

**RULES AND REGULATIONS REGARDING  
THE USE OF PUBLIC SEWERS AND  
STORM DRAINS IN THE  
TOWN OF WINCHESTER, MASSACHUSETTS**



Adopted by the Winchester Board of Selectmen  
April 9, 2007

Effective Date: June 8, 2007

## 1.0 Purpose

This publication sets forth the Rules and Regulations for the use of public storm drains and sanitary sewers in the Town of Winchester, Massachusetts, hereafter referred to as the "Town".

These regulations partially fulfill the obligations of the Town under the Clean Water Act (33 U.S.C. 1251 *et seq.*) and under the Town's National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Permit to establish a comprehensive and fair system of regulation of discharges to the Town's Municipal Separate Storm Sewer System (sometime referred to herein as "MS4").

## 2.0 Authority

These Rules and Regulations are adopted by the Winchester Board of Selectmen under the authority granted in Chapter 7, Section 1 of the Town's "Code of Bylaws" and in accordance with the regulations of the Clean Water Act and the Phase II ruling from the United States Environmental Protection Agency (USEPA) as published in the Federal Register (December 8, 1999).

## 3.0 Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in these Rules and Regulations shall be as follows:

**APPLICANT** refers to an owner, user, or a duly authorized agent of an owner or user. The term is generally used in the context of a party who seeks permission from the Town to change an existing use or add a new connection to the public sewer or storm drain.

**BEST MANAGEMENT PRACTICE (BMP)** means an activity, procedure, restraint, or structural improvement that helps reduce the quantity or improve the quality of stormwater runoff.

**BIOCHEMICAL OXYGEN DEMAND (BOD)** means the quantity of oxygen utilized in five days at 20 degrees Celsius (C), expressed in milligrams per liter (mg/l), in the biochemical oxidation of wastewater as determined by a procedure described in the latest edition of "Standard Methods for the Examination of Water and Wastewater", hereafter referred to as "*Standard Methods*".

**BUILDING DRAIN** means the lowest horizontal piping of a plumbing or drainage system which receives the discharge from soil, waste and/or other drainage pipes within a building and that extends five (5) feet outside the inner face of the building's exterior wall. The Building Drain conveying wastewater from plumbing fixtures within

the building shall discharge to a building sewer. The Building Drain conveying stormwater and other drainage shall discharge to a Building Storm Drain.

**BUILDING SEWER**, also referred to as **house connection, service, or lateral**, shall mean the pipe that connects to a Building Drain conveying wastewater from plumbing fixtures within a building to a public sewer or other approved place of disposal. The property owner is responsible for all upkeep, maintenance, and repair of said Building Sewer from its origin in the building to its connection to the public sewer.

**BUILDING STORM DRAIN** refers to the pipe that connects a Building Drain conveying stormwater to a storm drain or other approved place of disposal.

**CLEAN WATER ACT** refers to the Federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*) as hereafter amended.

**CLEANOUT** refers to a device or structure designed to provide access to a Building Drain, Building Sewer, or Building Storm Drain for the purpose of eliminating blockages and/or removing accumulated materials.

**DIRECTOR** refers to the Director of the Department of Public Works (DPW) of the Town of Winchester, or his/her authorized deputy, agent, or representative.

**DOWNSPOUT** is a pipe that conveys water from the roof of a building into a storm drain or into the ground. Downspouts are also known as roof drains or roof leaders.

**DRY WELL** refers to a pit or underground cavity with porous walls installed to allow surface water and stormwater to drain into underground strata.

**GARBAGE** refers to solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and/or from the handling, storage, and sale of produce and food stuffs.

**ILLICIT CONNECTION** shall mean any surface or subsurface drain or conveyance that allows an illicit discharge into the storm drain, including, without limitation, sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets regardless of whether said connection was previously approved, allowed or permitted prior to the effective date of these regulations.

**ILLICIT DISCHARGE** shall mean direct or indirect discharge to the storm drain that is not composed entirely of stormwater, except as may be exempted in these regulations. This term does not include a discharge in compliance with a NPDES Stormwater Discharge Permit or discharges resulting from fire fighting activities, which are exempt.

**INDUSTRIAL WASTE** refers to any liquid wastes that result from any industrial manufacturing or cleaning processes, trade, or business.

**MASSACHUSETTS WATER RESOURCES AGENCY** is also referred to as the MWRA.

**MUNICIPAL STORMDRAIN SYSTEM** or **MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)** refers to the system of conveyances designed, or used, for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, or other drainage structure that together comprise the storm drainage system owned or operated by the Town.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT** refers to a permit issued jointly by the USEPA and the Commonwealth of Massachusetts, pursuant to Section 402 of the Clean Water Act (33 U.S.C. 1342), authorizing the discharge of pollutants to waters of the United States or the Commonwealth.

**NATURAL OUTLET** refers to any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

**NEW DEVELOPMENT** refers to any disturbance of land that is currently in a natural vegetated state and does not contain prior alternations by manmade activities.

**OWNER** shall refer to any person, or entity, who individually, or jointly or severally with others holds legal title to any land or premises, or has been legally assigned the care, charge, or control of any premises as agent, manager, executor, administrator, trustee, lessee, or guardian of the estate of, or by, the holder of legal title.

**pH** refers to the logarithm of the reciprocal of the weight of hydrogen ions concentration expressed in moles per liter.

**PROPERLY SHREDDED GARBAGE** refers to wastes created by the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles may be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

**PUBLIC SEWER** refers to a sanitary sewer in which all owners of abutting properties shall have equal rights to connect to and is controlled by a public authority. The Building Sewer is considered to originate at the building and terminate at the point of connection to the Public Sewer.

**RECEIVING WATERS** refers to any watercourse, river, pond, wetland, ditch, lake, aquifer, ocean, or other body of surface water or groundwater that receives a discharge of wastewater, stormwater, or effluent.

**REDEVELOPMENT** means (1) Maintenance and improvement of existing roadways, including widening less than a single lane, adding shoulders, and correcting substandard intersections and drainage, and repaving; and (2) Development rehabilitation, expansion, and phased projects on previously developed sites, provided the redevelopment results in no net increase in impervious area. This definition applies to redevelopment on one or more lots.

**SANITARY SEWER** shall mean a pipe or conduit that carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

**SEPTAGE** shall mean the liquid and solid wastes of sanitary sewage origin that are removed from a cesspool, septic tank, or similar receptacle.

**SEWAGE** shall mean a combination of water-carried wastes from residences, businesses, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

**SEWAGE TREATMENT PLANT** shall mean any arrangement of devices and structures used for treating sewage.

**SEWAGE WORKS** shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

**SHALL** is mandatory; **MAY** is permissive.

**SLUG** refers to any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds more than five (5) times the average 24-hour concentration or flows during normal operation, for any period of time in excess of 15 minutes.

**STORM DRAIN** or **STORM SEWER** shall mean a pipe or conduit, which carries stormwater runoff, but excludes sewage and industrial wastes other than unpolluted cooling or condensate water.

**STORMWATER** shall mean any water resulting from rainfall or other precipitation that runs off surfaces during or after such a meteorological event.

**SUSPENDED SOLIDS** refers to solids that either float on the surface or are in suspension in water, wastewater or other liquids, and are removable by filtering procedures as described in Standard Methods.

**TOWN OF WINCHESTER** is also referred to herein as the “Town”.

**USER** shall refer to any individual person or legal entity that discharges wastewater or stormwater directly, or indirectly, into the sanitary sewers or storm drains owned by the Town.

**WASTEWATER** refers to the spent water of a community, which may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial facilities, and institutions, together with any groundwater and stormwater that may be present. Also referred to as “sewage”.

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

#### **4.0 Building Drains, Building Sewers, Building Storm Drains, Connections, and Appurtenances**

4.1 No user, owner, or applicant shall construct, uncover, make connection with or opening into, use, alter, or disturb any Public Sewer, Storm Drain, or appurtenance thereof, without first obtaining a written permit from the Director. Any user, owner, or applicant 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 Director no less than 30-days prior to the proposed change or connection, and shall obtain a written permit, as required.

4.2 The Director will not issue a permit for any discharge which the Director, or his agents believe can reasonably be expected to result in significant harm to any individual’s personal health or safety, to the environment, to the public sewers or storm drains, or to any watercourse or receiving waters.

4.3 Where an Applicant seeks to make a direct connection to a sewer owned and operated by the MWRA, the Town shall require the Applicant to supply such information as would enable the Town to determine whether to approve the desired connection. If the Town approves the proposed connection, the Town shall then apply, on the Applicant’s behalf, to the MWRA for its approval of such a connection. No direct connections shall be made to an MWRA sewer without written proof of a prior vote of approval by the MWRA. All fees relating to obtaining a permit from the MWRA shall be paid, in full, in advance, by the Applicant and not by the Town.

4.4 All costs and expenses incident to the installation and connection of all Building Drains, Building Sewers, or Building Storm Drains shall be the sole responsibility of the owner or User. The owner or User shall indemnify the Town from any loss or damage that may directly, or indirectly, be determined to have been occasioned by the repair or installation of Building Drains, Building Sewers, or Building Storm Drains.

4.5 Separate and independent Building Sewers and Building Storm Drains shall be provided for all new or substantially rehabilitated buildings. Where one building stands to the rear of another on an interior lot, and no private sewer is presently available or can be constructed to the rearmost building through an adjoining alley, court, yard, easement or driveway, the Building Sewer from the front most building may be extended to the rear building and the whole considered to be one Building Sewer.

4.6 Pre-existing Building Sewers may be used in connection with new or substantially rehabilitated buildings only when they are found, on examination and test by the Director, to meet all requirements of these regulations. The cost of any examination and testing required by the Director as a precondition to such approval shall be performed at the Applicant's sole expense.

4.7 The size, slope, alignment, materials of construction of a Building Drain, Building Sewer, and Building Storm Drain, and the methods to be used in excavating, placing of the pipes, jointing, testing, and backfilling shall all conform to the requirements of the building and plumbing code(s), or other applicable rules and regulations of the Town, including the Winchester Engineering Department's "Special Provisions for the Construction of Roadways including the Installation of Water, Sewer and Drains in the Town of Winchester", as such may exist at the time of the issuance of a permit. In the absence of code provisions, or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) shall apply.

4.8 All Building Drains, Building Sewers, and Building Storm Drains shall discharge by gravity to the public sewer or storm drain. Whenever possible, the Building Drain, Building Sewer, and Building Storm Drain shall be brought to the building at an elevation below the basement floor. In all new or substantially rehabilitated buildings in which any Building Drain, Building Sewer, or Building Storm Drain is too low to permit gravity discharge, wastewater or stormwater shall be lifted by an approved means and allowed to discharge by gravity (*i.e.* not under pressure) to the public sewer or stormdrain.

4.9 No user, owner, or applicant shall make, or allow to have made, any connection of roof downspouts, exterior foundation drains, or other sources of surface runoff or

groundwater to a Building Drain or Building Sewer, which is in turn connected directly or indirectly to a Public Sewer.

4.10 No user, owner, or applicant shall make, or allow to have made, any connection of a Building Drain conveying wastewater from plumbing fixtures within the building to a Building Drain, Building Storm Drain, or other means of conveyance which is in turn directly or indirectly connected to a Public Storm Drain.

The Building Drain conveying wastewater shall, in all cases, discharge to a Building Sewer.

The Building Drain conveying stormwater and other drainage shall, in all cases, discharge only to a Building Storm Drain.

4.11 The connection of the Building Sewer to the Public Sewer shall conform to all requirements of the building and plumbing code or other applicable rules and regulations of the Town and the Commonwealth, or in their absence, the procedures set forth in appropriate specifications of the ASTM. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved, in writing, in advance of any installation work being initiated, by the Director.

Non-approved materials and excavations may, at the Director's sole discretion, be required to be removed at the sole expense of the Applicant..

4.12 The Applicant shall notify the Director when the Building Drain, Building Sewer, and/or Building Storm Drain are ready for inspection and connection to the Public Sewer or Public Storm Drain, as appropriate. The connection shall be made under the supervision of the Director, or his designated representative(s), and no backfilling shall occur until all appropriate inspections are made.

4.13 All excavations for Building Drain, Building Sewer and Building Storm Drain installations shall, at all times, be equipped with appropriate lighting and adequately isolated with barricades, fencing, or other suitable means so as to protect the public from access and hazard. Streets, sidewalks, parkways, and other public property and/or private property disturbed in the course of the work shall be restored to their prior condition, or better, in a manner satisfactory to the Director. All work shall be performed in accordance with the "Rules and Regulations Governing Utility Petitions and Street Opening Permits in the Town of Winchester, Massachusetts".

4.14 All plans showing proposed Public Sewer and Storm Drain connections shall be prepared and stamped by a registered professional engineer and/or registered land surveyor licensed in the Commonwealth of Massachusetts. Licensing, bond, and

insurance requirements for all contractors performing work in public or private ways shall be in accordance with the requirements laid out in the “Rules and Regulations Governing Utility Petitions and Street Opening Permits in the Town of Winchester, Massachusetts”.

4.15 These Rules and Regulation do not preclude the use of infiltration structure or systems for stormwater management.

## **5.0 Use of the Public Sewers and Storm Drains**

5.1 All applicable state and federal laws required by the Clean Water Act and the General Pretreatment Regulations (40 Code of Federal Regulations (CFR), Part 403) shall be fully incorporated and made enforceable by reference in these regulations.

5.2 Use of the Public Sewer or Storm Drain will be prohibited if, in the sole opinion of the Director, such use may result in physical damage to structures or equipment, interference with operation or processing, or unreasonable maintenance and expense either near-term or long-term.

5.3 No User, owner, or Applicant shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted process waters to any sanitary sewer.

5.4 Stormwater and all other unpolluted drainage shall be discharged to Storm Drains, or to a natural outlet approved by the Director, and, when required by law, the Town of Winchester Conservation Commission, the Commonwealth of Massachusetts Department of Environmental Protection (DEP), and/or USEPA. A NPDES permit may be required for certain discharges that are not allowed in the sanitary sewer. It shall be the sole responsibility of the originator of the discharge, or the owner of the property from which it emanates, to obtain all required permits in advance for such discharge(s).

No User, owner, or Applicant shall dump, discharge, or allow to be discharged any pollutant or non-stormwater discharge into the storm drain system, into a watercourse, or into waters of the United States and/or Commonwealth.

5.5 No User, owner, or Applicant shall construct, use, allow, maintain or continue any illicit connection to the Public Storm Drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

5.6 No User, owner, or Applicant shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system or sewage into or out of the

Public Sewer without prior, written approval of the Director and/or the MWRA, as appropriate.

5.7 No User, owner, or Applicant shall discharge, or cause to be discharged, any of the following described waters or wastes to any Public Sewers or Storm Drains:

- (a) Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (b) Waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the MWRA's sewage treatment plant.
- (c) Waters or wastes having a pH lower than 5.5 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (d) Solid or viscous substances in quantities or of such size as to be capable of causing obstruction to the flow in sewers; or other interference with the proper operation of the sewage systems, such as, but not limited to ash, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.
- (e) Any septage.
- (f) Sludges or deposited solids resulting from an industrial or pretreatment process.
- (g) Waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
- (h) Waters or wastes designated as prohibited discharges in the General Pretreatment Regulations (40 CFR, Section 403.5).

5.8 No User, owner, or Applicant shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the sole opinion of the Director that such wastes could harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or otherwise endanger life, safety, public property, or constitute a nuisance. In forming an opinion as to the acceptability of such wastes, the Director shall give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials or construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (a) Any liquid or vapor having a temperature higher than 150°F (65°C).
- (b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150°F (0 and 65°C).
- (c) Any garbage that has not been properly shredded. The installation and operation of any garbage disposal or grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the Director.
- (d) Any waters or wastes containing Iron, Chromium, Copper, Antimony, Arsenic, Barium Beryllium, Boron, Cadmium, Lead, Manganese, Mercury, Nickel, Selenium, Silver, Tin, Zinc, and similar objectionable or toxic metal substances; or wastes exerting an excessive chlorine requirement unless treated to reduce their concentrations to the minimum levels attainable by chemical precipitation processes, or other equally effective methods. In no case, however, shall the Director allow metal concentrations be higher than those concentrations allowed by applicable Federal and State law and MWRA regulations.
- (e) Waters or wastes containing amounts of toxic or objectionable nonmetals in excess of concentrations attainable by acceptable control technology, including, but not limited to: Ammonia, Cyanides, Herbicides, Pesticides, Phenols, Sulfates, Chlorides, Polychlorinated Biphenyls (PCBs), Sulfides. In no case, however shall allowable nonmetal concentrations be higher than those concentrations allowed by applicable Federal and State law and MWRA regulations.
- (f) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director, at his or her sole discretion, in compliance with applicable State, Federal or MWRA regulations.
- (g) Materials which exert or cause:
  - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works of the MWRA.
  - (4) Unusual volume of flow of concentrations of wastes constituting "Slugs" as defined herein.

- (h) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed or are amenable to treatment only to such degree that the MWRA's sewage treatment plant effluent cannot meet the discharge requirements of other agencies having jurisdiction over discharges to the receiving waters.

5.9 The attainment of specific levels of pollutant concentrations in the effluent discharged to Public Sewers or Storm Drains by dilution in the absence of treatment shall be prohibited.

5.10 If any waters or wastes are discharged, or are proposed to be discharged, to the Public Sewers or Storm Drains, and such waters contain the substances or possess the characteristics enumerated in this policy, and if, in the sole judgment of the Director, such waters or wastes are discharged they may have a deleterious effect upon the sewerage system process, equipment, or receiving water, or may otherwise create a hazard to life, safety or constitute a public nuisance, the Director may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewer;
- (c) Require control over the quantities and rates of discharge when such controls shall bring the discharge into compliance with applicable standards.

If the Director permits the pretreatment of equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Director, and shall also be subject to the requirements of all applicable codes, ordinances, and laws.

5.11 Grease, oil, and sand interceptors shall be provided when, in the sole opinion of the Director, they are necessary for the proper handling of liquid wastes containing grease, oil, any flammable wastes, sand, or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type and capacity approved by the Director, and shall be located as to be readily and easily accessible for cleaning and inspection. Grease interceptors approved by the MWRA shall be installed in the Building Sewer serving restaurants, hotels, boarding houses that prepare and serve food, or businesses of a similar nature. Maintenance, operation, and repair of all installed interceptors shall be at the sole responsibility and expense of the owner or User and shall be subject to inspection by the Director, or an authorized representative, upon a schedule to be determined, in advance, by the Director.

5.12 Garages and other establishments where gasoline is used or wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients, can be discharged and which are connected with Public Sewers or Storm Drains, shall be provided with a suitable trap or separator. All traps or separators shall be of a type and capacity approved by the MWRA and the Director, and shall be located so as to be readily and easily accessible for cleaning and inspection. If appropriate, inspection of such traps and separators shall be conducted upon a schedule to be determined by the Director, in advance.

5.13 Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes they shall be maintained continuously in satisfactory and effective operation by the owner or User's sole expense and to the satisfaction of the Director.

5.14 The Town may suspend the wastewater treatment service, a wastewater discharge permit, and/or Storm Drain connection when such suspension is necessary, in the opinion of the Town, in order to stop an actual or threatened discharge that, in the opinion of the Director, presents, or may present, an imminent or substantial endangerment to the health, safety or welfare of persons or the environment, or may cause the Town to violate any condition of its NPDES permit.

5.15 Any User, owner, or Applicant notified of a suspension of a wastewater treatment service a wastewater discharge permit, and/or a Storm Drain connection shall immediately stop or eliminate any flows, of any kind or amount, to the system. In the event of a failure of the User, owner, or Applicant to comply voluntarily with the suspension order, the Town shall take such steps as deemed necessary, including, but not limited to, the immediate severance of the sewer or storm drain connection. The Town shall reinstate the wastewater discharge permit, the wastewater treatment service, and/or the storm drain connection upon proof of the elimination of the non-complying discharge.

All Town expenses, including reasonable attorney's fees, to accomplish the suspension and restoration of such services shall be the complete, sole expense of the User, owner, or Applicant.

A detailed written statement submitted by the User to the Director fully describing the circumstances and causes of the harmful contribution and the measure(s) the User has taken to prevent any future occurrence shall be submitted to the Director within 10 business days of the date of the occurrence.

5.16 When required by the Director, the owner of any property serviced by a Building Sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the Building Sewer to facilitate observation sampling and measurement of the wastes. Such manhole, when required,

shall be accessibly at all hours and on all days, shall be safely located, and shall be constructed in accordance with plans approved by the Director. The manhole shall be installed and maintained at the owner's sole expense, so as to be safe and accessible at all times.

5.17 All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this document shall be conducted in accordance with procedures established by the USEPA pursuant to Section 304(g) of the Clean Water Act as contained in 40 CFR Part 136, and amendments thereto, in accordance with the latest edition of the "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, or with any other test procedures approved by the Director, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole.

In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the Public Sewer to the point at which the building sewer is connected. Sampling shall be carried out in accordance with techniques approved by the Director, and other appropriate agencies, to reflect the effect of constituents upon the Public Sewer, to determine the existence of hazards to life, safety and property and to determine compliance with applicable local, state, and federal pretreatment standards.

5.18 Any User, owner, or Applicant connected to the Public Sewer shall comply with the Hazardous Waste Regulations as referenced in 40 CFR 403.12 (p) and amendments thereto.

## **6.0 Stormwater Management for New and Redevelopment Projects**

6.1 The "Stormwater Management, Volume Two: Stormwater Technical Handbook", prepared by the Massachusetts DEP and the Massachusetts Office of Coastal Zone Management (CZM), dated March 1997 as hereafter may be amended, shall be used as the technical reference guide for the design and performance standards for all stormwater Best Management Practices (BMPs) proposed or constructed in the Town.

6.2 Standards 2, 3, 4, and 7 of the Massachusetts Stormwater Management Policy prepared by DEP and CZM, dated March 1997 as hereafter amended, shall be applied as provided in this paragraph 6.2. Under the current policy, these standards are:

- (a) Standard 2: Stormwater management systems must be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates.
- (b) Standard 3: Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to the maximum extent practicable.

The annual recharge from the post-development site should approximate the annual recharge from the pre-development or existing site conditions, based on the soil types. (Note: “To the extent practicable” means the applicant has made all reasonable efforts to meet the standards, including evaluation of alternative BMP designs and their locations.)

- (c) Standard 4: For new development, stormwater management systems must be designed to remove 80% of the average annual load (post-development conditions) of the Total Suspended Solids (TSS). It is presumed that this standard is met when:
  - (1) Suitable nonstructural practices for source control and pollution prevention are implemented;
  - (2) Stormwater management best management practices (BMPs) are sized to capture the prescribed runoff volume; and
  - (3) Stormwater management BMPs are maintained as designed.
- (d) Standard 7: Redevelopment of previously developed sites must meet the Stormwater Management Standards to the maximum extent practicable. However, if it is not practical to meet all the Standards, new (retrofitted or expended) stormwater management systems must be designed to improve existing conditions.

These four standards shall apply to all new and redevelopment projects involving new subdivisions or site plan reviews. The Town of Winchester Engineering Department shall be responsible for enforcing this regulation. This Section 6.2 shall not preclude additional standards to the extent that such projects fall within the jurisdiction of the Winchester Conservation Commission.

For subdivision applications and site plan reviews, plans showing proposed grading and drainage and drainage calculations shall be provided in accordance with the “Rules and Regulations Governing the Subdivision of Land in the Town of Winchester, Massachusetts” and the “Site Plan Review Manual”, respectively, and any additional requirements of the Town Engineer. All plans and associated drainage calculations shall be prepared and stamped by a registered professional engineer licensed in the state of Massachusetts.

6.3 For all new and redevelopment projects involving new subdivisions or site plans, stormwater management systems must, at a minimum, be designed such that post-development discharge volumes do not exceed pre-development volumes. The use of infiltration for such purposes is preferred. This Section 6.3 shall not preclude additional standards to the extent that such projects fall within the jurisdiction of the Winchester Conservation Commission.

6.4 The owners of private storm drains, stormwater management systems, and BMPs shall be responsible for the long-term maintenance of all such systems. Long-term maintenance requirements shall be in accordance with the standards outlined in the Massachusetts “Stormwater Management, Volume Two: Stormwater Technical Handbook”, as amended, and other requirements specified by the Director and/or the Town Engineer. All long-term maintenance requirements shall be detailed in a protective covenant approved by the Town Engineer to run with the land; the protective covenant shall be recorded by the Applicant, at Applicant’s sole expense, at the Registry of Deeds. If the owner(s) fail to comply with the required maintenance practices, the Town of Winchester may perform the maintenance and back-charge the owners for all such work, including reasonable attorney’s fees.

## **7.0 Protection from Damage**

7.1 No User, owner, or Applicant shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works or storm drain network. Any user, owner, or applicant violating this provision shall be subject to the appropriate civil or criminal penalties as provided by law.

7.2 Each User, owner, or Applicant shall provide protection from any discharges, including accidental discharges, in violation of these regulations. Users, owners, or Applicants shall notify the Town and/or the MWRA, as applicable, immediately upon the discharge of any wastes in violation of these regulations so as to facilitate the timely application of suitable countermeasures to be taken by the Town, and the MWRA to minimize damage to the Public Sewers, Public Storm Drains, and receiving waters. This immediate notification shall be followed, within 10 business days of the date of the initial occurrence, by a written statement from the User, owner or Applicant detailing to the Town, and the MWRA, if applicable, the circumstances and causes for the discharge and the measures being taken by the User, owner or Applicant to prevent any future occurrence(s). Such notification will not relieve Users of liability for any expense related to the loss or damage caused to Public Sewers, Public Storm Drains, or receiving waters, or for any fines that may be imposed by the Town, MWRA, or other permitting agencies, or for any Town costs for which the User, owner or Applicant may be liable, including, but not limited to, reasonable attorney’s fees.

## **8.0 Powers and Authority**

8.1 The Director and other duly authorized employees or agents of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of these regulations. The Director or his/her representative shall

have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastes treatment.

8.2 While performing the necessary work referred to above, the Director or duly authorized employees or agents of the Town shall observe all safety rules, applicable to the premises established by the User or owner. The User or owner shall be held harmless for injury or death to the Town employees and the Town shall indemnify the User or owner against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the User or owner and growing out of the gauging and sampling operation, except as such may be caused by the negligence or failure of the user or owner to maintain safe conditions, as required herein, and by other state and federal regulations.

8.3 The Director and other duly authorized employees or agents of the Town bearing proper credentials and identification shall be permitted to make tests of the sewer and storm drain system, including smoke and dye tests, and shall be permitted to perform reasonable visual inspections inside buildings in order to test for illicit connections to the municipal storm drain system and/or unauthorized or excessive discharges to the Public Sewer.

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

## **9.0 Penalties**

9.1 Any User, owner, or Applicant found violating any provisions of these regulations shall be served by the Town with written notice stating the nature of the violation and providing reasonable time limits for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all described violations.

9.2 Any User who shall continue a violation beyond the time limit stated in writing, as provided herein, shall be guilty of a violation of these Rules and Regulations. The Town shall file appropriate charges in the appropriate court of competent jurisdiction, as provided in Section 13 of Chapter 83 of the Massachusetts General Laws (MGL), for

violations hereunder, and there shall be a fine in an amount not to exceed such limits prescribed by the MGL, including Chapter 83, Section 10, for each day or part thereof during which such violation shall continue beyond the time limit specified herein. Each day in which any such violation shall continue shall be deemed a separate offense.

In addition to the sums authorized, by statute, to be collected in fines in the event of any such violation(s), the Town shall also be entitled to recovery of all reasonable attorney's fees related to the determination, filing and resolution of these violation charges.

9.3 Any User, owner, or Applicant violating any of the provisions of these Rules and Regulations shall be liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation. Included are any fines, charges, as assessments made or imposed on the Town by any federal or state agencies, including the MWRA, as well as reasonable attorney's fees incurred in the prosecution of these enforcement actions, as further described in Section 9.2.

## **10.0 Right of Waiver**

10.1 The Town reserves the right to waive any portion(s) of these Rules and Regulations that may (a) cause undue hardship, (b) occur during emergency conditions, (c) be deemed to be in the best interest of the Town.

10.2 Each request for a waiver shall be made in writing to the Director.

10.3 Nothing stated in this Section 10.0 shall be interpreted to mean that the Town has the right to waive any Massachusetts General Laws, State or Federal regulations, or MWRA requirements as referenced herein or otherwise applicable.

## **11.0 Severability/Validity**

11.1 All ordinances or parts of ordinances in conflict with these Rules and Regulations are hereby repealed.

11.2 If any term of these Rules and Regulations, or the application thereof to any person or circumstance shall, to the extent, be determined to be invalid or unenforceable, the remainder of these Rules and Regulations, or the application of such term to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each term or provision of these Rules and Regulations shall be valid and be enforced to the fullest extent permitted by law.

11.3 These regulations shall not contravene nor render ineffective any of the lawfully established rules and regulations of the MWRA.

## **12.0 Ordinance in Force**

12.1 These Rules and Regulations shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.