

**Town of Westminster  
Commonwealth of Massachusetts**

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**Report and Recommendations of the Advisory Board**

**Fiscal Year 2022**

**Annual Town Meeting**

**Westminster Elementary School**

**Saturday, May 1, 2021 - 1:00 p.m.**



**Westminster Advisory Board**

Lisa A. Rocheleau, Chair  
Erin K. Casali, Vice Chair & Secretary  
Melissa A. Urban-Banks  
John F. Fairbanks  
Peter J. Normandin  
Joseph P. Serio

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# Advisory Board Report

## Introduction

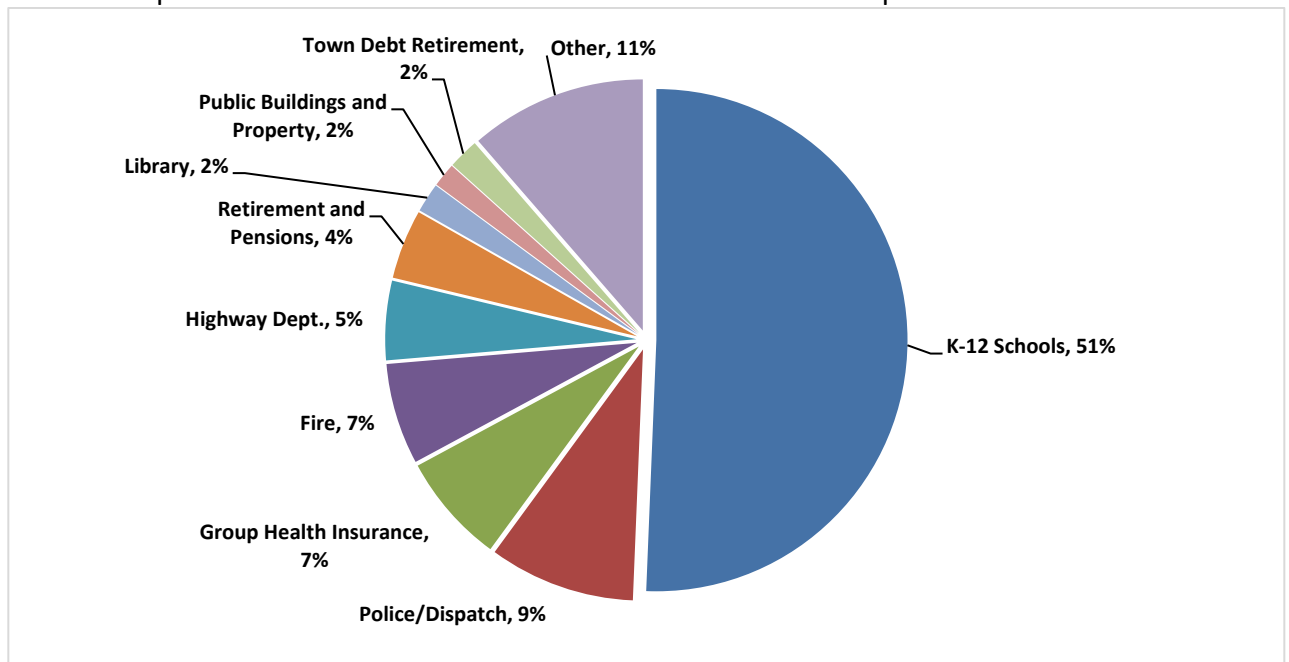
The following is the recommended budget proposal for the Town of Westminster from the Advisory Board for FY2022. The operating budget for the Town is presented in one article on the Annual Town Meeting Warrant (Article 5). The remaining FY2022 budget is comprised of additional articles that cover capital expenditures and requests for special services by the Town. Each year Town Meeting reviews the proposed budget and adopts it by voting to appropriate funds for each warrant article.

## Budget Recommendations

The current budget recommendation is a responsible balanced budget that is within the 2 ½ plus growth guidelines as set forth by the Chairs of the Board of Selectmen and Advisory Board.

The recommended operating budget (article 5) for FY2022 is \$23,662,176. This is an increase of \$633,807 (2.8%) over the FY2021 operating budget. The increase is due to several factors which include:

- An increase of \$147,000 in “Schools” is due mainly to an increase in the town’s portion of the Monty Tech Assessment due primarily to an increase of thirteen (13) additional Westminster students attending the school.
- An increase of \$76,655 in “Retirement and Pensions”, a 7.8% increase over last year, due to an increase in the Actuarial Accrued Liability.
- A net increase of \$161,690 in “Fire”/”Ambulance” which is a 4.9% increase over FY21, due to the promotion of two privates to Lieutenant and increased call volume. A portion of this expense will be offset by Ambulance receipts (Refer to article 5).
- An increase of \$77,592 in “Police/Dispatch”, which is a 3.6% increase over FY21; this net increase is due to contractual salary increases as well as an increase for the creation of a new full time School Resource Officer position. The majority of the new full time position cost was offset by planned overtime expense which would have been incurred absent the new position.



The chart above shows the breakdown of the operating budget by department for FY2022. Below is a summary of the articles to be voted on at Town Meeting (both monetary and non-monetary). The Advisory Board is unanimously in favor of all the below articles:

Article 5 is for the annual operating budget and includes all operating departments, including the schools. The Operating budget is mainly funded through Raise and Appropriate (taxes); the remainder, \$526,685, is funded through transfers from Ambulance Receipts (\$508,685), \$15,000 from Septic Loan Program Receipts and \$3,000 from Wetlands fees.

The FY2022 budget is also comprised of enterprise funds (Sewer, Water and Transfer Station – articles 6, 7 and 8) which total \$2,670,262 and are funded primarily by user fees; the remainder, \$93,462, is funded through Raise and Appropriate (taxes), as it relates to the capital costs of the loans associated with the Sewer In Line Storage and the Regional Treatment plant (this treatment was voted on at previous town meetings).

Articles 9, 10 and 12 are customary money articles. These are articles that are on the warrant every year. Article 12 is the customary article to be used to appropriate funds to the Pension Stabilization Fund..

Article 11 is the customary article used to offset the tax increase. The Advisory Board recommends \$230,000 of free cash be used to balance the budget. This is consistent with the past four years.

Articles 13 through 15 are non-capital money articles that total \$14,975. These articles are requests submitted by various departments/committees but are not part of the Capital Plan. All articles are funded through free cash, the Giles Fund or through Ambulance Receipts and as such, do not impact the tax rate in the current year.

Article 16 is for the proposed Capital Improvement Plan for FY2022. The funding for the FY2022 Capital Plan is broken down as follows:

- \$1,849,614 will be funded from Stabilization funds
- \$900,000 will be funded from Raise & Appropriate,
- \$115,000 will be funded from the Water-Sewer Enterprise Fund, and
- \$50,000 will be funded from Free Cash

For details please see the “Annual Report of the Capital Planning Committee” further on in this booklet.

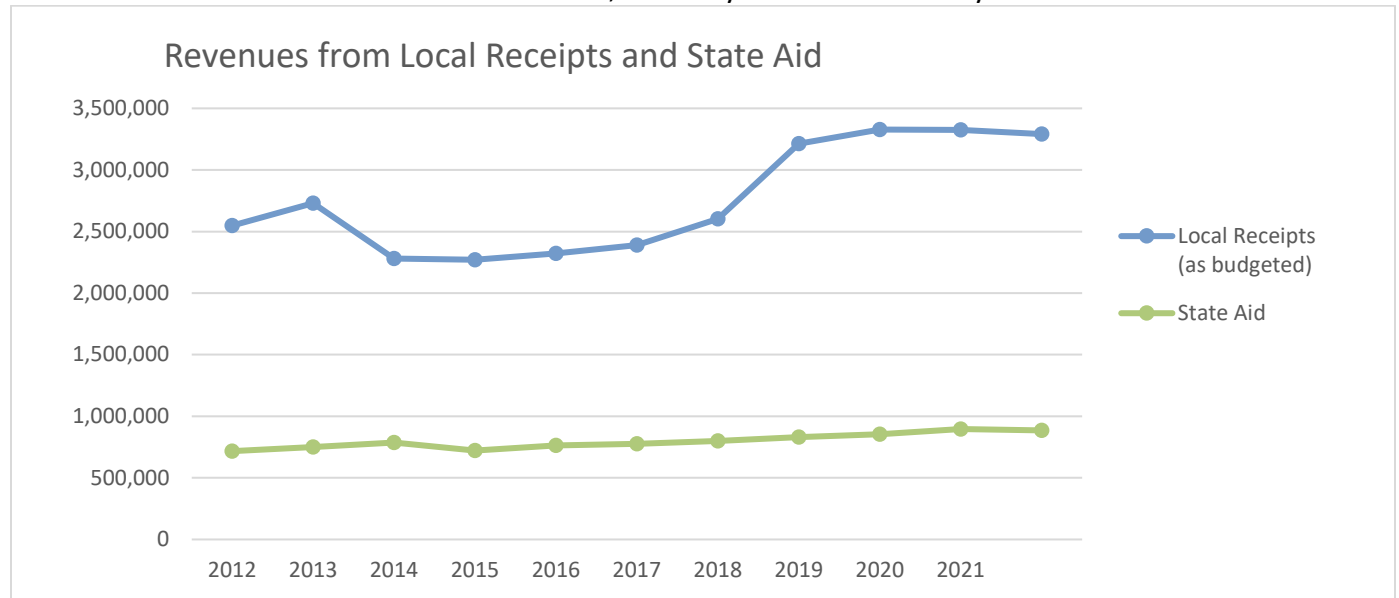
Articles 17 through 22 are non-monetary in nature and relate mainly to the following:

- Update to the naming of the Board of Selectmen to Select Board
- Hager Park Acceptance of land donation
- Advisory Board number of members update
- Creation of a new position: Full time School Resource Officer
- Public Works Temporary Easements for Rt. 140/Worcester Road Project
- Public Works/Sewer Bylaw update

## Revenue

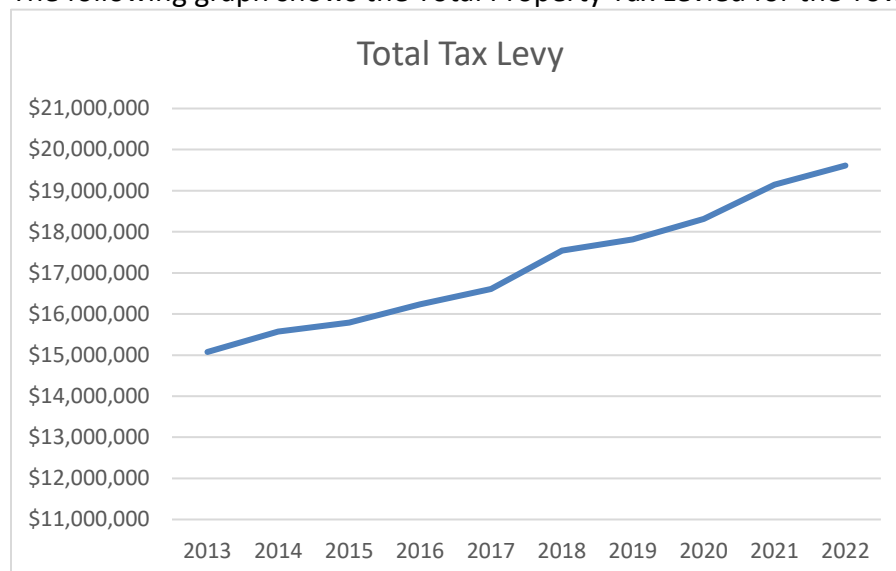
The sources of revenue for the Town of Westminster are State Aid, Property Taxes and Local Receipts. Local Receipts can be further broken down into Landfill Receipts and Other Local Receipts. Examples of Other Local Receipts include Excise Tax, Licenses/Permits, Fees and Fines/Penalties.

The following graph below shows the combined Local Receipts (including the landfill revenue estimate) and State Aid (\$4,174,274); the FY2022 estimate is slightly below the prior year by 0.8% (\$35,000). The State Aid estimate has increased by \$19,728, or 2.3%, for FY2022 to a total of \$884,274. This is the fourth year that the estimate of State Aid has increased. The estimate for Local Receipts has decreased by \$35,000, mainly due to a forecast decrease in landfill revenues, offset by an increase mainly in license fees.



## Revenue – Property Tax Data

The following graph shows the Total Property Tax Levied for the Town since FY2013.



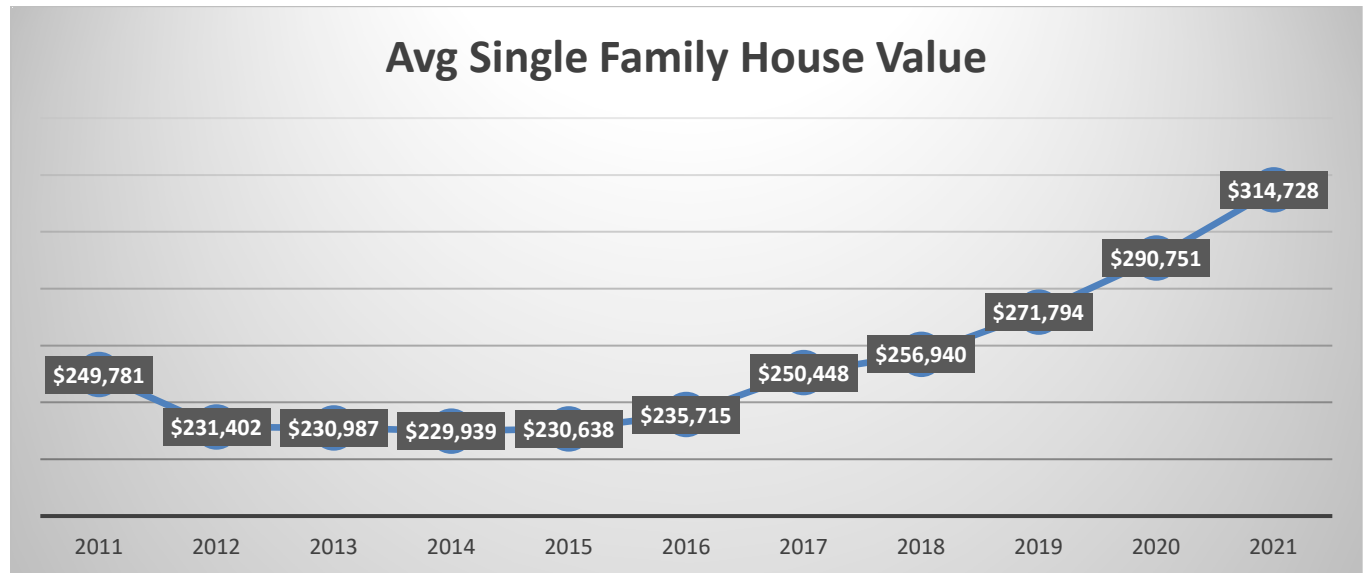
The current tax rate is **\$17.97** per \$1,000 of valuation. This is based upon the valuation of all property in Town for FY2021 was \$1,091,599,989; this rate is expected to change once the final FY2022 valuations are performed. Any increase of \$100,000 in spending will increase the tax rate by approximately \$0.10 per \$1,000 of assessed value.

Below are the average “Single-Family Home” tax bills, and the percentage of home value these tax bills represent FY2021 for some of our neighboring communities, and for some nearby communities of similar population.

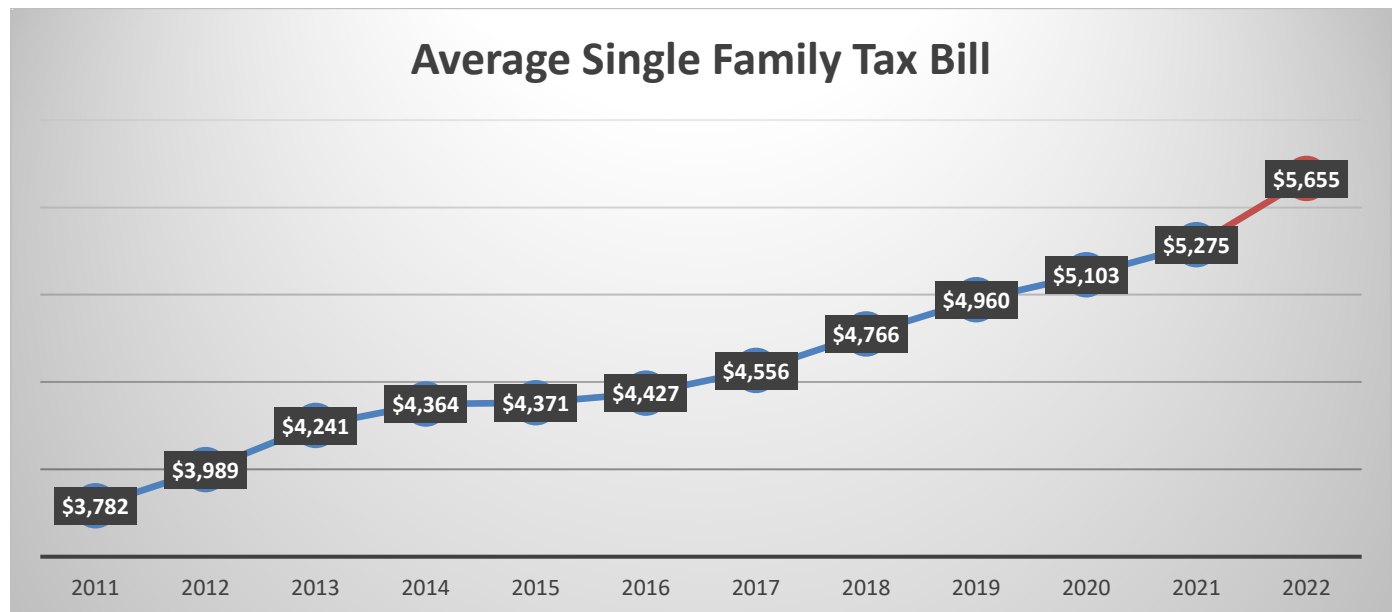
<b>Municipality</b> <i>(neighboring towns)</i>	<b>Population</b> <i>(2018)</i>	<b>Average</b> <b>Home Value</b>	<b>Tax Rate</b>	<b>Average</b> <b>Tax bill</b>	<b>% of home</b> <b>value</b>
HUBBARDSTON	4,787	\$286,533	\$14.81	\$4,244	1.48%
GARDNER	20,719	\$212,202	\$20.04	\$4,253	2.00%
FITCHBURG*	40,882	\$228,158	\$19.03	\$4,342	1.90%
<b>WESTMINSTER</b>	<b>7,884</b>	<b>\$314,728</b>	<b>\$16.76</b>	<b>\$5,275</b>	<b>1.68%</b>
LEOMINSTER	41,823	\$294,767	\$18.13	\$5,344	1.81%
ASHBURNHAM	6,346	\$260,259	\$20.55	\$5,348	2.05%
LUNENBURG	11,657	\$351,358	\$17.74	\$6,233	1.77%
PRINCETON	3,478	\$395,243	\$16.12	\$6,371	1.61%
<b>Municipality</b> <i>(similar populations)</i>	<b>Population</b> <i>(2018)</i>	<b>Average</b> <b>Home Value</b>	<b>Tax Rate</b>	<b>Average</b> <b>Tax Bill</b>	<b>% of home</b> <b>value</b>
AYER*	8,164	\$367,877	\$14.14	\$5,202	1.41%
<b>WESTMINSTER</b>	<b>7,884</b>	<b>\$314,728</b>	<b>\$16.76</b>	<b>\$5,275</b>	<b>1.68%</b>
RUTLAND	8,846	\$320,652	\$16.70	\$5,355	1.67%
SHIRLEY	7,649	\$325,016	\$16.53	\$5,373	1.65%
STERLING	8,190	\$377,755	\$16.52	\$6,241	1.65%
WEST BOYLSTON	8,215	\$338,792	\$18.46	\$6,254	1.85%
LANCASTER	8,185	\$366,613	\$19.98	\$7,325	2.00%

\* residential tax rate different than industrial, commercial, open space and personal property

The following chart illustrates the average home value in the Town of Westminster over the past ten years. Home values declined from FY2011 until FY2014. However, there has been a 30% increase in values from FY2017 to FY2021.

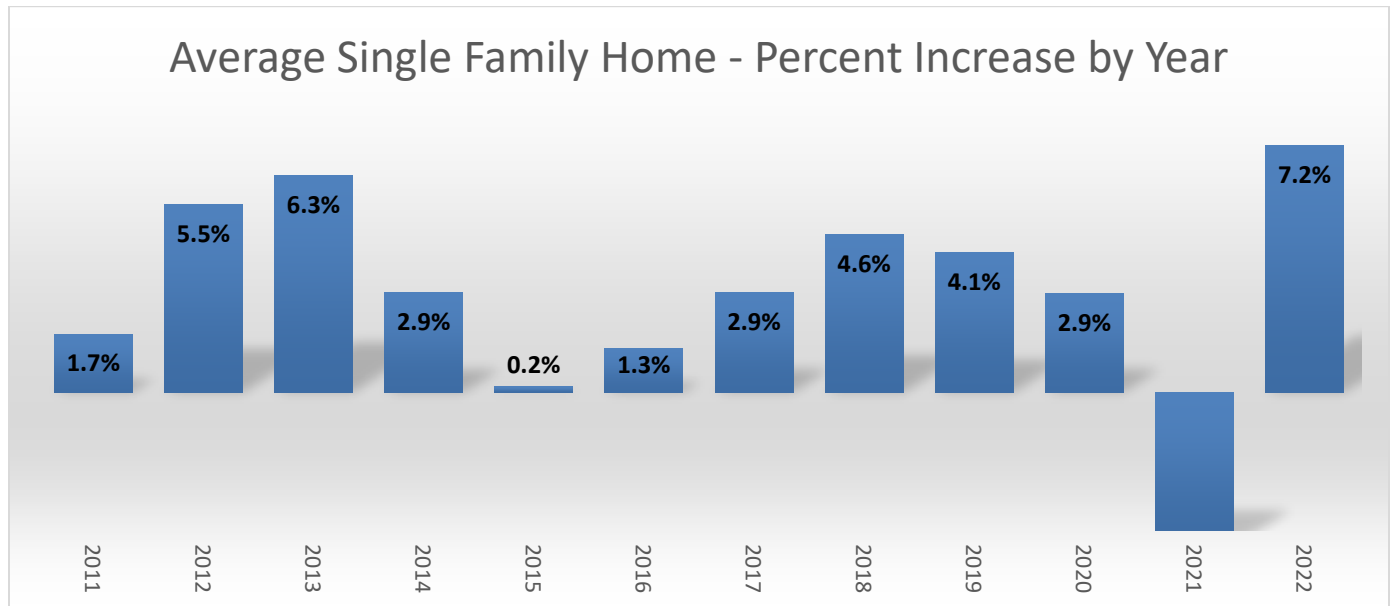


The following chart illustrates the average single-family tax bill for the Town of Westminster over the past eleven years.



The average single-family tax bill forecast for FY2022 is \$1,873 higher than it was in FY2011 or approximately 50%, an average increase of 2.9% per year, which is slightly above US GDP growth over the same period. However, the tax rate has only increased 19% over that same period; the increase in the average single-family tax bill is a function of both the increase in assessed value (see above) and the tax rate per \$1,000 of value. Relative to the rest of Massachusetts, Westminster's average single-family tax bill is 175<sup>th</sup> out of 351 towns/municipalities.

The following chart illustrates the percent increase of the average single-family tax bill by year for the Town of Westminster since 2012.



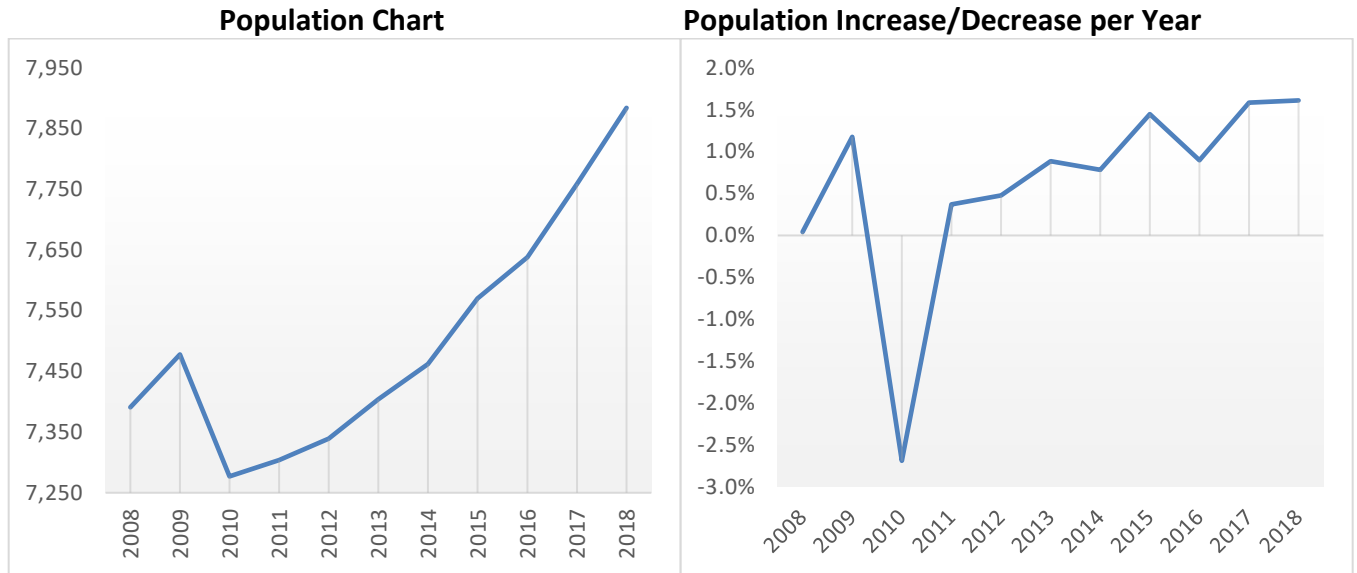
\* 2005 & 2018 Proposition 2.5 overrides were passed

\*\*2012 switch to the State "aggregate wealth model" formula for school funding took place

\*\*\*2018 There was a special election to approve the School budget



The “Population Chart” below illustrates the population growth from 2008 to 2018 [Population data is only updated every few years]. The population in 2008 was 7,391 compared to 7,884 in 2018 (an increase of 493). The “Population Increase/Decrease per Year” chart shows the population increase/decrease year over year. The largest increase was in 2018, increase of 125, however, on average, the population has increased by 45 each year in the decade shown. On average the population growth since 2008 is 0.6% per year; this is consistent with the average of the eight years from 2000 to 2008.



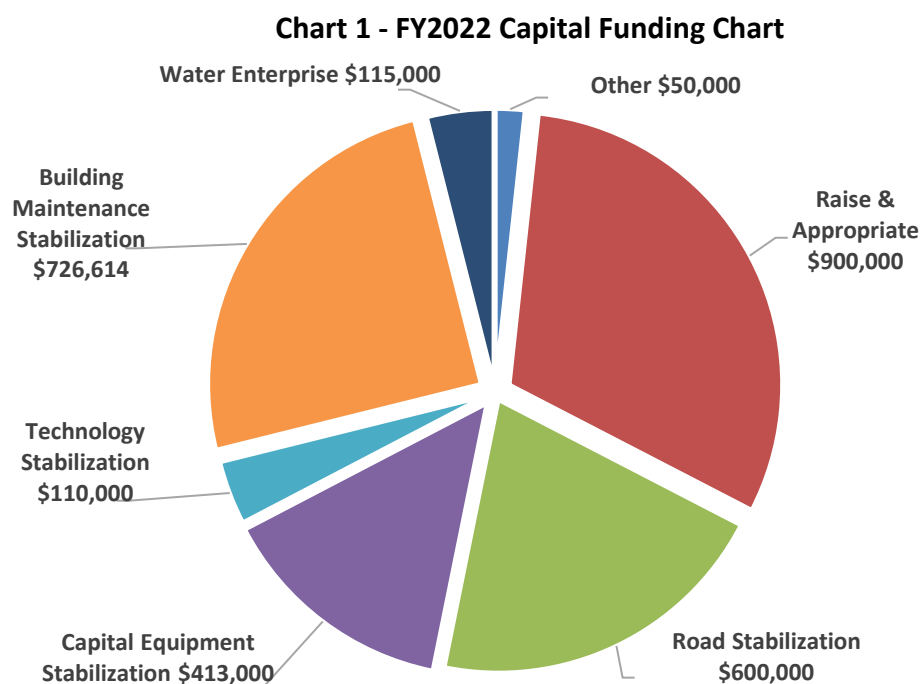
The source for all the Levy, Property Tax and Population Data information is from the <http://www.mass.gov/dor/local-officials/> website.

## Annual Report of the Capital Planning Committee

The primary focus of the Capital Planning Committee is to study, research and make recommendations on capital improvement projects. In addition the committee may develop processes and policies in order to maintain the capital improvement program. A set of financial policies have been created by the Capital Planning Committee and approved by the Board of Selectmen on October 27, 2014. These policies can be found in the Appendix at the end of this document and are key items to the Capital Planning Process. The Capital Planning Committee has met with the various department heads over the past year and developed the following five year CIP. The committee is pleased to recommend the following report to the Town of Westminster.

### **FY2022 Capital Plan**

The proposed CIP for FY2022 totals \$2,914,614. The FY2022 CIP is funded from a combination of sources: Raise & Appropriate (taxes), Stabilization Accounts, Enterprise Funds and Other funding (e.g. Chapter 90, Ambulance Receipts...etc.). The following chart (Chart 1) illustrates the breakdown of the funding for the FY2022 Capital Plan.



The purpose of the committee is to study capital (tangible assets and projects) spending requests with a dollar value greater than \$15,000. The committee is charged with preparing annual capital spending recommendations to be submitted to the Board of Selectmen and Advisory Board and to be published in the Advisory Board booklet. The committee is also charged with developing a long range capital plan of at least five years.

The following is the FY2022 Recommendation from the Capital Planning Committee.

**Table 1**  
**FY2022 Capital Plan**

Department	Project	Raise & Appropriate	Capital Equipment Stabilization	Building Maintenance Stabilization	Technology Stabilization	Road Maintenance Stabilization	Water & Sewer Enterprise	Ambulance	Chapter 90	Other
Dept of Public Works	Road Maintenance	\$300,000								
Dept of Public Works	Road Improvement Project	\$500,000								
Dept of Public Works	Storm Water Permit									\$50,000
Dept of Public Works	2008 Trackless Tractor MT		\$160,000							
Dept of Public Works	2013 John Deere 6105R		\$100,000							
Dept of Public Works	2011 Ford F150 Pickup Truck		\$50,000							
Dept of Public Works	Easements Rte. 140					\$100,000				
Dept of Public Works	Old Town Farm Rd Culvert					\$500,000				
Dept of Public Works	Water Meters (250)						\$75,000			
Dept of Public Works	Hagar Park Pump-Comput						\$40,000			
Dept of Public Works	Back Garage - Roof Repairs			\$75,000						
Police Department	2011 Dodge Charger	\$43,000								
Police Department	2015 Ford Explorer Utility		\$53,000							
Police Department	Cruiser Video Recorders				\$65,000					
Police/Fire Department	Public Safety (repairs)			\$400,000						
Fire	Boat Trailer, Motor & Gear	\$15,000								
Technology	Computer Replacement	\$42,000								
Technology	Replace Virtualized Server				\$35,000					
Technology	Firewall Town Hall and PSB				\$10,000					
Schools (MHS & WES)	See Detail sheets			\$139,500						
Schools (Dist/Oak/OL)	See Detail sheets			\$97,114						
Town	Sheds for Ball Field			\$15,000						
Town	Prune Trees around Town		\$50,000							
<b>Totals</b>		<b>\$900,000</b>	<b>\$413,000</b>	<b>\$726,614</b>	<b>\$110,000</b>	<b>\$600,000</b>	<b>\$115,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$50,000</b>

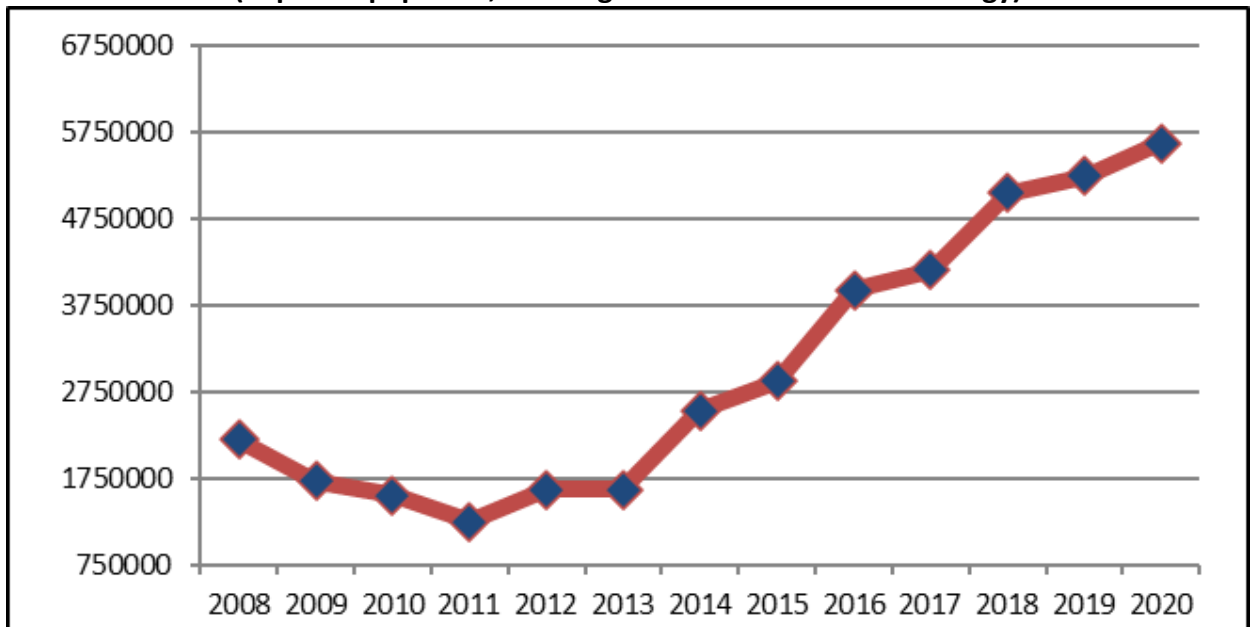
### Stabilization Fund Summary

The goal of the Capital Planning Committee is to develop a fiscally responsible five year CIP and identify funding sources for at least the next three years of the plan. All Capital requests will be reviewed and prioritized by the Capital Planning Committee using a priority table. Furthermore, the five year CIP will be utilized as a planning tool to determine future Stabilization Fund Amounts.

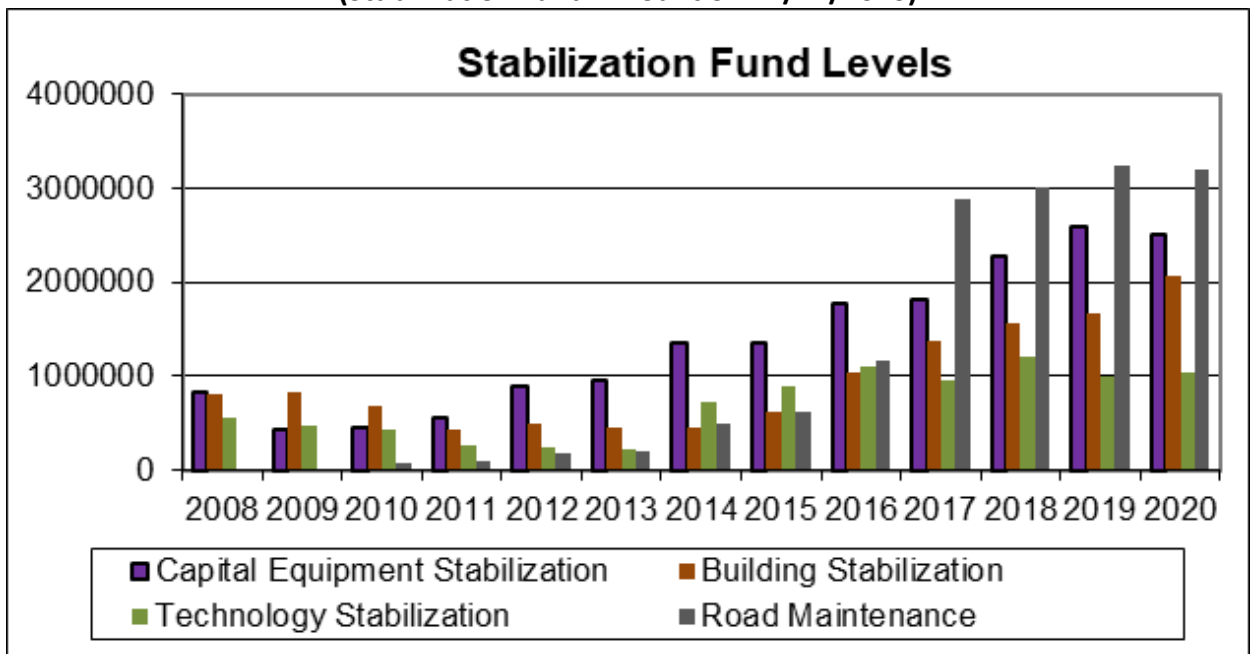
Part of the CIP is funded from Stabilization Funds. Maintaining adequate stabilization fund levels is important to the financial stability of the Town. The Capital Planning Committee has defined minimum levels for each stabilization fund. As the Capital Planning Committee refines the five year CIP and identifies the funding sources the stabilization fund levels will be monitored. Adjustments to the five year CIP and/or funding sources may be required if future Stabilization Fund levels drop too low. Chart 2 illustrates the stabilization fund levels from 2008 through 2020 (amount includes the Capital Equipment, Building Maintenance and Technology Stabilization Funds). Chart 3 lists the stabilization fund amounts after the Fall Town Meeting on 11/17/2020.

The certified free cash for FY2020 was approximately 4.2 million dollars. This is higher than the typical average. The main contributing factor to this higher than average free cash amount was due to local receipts from the landfill. The landfill receipts came in at approximately 2.6 million over the amount estimated. The landfill receipts are expected to continue to exceed the estimated amounts in the future since the long term plan is to eliminate this revenue from the operating budget. Since the landfill will close at some point it is critical that revenue from this source be removed from the operating budget. The recent influx of free cash greatly helped the stabilization fund levels and will help fund the five year CIP.

**Chart 2**  
**Combined Amount in 3 Stabilization Funds**  
**(Capital Equipment, Building Maintenance and Technology)**



**Chart 3**  
**(Stabilization Fund Amount on 11/17/2020)**



### Stabilization Funds - Encumbered

An important aspect of the Stabilization Funds is not only the current levels but also the levels over the next five years as they are used to fund the CIP. A portion of the amount in the Stabilization Funds are encumbered or reserved for future capital purchases. This encumbering of funds is essential in funding the five year CIP and ensures that not only will capital purchases happen in a timely manner but the

impact of these projects have a minimum effect to the overall budget. The following Table reflects the amounts encumbered in each of the Stabilization Funds over the next five years based on the current CIP.

**Table 2**  
**Stabilization Fund Amounts Encumbered to fund the CIP**

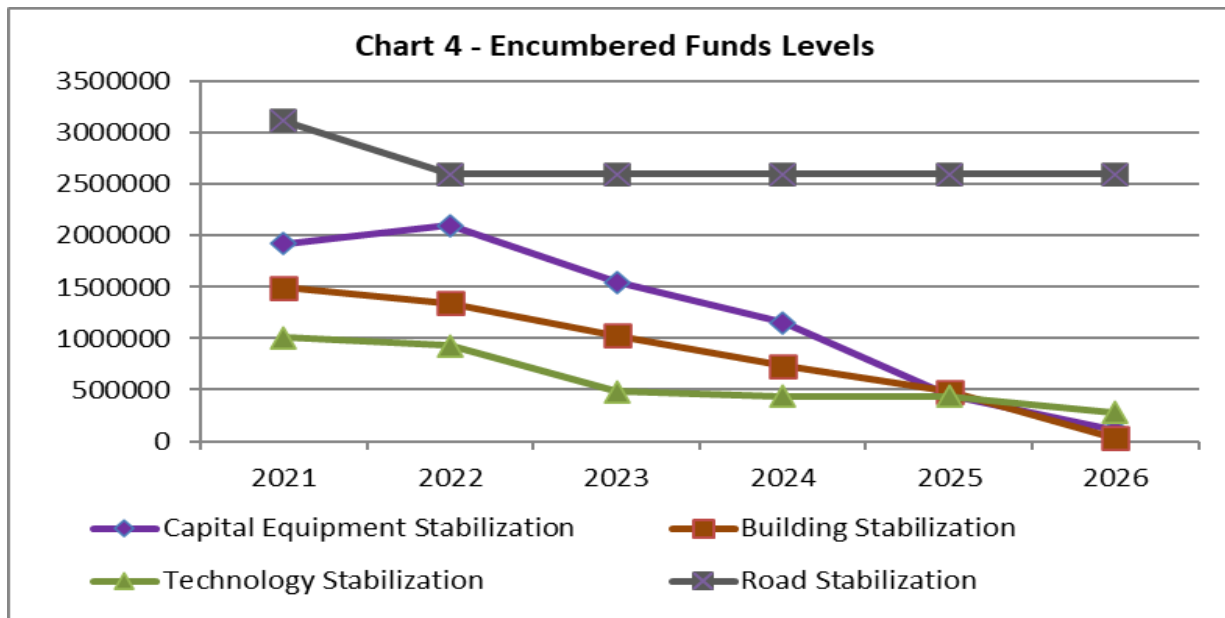
Stabilization Funds	2022	2023	2024	2025	2026	5 Year Total
Capital Equipment Stabilization	\$413,000	\$553,000	\$385,000	\$705,000	\$335,000	\$2,391,000
Building Maintenance Stabilization	\$726,614	\$316,457	\$294,204	\$250,487	\$452,072	\$2,039,834
Technology Stabilization	\$110,000	\$450,000	\$45,000	\$0	\$155,000	\$760,000
Road Maintenance Stabilization	\$600,000					\$600,000

Taking into account the future Stabilization Fund encumbrances the chart on the right shows the impact to the fund levels.

The fund levels will decline if no additional money is transferred back into the Stabilization Funds. This is an important factor to understand when considering the Stabilization Fund levels. Each year the Town votes to transfer money back into the Stabilization Funds from the Certified Free Cash.

The amount transferred back into the Stabilization Funds is something that the Capital Planning Committee recommends based on the five year CIP. The amount transferred into the Stabilization Funds is part of a plan based on what is expected to be used in the future.

Some of the amounts in the Stabilization Funds reflected in FY2026 fall below the minimum stabilization fund levels established by the Capital Planning Committee in their Reserve Policy.



### Debt Summary

A comprehensive CIP involves a strategy that includes a debt management plan. The debt management plan should be developed to meet the financing needs of the Town in a cost effective manner, taking into account Town priorities, as well as legal, financial, and structural considerations. The Capital Planning Committee has defined a debt policy to ensure that debt is managed within sustainable levels based upon annual revenues.

The following Table below show the current five year debt projections. The information is broken out to show the date of vote, debt excluded vs non-debt excluded, amount and mature date of the projects.

**Table 3**  
**Debt Summary - 5 year projection**

Description	Date of Vote/Issue	Debt Excluded	Amount Voted	Debt Matured	FY2022	FY2023	FY2024	FY2025	FY2026
*Sewer Extension Bond	4/15/2004	Yes	\$3,515,000	FY2019	Matured				
*Sewer Extension Bond - Interest									
Rte 140 Design	5/2/2015	No	\$410,000	FY2024	\$82,000	\$82,000	\$82,000		
Rte 140 Design - Interest					\$7,380	TBD	TBD		
Senior Center Bond	4/1/2015	Yes	\$2,830,100	FY2030	\$190,000	\$190,000	\$190,000	\$190,000	\$190,000
Senior Center Bond - Interest					\$49,600	\$45,800	\$42,000	\$37,250	\$32,500
**Water Storage Tank - Ellis Road - BAN	11/17/2020	No	\$1,920,000	TBD	\$0	TBD	TBD	TBD	TBD
**Water Storage Tank - Ellis Road - Interest					\$57,600				
**Water Main Replacement	2/6/2013	No	\$600,000	FY2018	Matured				
**Water Main Replacement - Interest									
Septic Management Plan	5/4/2013	No	\$300,000	FY2039	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000
Septic Management Plan - Interest					\$0	\$0	\$0	\$0	\$0
2018 KME Fire Pumper/Tanker	11/27/2018	No	\$600,000	FY2024	\$120,000	\$120,000	\$120,000		
2018 KME Fire Pumper/Tanker - Interest					\$2,196	TBD	TBD		
2001 KME Fire Engine	7/10/2001	No	\$600,000	FY2030				\$160,000	\$160,000
2001 KME Fire Engine - Interest								TBD	TBD
Town Hall Bond	5/1/2007	No	\$3,700,000	FY2017	Matured				
Town Hall Bond - Interest									
****Sewer In-line Storage Project	4/11/2016	Yes	\$2,500,000	FY2059	53,554	53,554	53,554	53,554	53,554
****Sewer In-line Storage Project - Interest					54,371	51,546	50,073	48,600	47,128
* 50% paid through betterment      ****85% taxation and 15% from sewer enterprise ** Water Receipts Reserve ***Authorized and Unissued Debt									

## Enterprise Funds

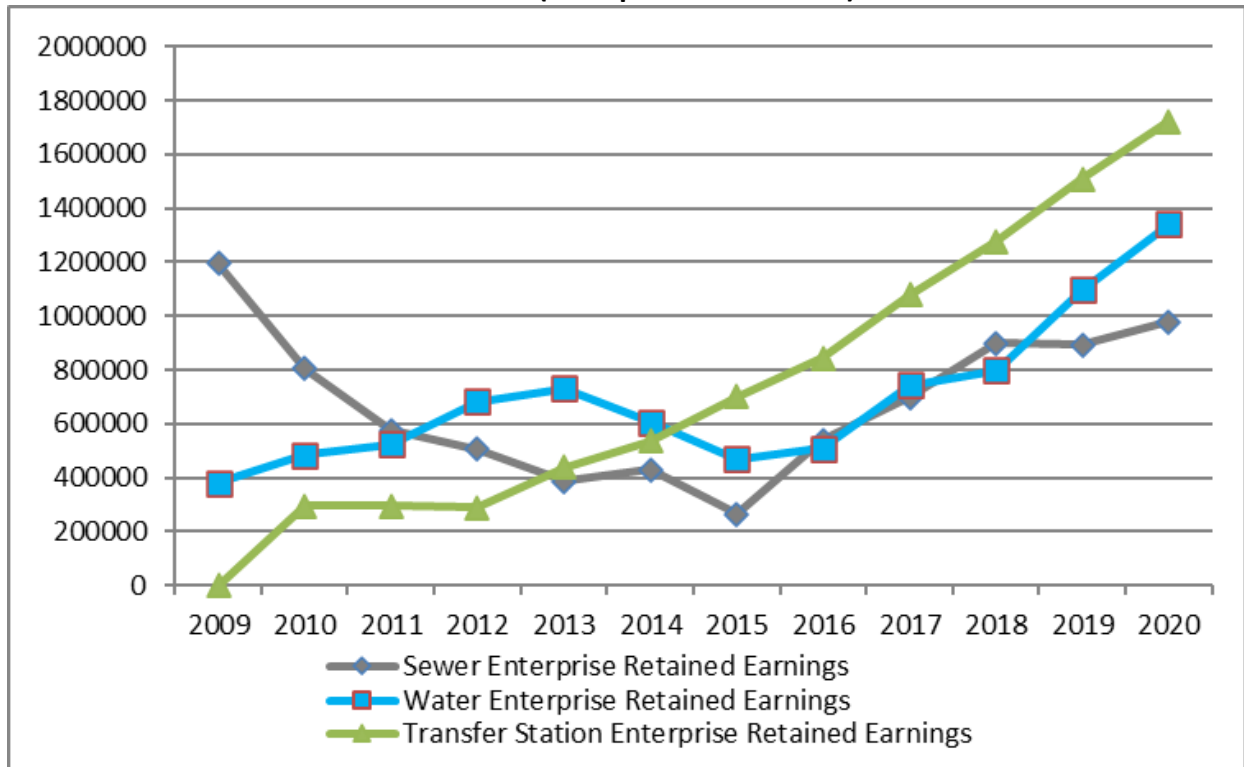
Enterprise funds establish a separate accounting and financial reporting mechanism for municipal services for which a fee is charged in exchange for goods and services. The Town has three enterprise funds (water, sewer and transfer station). Some of the items on the CIP are funded by the enterprise funds. For example, if a pick-up truck used by the water/sewer department is in need of replacement, then the funding for a new truck would come from the water and sewer enterprise funds. In addition, some items on the debt schedule are funded or partially funded by the enterprise funds (this is noted on the debt schedule - see previous page).

Similar to the stabilization funds, the enterprise fund levels must be maintained at adequate levels for financial stability. The chart below shows the Sewer, Water and Transfer Station Enterprise levels from 2009 to 2020.

The Water Enterprise Fund level has increased from \$380,726 in 2009 to \$1,340,709 in 2020. The Sewer Enterprise Fund level has declined from 2009 to 2015. In 2009 the Sewer Enterprise fund was slightly under 1.2 million dollars. In 2015 the fund was at \$263,344. The Sewer Enterprise fund has increased the last five years with the 2020 amount of \$978,662.

Approximately 47% of the Sewer Enterprise expenditures are for collection charges paid to the City of Fitchburg. Another 26% is used to pay the debt for the sewer extension bond.

**Chart 5  
(Enterprise Fund Levels)**



Overall, the status of the Town's financial position is positive. The stabilization funds have been restored to adequate levels and the Town now has an adopted policy addressing these funds and their minimum levels. In addition, the five year CIP is successfully leveraging these funds for future capital expenses and thus keeping the amount needed to raise & appropriate from taxes consistent year over year. The Enterprise Fund levels are being monitored and the long range plan is to grow these levels in order to support future capital projects.

The next few pages of the report are intended to expand on a few of the larger Capital Improvement Projects that are either currently on the plan or are expected to be added in the new few years. The goal is to inform and increase the awareness of these projects to the residents of Westminster.

### **Route 140 Design Project**

A project for the engineering design of Route 140, i.e., Hager Park and Worcester Roads was approved at the May 2, 2015 Annual Town Meeting. This project will address a number of road repairs/deficiencies and flooding issues along the roadway. The area on Worcester Road in the vicinity of Mile Hill and Gatehouse Roads in particular has flooding issues and is a safety concern. The project has been split into two, Project 1 Narrows Road to Patricia Road and Project 2 Patricia Road to Princeton town line. Project 1 has been advertised and will begin construction in 2021. Project 2 is at 75% design submittal review with MassDOT with a proposed construction in 2023/2024. Both projects have been approved for Transportation Improvement Program (TIP) funding. TIP is a multi-year program of capital improvements that reflect the needs of the regional transportation system.

**Water Storage Tank (Ellis Road Standpipe) Project**

A project for replacing the water storage tank on Ellis Road was voted at the FY2019 Annual Town Meeting. The cost of this project is estimated to be 1.7 million dollars. Funding this project will be borrowed and paid back from the Water Enterprise Retained Earnings. The existing storage tank is at the end of its useful life (60+ years old). Construction will start in 2021.

**Water Main Improvement Program**

An ongoing project to replace/upgrade aging/deficient water mains to improve water quality, fire protection and water storage tank tracking over a period of 20-years. The Water Department's water main improvement program plan is to replace approximately 30,000 linear feet of water main over the twenty-year period (approximately 14% of the water system).

**Whitmanville Road Bridge Design Project**

The engineering and construction for this project has been fully funded with state/federal monies. MassDOT performs inspections on municipal owned bridges that have a clear span > 20 feet and performed inspections on this bridge which showed a need to replace the bridge. The project has been awarded and construction started in 2020.

**Old Town Farm Road Culvert Replacement**

Engineering and construction costs to replace twin 36-inch culverts with a single culvert. The replacement will protect the dead-end roadway as well as aid in reducing debris blockage and provide for better fish passage.

**MS4 Storm water Permit**

This request is for the U.S. EPA's NPDES Municipal Separate Storm Sewer Systems (MS4) 5-year permit jointly issued by EPA and MassDEP that became effective in 2018. Monies are used for consultant support in annual permit compliance. This request is for the newly issued NPDES Massachusetts Small Municipal Separate Storm Sewer System (MS4) General Permit issued by the U.S. EPA. Money needs to be set aside in free cash for annual permit compliance.

**Sewer Extension Projects**

Multiple projects to extend sewers in environmentally sensitive areas in Town is being discussed and reviewed by the Public Works Commission. Projects include extending sanitary sewer in CWMP Phases 1, 2 & 4 which include the following areas in Town: Phase 1-Leino Park, Lakewood Park, Dawley Road, Phase 2-Lake Drive East/Edro Isle and Phase 3-Bacon Street. Preliminary engineering/construction costs for the projects range from \$2.5 M to \$4.0 M. Each phase is expected to take 3 years from design to end of construction.

**Multi-Year Road Improvement Project**

A multi-year road improvement plan for repairing and improving town roads is part of the CIP. It is funded by a combination of the Annual Road Maintenance appropriation, MassDOT Chapter 90 and Road Maintenance Stabilization funds. Funding for this project is dependent on landfill revenue. Once the landfill is closed, transfers to the Road Maintenance Stabilization Fund from landfill revenue will cease.



**Public Safety Building**

A public safety building committee has been formed and has been meeting to come up with a plan for the Public Safety Building. The current building has limited storage and the committee is looking at options for expansion of the existing building or possibly moving one or both department(s) to a new location.

**Tower Ladder**

A project for replacing the Tower Ladder is not yet on the five year CIP but is currently slated for FY2030. Although FY2030 is a number of years away, it is important to start discussing funding options now in order to have the least amount of impact to the tax payers. A Tower Ladder provides significant advantages over the traditional ladder truck with the main advantage being safety. A fire fighter can safely maneuver the bucket into position to best fight a fire and does not have to climb up and down a ladder that is wet and sometimes frozen. In addition, in a rescue situation rescued persons can be lowered to the ground rather than having to climb down a ladder. Another advantage is reach - a tower can extend out as well as up thus allowing a fire fighter to reach a home from the road. With all light weight construction buildings are made to depend on each component to support its own weight. When fire weakens one or more the building fall down faster endangering the people and firefighters. Another major advantage to a tower is that it can operate in any angle fully extended without fear of collapsing. This vehicle also allows us to operate with fewer people because of the safety factor.

## **SPECIAL TOWN MEETING WARRANT**

WORCESTER, SS.

To either of the Constables of the TOWN OF WESTMINSTER in the County of Worcester, GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in elections and in Town affairs, to meet at the

**WESTMINSTER ELEMENTARY SCHOOL  
9 ACADEMY HILL ROAD  
WESTMINSTER, MASSACHUSETTS  
on  
SATURDAY, MAY 1, 2021  
AT 1:00 P.M.**

then and there to vote on the following articles:

ARTICLE 1. To see if the Town will vote to transfer a sum of money from available funds to supplement the amount voted under Article 5 of the June 20, 2020 Annual Town Meeting for the Snow & Ice Removal accounts (Department 423), or act in relation thereto.  
*(Advisory Board and BOS Unanimously Approves)*

(Amount requested: \$70,000)

ARTICLE 2. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money for the replacement of a rooftop heating unit at Westminster Elementary, or act in relation thereto.  
*(Advisory Board and BOS Unanimously Approves)*

(Amount requested: \$20,000)

AND YOU ARE DIRECTED to serve this warrant, by posting attested copies thereof at the Town Hall and the U.S. Post Office in said Town, fourteen days at least before the time of holding said meeting.

HEREOF FAIL NOT, and make due return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid. Given under our hands this 5th day of April in the year of our Lord two thousand and twenty-one.

Heather M. Billings

James A. DeLisle

Salvatore J. Albert Jr.

BOARD OF SELECTMEN

## ANNUAL TOWN MEETING WARRANT

WORCESTER, SS.

To either of the Constables of the TOWN OF WESTMINSTER in the County of Worcester, GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in elections and in Town affairs, to meet at the

**WESTMINSTER ELEMENTARY SCHOOL  
9 ACADEMY HILL ROAD  
WESTMINSTER, MASSACHUSETTS  
on  
SATURDAY, May 1, 2021  
AT 1:00 P.M.**

then and there to vote on the following articles:

### CUSTOMARY ARTICLES

ARTICLE 1. To see if the Town will vote to authorize the Board of Selectmen to enter into a contract with the Massachusetts Department of Transportation or other appropriate state agency for the construction and maintenance of public highways for the ensuing fiscal year, or act in relation thereto.

*(Advisory Board and BOS Unanimously Approves)*

ARTICLE 2. To see if the Town will vote pursuant to Chapter 40, section 4 of the General Laws to authorize the Board of Selectmen to enter into any and all contracts on behalf of the Town for the ensuing fiscal year unless otherwise provided by law, on such terms and conditions as it deems to be in the best interests of the Town, or act in relation thereto.

*(Advisory Board and BOS Unanimously Approves)*

ARTICLE 3. To hear reports of any committees appointed to act on Town affairs or in its behalf.

*(Advisory Board and BOS Unanimously Approves)*

ARTICLE 4. To see if the Town will vote to set the following spending limits for each Revolving Fund authorized under Chapter 28-9 of the Town Bylaws for FY2022, or act in relation thereto:

- 1 Hazardous Materials Recovery - \$12,000
- 2 Agricultural Commission Programs - \$10,000
- 3 Public Health Clinic and Emergency Response - \$25,000
- 4 Private Road Maintenance - \$10,000

*(Advisory Board and BOS Unanimously Approves)*

### OPERATING BUDGETS

ARTICLE 5. To see if the Town will vote to fix the compensation of appointed and elected officers, provide for a Reserve Fund, and determine what sums of money the Town will raise and appropriate, including appropriations from available funds, to defray charges and expenses of the Town, including debt and interest, for the ensuing fiscal year, or act in relation thereto.

*(Amount requested: \$23,662,176) (Advisory Board and BOS Unanimously Approves)*

ACCOUNT NAME AND NUMBER	DESCRIPTION	FY2021 APPROVED	FY2022 REQUESTED	INCREASE (DECREASE)	% Change	% of Budget	COMMENTS
Selectmen	Salaries	4,000	4,000	0			
122	Expenses	27,250	27,250	0			
		31,250	31,250	0	0.00%	0.13%	
Town Administration	Salaries	164,472	174,550	10,078			
129	Expenses	6,675	7,200	525			
		171,147	181,750	10,603	6.20%	0.77%	
Advisory Board	Expenses	650	650	0			
131		650	650	0	0.00%	0.00%	
Reserve Fund	Expenses	60,000	75,000	15,000			
132		60,000	75,000	15,000	25.00%	0.32%	
Accountant	Salaries	96,319	100,105	3,786			
135	Expenses	36,900	36,900	0			
		133,219	137,005	3,786	2.84%	0.58%	
Assessors	Salaries	67,363	70,298	2,935			
141	Expenses	17,480	20,964	3,484			
		84,843	91,262	6,419	7.57%	0.39%	
Treasurer/Collector	Stipend	1,000	1,000	0			
147	Salaries	154,862	160,600	5,738			
	Expenses	9,816	19,816	10,000			
		165,678	181,416	15,738	9.50%	0.77%	
Legal	Expenses	75,000	75,000	0			
151		75,000	75,000	0	0.00%	0.32%	
Personnel Admin.	Salaries	47,170	49,951	2,781			
152	Expenses	17,130	18,250	1,120			
		64,300	68,201	3,901	6.07%	0.29%	
Data Processing	Salaries	62,275	68,732	6,457			
155	Expenses	115,055	116,596	1,541			
		177,330	185,328	7,998	4.51%	0.78%	

<b>Town Clerk</b>	Stipend	1,175	1,175	0		
<b>161</b>	Salaries	86,569	90,918	4,349		
	Expenses	10,530	10,930	400		
		98,274	103,023	4,749	4.83%	0.44%
	Stipend	600	600	0		
<b>Elections</b>	Salaries	11,880	4,952	-6,928		
<b>164</b>	Expenses	17,205	14,605	-2,600		
		29,685	20,157	-9,528	-32.10%	0.09%
<b>Conservation</b>	Salary	39,295	39,656	361		
<b>171</b>	Expenses	1,550	1,050	-500		
		40,845	40,706	-139	-0.34%	0.17%
<b>Town Planner</b>	Salary	76,524	79,132	2,608		
<b>172</b>	Expenses	4,300	4,050	-250		
		80,824	83,182	2,358	2.92%	0.35%
<b>Planning Board</b>	Salary	2,000	2,000	0		
<b>175</b>	Expenses	1,150	1,150	0		
		3,150	3,150	0	0.00%	0.01%
<b>Board of Appeals</b>	Salary	1,500	1,000	-500		
<b>176</b>	Expenses	300	300	0		
		1,800	1,300	-500	-27.78%	0.01%
<b>Agricultural Commission</b>	Expenses	500	500	0		
<b>179</b>		500	500	0	0.00%	0.00%
<b>Economic Development</b>	Expenses	1,300	1,300	0		
<b>182</b>		1,300	1,300	0	0.00%	0.01%
<b>Public Buildings and</b>	Salaries	111,444	112,433	989		
<b>Property</b>	Expenses	250,000	252,050	2,050		
<b>192</b>		361,444	364,483	3,039	0.84%	1.54%
<b>Town Report</b>	Expenses	2,250	2,250	0		
<b>195</b>		2,250	2,250	0	0.00%	0.01%

<b>Crocker Pond</b>	Salaries	21,033	21,664	631		
<b>199</b>	Expenses	7,655	7,655	0		
		28,688	29,319	631	2.20%	0.12%
<b>Police/Dispatch</b>	Salaries	1,851,694	1,969,286	117,592		
<b>210</b>	Expenses	298,800	258,800	-40,000		\$40k moved to salaries
		2,150,494	2,228,086	77,592	3.61%	9.42%
<b>Fire</b>	Salaries	967,509	878,227	-89,282		
<b>220</b>	Expenses	132,317	155,166	22,849		
		1,099,826	1,033,393	-66,433	-6.04%	4.37%
<b>Ambulance</b>	Salaries	156,756	376,386	219,630		
<b>231</b>	Expenses	123,806	132,299	8,493		
		280,562	508,685	228,123	81.31%	2.15%
<b>Emergency Management</b>	Expenses	11,985	11,985	0		
<b>(299)</b>		11,985	11,985	0	0.00%	0.05%
<b>Building Dept.</b>	Salaries	226,742	228,905	2,163		
<b>241</b>	Expenses	20,000	20,000	0		
		246,742	248,905	2,163	0.88%	1.05%
<b>Animal Control</b>	Salary	0	0	0		
<b>292</b>	Expenses	40,000	40,000	0		
		40,000	40,000	0	0.00%	0.17%
<b>Tree Warden</b>	Salary	2,000	2,000	0		
<b>294</b>	Expenses	33,200	33,200	0		
		35,200	35,200	0	0.00%	0.15%

<b>K-12 Schools</b>	Contribution to Fndn. Budget	7,466,737	7,372,524	-94,213	-1.26%	65 fewer students
<b>390</b>	Additional Funds	2,631,815	2,844,940	213,125	8.10%	
	Transportation	506,466	440,818	-65,648	-12.96%	
	Comm. Serv.	4,358	4,358	0	0.00%	
	Subtotal-Operating	10,609,376	10,662,640	53,264	0.50%	
	WES Bond	258,753	250,500	-8,253		
	Oakmont Bond	253,515	245,500	-8,015		
	Subtotal-Debt	512,268	496,000	-16,268	-3.18%	
	SUB-TOTAL K-12 Foundation State Minimum	11,121,644	11,158,640	36,996	0.33%	47.16%
<b>Monty Tech</b>	Transportation	655,169	763,000	107,831	16.46%	
	Capital	43,615	49,000	5,385	12.35%	
	Sub-Total MTech	15,812	13,000	-2,812	-17.78%	
<b>Total Schools, 390</b>	Total Schools	714,596	825,000	110,404	15.45%	3.49%
<b>Highway Admin.</b>	Salaries	11,836,240	11,983,640	147,400	1.25%	50.64%
<b>421</b>		307,841	319,479	11,638		
		307,841	319,479	11,638	3.78%	1.35%
<b>Highway Dept.</b>	Salaries	607,642	625,657	18,015		
<b>422</b>	Expenses	261,350	261,350	0		
		868,992	887,007	18,015	2.07%	3.75%
<b>Snow and Ice Control</b>	Salaries	52,000	77,000	25,000		Increase due to avg exp increase
<b>423</b>	Expenses	298,100	320,000	21,900		Increase due to avg exp increase
		350,100	397,000	46,900	13.40%	1.68%
<b>Street Lighting</b>	Expenses	25,000	25,625	625		
<b>424</b>		25,000	25,625	47,525	2.50%	0.11%
<b>Cemetery Dept.</b>	Salaries	117,198	130,302	13,104		Increased hours for personnel
<b>491</b>	Expenses	15,680	15,680	0		
		132,878	145,982	13,104	9.86%	0.62%

<b>Health Dept.</b>	Salaries	123,785	121,351	-2,434		
<b>510</b>	Expenses	16,000	15,900	-100		
		139,785	137,251	-2,534	-1.81%	0.58%
<b>Council on Aging</b>	Salaries	57,085	59,743	2,658		
<b>541</b>	Expenses	15,700	15,700	0		
		72,785	75,443	2,658	3.65%	0.32%
<b>Veteran's Services</b>	Salaries	26,155	27,044	889		
<b>543</b>	Expenses	1,635	1,635	0		
		27,790	28,679	889	3.20%	0.12%
<b>Veteran's Assistance</b>	Expenses	90,000	90,000	0		
<b>544</b>		90,000	90,000	0	0.00%	0.38%
<b>MART</b>	Salaries	84,680	88,350	3,670		
<b>549</b>	Expenses	12,250	12,250	0		
		96,930	100,600	3,670	3.79%	0.43%
<b>Library</b>	Salaries	296,741	305,644	8,903		
<b>610</b>	Expenses	135,990	140,240	4,250		
		432,731	445,884	13,153	3.04%	1.88%
<b>Recreation Dept.</b>	Salaries	18,540	19,093	553		
<b>630</b>	Expenses	14,040	14,540	500		
		32,580	33,633	1,053	3.23%	0.14%
<b>Concerts</b>	Expenses	3,000	3,000	0		
<b>631</b>		3,000	3,000	0	0.00%	0.01%
<b>Hager Park Comm.</b>	Expenses	250	900	650		
<b>661</b>		250	900	650	260.00%	0.00%
<b>Historical Comm.</b>	Expenses	1,280	1,280	0		
<b>691</b>		1,280	1,280	0	0.00%	0.01%
<b>Memorial Day</b>	Expenses	1,300	1,300	0		
<b>692</b>		1,300	1,300	0	0.00%	0.01%
<b>Care of Town Clock</b>	Expenses	300	350	50		
<b>699</b>		300	350	50	16.67%	0.00%



<b>Town Debt Retirement</b>							
<b>710</b>	Fire Truck	120,000	120,000	0			Payment 2 of 5
	Senior Center Bond	190,000	190,000	0			Payment 7 of 15
	Rte. 140 Re-design	82,000	82,000	0			Payment 2 of 4
	Septic Management Program	15,000	15,000	0			Payment 3 of 40
	Total Expenses	407,000	407,000	0	0.00%	1.72%	<b>VOTE AS ONE LINE ITEM</b>
<b>Town Debt Interest</b>							
<b>750</b>	Short Term Borrowing	5,000	5,000	0			
	Senior Center Bond	49,600	45,800	-3,800			
	Fire Truck	7,930	2,196	-5,734			
	Rte. 140 Re-design	9,840	7,380	-2,460			
	Total Expenses	72,370	60,376	-11,994	-16.57%	0.26%	<b>VOTE AS ONE LINE ITEM</b>
<b>Regional Plan. Council.</b>	Expenses	2,613	2,678	65			
<b>840</b>		2,613	2,678	65	2.49%	0.01%	
<b>Other Employee Benefits</b>		40,000	40,000	0			
<b>910</b>		40,000	40,000	0			
<b>Retirement and Pensions</b>	Expenses	981,818	1,058,473	76,655			
<b>911</b>		981,818	1,058,473	76,655	7.81%	4.47%	
<b>Group Health Insurance</b>	Expenses	1,298,300	1,304,860	6,560			
<b>914</b>		1,298,300	1,304,860	6,560	0.51%	5.51%	
<b>Group Life Insurance</b>	Expenses	4,000	4,500	500			
<b>915</b>		4,000	4,500	500	12.50%	0.02%	
<b>Other Insurance</b>	Expenses	2,500	2,500	0			Unemployment Workman's Compensation
<b>945</b>		43,500	43,500	0			Property and Liability
		215,000	210,000	-5,000			Fire/Police Accident
		62,000	66,750	4,750			Deductibles
		2,500	2,000	-500			<b>VOTE AS ONE LINE ITEM</b>
		325,500	324,750	-750	-0.23%	1.37%	

TOTAL OPERATING BUDGET	11,192,129	11,678,536	486,407	4.35%	49.36%
TOTAL SCHOOL BUDGETS	11,836,240	11,983,640	147,400	1.25%	50.64%
<b>TOTAL BUDGET</b>	<b>23,028,369</b>	<b>23,662,176</b>	633,807	2.75%	

ARTICLE 6. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Sewer Enterprise for Fiscal Year 2022, or act in relation thereto.

(Amount requested: \$1,257,600) *(Advisory Board and BOS Unanimously Approves)*

ARTICLE 7. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Water Enterprise for Fiscal Year 2022, or act in relation thereto.

(Amount requested: \$646,874) *(Advisory Board and BOS Unanimously Approves)*

ARTICLE 8. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Solid Waste Transfer Facility Enterprise for Fiscal Year 2022, or act in relation thereto.

(Amount requested: \$273,300) *(Advisory Board and BOS Unanimously Approves)*

#### CUSTOMARY MONEY ARTICLES

ARTICLE 9. To see if the Town will vote to raise and appropriate, or transfer from available funds, sums of money for the following purposes, or act in relation thereto:

Westminster Cultural Council

Conservation Fund, as provided in Section 8C of Chapter 40 of the General Laws

(Amounts requested: \$4,000 for Cultural Council; \$1,000 for Conservation Fund) *(Advisory Board and BOS Unanimously Approves)*

ARTICLE 10. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to fund a portion of the cost of retaining a professional consultant to perform the revaluation of real and personal property in the Town as required under Massachusetts General Laws, or act in relation thereto.

(Amount requested: \$25,000) *(Advisory Board and BOS Unanimously Approves)*

ARTICLE 11. To see if the Town will vote to transfer a sum of money from Free Cash to reduce the Fiscal Year 2022 tax rate, or act in relation thereto.

(Amount requested: \$230,000) *(Advisory Board and BOS Unanimously Approves)*

ARTICLE 12. To see if the Town will vote to raise and appropriate a sum of money for the Pension Liability Stabilization Fund, or act in relation thereto.

(Amount requested: \$300,000) *(Advisory Board and BOS Unanimously Approves)*

#### NON-CAPITAL MONEY ARTICLES

ARTICLE 13. To see if the Town will vote to transfer a sum of money from the "Giles Fund" for the purpose of funding the Emergency Home Heating Assistance Program, or act in relation thereto.

(Amount requested: \$5,000) *(Advisory Board and BOS Unanimously Approves)*

ARTICLE 14. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money for a CPR Manikin for the Fire Department, or act in relation thereto.

(Amount requested: \$5,975) *(Advisory Board and BOS Unanimously Approves)*

ARTICLE 15. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be spent under the direction of the Conservation Commission for the purpose of planning and implementing a forestry management project, or act in relation thereto.

(Amount requested: \$4,000) *(Advisory Board and BOS Unanimously Approves)*

#### CAPITAL ARTICLES

ARTICLE 16. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be spent for the following capital equipment and/or projects, including related incidental costs, or act in relation thereto. *(Capital Planning, Advisory Board and BOS Unanimously Approves)*

	DEPARTMENT	ITEM/PROJECT	AMOUNT REQUESTED	PROPOSED FUNDING SOURCE
16-1	DPW	Maintenance of Town roads (including oiling, sealing, re-surfacing, drainage, guardrails, removing trees/brush, and other such activities.	\$300,000	Raise and appropriate
16-2	DPW	Reconstruction / improvement of Town roads.	\$500,000	Raise and appropriate
16-3	DPW	MS4 Storm Water Permit Compliance	\$50,000	Free Cash
16-4	DPW	Replace Trackless Tractor MT	\$160,000	Capital Stabilization
16-5	DPW	Replace John Deere 6105R	\$100,000	Capital Stabilization
16-6	DPW	Replace Ford F-150	\$50,000	Capital Stabilization
16-7	DPW	Easements for Route 140/Worcester Road	\$100,000	Road Maint Stabilization
16-8	DPW	Old Town Farm Road Culvert	\$500,000	Road Maint Stabilization
16-9	DPW	Water Meters (250)	\$75,000	Water-Sewer Enterprise Fund
16-10	DPW	Hager Park Pump Computer	\$40,000	Water-Sewer Enterprise Fund
16-11	DPW	Back Garage Roof Repairs	\$75,000	Building Maint Stabilization
16-12	Police Dept	Replace Dodge Charger	\$43,000	Raise and Appropriate
16-13	Police Dept	Replace Ford Explorer Utility	\$53,000	Capital Stabilization
16-14	Police Dept	Cruiser Video Recorders	\$65,000	Technology Stabilization
16-15	Police / Fire	Public Safety Building Repairs	\$400,000	Building Maint Stabilization
16-16	Fire Dept	Replace Boat & Trailer	\$15,000	Raise and Appropriate
16-17	IT	Computer Replacement	\$42,000	Raise and Appropriate
16-18	IT	Replace Virtualized Server	\$35,000	Technology Stabilization
16-19	IT	Firewall Town Hall & Public Safety Building	\$10,000	Technology Stabilization
16-20	Town	Sheds for Ballfields	\$15,000	Building Maint Stabilization
16-21	Town	Tree Pruning throughout Town	\$50,000	Building Maint Stabilization
16-22	School (Districtwide)	Fire Alarm Update	\$53,890	Building Maint Stabilization

16-23	School (Districtwide)	Floor Replacement	\$16,209	Building Maint Stabilization
16-24	School (Districtwide)	Reflashing Tower	\$27,015	Building Maint Stabilization
16-25	School (WES)	Sidewalks Repairs/Replacements	\$15,000	Building Maint Stabilization
16-26	School (WES)	Security	\$50,000	Building Maint Stabilization
16-27	School (WES)	Elevator Shaft Repair	\$7,500	Building Maint Stabilization
16-28	School (MHS)	Resurface Gym Floor	\$17,000	Building Maint Stabilization
16-29	School (MHS)	Security	\$50,000	Building Maint Stabilization

### MISCELLANEOUS AND ZONING ARTICLES

ARTICLE 17. To see if the Town will vote to amend the Westminster General Bylaws and Zoning Bylaws by replacing the term Board of Selectmen with Select Board wherever the term occurs, or act in relation thereto.  
(Advisory Board and BOS Unanimously Approves)

ARTICLE 18. To see if the Town will vote to authorize the Hager Park Commission to accept, on behalf of the Town and for park purposes, a gift from JEKN, LLC, a parcel of back land containing 6.1 acres ±, located off of Hager Park Road (Route 140) and being a portion of Westminster Assessors' Map 137, Parcel 2-1.  
(Note: The town voted to accept the gift of 4 acres± of this parcel under Article 31 of the 2008 Annual Town Meeting, but the donor never deeded the property to the Town.), or act in relation thereto.  
(Advisory Board and BOS Unanimously Approves)

ARTICLE 19. To see if the Town will vote to amend the Westminster General Bylaws (Chapter 4 of the Code of the Town of Westminster, Massachusetts, §4-1) to reduce the number of members on the Advisory Board from seven (7) to five (5). To implement this amendment, the Moderator shall not fill vacancies as appointed terms expire until there are a total of five members, or act in relation thereto.  
(Advisory Board and BOS Unanimously Approves)

ARTICLE 20. To see if the Town will vote to establish a full-time School Resource Officer position in the Police Department, or act in relation thereto. (Advisory Board and BOS Unanimously Approves)

ARTICLE 21.  
To see if the Town will vote to (a) authorize the Board of Selectmen to acquire, by purchase, gift, and/or eminent domain and on such terms as the Board of Selectmen deems appropriate, the fee to and/or permanent and temporary easements in, on, under and over certain parcels of land located on Route 140 (Worcester Road), Mile Hill Road, Gatehouse Road, and Patricia Road and approximately shown on plans entitled "Massachusetts Department of Transportation Highway Division Plan and Profile of Route 140 (Worcester Road) in the Town of Westminster Worcester County," prepared by Green International Affiliates, Inc., on file with the Town Clerk, as said plans may be amended from time to time and/or incorporated into an easement plan, and land within 200 feet of said parcels, for public way purposes, including without limitation, for the construction, installation, inspection, maintenance, improvement, repair, replacement and/or relocation of rights of way, sidewalks, drainage, utilities, driveways, retaining walls, guardrails, slopes, grading, rounding, construction, landscaping, and other structures and/or appurtenances, to enable the Town to undertake the Route 140 (Worcester Road) Reconstruction Project and for any and all purposes and uses incidental or related thereto; (b) authorize the Board of Selectmen to submit petitions to the General Court pursuant to Article 97 of the Massachusetts Constitution to authorize the acquisition of easements on land owned by the City of Fitchburg and held for water supply protection and/or water supply purposes, as shown on the aforesaid plans and described in deeds recorded with

the Worcester North District Registry of Deeds in Book 211, Page 439; Book 259, Page 317; Book 334, Page 601; Book 363, Page 115; Book 376, Page 425; and Book 55, Page 318, or as otherwise described; (c) raise and appropriate, transfer from available funds, and/or borrow a sum of money to fund the foregoing project and any and all costs incidental or related thereto, including, without limitation, the cost of any land/easements, appraisals, and surveys; and, further, (d) authorize the Board of Selectmen to execute any and all documents and take any and all action as may be necessary or appropriate to effectuate the foregoing purposes; or take any other action thereon or in relation thereto.

*(Advisory Board and BOS Unanimously Approves)*

ARTICLE 22. To see if the Town will vote to amend the Westminster General Bylaws (Chapter 161 of the Code of the Town of Westminster, Massachusetts) relative to changes and amendments to the sewer bylaw required for consistency with the City of Fitchburg ordinances in accordance with the Intermunicipal Agreement with the City, or act in relation thereto.

*(Advisory Board and BOS Unanimously Approves)*

***\*\*full bylaw language for Article 22 is printed in the posted warrant and is available in a separate handout\*\****

AND YOU ARE DIRECTED to serve this warrant by posting attested copies thereof at the Town Hall and the U.S. Post Office in said Town, seven days at least before the time of holding said meeting.

HEREOF FAIL NOT, and make due return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid. Given under our hands this 5th day of April in the year of our Lord two thousand and twenty-one.

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Heather M. Billings

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James A. DeLisle

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Salvatore J. Albert

SELECT BOARD

## *Article 22 – Sewer Bylaw –May 1, 2021 Annual Town Meeting*

**ARTICLE 22.** To see if the Town will vote to amend the Westminster General Bylaws (Chapter 161 of the Code of the Town of Westminster, Massachusetts) relative to changes and amendments to the sewer bylaw required for consistency with the City of Fitchburg ordinances in accordance with the Intermunicipal Agreement with the City, or act in relation thereto.

### Chapter 161 Sewers

**[HISTORY: Adopted by the Annual Town Meeting 4-25-1987 as Art. 41. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Sewage disposal — See Ch. 245.

Toxic and hazardous wastes — See Ch. 251.

Water supplies — See Ch. 254.

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### Article I

#### **Definitions**

##### **§ 161-1 Terms defined.**

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

#### **ACT OR THE ACT**

The Federal Water Pollution Control Act, also known as the “Clean Water Act,” herein the “Act,” as amended, 33 U.S.C. § 1251 et seq.

#### **APPLICANT**

Any person requesting approval to discharge wastewaters into the municipal facilities or a new connection to the wastewater works.

#### **APPROVAL AUTHORITY**

The Region 1 Administrator of the U.S. Environmental Protection Agency or his authorized representative.

#### **AUTHORIZED REPRESENTATIVE OF INDUSTRIAL 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 policy 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

## *Article 22 – Sewer Bylaw –May 1, 2021 Annual Town Meeting*

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 governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in paragraphs (1) through (3), above, may designate a Duly 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 Pretreatment Coordinator.

### **AVERAGE DAILY FLOW**

The total volume of sewage in gallons measured at a metering station or other point during a continuous period of 365 days divided by 365.

### **BEST MANAGEMENT PRACTICES (BMPs)**

Practices, such as preventive maintenance, scheduling of activities or process alterations, which enable the User to comply with the provisions of this chapter or any applicable State and/or Federal guidelines. 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 or BOD**

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius (20° C.), expressed in milligrams per liter.

### **BUILDING DRAIN**

That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 10 feet outside the inner face of the building wall.

### **BUILDING SEWER**

The pipe which connects to a building drain conveying waste from plumbing fixtures within a building to a Town sanitary or combined sewer, a private sanitary or combined sewer, or other place of disposal. The building sewer begins 10-feet outside the inner face of the building foundation wall and extends to and includes the connection to the Town or private wastewater systems. **CATEGORICAL INDUSTRIAL USER**

An Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.

### **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 which apply to a specific category of Users and which existed on the effective date of this chapter and codified at 40 CFR, Chapter 1, Subchapter N, Parts 405 - 471, as the same may from time to time be amended.



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### **CHEMICAL OXYGEN DEMAND or COD**

A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

### **CITY**

The City of Fitchburg, Massachusetts.

### **COMBINED SEWER**

A sewer designed to receive both wastewater and surface runoff.

### **COMMISSION**

The Water/Wastewater Commission of Fitchburg, or its duly authorized representative.

### **COMMISSIONER**

The Commissioner of the Public Works Department of Fitchburg, or his duly authorized representative.

### **COMMONWEALTH**

The Commonwealth of Massachusetts.

### **COMPOSITE SAMPLE**

A sample which represents many aliquots taken throughout an extended time period, typically 24 hours.

### **COOLING WATER or 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.

### **DAILY MAXIMUM**

The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

### **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.

### **DEPUTY COMMISSIONER**

The person designated by the City to supervise the operation of the pretreatment program who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

### **DISCHARGE DOCUMENT**

Either the previously negotiated agreements or a wastewater discharge permit, and includes the criteria for discharge to the East or West Fitchburg Treatment Plant, as appropriate.

### **DOMESTIC WASTEWATER OR SEWAGE**

The wastewater derived principally from dwellings, business buildings, institutions and the like. It may or may not contain groundwater, surface water, stormwater or process or wash water from industrial enterprises.

### **DRAIN LAYER**

Individuals, partnerships, organizations or corporations authorized by the Sewer Commission to install

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sewer connections. Such authorization shall take the form of a permit issued by the Sewer Commission and shall only be valid for a single installation or group of installations under a contract or agreement.

### **ENVIRONMENTAL PROTECTION AGENCY or EPA**

The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

### **EXCESSIVE**

Amounts or concentrations of a constituent of a wastewater which, in the judgment of the Commissioner, or his/her designee, will cause damage to any town or city facility; will be harmful to a wastewater treatment process; cannot be removed in the POTW to the degree required to meet the limiting stream classification standards of the Nashua River and/or EPA and state effluent standards; can otherwise endanger life, limb or public property; and can constitute a nuisance.

### **EXISTING SOURCE**

Any source of discharge that is not a “New Source.”

### **FACILITIES**

Includes structures and conduits for the purpose of collecting, treating, neutralizing, stabilizing or disposal of domestic wastewater and/or industrial or such other wastewaters as are disposed of by means of such structures and conduits, including treatment and disposal works, necessary intercepting, outfall and outlet sewers and pumping stations integral to such facilities with sewers, equipment, furnishings thereof and other appurtenances connected therewith.

### **FITCHBURG DEPARTMENT OF PUBLIC WORKS, PUBLIC WORKS, or FDPW**

The City of Fitchburg, Massachusetts, Department of Public Works, Wastewater Division or other relevant division(s).

### **FLOATABLE OIL**

Oil, fat or grease of animal or vegetable origin, or petroleum-derived oil or grease in a physical state such that it will separate by gravity from waste by treatment in an approved pretreatment facility.

### **FOG (FATS, WAX, OILS, and GREASE)**

The discharge from a food-handling, food-production or food-packaging establishment of fats, wax, oils, and grease into the Town's or City's wastewater system, and which shall be authorized only pursuant to a validly issued Board of Health permit. Such food establishments shall include commercial/industrial establishments or other establishments deemed appropriate by the FDPW/WDPW that include as a part of their operations the handling, preparation and/or distribution of food.

### **GARBAGE**

The animal and vegetable wastes resulting from the handling, preparation, cooking and serving of food. It is composed largely of putrescible organic matter and its natural moisture content.

### **GRAB SAMPLE**

A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.

### **HOLDING-TANK WASTE**

Any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

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### **INDIRECT DISCHARGE**

The discharge or introduction of nondomestic pollutants from any source subject to or regulated under Section 307(b), (c) or (d) of the Act into the POTW (including holding-tank waste discharged into the system).

### **INDUSTRIAL USER**

A source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

### **INDUSTRIAL WASTEWATER**

All water-carried wastes and wastewater, excluding domestic wastewater and unpolluted water; includes all wastewater from any producing, manufacturing, processing, testing, institutional, commercial, agricultural or other operation where the wastewater discharged includes nondomestic wastes.

### **INDUSTRY**

An establishment with facilities for mechanical, testing, trade or manufacturing purposes

### **INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT**

The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited 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, inhibits or disrupts the Town's or City's POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations or criteria applicable to the method of disposal or use employed by the POTW:

- (1) Section 405 of the Act;
- (2) The Solid Waste Disposal Act<sup>[1]</sup>, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA);
- (3) any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act, or that would prevent sewage sludge use under 310 CMR 32;
- (4) The Clean Air Act<sup>[2]</sup>;
- (5) The Toxic Substances Control Act<sup>[3]</sup>; and
- (6) The Marine Protection, Research, and Sanctuaries Act<sup>[4]</sup>.

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**[1]** Editor's Note: See 42 U.S.C. §6901, et seq.

**[2]** Editor's Note: See 42 U.S.C. §7401, et seq.

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**[3]** Editor's Note: See 15 U.S.C. §2601, et seq.

**[4]** Editor's Note: See 33 U.S.C. §1401, et seq.

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**LOCAL LIMITS**

Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

**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.

**MONTHLY AVERAGE**

The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

**MONTHLY AVERAGE LIMIT**

The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

**NATIONAL CATEGORICAL PRETREATMENT STANDARD, 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 which apply to a specific category of users and which existed on the effective date of this chapter and codified as 40 CFR, Chapter 1, Subchapter N, Parts 404 through 471, as the same may from time to time be amended.

**NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM or NPDES PERMIT**

A permit issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

**NATURAL OUTLET**

Any outlet into a watercourse, pond, ditch, 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, 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 if

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these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source shall 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 A(1)(b) or (c) above but otherwise alters, replaces or adds to existing process or production equipment.

(3) For the purposes of this definition, construction of a "new source" has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous on site construction program:

- i. Any replacement, assembly or installation of facilities or equipment; or
- ii. Significant site preparation work, including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of "New Source" facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this subsection.

**NONCONTACT COOLING WATER**

Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

**NORMAL OPERATING DAY**

A twenty-four-hour day in which the standard and routine operations and work of the facility are conducted. It would include but is not limited to daily cleaning, routine maintenance and production. It would not include work stoppages, scheduled and unscheduled shutdowns, holiday schedules, major cleanups and the like.

**OIL and GREASE**

Any material (animal, vegetable or hydrocarbon) which is extractable from an acidified sample of a waste by Freon or other designated solvent, and as determined by the appropriate standard procedure.

**PASS THROUGH**

A discharge which exits the POTW into waters of the Commonwealth or of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.

**PERSON**

Any individual, partnership, co-partnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity, Federal, State or local, or any other entity or legal representative, agents or assigns of any of them.**pH**

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A measure of the acidity or alkalinity of a solution, expressed in standard units.

### **POLLUTANT**

Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical waste, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural and commercial wastes and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity or odor) or any other contaminant.

### **POLLUTION**

The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

### **PRETREATMENT or TREATMENT**

The reduction of the amount of pollutants, the elimination of pollutants, the alteration of the nature of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes other than means, except by diluting the concentration of the pollutants as prohibited by 40 CFR 403.6(d), unless allowed by an applicable Categorical Pretreatment Standard.

### **PRETREATMENT COORDINATOR**

The person, designated by the City to carry out certain duties associated with the Industrial Pretreatment Program, that is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

### **PRETREATMENT REQUIREMENTS**

Any substantive or procedural requirement related to pretreatment, other than a Categorical Pretreatment Standard, imposed on an Industrial User.

### **PRETREATMENT STANDARDS or STANDARDS**

Prohibited discharge standards, Categorical Standards and Local Limits.

### **PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGES**

Absolute prohibitions against the discharge of certain substances as set forth in Article III of this chapter.

### **PROPERLY SHREDDED GARBAGE**

Garbage that has 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 (1/2) inch [one and twenty-seven-hundredths (1.27) centimeters] in any dimension.

### **PUBLICLY OWNED TREATMENT WORKS or POTW**

The Town or City-owned treatment works, as defined in Section 212 of the Act (33 U.S.C. § 1292). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of liquid wastes including sewers that convey wastewater to the POTW treatment plant. For the purposes of this Chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the Town/City who are, by contract or agreement with the Town/City, Users of the Town's/City's POTW. The term also means the Town/City and/or its agents having jurisdiction over indirect discharges to and the discharges from such treatment works.

### **PUBLIC SEWER**

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A sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

### **PUBLIC DRAIN**

A drain located in a public way or easement in which all owners of abutting properties have equal rights, and is under the full care and control of the Town.

### **RECEIVING WATERS**

Any watercourse, river, pond, ditch, lake, aquifer or other body of surfacewater or groundwater receiving discharge of wastewaters.

### **SANITARY SEWER**

A sewer which carries wastewater and to which stormwaters, surfacewaters and groundwaters are not intentionally admitted.

### **SEPTAGE or SEPTIC TANK WASTE**

Any sludge and wastewater from holding tanks such as vessels, chemical toilets, campers, trailers septic tanks and cesspools, that is removed and transported by a septage waste hauler, for disposal and treatment at a POTW.

### **SEWER**

A pipe or conduit for carrying wastewater.

### **SEWER COMMISSION**

The Public Works Commission as appointed by the Board of Selectmen of the Town of Westminster or their authorized agents or representatives.

### **SEWER CONNECTION**

A sewer pipeline running laterally from a street sewer, an off-street sewer or a trunk sewer to an individual tract, lot or parcel of land to serve one or more houses or other buildings, whether or not connected to any house or building.

### **SIGNIFICANT INDUSTRIAL USER OR SIGNIFICANT USER:**

(1)A User subject to Categorical Pretreatment Standards, or

(2)A User that:

- (a) Discharges an average of 25,000 gallons per day (gpd) or more of process wastewater to the POTW per normal operating day;
- (b) Contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
- (c) Is designated as such by the Pretreatment Coordinator 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)The Deputy Commissioner may determine that an Industrial User subject to Categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total

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categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Categorical Pretreatment Standard) and the following conditions are met:

- (a) The Industrial User, prior to City's finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;
  - (b) The Industrial User annually submits the certification statement required in 40 CR 403.12(q), together with any additional information necessary to support the certification statement; and
  - (c) The Industrial User never discharges any untreated concentrated wastewater.
- (4) Upon a finding that a User meeting the criteria in the above sections (a), (b) and (c) has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the Pretreatment Coordinator may at any time, on its own initiative or in response to a petition received from an Industrial 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:**

- (1) Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);
- (2) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC = 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 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW 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);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR § 403.8 paragraph (f)(1)(vi)(B) of this section to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance;
- (8) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local



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Pretreatment program.

**SLUG**

Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards. Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary 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. A "slug" shall also include any discharge of water, wastewater or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration or flow during a normal operating day.

**STANDARD INDUSTRIAL CLASSIFICATION (SIC)**

A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

**STANDARD LABORATORY PROCEDURES**

Those methods outlined in the most recent edition of the EPA manual Methods for Chemical Analysis of Water and Wastes and/or the APHA, AWWA, WPCF publication Standard Methods for the Examination of Water and Wastewater, or in 40 CFR 136.

**STATE**

The Massachusetts Department of Environmental Protection, Division of Water Pollution Control.

**STORM DRAIN or STORM SEWER**

A sewer which carries stormwater, surface water, groundwater or drainage but excludes wastewater and industrial wastes, other than unpolluted cooling water.

**STORMWATER**

Any flow occurring during or following any form of natural precipitation and resulting therefrom.

**SUBSTANTIAL REHABILITATION:**

(1) Repairs, replacement, improvements (including major movable equipment) and additions, the cost of which exceeds 15% of the after-rehabilitation value of the property; or

(2) Replacement of two or more major building components.

**SUPERINTENDENT**

The Director of Public Works of the Town of Westminster or his authorized deputy, agent or representative.

**SUSPENDED SOLIDS**

Solids that either float on the surface of or are in suspension in water, wastewater or other liquids and which are removable by laboratory filtering and are referred to as "nonfilterable residue" in the laboratory test prescribed in Standard Methods for the Examination of Water and Wastewater.

**TOXIC SUBSTANCES**

Any substance or mixture, whether gaseous, liquid or solid, which, when discharged into the sewer system, may tend to interfere with any wastewater treatment process, constitute a hazard to human beings or

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animals, inhibit aquatic life or create a hazard to recreation in the receiving waters of the effluent from the POTW Treatment Plant.

### **TOWN**

The Town of Westminster, Massachusetts.

### **TURBIDITY**

A condition in water or wastewater caused by the presence of suspended matter, resulting in the scattering and absorption of light rays; measure of fine suspended matter in liquids; analytical quantity usually reported in arbitrary turbidity units determined by measurements of light diffraction.

### **UNPOLLUTED WATER**

Water whose discharge will not cause any violation of receiving water standards of the Commonwealth of Massachusetts.

### **UPSET**

An incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards or the provisions of this chapter because of factors beyond the control of the User. An "upset" does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

### **USER**

Any person who contributes, causes or permits the contribution of wastewater into the Town's or City's POTW.

### **WASTES**

Substances in liquid, solid or gaseous form that can be carried in water.

### **WASTEWATER**

The spent water of a community and may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater, whether treated or untreated, which are contributed to the POTW.

### **WASTEWATER DISCHARGE PERMIT**

The permit required of Significant Industrial Users to discharge to the Town's or City's POTW, as set forth in § 161-34 of this chapter.

### **WASTEWATER TREATMENT WORKS**

Any arrangement of devices and structures used for treating wastewater.

### **WASTEWATER WORKS**

All structures, equipment and processes for collecting, pumping, treating and disposing of wastewater.

### **WATERCOURSE**

A channel in which a flow of water occurs, whether continuously or intermittently.

### **WESTMINSTER DEPARTMENT OF PUBLIC WORKS, PUBLIC WORKS, or WDPW**

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**The Town of Westminister, Massachusetts, Department of Public Works, Sewer Department or other relevant division(s).** § 161-2 **Word usage.**

"Shall" is mandatory; "May" is permissive.

### **§ 161-2A Abbreviations.**

(1) Abbreviations. The following abbreviations shall have the designated meanings:

BOD:	Biochemical Oxygen Demand
BMP:	Best Management Practice
BMR:	Baseline Monitoring Report
CFR:	Code of Federal Regulations
CIU:	Categorical Industrial User
COD:	Chemical Oxygen Demand
EPA:	U.S. Environmental Protection Agency
IU:	Industrial User
NPDES:	National Pollutant Discharge Elimination System
NSCIU:	Non-Significant Categorical Industrial User
POTW:	Publicly Owned Treatment Works
RCRA:	Resource Conservation and Recovery Act
SIU:	Significant Industrial User
SNC:	Significant Noncompliance
TSS:	Total Suspended Solids
U.S.C.:	United States Code

### **§ 161-2B Interpretation.**

- (1) A. In the construction of this chapter, the use of the masculine gender shall include the feminine, and the singular shall include the plural where context so indicates.
- (2) B. This chapter shall be construed and interpreted so as to be consistent with the Act and the regulations of the EPA promulgated thereunder. It is the intent of the Town/City to vest the Sewer Commission/Commission with all the powers necessary and reasonably useful to fulfill the Town's/City's and the POTW's obligations under the Act and regulations promulgated thereunder and any stricter or additional obligations imposed by the Commonwealth or its agencies.
- (3) C. Whenever reference is made to any Federal or State statute or regulation, it shall mean the statute or regulation existing on the effective date of this chapter and as the context permits or requires. It shall also mean and include the statute or regulation as the same may from time to time be amended.

## **Article II**

### **Building Sewers and Connections**

#### **§ 161-3 Permit required for connection.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

#### **§ 161-4 Notification of new or changed discharge required.**

Any person proposing a new discharge into the system or a substantial change in the volume of character of pollutants that are being discharged into the system shall notify the Sewer Commission at least forty-five (45) days prior to the proposed change or connection.

#### **§ 161-5 Classes of permits.**

There shall be three (3) classes of building sewer permits:

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- A. Single-Family Residential.
- B. Multifamily and Commercial.
- C. Industrial.

### **§ 161-6 Application for permit; fees; required approvals.**

- A. In all classes, the owner or his 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 in the judgment of the Superintendent.
- B. A permit and inspection fee of seventy-five dollars (\$75.) shall be paid to the town at the time the application is filed. Any amount not used is to be reimbursed, and any amount in excess of seventy-five dollars (\$75.) is to be paid within thirty (30) days.
- C. Approval of commercial and industrial permits must be obtained from the Superintendent/Commissioner after review and recommendation by the Sewer Commission/Commission before a permit can be issued.
- D. **An applicant seeking a sewer connection or extension shall provide inflow and infiltration mitigation in accordance with 314 CMR 12 § 12.04 (2) (d.).**

**§ 161-7 Use of old building sewers.**  
An old building sewer may be used in connection with a new building only when it is found, on examination and test by the Superintendent, to meet all requirements of this chapter. Any costs involved in examinations and tests shall be paid by the person making the application for a permit.

### **§ 161-8 Low building drains.**

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

### **§ 161-9 Costs and expenses to be borne by owner; town to be held harmless.**

- A. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner.
- B. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

### **§ 161-10 Each building to have separate sewer; exception.**

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, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.

### **§ 161-11 Installation requirements.**

The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town. 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 and Water Pollution Control Federation Manual of Practice No. 9 shall apply.

### **§ 161-12 Connection of sources of runoff or groundwater prohibited.**

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other

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sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sewer.

### **§ 161-13 Connection standards.**

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

### **§ 161-14 Inspection required.**

The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The sewer connection shall be made under the supervision of the Superintendent or his representative.

### **§ 161-15 Guarding of excavations; restoration of streets.**

All excavations for building sewer installation shall be adequately guarded by the applicant with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

## **Article III Use of Public Sewers**

### **§ 161-16 Discharge of unpolluted drainage.**

- A. No person shall discharge or cause to be discharged any storm-, surface or ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.
- B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer or natural outlet.

### **§ 161-17 Hazardous discharges.**

No person shall discharge or cause or allow to be discharged into any sewer under the control of the Superintendent the hereinafter described substance, materials, waters or wastes if it appears likely, in the opinion of the Sewer Commission/Commission, that such wastes in quantity or quality exceeding limitations established by the Sewer Commission/Commission can harm either the sewers, wastewater treatment process or equipment, have an adverse effect on the receiving waters or can otherwise endanger life, limb, public property or constitute a nuisance.

### **§ 161-18 Permission required to discharge industrial wastewaters.**

Persons, including industries, who desire to discharge industrial wastewaters into town/city facilities or facilities appurtenant thereto shall make their requests in writing to the Sewer Commission/Commission. In forming its opinion as to the limitations on the acceptability of any wastes, the Sewer Commission/Commission will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant and other pertinent factors. The Sewer Commission/Commission may require the applicant to furnish such analyses of the proposed wastewater discharge as may be needed to determine its acceptability into the sewer system and as required by state and federal regulations.

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### **§ 161-19 Costs for additional treatment or damages.**

Costs for unauthorized additional treatment in or for repairing damages to town facilities resulting due to violations of the Sewer Commission's/Commission's Rules and Regulations is to be reimbursed to the town/city by the person or industry from which the wastewaters originated that cause of the adverse effect.

### **§ 161-20 General Discharge Prohibitions**

- (2) No user shall introduce or cause to be introduced directly or indirectly into the POTW any pollutant or
- (3) wastewater which causes pass-through or interference. These general prohibitions apply to all such users
- (4) of a POTW, whether or not the user is subject to national categorical pretreatment standards or any other national, state or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:
- A. Any wastewaters containing toxic pollutants or poisonous liquids, gases or solids (including heavy metals) in sufficient quantity, which either singly or by interaction with other wastes, injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, create any hazard in the waters receiving treated effluent from the POTW treatment plant or exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.
- B. Any wastewater, liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150° F.) [sixty-five degrees Celsius (65° C.)]. No person may discharge a waste which shall cause the temperature at the POTW influent to exceed 104° F (40° C).
- C. Any wastewaters having pH lower than five point five (5.5) standard units (s.u.) or higher than 11.0 s.u., or having any other corrosive property capable of causing damage or hazard to structures, equipment, process or personnel at the POTW.
- D. Any wastewaters containing fats, wax, grease or oils or containing substances which may solidify or become viscous at temperatures between thirty-two degrees Fahrenheit (32° F.) [zero degrees Celsius (0° C.)] and one hundred fifty degrees Fahrenheit (150° F.) [sixty-five degrees Celsius (65° C.)]. Fats, oils, greases or waxes which are free floating shall not be discharged into the sewer system.
- E. Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than 5% nor any single reading over 10% of the lower explosive limit (LEL) of the meter. Prohibited materials include but are not limited to gasoline, fuel oil, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the Town or City, the state or EPA has notified the user is a fire hazard or a hazard to the system.
- F. Any solid or viscous substances in quantities of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the POTW, such as but not limited to, ashes, cinders, spent lime, sand, mud, straw, shavings, metal, glass, rags, feathers, bones, tar, plastics, wood, unground garbage, grass clippings, whole blood, paunch manure, hair and fleshings, entrails, grease, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- G. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower [seventy-six-hundredths (0.76) horsepower metric] or greater shall be subject to the review and approval of the Superintendent. (See Article I, § 161-1,

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definition of "properly shredded garbage.")

- H. Waters or wastes containing dyes or other color which cannot be removed by biological processes and which require special chemical treatment in order for POTW treatment plant effluent to meet standards set by state law or rules, regulations or orders made pursuant to law.
- I. Waters or wastes which require excessive quantities of chlorine for stabilization in addition to biological treatment..
- J. Any waters or wastes containing phenols or other taste or odor producing substances in such concentrations exceeding limits which may be established by the Sewer Commission/Commission as necessary and after treatment of the composite wastewater to meet the requirements of the state, federal or other public agencies or jurisdiction for such discharge to the receiving waters.
- K. Any radioactive wastes or isotopes in excessive amounts or of such half-life or concentration as may exceed limits established in applicable state or federal regulations or by the Sewer Commission/Commission.
- L. Pollutants, including oxygen-demanding pollutants (BOD, for example), 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. In no case shall materials or flow be discharged in such amounts as to constitute a slug as defined in this chapter.
- M. Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards.
- N. Any wastewater which causes a hazard to human life or creates a public nuisance, including any 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.
- O. It shall be unlawful for any person to discharge into the sewer system or cause to be discharged into the sewer system the sludge resulting from pretreatment of waters or wastewaters.
- P. Any pollutants which create a fire or explosion 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 set forth in 40 CFR 261.21.
- Q. Any petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass-through.
- R. Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- S. Pollutants, substances or wastewater prohibited by this § **161-20** shall not be processed or stored in such a manner or location that they could be discharged to the POTW.
- T. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference but in no case solids greater than one-half inch ( $\frac{1}{2}$ "; 1.27 cm) in any dimension.

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### § 161-20A Specific local limitations

- A. The following Local Limits, representing the total Maximum Allowable Industrial Load ('MAIL') from all industrial sewer users, are established to protect the POTW from pass-through and interference. The Commission shall issue discharge permits to all Significant Industrial Users ('SIUs') with site-specific limits for the permittee's discharge parameters. The Commission shall establish the site-specific limits for each SIU to ensure that the total industrial wastewater loading to the POTW does not exceed the Local Limits. The Commission reserves the right to adjust the individual SIU discharge limits in the future, as necessary, to address changes in the SIU's discharge volume or pollutant characteristics of the industrial wastewater.

Parameter	Maximum Allowable Industrial Load (lb/day)
Aluminum	39.9
Arsenic	0.664 <sup>‡</sup>
Cadmium	0.0132 <sup>‡</sup>
Chromium	61.9 <sup>‡</sup>
Copper	0.185
Lead	0.293 <sup>‡</sup>
Mercury	0.00326
Nickel	3.95 <sup>‡</sup>
Selenium	0.943 <sup>‡</sup>
Silver	0.409 <sup>‡</sup>
Zinc	4.49 <sup>‡</sup>
Chromium VI	8.72 <sup>‡</sup>
Ammonia	1,859 <sup>‡</sup>
BOD5	8,584
TSS	6,960
Total Phosphorus	10.7 <sup>‡</sup>
Cyanide	2.029 <sup>‡</sup>
<b>Note:</b> "‡" designates 'Screening Limit'	

- B. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between 32 °F and 150 °F (0 °C and 65 °C).
- C. pH: not less than 5.5 standard units (s.u.) nor more than 11.0 s.u.

### § 161-20B Precedence of Other Standards

The Categorical Pretreatment Standards set forth in 40 CFR, Chapter 1, Subchapter N, Parts 405 - 471, are hereby incorporated into this chapter and adopted by the City subject to the following:

- A. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the



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concentration of a pollutant in wastewater, the Commission may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

- B. Upon the effective date of the Categorical Pretreatment Standards for a particular industrial subcategory, the Categorical Standard, if more stringent than the limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter.
- C. When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same standard, the Commission shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- D. A User may obtain a variance from a Categorical Pretreatment Standard if the User can prove, pursuant to the procedural and substantive requirement of 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the Categorical Pretreatment Standard.
- E. A User may obtain a net gross adjustment to a Categorical Pretreatment Standard in accordance with 40 CFR 403.15.
- F. If State or Local Limits are more stringent than the Categorical Pretreatment Standards, then the State or local standards shall apply. It is the intent of this section that the most stringent standards shall apply.
- G. The City reserves the right to establish by this chapter more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives of 403 CFR Part 403.

**§ 161-20C Accidental Discharge**

- A. Regulations. Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities required to prevent accidental discharge of prohibited materials shall be provided and maintained at the owners or User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Pretreatment Coordinator for review and shall be approved before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the User's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the Pretreatment Coordinator or his duly authorized representative of the incident. (See Article VI, § 161-34A.H, of this chapter.)
- B. Notice to employees. 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 slug discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.
- C. Accidental discharge/slug control plans. At least once every two years, the Pretreatment Coordinator shall evaluate whether each Significant Industrial User needs an accidental discharge/slug control plan. The Pretreatment Coordinator may require any User to develop, submit for approval and implement such a plan. Alternatively, the Pretreatment Coordinator may develop such a plan for any User. An accidental discharge/slug control plan shall address, at a minimum, the following:
  - (1) Description of discharge practices, including non-routine batch discharges.

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- (2) Description of stored chemicals.
  - (3) Procedures for immediately notifying the Pretreatment Coordinator of any accidental or slug discharges, as required by § 161-34A.H of this chapter.
  - (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.
  - (5) Such other plans, methods, steps, systems or requirements as the Pretreatment Coordinator may require.
- D. The User must immediately notify the Pretreatment Coordinator of changes that occur at the facility affecting the potential for an accidental or slug discharge, thereby allowing the Pretreatment Coordinator to reevaluate the need for an Accidental/Slug Discharge Control Plan or other actions to prevent such discharges.
- E. Each User must notify the Pretreatment Coordinator of any planned significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least 45 days before the change. The notification shall include location of the discharge, type of waste, concentration and volume and corrective actions.
- F. No User who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Pretreatment Coordinator. § 161-21 Action by Sewer Commission.**
- A. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § **161-20** of this Article and which, in the judgment of the Sewer Commission/Commission, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Sewer Commission/Commission may:
- (1) Reject the wastewaters or the wastes.
  - (2) Require pretreatment of wastewaters or wastes to modify them to an acceptable condition for discharge to the public sewers; and/or
  - (3) Require control over the quantities and rates of discharge of the wastewaters or wastes; and/or
  - (4) Require payment to cover the added cost of handling and treating the wastewaters or wastes not covered by existing taxes or sewer charges under the provisions of § **161-2** of this Article.
- B. If the Sewer Commission/Commission permits the pretreatment or equalization of wastewater or waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Sewer Commission/Commission, and subject to the requirements of all applicable codes, bylaws and laws and the rules and regulations of the Sewer Commission/Commission. Any costs involved with such reviews shall be paid by the person requesting the permit.

**§ 161-22 Grease, oil and sand interceptors.**

Grease, oil and sand interceptors shall be provided when, in the opinion of the Sewer Commission, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable

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wastes, sand or other harmful ingredients; except that such interceptors shall be of a type and capacity approved by the Sewer Commission and shall be located as to be readily and easily accessible for cleaning and inspection.

### **§ 161-23 Preliminary treatment or flow-equalizing facilities.**

Where preliminary treatment or flow-equalizing facilities are provided for any wastewaters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner, at his expense.

### **§ 161-24 Installation of control structures.**

When required by the Sewer Commission, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastewater or wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Sewer Commission. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

### **§ 161-25 Sampling standards.**

All measurements, test and analyses of the characteristics of wastewaters to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control structure provided or upon suitable samples taken at said control structure. In the event that no special structure has been required by the Sewer Commission, samples shall be taken at suitable locations within the establishment from which the wastewaters are being discharged. Sampling shall be carried out by accepted methods specifically designed to obtain representative samples of the total wastewater discharge and of slugs if any occur. [The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls from a premises is appropriate or whether a separate sample or samples should be taken.] Frequency of sampling shall be established by the Superintendent on an individual basis. Any costs involved in examination and tests shall be paid by the individual industry. The Sewer Commission may check these tests as necessary.

### **§ 161-26 Monitoring of industrial discharges.**

All industries discharging into a public sewer shall perform such monitoring of their discharges as the Sewer Commission and/or other duly authorized employees of the town may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Sewer Commission. Such records shall be made available upon the request by the Sewer Commission to other agencies having jurisdiction over discharges to the receiving waters.

### **§ 161-27 Future connections.**

Future connections to facilities constructed by the town shall be designed in criteria established by the Superintendent and constructed by the person desiring the additional connection after review and approval of the plans and specifications by the Sewer Commission and the Superintendent.

### **§ 161-28 Adoption or amendment of rules and regulations.**

Any rules and regulations consistent with this chapter may be adopted and/or amended by the Sewer Commission in conformance with MGL C. 83, § 10, after due notice published once a week for three (3) consecutive weeks in a newspaper available to inhabitants of the Town.

### **§ 161-29 Individual septic systems.**

Regulations for and supervision of individual septic systems are not included under this chapter.

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### **Protection From Damage**

#### **§ 161-30 Damage prohibited.**

No unauthorized person shall:

- A. Break, damage, destroy, uncover, deface or tamper with any equipment or materials belonging to the Town of Westminster or City of Fitchburg and used or intended to be used for the purposes of making measurement, tests or examination of sewage or wastes.
- B. Remove, damage or interfere with the functioning of any pipe, main, manhole, manhole cover, building, apparatus or equipment used in the collection, conveyance or treatment of sewage or industrial wastes.
- C. Place or cause to be placed in any manhole or sewer pipe or main any material which results or is likely to result in the stopping or obstructing of the normal flow of sewage or wastes. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

### **Article V**

#### **Powers and Authority of Inspectors**

#### **§ 161-31 Entrance permitted; inquiries limited.**

The Sewer Commission, Commission, Superintendent, Commissioner and other duly authorized employees 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 this chapter. The Sewer Commission, Commission, Superintendent, Commissioner or other representatives shall have no authority to inquire into any process, 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 of facilities for wastes treatment.

#### **§ 161-32 Observance of safety rules; liability.**

While performing the necessary work on private properties referred to in § 161-31 above, the Sewer Commission, Commission, Superintendent, Commissioner or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the town employees, and the town/city shall indemnify the company against loss or damage for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except such as may be caused by negligence or failure of the company to maintain safe conditions as required in Article III, § 161-24.

#### **§ 161-33 Use of easements.**

The Sewer Commission, Commissioner, Superintendent, Commissioner and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town/city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. The Superintendent/Commissioner and other duly authorized employees of the town/city bearing proper credentials and identification shall be permitted to enter the building on private property to prevent any illegal discharge to the sewers.

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### Article VI

#### **Industrial Pretreatment Program**

##### **§ 161-34 Authorized agent.**

The Fitchburg Wastewater Treatment Facility, through its Commission or Commissioner, or his/her designee, shall constitute the town's authorized agent for its industrial pretreatment program, and for this purpose, the Sewer Commissioners may enter into a contract to provide for such service, which shall include sewer connection permit approval, discharge permitting and monitoring authority. Said agent shall also have all legal remedies which would be available to the Sewer Commission, including recourse against collection system violators, which remedies shall include, but not be limited to, injunctive relief and suit for punitive damages. The Commission shall have full power and authority to promulgate 'Rules and Regulations' relating to all aspects of the federal pretreatment program, for all purposes set forth in MGL c.83, s.10, and to comply with federal law, including EPA regulations, state law and regulations, and to further the purposes and objectives of this chapter. Such 'Rules and Regulations' may include but not be limited to regulations for imposition of civil penalties, procedural regulations governing hearings and appeals, regulations imposing stricter requirements with respect to application for permits, issuance of permits, contents of permits, and modification or termination of permits issued by the Commission.

- A. Permit application. All significant industrial users proposing to connect to or contribute to the POTW shall obtain a wastewater discharge permit or have a discharge agreement before connecting to or contributing to the POTW. Significant industrial users shall complete and file with the City an application for a wastewater discharge permit on a City-provided form. If additional pretreatment and/or operation and maintenance will be required to meet pretreatment standards, the user shall submit with his or her permit application the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The Commission will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Commission may issue a wastewater discharge permit subject to terms and conditions provided herein. All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the certification required by 40 CFR 403.6(a)(2)(ii).
- B. Permit modifications. Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standard shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user subject to a national categorical pretreatment standard has not previously submitted an application for a wastewater discharge permit as required by Subsection **A** hereof, the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater discharge permit shall submit to the Commission within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required by the City's Sewer Rules and Regulations.
- C. Discharge document conditions. Discharge documents shall be made expressly subject to all the provisions of this chapter and to all other applicable federal, state and local laws and regulations and user charges and fees established by the City. A violation of any provision of this chapter or any other applicable state or federal law shall be deemed a violation of the permit.
- D. Duration of discharge documents. Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements identified in Article **III** are modified or other just cause exists. The user shall be informed of any proposed changes in his or her permit at least 30 days prior

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to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. Discharge agreement term shall be based on actual conditions contained in specific document.

- E. Transfer of discharge documents. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the Commission. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. The transfer of discharge rights pursuant to agreement documents shall be based on conditions contained in the specific document.

### **§ 161-34A Reporting Requirements.**

The reporting requirements for holders of wastewater discharge permits shall be the same as presented below:

- A. Pretreatment Baseline Monitoring Report. Any User subject to Pretreatment Standards shall submit a baseline monitoring report (form supplied by the City) to the Pretreatment Coordinator by whichever deadline is later:
  - (1) Existing Sources. Either 180 days after the final administrative decision is made upon a category determination submission under 40 CFR 403.6(a)(4); or 180 days after the effective date of a Categorical Pretreatment Standard for that particular industry.
  - (2) New Sources. At least 90 days prior to commencement of their discharge, New Sources and sources that become Categorical Users after the promulgation of an applicable Categorical Standard shall submit to the Pretreatment Coordinator a report which contains the information listed below. A New Source shall report the method of pretreatment it intends to use to meet the applicable Categorical Pretreatment Standards. A New Source shall also give estimates of its anticipated flow and quantity of pollutants to be discharged.
    - (a) Measurement of pollutants.
      - i. The User shall take a minimum of one representative sample to compile data necessary to comply with monitoring requirements.
      - ii. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Pretreatment Coordinator;
      - iii. Sampling and analysis shall be performed in accordance with § 161-34B.C;
      - iv. The Pretreatment Coordinator may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
      - v. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work

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cycles and expected pollutant discharges to the POTW.

- a. Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in § 161-1 and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
- b. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. 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 § 161-34A.B of this Chapter.
- c. Signature and Report Certification. All baseline monitoring reports must be certified in accordance with § 161-34A.F of this Chapter and signed by an Authorized Representative as defined in § 161-1.

B. Compliance Schedule Report. If additional pretreatment and/or operation and maintenance procedures will be required to meet the Pretreatment Standards, the User shall submit a schedule for compliance with said Standards.

- (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing a contract for major components, commencing construction, completing construction, etc.). No increment shall exceed 9 months.
- (2) The completion date in the compliance schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. Not later than 14 days following each date in the schedule, the User shall submit a progress report to the Pretreatment Coordinator, including, at a minimum, whether or not it complied with the increment of progress to be met on such 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 schedule established. In no event shall more than nine months elapse between such progress reports to the Pretreatment Coordinator.

C. Report on Compliance with Categorical Pretreatment Standard Deadlines. Any User presently discharging to the POTW and subject to Categorical Pretreatment Standards shall submit a report within 90 days following the date for final compliance with said Standards. New Users shall submit this report following commencement of the introduction of wastewater into the POTW. The User shall supply the following information on a form supplied by the City:

- (1) The nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards. Sampling shall be conducted in accordance with 40 CFR part 136 and §161-34B.C.
- (2) The average and maximum daily flow for those process units of the Industrial User which are limited by such Pretreatment Standards or Requirements.

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- (3) Whether applicable Pretreatment Standards and requirements are being met, and if not, what additional pretreatment and/or operation and maintenance procedures are needed to bring the User into compliance.
  - (4) Additional information as required by 40 CFR 403.12(d) or as required by the Pretreatment Coordinator or the Commission.
  - (5) This statement shall be signed by an Authorized Representative of the User, as specified in 40 CFR 403.12(d).
- D. Periodic Compliance (Self-Monitoring) Reports. Any User subject to a Categorical Pretreatment Standard after the compliance date of such Pretreatment Standard, or in the case of a New Source, after commencement of the discharge into the POTW, shall submit **Quarterly Self-Monitoring Compliance Reports** to the Pretreatment Coordinator by or before **April 1<sup>st</sup>, July 1<sup>st</sup>, October 1<sup>st</sup>, and January 1<sup>st</sup>**, unless required more frequently in the Pretreatment Standard, or by the Pretreatment Coordinator or Deputy Commissioner, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Categorical Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in the baseline monitoring report, except that the Pretreatment Coordinator may require more detailed reporting of flows.
- (1) All wastewater samples must be representative of the User's discharge.
  - (2) 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) 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 Commission or the Pretreatment Standard necessary to determine the compliance status of the User.
  - (4) At the discretion of the Pretreatment Coordinator and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Pretreatment Coordinator may agree to alter the months during which the above reports are to be submitted.
  - (5) Significant Non-categorical Users shall submit periodic compliance reports at least once every six months in accordance with 40 CFR 403.12(h) or as required by the Pretreatment Coordinator.
  - (6) If the Industrial User monitors any pollutant more frequently than required by the POTW, the results of this monitoring shall be included in this report.
  - (7) This statement shall be signed by an Authorized Representative of the User, as specified in 40 CFR 403.12(d).
- E. Reports of Changed Conditions. Each User must notify the Commissioner and Pretreatment Coordinator of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least 45 days before the change.
- (1) The Pretreatment Coordinator 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



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permit application under § 161-34 of this chapter.

- (2) The Commission may issue an individual wastewater discharge permit or modify an existing wastewater discharge permit in response to changed conditions or anticipated changed conditions.
- (3) Significant Industrial Users are required to notify the Pretreatment Coordinator immediately of any changes at its facility affecting the potential for a slug discharge.

F. Certification Statements.

- (1) The following certification statement is required to be signed by Users submitting baseline monitoring reports, pretreatment compliance reports, periodic compliance reports, self-monitoring reports and permit applications.

- (a) “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.”

- G. Date of Receipt of Reports. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, the date of receipt of the report shall govern.

- H. Accidental/Slug Discharges Report. In the event of an accidental discharge into the sanitary sewer of any wastes which might pose a hazard to the POTW treatment processes, personnel or sludge disposal methods or the discharge of a slug as defined herein, the Pretreatment Coordinator must be notified by the User within one hour after discovery. Notification shall include location of discharge, type of waste, concentration and volume and corrective actions. A written report must be submitted within five days, stating what occurred and the corrective actions taken so that further accidental discharges will not occur. 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, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

- I. Upset Reporting. The occurrence of an Upset, as defined in § 161-1, shall constitute an affirmative defense for an Industrial User to an action brought for noncompliance with Categorical Pretreatment Standards and local and state requirements. The burden of proof for such upset shall rest on the Industrial User. The Industrial User must notify the Pretreatment Coordinator immediately after becoming aware of the Upset. The Industrial User must have evidence to demonstrate the following conditions:

- (1) An Upset occurred and the Industrial User can identify the specific cause(s) of the Upset.
- (2) The treatment facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.
- (3) The Industrial User has submitted the following information to the Pretreatment Coordinator within 24 hours of becoming aware of the Upset (if this information is provided orally, a written submission must be provided within five days):

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- (a) A description of the discharge and cause of noncompliance.
  - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.
  - (c) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- (4) In any enforcement proceeding, the User, seeking to establish the occurrence of an Upset, shall have the burden of proof.
- (5) The Industrial User shall control production and all discharges to the extent necessary to return to 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.
- (6) Recordkeeping. Users subject to the reporting requirements of this chapter shall retain and make available for inspection and copying all records and information obtained pursuant to any monitoring activities required by this chapter or by order of the Commission or Pretreatment Coordinator any additional records or information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices. Such records shall include:
- (a.) The date, exact place, method and time of sampling and the name(s) of the person(s) taking the samples.
  - (b.) The dates analyses were performed.
  - (c.) Who performed the analyses.
  - (d.) The analytical techniques/methods used.
  - (e.) The results of such analyses.
- (7) Any Industrial User subject to the reporting requirements established in this chapter shall be required to maintain for a minimum of three years all records of monitoring activities and results. Records shall be made available for inspection and copying by the Pretreatment Coordinator. The period of retention shall be extended during the course of any unresolved litigation relating to the Industrial User, the City or the POTW, or where the User has been specifically notified or ordered to retain records for a longer period by the Commission or Pretreatment Coordinator.
- J. Sludge Documentation. The transportation and/or disposal of sludges generated by pretreatment shall be subject to applicable Federal, State and local regulations. The Industrial User shall be responsible for documenting the transporting and/or disposal of all pretreatment sludges. Receipts and other documentation shall be kept for a minimum of three years and shall be made available to the Pretreatment Coordinator upon request.
- K. Intercepted and Separated Materials. Upon request by the Pretreatment Coordinator, a User having an interceptor or separator must state specifically how the waste oil, grease, solvent, paint, etc., is disposed of and must provide evidence of such disposal service when required by the Pretreatment Coordinator.

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Records and receipts must be kept which demonstrate that these waste materials were contained and transported in a safe manner as prescribed by the rules of regulatory agencies, including but not limited to the United States Department of Transportation, and handled by reputable persons who shall dispose of all such wastes in accordance with all Federal, State and local regulations.

- L. Truth in Reporting. The reports required by this section shall comply with and be subject to the provisions of the United States Code (18 U.S.C. § 1001) relating to fraud and false statements; the provisions of Section 309(c)(4) of the Act governing false statements, representation or certification; and the provisions of Section 309(c)(6) of the Act regarding responsible corporate officers.
- M. Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a User indicates a violation, the User must notify the Pretreatment Coordinator 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 Pretreatment Coordinator within 30 days after becoming aware of the violation. The User is not required to resample if the Pretreatment Coordinator monitors at the User's facility at least once a month or if the Pretreatment Coordinator samples at a time between the User's initial sampling and the time when the User received the results of this initial sampling.
- N. Notification of the Discharge of Hazardous Waste.
  - (1) Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number and the type of discharge (continuous, batch or other). If the User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents in the wastestream discharged during the calendar month and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 90 days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, reports of changed conditions must be submitted under § 161-34A.E of this chapter. The notification requirement in this section does not apply to pollutants already reported by Users subject to Categorical Pretreatment Standards under the self-monitoring requirements of this chapter.
  - (2) Dischargers are exempt from the requirements of Subsection N(1) above, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as set forth in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
  - (3) If new regulations under Section 3001 of the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq., or any other Federal or State statute identify additional characteristics of hazardous waste or list any additional substance as a hazardous waste, the User must notify the Pretreatment Coordinator, the EPA Regional Waste Management Waste Division Director and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
  - (4) In the case of any notification made under this section, the User shall certify that it has a program in

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place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, by a permit issued hereunder or by any applicable Federal or State law.

- O. Analytical requirements. All pollutant analysis, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and § 161-34B, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question; sampling and analyses must be performed in accordance with procedures approved by EPA.

**§ 161-34B Self-Monitoring Regulations.**

- A. Requirements. Periodic measurements of flow, suspended solids, BOD<sub>5</sub> and other appropriate waste characteristics shall be made by those Users specifically designated by the Commission. The Commission shall determine the number of twenty-four-hour flow measurements and samples required. All samples taken by the Industrial User shall be divided with the City for testing as specified by the Commission. Continuous monitoring may be required in cases involving large fluctuations in quantity or quality of wastes or if the wastewater appears to have characteristics which may damage the treatment system. The acceptability of any monitoring results shall be determined by the Commission. Self-monitoring frequency, parameters and location shall be specified by the Commission and stated on the User's discharge permit.
- B. Facilities. The City shall require monitoring facilities to be provided and operated at the User's own expense to facilitate inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the Commission may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Commission.
- C. Measurements. All measurements, tests and analyses of the characteristics of wastewaters to which reference is made in this chapter shall be determined and performed in accordance with standard laboratory procedures and in accordance with § 161-34A.O of this chapter. In the event that no special structure has been required by the Commission, samples shall be taken at suitable locations within the establishment from which the wastewaters are being discharged. Sampling shall be carried out by accepted methods specifically designed to obtain representative samples of the total wastewater discharge and of slugs if any occur. Frequency of sampling shall be established by the Commission on an individual basis and stated in the User's permit. Any costs involved in examination and tests shall be paid by the individual industry. The Pretreatment Coordinator may check these tests as necessary.
- (1) Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-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. In addition, grab samples may be required to show compliance with Instantaneous

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Limits.

- (a) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (b) For sampling required in support of baseline monitoring and 90-day compliance reports a minimum of four (4) 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 sampling data are available, the Pretreatment Coordinator may authorize a lower minimum. For periodic compliance reports and reports on compliance with Pretreatment Standards the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.
- (c) Except for those pollutants that are required to be measured by grab samples (referenced above), all other pollutants will be measured using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is representative of the discharge and is authorized by the Pretreatment Coordinator.
- (d) Samples should be taken immediately downstream from pretreatment facilities, if such exist, or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the User should measure the flows and concentrations necessary to allow use of the combined waste stream formula CFR 403.6(e) in order to evaluate compliance with Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 403.6(e), this adjusted limit along with supporting data shall be submitted to the POTW.

**§ 161-34C Pretreatment of Industrial Wastewater.**

- (5) A. Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all Categorical Pretreatment Standards, Local Limits and prohibitions set out in Article V, within the limitations set by the EPA, the Commonwealth of Massachusetts or the Commission, whichever limitation is the most stringent. Any facilities required to pretreat wastewater to a level acceptable to the Commission shall be provided, operated and maintained at the User's expense.
- (6) B. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Pretreatment Coordinator for review and shall be acceptable to the Pretreatment Coordinator 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 effluent acceptable to the Commission under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to the Pretreatment Coordinator and be acceptable to the Pretreatment Coordinator prior to the User's initiation of the changes.

**§ 161-34D Confidential Information.**

- (7) A. Information and data on a User obtained from reports, questionnaires, permit applications, permits, monitoring programs and inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Commission that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.
- (8) B. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made

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available upon written request to governmental agencies for uses related to this chapter, the NPDES permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the Commonwealth or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

- (9) C. Information accepted by the Commission as confidential shall not be transmitted to any governmental agency or to the general public by the Commission until and unless a ten-day notification is given to the User.

### **§ 161-34E Publication of Users in Significant Violation.**

- A. The Commission shall publish annually, in the largest daily newspaper in the City, a list of the Users which, during the previous 12 months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term "Significant Noncompliance" shall be as defined in § 161-1.

## **Article VII Violations and Penalties**

### **§ 161-35 Violations.**

- A. Any person who fails to comply with this chapter and/or its rules and regulations promulgated hereunder shall be subject to enforcement actions by the Town/City in accordance with the remedies detailed in this Article VII, and in accordance with the Sewer Rules and Regulations.
- B. When the Pretreatment Coordinator finds that a User has violated or continues to violate any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or requirement, the Pretreatment Coordinator may serve upon that User a written Notice of Violation. Within 10 days of the receipt of such notice, the User shall submit a written explanation of the violation and a plan for the satisfactory correction and prevention thereof, including its plan for implementing specific required actions. Submission of a plan shall not relieve the User of any liability for any violations occurring before or after receipt of the notice or order, nor shall corrective action undertaken by a User be deemed a defense to the impositions of civil penalties imposed under this chapter.
- C. Effective date. Any notice or order issued under this chapter is effective immediately, according to its terms, when it is served.

### **§ 161-36 Civil Penalties.**

- A. The Sewer Commission/Commission shall prescribe and establish civil administrative penalties for violations of this chapter, or orders of the Sewer Commission/Commission or Superintendent/Commissioner, or his/her designee, the conditions of the permit, pretreatment standards and any federal and state requirement applicable to users discharging into the POTW system. The penalties shall be not more than \$5,000 for each violation. Each day on which the violation(s) exists shall be deemed a separate violation.
- B. When the Superintendent/Commissioner, or his/her designee, finds that a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Superintendent/Commissioner, or his/her designee, may fine such user in an amount not to exceed \$5,000 per violation for each day of violation. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

- (1) Fines shall be assessed at two hundred dollars (\$200.00) per violation per day for the first violation and increase by two hundred dollars (\$200.00) per day for each subsequent violation to a maximum of

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five thousand dollars (\$5,000.00) per violation per day.

(2)If the industry/permittee remains in full compliance for one year from the date the fine was assessed, the assessment cycle shall begin anew and any subsequent fines will be assessed as described above beginning at two hundred dollars (\$200.00) per violation per day.

- C. The Sewer Commission/Commissioner may recover reasonable attorneys' 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/City.
- D. In determining the amount of civil liability, the Town/City shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- E. Issuance of an administrative fine shall not be a bar against, or a prerequisite for taking any other enforcement and penalty action against the User.

**§ 161-37 Criminal Penalties.**

- A. Any user or person who violates any provision of this chapter, a wastewater discharge permit or order issued pursuant to this chapter or any pretreatment standard or requirement shall, upon conviction, be punished by a fine of not more than \$300 per violation per day.
- B. Any person who makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained by this chapter or discharge permits or who falsifies, tampers with or knowingly renders inaccurate monitoring device or method required by this chapter shall, upon conviction, be punished by a fine of \$300 per violation.
- C. A User who knowingly or with a wanton or reckless disregard causes or permits any substance to be introduced into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a fine as set forth in **§ 161-37.A**. This penalty shall be in addition to any other civil fine or cause of action for personal injury or property damage available under State law.

Article VIII  
**General Provisions**

**§ 161-38 Repealer.**

All bylaws or parts of bylaws in conflict herewith are hereby repealed.

**§ 161-39 Severability.**

The invalidity of any section, clause, sentence or provision of this chapter shall not affect the validity of any other part of this chapter which can be given effect without such invalid part or parts.

**§ 161-40 Effect on City of Fitchburg ordinance.**

These Sewer Use Rules and Regulations shall not contravene, nor render ineffective any of the lawfully established ordinances of the City of Fitchburg titled "Ordinance Governing the Discharge of Waters and Wastes Into the Public Sewer System."

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§ 161-41 **When effective.**

This chapter shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.