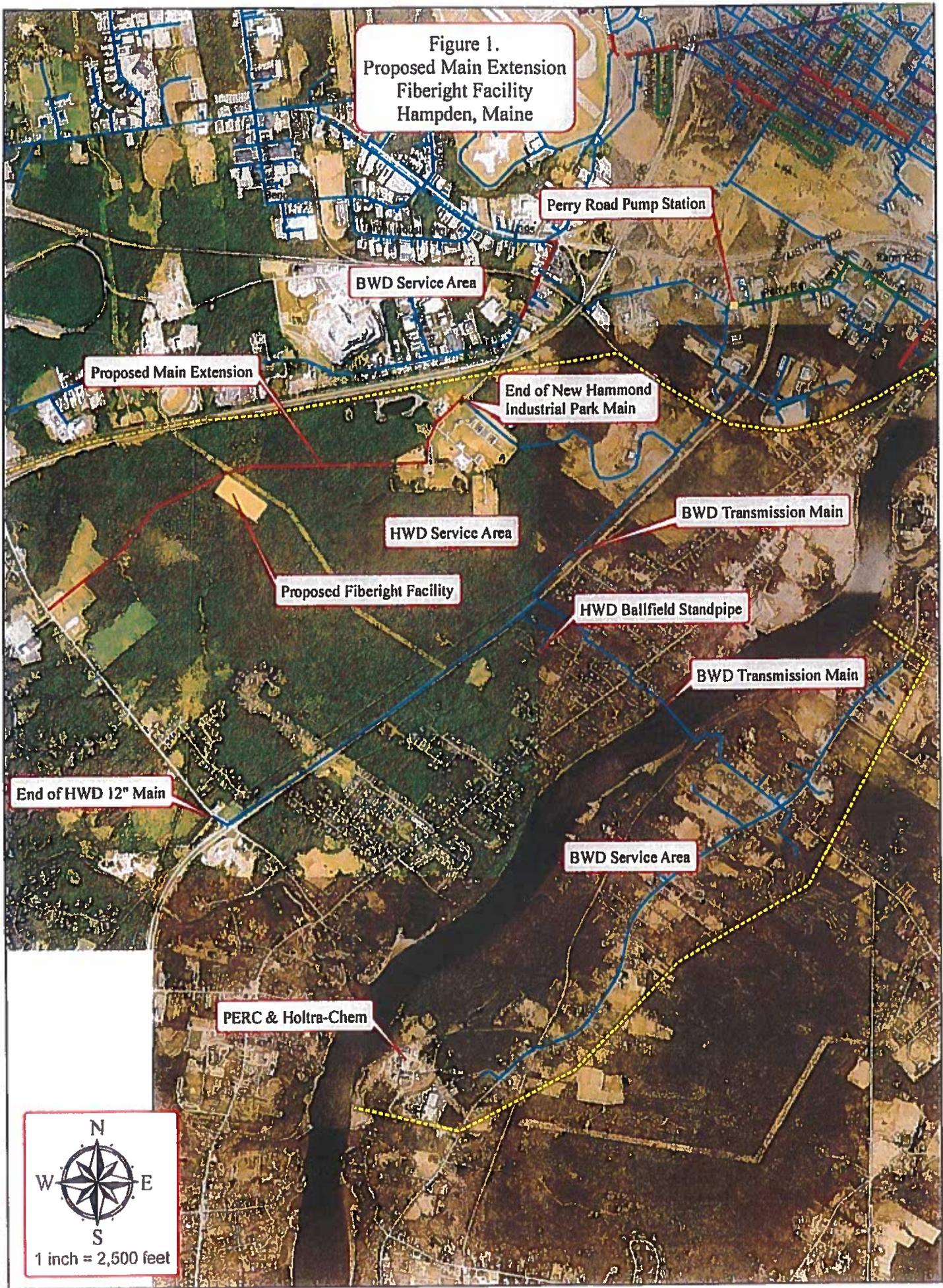


Figure 1.  
Proposed Main Extension  
Fiberight Facility  
Hampden, Maine



Perry Road Pump Station

BWD Service Area

Proposed Main Extension

End of New Hammond Industrial Park Main

HWD Service Area

BWD Transmission Main

Proposed Fiberight Facility

HWD Ballfield Standpipe

BWD Transmission Main

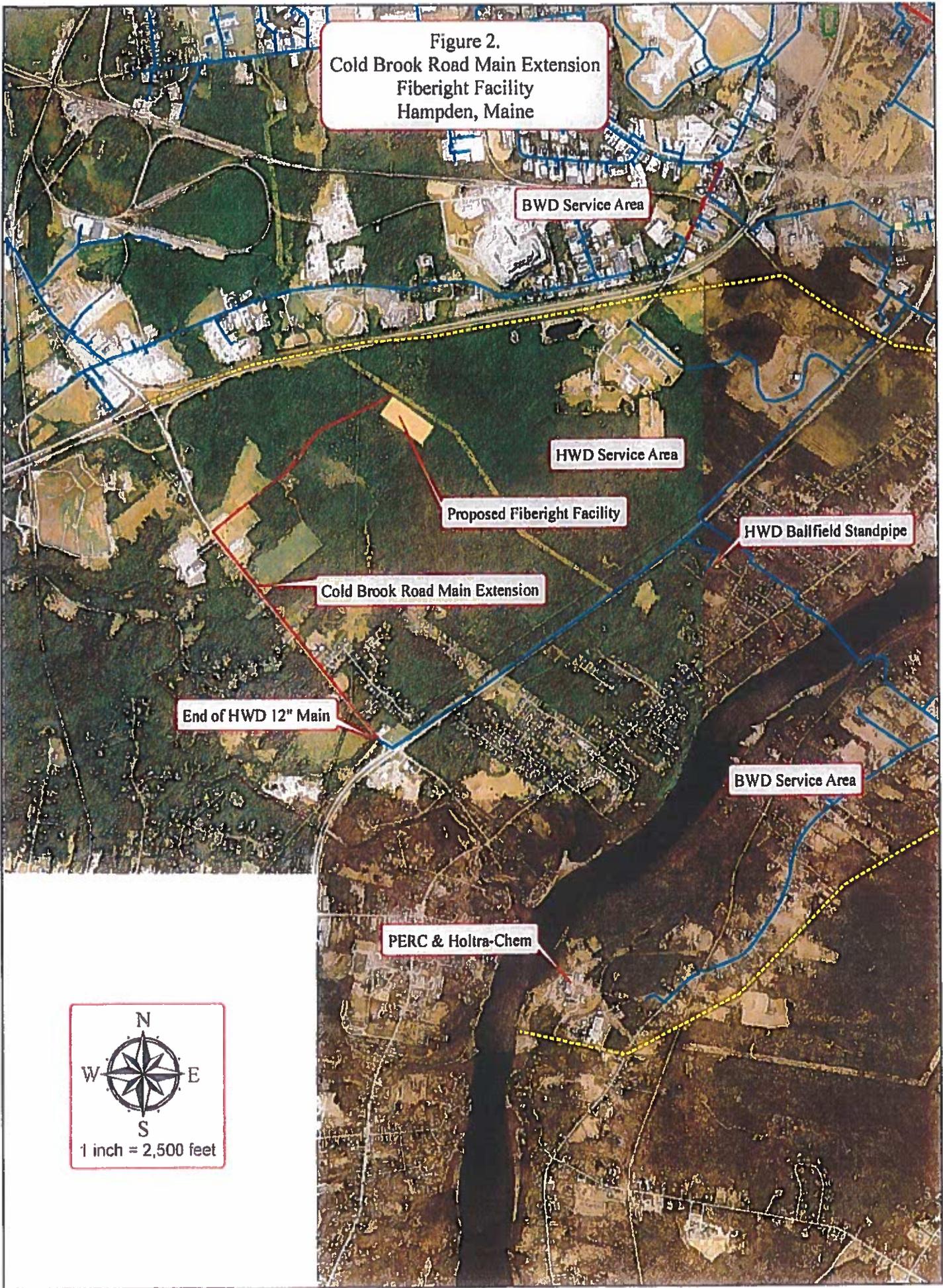
End of HWD 12" Main

BWD Service Area

PERC & Holtra-Chem

N  
W E  
S  
1 inch = 2,500 feet

Figure 2.  
Cold Brook Road Main Extension  
Fiberight Facility  
Hamptden, Maine



BWD Service Area

HWD Service Area

Proposed Fiberight Facility

HWD Ballfield Standpipe

Cold Brook Road Main Extension

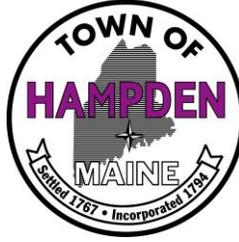
End of HWD 12" Main

BWD Service Area

PERC & Holtra-Chem

N  
W E  
S  
1 inch = 2,500 feet

**Town of Hampden**  
106 Western Avenue  
Hampden, Maine 04444



**Phone:** (207) 862-3034  
**Fax:** (207) 862-5067  
**Email:**  
townmanager@hampdenmaine.gov

**TO:** Infrastructure Committee

**FROM:** Angus Jennings, Town Manager

**DATE:** November 23, 2016

**RE:** Sewer Rates

---

As a result of the sewer rate increase approved in February 2016, FY17 sewer revenues are on track to cover budgeted expenses including \$100,000.00 toward the General Fund (over and above the \$60,000.00 that the Sewer Fund has contributed to the General Fund annually for many years to offset Town staff time toward sewer operations.

Now that voters have authorized borrowing for Hampden's share of the improvements to the Bangor Wastewater Treatment Plant, and to pay overdue charges to the City of Bangor, I'll be searching for the best borrowing terms. Prior to proceeding with borrowing, the Town Council will be presented with a recommended vendor and borrowing terms. Because debt service toward these items was not included in the FY17 sewer expense budget, I expect that an additional rate increase will be needed. The Council may also wish to shorten the timeline for payback of interfund transfers to the General Fund – which would require increased revenues.

On top of these factors, we recently received the attached correspondence regarding additional unbudgeted costs due to Bangor. At this point we are still working to understand the total costs, terms and timelines, so do not have a specific proposal for changes to sewer rates. However, I would like to discuss with the Committee your policy objectives (especially with regard to the payback timeline for interfund transfers) and to set out a timeline to prepare proposed changes and bring them forward for public hearing.



Angus Jennings <townmanager@hampdenmaine.gov>

---

## Hampden costs

1 message

---

Rudzinski, Andy <andy.rudzinski@bangormaine.gov>

Wed, Oct 19, 2016 at 3:11 PM

To: Sean Currier <publicworks@hampdenmaine.gov>, "Fraser, Rhonda Jordan" <rhonda.jordan.fraser@bangormaine.gov>, "Cyr, Keefe" <keefe.cyr@bangormaine.gov>, "Angus G. Jennings (townmanager@hampdenmaine.gov)" <townmanager@hampdenmaine.gov>

Sean & Angus,

I want to let you know that we have had a couple of unplanned emergency equipment failures come up in the last week or two. We have asked the Finance Committee for \$32,500 to replace actuators for the Primary Weir Gates. Also, \$21,336.15 for replacement of ball checks in the secondary wet well.

I am not sure how this is handled as far as billing Hampden for their share, and assume it has to wait until we receive the equipment for the final figures which will then be sent to you. It is my responsibility to let you know about this so you can break the news in Hampden. These are unforeseen events, but with a Plant of this age, I think both municipalities have to understand such things are going to continue to happen along with the already planned for spending. Sad but true.

We will make every effort to continue to communicate with Hampden, and I invite you both to please contact us often as well.

Take care-

Andy

Andrew Rudzinski, Director Water Quality Management

City of Bangor WWTP

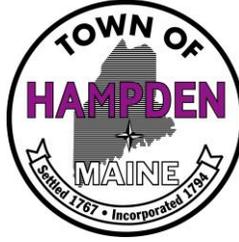
760 Main St.

Bangor, Maine 04401

992-4477

andy.rudzinski@bangormaine.gov

**Town of Hampden**  
106 Western Avenue  
Hampden, Maine 04444



**Phone:** (207) 862-3034  
**Fax:** (207) 862-5067  
**Email:**  
townmanager@hampdenmaine.gov

**TO:** Infrastructure Committee  
**FROM:** Angus Jennings, Town Manager  
**DATE:** November 23, 2016  
**RE:** Transfer Station policy

---

The new year of Transfer Station sticker sales begins in January.

Prior to that time, I'd like to update the Transfer Station Rules & Regulations and Policies. The current policies in effect, last amended in October 2015, are attached.

The following is a list of some questions or situations that have arisen at point of sale; I'm hoping the next round of revisions can bring clarity to most if not all of these items:

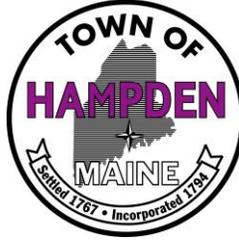
1. Hampden residents but vehicle registered elsewhere (i.e. residents with home out of state)
2. Sold car (which included sticker). Forgot to remove sticker. Do I need to pay for a new sticker? (Current policy is that, unless sticker is returned to Town to assure that it's not still in circulation, a new sticker must be purchased).
3. Caretaker of local resident with no car (i.e. in-home support worker). Part of service to resident includes trash disposal. Can I get a sticker? Temporary pass?
4. Resident of Hampden but family car has commercial markings. Current (unwritten) policy per 1/14/16 memo, attached. Is this the right policy? If so needs to be drafted as policy.
5. Resident of Hampden but car owned by business registered elsewhere. Should this be treated along the same lines as Item 4?
6. Non-resident kids cleaning out deceased parents' things; can I get a weekend pass?
7. Non-resident but is in town during summer (seasonal) with rental car.
8. Landlord/landowner wants weekend pass (C&D weekend) to clean up yard of rental unit. (No vehicle registered in Hampden).

9. Hampden resident but vehicle is registered to parent's name who lives in another town.
10. Resident from another town displaced (fire, mold remediation). Only here until home is fixed/rebuilt.
11. Elder parent (Hampden resident) not able to drive / no vehicle. Family lives out of town but wants to dispose of parent's waste at the Transfer Station.
12. Local resident in extended rental but vehicle not registered in Hampden.

I recognize that there may be future policy changes regarding the Transfer Station, and solid waste management generally, that may have bearing on some or more of these situations. However, since these often arise daily or more, our counter staff needs policy direction to handle such inquiries with consistency.

If time permits I'll draft suggested revisions before Monday night; if not I still hope we can get some direction that will facilitate drafting amendments for consideration at the December meeting of the Infrastructure Committee.

**Town of Hampden**  
106 Western Avenue  
Hampden, Maine 04444



**Phone:** (207) 862-3034  
**Fax:** (207) 862-5067  
**Email:**  
townmanager@hampdenmaine.gov

This memo from last winter, though not formally adopted as policy, has guided our issuance of stickers - in limited circumstances - to "commercial" vehicles.

TO: Town Council  
FROM: Angus Jennings, Town Manager  
DATE: January 14, 2016  
RE: Policy clarification, Transfer Station Rules & Regulations

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Sales of Transfer Station stickers since the first of the year have been brisk; as of midday today we have sold 1,176 for the year.

Due to their particular circumstances, a few Hampden residents have raised an issue that I believe needs policy clarification.

The Transfer Station Rules and Regulations state that the facility "is for disposal of Hampden residential trash only," prohibit "commercial haulers," and further provide that vehicles receiving one-day permits "cannot be a commercial or contractor vehicle or larger than a full-sized pick up." The policy intent to limit use to residential trash is clear.

Historically, vehicles that are registered to a company (not an individual), or that bear markings of a commercial vehicle (i.e. commercial logos) have been understood to be "commercial" and have not in the past been allowed to purchase stickers. Vehicles registered to a company (but with no commercial markings) have been allowed, for the standard \$10 fee, to receive a Temporary Vehicle Permit (as referenced in the Rules and Regulations), as if for a borrowed vehicle, with a term of the calendar year. It is not clear to me why this makes sense; it would seem preferable to arrive at a system whereby a sticker – that is affixed to the vehicle – would be provided.

Vehicles with commercial markings have not been allowed to purchase a sticker or Temporary Vehicle Permit.

Several Hampden residents who own their own business, and who have their vehicle for transfer station activities registered to the business, have expressed their opinion that, as Hampden residents, they should have the option to buy a sticker and to dispose of residential waste at the Transfer Station. In some instances, the vehicles in question are registered in Hampden; in other instances they're not.

Two residents whose businesses could be expected to generate commercial waste (i.e. construction debris) sought to purchase a sticker. On hearing their circumstances, and

after consultation with the Public Works Director, we agreed to sell them each a sticker upon documentation that the business has a separate waste disposal agreement for commercial waste. Both people agreed, provided documentation, and we sold them each a sticker.

Another resident whose business (account management) would not be expected to generate commercial waste, also seeks to purchase a sticker. The approach taken with the other residents doesn't apply here because no commercial waste disposal agreement would be needed. I have advised him that this matter would be considered at Tuesday's meeting, and that we would contact him Wednesday with some resolution.

Following changes in practice made this past fall, all residents who purchase a sticker are required to sign a statement that they have reviewed and agree to comply with the Transfer Station Rules and Regulations. It is my recommendation that, until the Transfer Station Rules and Regulations are amended to clarify this issue, we issue a sticker to the resident in question (and others in this situation) following the same rationale: if the business that the vehicle is registered to generates commercial waste, require documentation of a separate waste disposal agreement for commercial waste; if the business doesn't generate commercial waste, rely on the person's signature agreeing to abide by the policy.

Due to time constraints I have not drafted language for Council consideration; however I do want to bring this matter to your attention for consideration, and to ensure that you agree with this approach for the time being.

In considering this issue, it is important to understand that the practice of denying business-owned vehicles the ability to purchase a sticker is long-standing, and has been consistently applied. It is therefore especially important that any change in policy (or practice) does not undermine the primary policy objective of limiting the facility to residential waste; is clearly communicated to the public; and is evenly applied.

In the future, I will recommend that the Council clarify the Transfer Station Rules and Regulations to better define "commercial vehicles," and to provide a clear, uniform process by which Hampden residents can be assured access to the Transfer Station, upon purchase of a sticker, for residential trash disposal. The matter of whether to sell stickers to Hampden residents with business-owned vehicles registered outside of Hampden will also need to be addressed.

I do believe that a change is warranted because I agree with the affected people that, as Hampden residents and taxpayers, they should have the same ability to dispose of residential waste as all residents, even if their vehicle is commercially owned or marked.

cc: Sean Currier, DPW Director

TOWN OF HAMPDEN  
SOLID WASTE TRANSFER STATION RULES & REGULATIONS

The Town of Hampden has a Solid Waste Transfer Station located at the Public Works Facility on the Canaan Road. This facility is for disposal of Hampden residential trash only.

- No Commercial Haulers allowed
- No Contractor vehicles allowed

**PERMITS**

A permit on the vehicle is required for access to the facility. Permits are available at the Town Office at a cost of \$10 per sticker per vehicle per calendar year. **A current vehicle registration must be presented annually in order to obtain a sticker.** Only year round residents or seasonal residents who do not use their property for rental purposes are eligible to purchase stickers. Businesses and residents of apartment or private complexes with more than four units are not eligible to purchase stickers or utilize the Transfer Station. **No vehicle will be allowed entry to the Transfer Station after February 1<sup>st</sup> of each year without a current decal.**

A one-day permit is available for a resident to obtain in order to use a borrowed vehicle. To acquire this, bring the number of your existing permit to the Town Office and ask for a Temporary Vehicle Permit. The permit is available at no charge and is valid for one day only. You must accompany the vehicle for which you obtained the permit and the vehicle cannot be a commercial or contractor vehicle or larger than a full-sized pick up.

<b><u>HOURS OF OPERATION</u></b>	<b><u>CLOSED ALL LEGAL HOLIDAYS</u></b>	
MONDAY – CLOSED	New Year’s Day	
TUESDAY – CLOSED	Martin Luther King Day	
WEDNESDAY – 10 A.M. – 6 P.M.	President’s Day	Columbus Day
THURSDAY – 10 A.M. – 6 P.M.	Patriot’s Day	Veteran’s Day
FRIDAY – 10 A.M. – 6 P.M.	Memorial Day	Thanksgiving Day
SATURDAY – 8 A.M. – 4 P.M.	4 <sup>th</sup> of July	Day after Thanksgiving
SUNDAY – 8 A.M. – 4 P.M.	Labor Day	Christmas Day

**DISPOSAL SCHEDULE**

***SOLID WASTE -***

ACCEPTED ON ANY DAY THAT THE TRANSFER STATION IS OPEN.

***SHARPS DISPOSAL -***

ACCEPTED ON ANY DAY THAT THE TRANSFER STATION IS OPEN. THERE IS A SEPARATE RECEPTACLE AT THE TRANSFER STATION FOR SHARPS DISPOSAL

***SWAP SHOP ITEMS -***

ARE ACCEPTED AT THE ‘SWAP SHOP’ ON ANY DAY THAT THE TRANSFER STATION IS OPEN, AND MAY BE TAKEN FROM THE ‘SWAP SHOP’ ON ANY DAY THAT THE TRANSFER STATION IS OPEN.

***RECYCLABLES -***

ACCEPTED ON ANY DAY THAT THE TRANSFER STATION IS OPEN.

***CONSTRUCTION & DEMOLITION DEBRIS, WOOD, METAL, APPLIANCES AND ASPHALT SHINGLES -***

THESE ITEMS ARE ACCEPTED ON THE 2<sup>ND</sup> AND 4<sup>TH</sup> WEEKEND OF EACH MONTH **ONLY.**

**REFRIGERANT DISPOSAL FEE –**

There is a \$15 fee for the disposal of any appliance with refrigerant (refrigerators, freezers, some air conditioners). A permit sticker for the disposal of such items must be picked up at the Town Office prior to disposal, and these items can only be taken to the transfer station on the second and fourth weekends of each month. Permit stickers must be affixed to the item.

**BEFORE YOU GO TO THE TRANSFER STATION DISPOSAL TIPS...**

TELEVISIONS, COMPUTER PARTS and FLUORESCENT LAMPS are accepted any time the Transfer Station is open.

TIRES all must have rims removed. No more than four tires will be accepted.

PAINT CANS must be empty and rinsed out with lids removed.

METAL BARRELS, 5, 30, AND 55 GALLON DRUMS must have at least one end removed and they must be washed out.

LEAVES, GRASS, AND YARD AND GARDEN CLIPPINGS must be bagged and disposed of in the trash compactors along with solid waste.

TREE LIMBS AND BRANCHES – Must not exceed 10’ in length and are acceptable only on the 2<sup>nd</sup> and 4<sup>th</sup> weekends of each month.

**ZERO-SORT RECYCLING**

The Town of Hampden operates a Zero-Sort recycling program at the Transfer Station. There is a separate compactor at the facility in which many recyclables are deposited. There is no need to separate these recyclable materials, however, if they are disposed of in a bag, the bag must be clear plastic in order to be placed in the compactor.

Recyclable materials that can be deposited in the Zero-Sort Compactor include:

- |                             |                       |
|-----------------------------|-----------------------|
| Magazines & Books           | Newspaper             |
| File folders & office paper | Mail & Greeting cards |
| Corrugated cardboard        | Paperboard boxes      |
| Paper Cartons               | Plastic Containers    |
| Large Rigid Plastics        | Metal cans            |
| Glass bottles               |                       |

Non-recyclable items that **cannot** be deposited in the Zero-Sort compactor include:

- |                                   |                    |
|-----------------------------------|--------------------|
| Plastic bags                      | Mirrors            |
| Window Glass                      | Light bulbs        |
| Dishes                            | Pyrex              |
| Ceramics                          | Paper Towels       |
| Facial tissue                     | Styrofoam          |
| Recyclables containing food waste | Paints             |
| Oils                              | Hazardous material |
| Needles                           | Syringes           |
| VCR tapes                         | CD’s/DVD’s         |
| Scrap Metal                       | Pots or Pans       |

### **UNACCEPTABLE WASTES**

- AUTOMOTIVE PARTS containing hazardous fluids including batteries, engines, transmissions, etc. These items should be disposed of in a salvage yard.
- STUMPS will not be accepted.
- HAZARDOUS WASTE will not be accepted. This includes paint thinners, cleaners, poisons, asbestos, chemicals, and petroleum products such as gas, oil and kerosene.

### **COMPOSTING**

The Town of Hampden is making every effort to protect our environment and to keep waste disposal costs as low as possible. In addition to observing the guidelines above, you can help reduce the amount of waste that you produce in your home. Home composting, for example, is easy to do and not only reduces the waste stream, but produces usable garden fertilizer. The Town participates annually in the State Planning Office Home Composter Program by subsidizing the cost of home composters for interested Hampden residents. To find out more about home composting and when the next composter order will be placed - call Rosemary at 862-3337.

QUESTIONS? CALL ROSEMARY AT 862-3337.

## TRANSFER STATION DECAL ISSUANCE POLICY

The Hampden Transfer Station is for the use of Hampden residential property owners and renters who occupy single family residential units or a residence in a multi-unit development of four or fewer units.

1. The vehicle registration of the vehicle on which the decal will go must be presented at the time of sticker issuance.
2. To qualify for a residential decal, a vehicle must be registered in Hampden. Residents who otherwise qualify for a sticker but who have company-owned vehicles not registered in Hampden, without the company name or logo on the vehicle, may receive a paper pass for that vehicle for the year for the \$10 fee.
3. Seasonal Residents must own single family residential property not used for rental purposes and provide proof of vehicle registration.
4. No stickers will be issued for commercial construction/contractor vehicles with company name or logo on the vehicle, regardless of place of registration.
5. Stickers will not be issued to trucks other than pickups with a regular pick-up bed of no more than 8 feet.
6. Transfer station decals must be permanently affixed to the inside of the windshield on the driver's side of the vehicle for which it was issued. Plate numbers on the decal must match the plate number on the vehicle.
7. Vehicles without a decal or appropriate paper pass will not be allowed access to the transfer station.

This policy was amended by the Hampden Town Council on 2/17/2009 and on 10/5/2015.



**TOWN OF HAMPDEN**  
**DEPARTMENT OF PUBLIC WORKS**

355 CANAAN RD.  
HAMPDEN, ME 04444  
TEL 862-3337 FAX 862-5067

October 6, 2015

To: Residents of Hampden  
From: Sean Currier, Public Works Director  
Subject: Transfer Station Demo/Debris weekends

Dear Resident:

In order to track true cost to the Town (and ultimately to the residents), Hampden Public Works employees will be checking permit numbers and license plates along with noting what type of materials are being disposed of during demo debris weekends. This will allow us to get a firm understanding of what the transfer station is being utilized for and to minimize the abuse of the facility. It appears there may be waste being brought from out of Town sources or commercial entities.

It is simply not fair for all residents to pay a high disposal cost for entities from out of town dumping waste in this facility. The Town's objective is to reduce cost while still providing a service to the residents of Hampden. Please review the back of this form for current transfer station rules and regulations.

Please contact the Public Works if you have any questions or concerns at 862-3337.

Thank you for your cooperation and understanding.

Respectfully,

Sean Currier, PWD

# TRANSFER STATION RULES

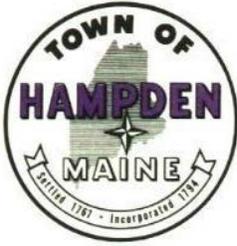
- VEHICLE MUST HAVE PERMIT DECAL ATTACHED TO DRIVER SIDE WINDSHIELD.
- ALL ITEMS CONTAINING FREON (REFRIGERATORS, A/C UNITS) MUST HAVE A STICKER OBTAINED FROM THE TOWN OFFICE. THERE IS A \$15 FEE FOR THE STICKER TO COVER DISPOSAL COSTS. STICKERS ARE TO BE ATTACHED TO ITEM.
- NO TRAILER BEDS SHALL EXCEED 12' IN LENGTH.
- NO COMMERCIAL (OR CONTRACTOR) VEHICLES ALLOWED.
- NO LEAVES OR VEGETATION IN BRUSH PILE (PLEASE BAG LEAVES AND PLACE IN COMPACTOR).
- NO BRUSH OR TREES GREATER THAN 10' IN LENGTH.
- NO STUMPS ALLOWED.
- TIRES MUST HAVE RIMS REMOVED. TIRES CAN BE PLACED IN COMPACTOR. NO MORE THAN 4 TIRES WILL BE ACCEPTED.
- NO AUTOMOTIVE PARTS CONTAINING HAZARDOUS FLUIDS (BATTERIES, ETC.).
- FLUORESCENT LAMPS AND TELEVISIONS TO BE GIVEN TO STATION ATTENDANT FOR PROPER PLACEMENT.
- NO HAZARDOUS WASTES SHALL BE ACCEPTED (NO PESTICIDES, PROPANE TANKS, ETC.)

## SWAP SHOP

ABSOLUTELY NO JUNK OR HEAVILY USED ITEMS IN THE SWAP SHOP. THIS IS INTENDED FOR LIGHTLY USED ITEMS THAT ARE STILL USABLE, BUT YOU NO LONGER WANT. THIS FACILITY IS NOT INTENDED TO BE A DISPOSAL FOR BROKEN OR UNUSABLE PRODUCTS, HAZARDOUS MATERIAL (PESTICIDES, PROPANE TANKS, A/C UNITS ETC.), OR ANY OTHER ITEMS DUE TO THE DEBRIS SECTION BEING CLOSED. NO FREON CONTAINING ITEMS (A/C UNITS, REFRIGERATORS, ETC) ALLOWED IN THIS BUILDING. PLEASE BE RESPONSIBLE AND PLACE ONLY APPROPRIATE ITEMS IN THIS FACILITY.

THANK YOU FOR YOUR COOPERATION.

This policy was amended by the Hampden Town Council on 10/5/2015.



DECAL NUMBER \_\_\_\_\_

**TOWN OF HAMPDEN  
TRANSFER STATION DECAL APPLICATION**

LAST NAME: \_\_\_\_\_ FIRST NAME: \_\_\_\_\_

PROPERTY ADDRESS: \_\_\_\_\_

VEHICLE MAKE/MODEL: \_\_\_\_\_ PLATE #: \_\_\_\_\_

**BY SIGNING THIS APPLICATION, I CERTIFY THAT I MEET THE FOLLOWING CONDITIONS:**

- \_\_\_\_\_ 1. THIS PROPERTY IS MY YEAR ROUND RESIDENCE AND NOT PART OF A COMMERCIAL DEVELOPMENT DEFINED AS A BUSINESS OPERATION OR AN APARTMENT/HOUSING COMPLEX OF MORE THAN FOUR (4) UNITS.
- \_\_\_\_\_ 2. THIS PROPERTY IS MY SEASONAL RESIDENCE AND IS NOT USED FOR RENTAL PURPOSES.

**THE DECAL ISSUED MUST BE ATTACHED TO THE DRIVER SIDE WINDSHIELD OF THE VEHICLE LISTED ABOVE. IF YOUR VEHICLE CHANGES, PLEASE NOTIFY THE TOWN OFFICE FOR A REPLACEMENT DECAL. DECALS ARE GOOD FOR THE CALENDAR YEAR AND MUST BE RENEWED ANNUALLY PRIOR TO FEBRUARY 1.**

**THE HAMPDEN TRANSFER STATION IS TO BE USED FOR RESIDENTIAL TRASH/RECYCLING ITEMS GENERATED ONLY IN THE TOWN OF HAMPDEN. ABUSE OR VIOLATION OF TRANSFER STATION RULES WILL RESULT IN TERMINATION OF PRIVILEGES TO USE THE FACILITY.**

\_\_\_\_\_ VEHICLE REGISTRATION PRESENTED (TO BE INITIALED BY ISSUING CLERK)

**I HAVE RECEIVED A COPY OF THE TRANSFER STATION RULES AND REGULATIONS AND UNDERSTAND IT IS MY RESPONSIBILITY TO ABIDE BY THE RULES AND REGULATIONS.**

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
PHONE NUMBER

\_\_\_\_\_  
DATE