

314 CMR: DIVISION OF WATER POLLUTION CONTROL

314 CMR 7.00: SEWER SYSTEM EXTENSION AND CONNECTION PERMIT PROGRAM

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7.01: Purpose and Authority

314 CMR 7.00 establishes the program whereby sewer system extensions and connections are regulated and permitted by the Department pursuant to M.G.L. c. 21, § 43. 314 CMR 7.00 is adopted to insure proper operation of wastewater treatment facilities and sewer systems within the Commonwealth.

7.02: Definitions

As used in 314 CMR 7.00, the following words have the following meaning:

Bypass means the diversion of wastes from any portion of a treatment works.

Closed Loop System means any treatment system that treats wastewater and does not discharge effluent to the ground, a municipal sewer system, or surface water.

Department means the Massachusetts Department of Environmental Protection (DEP) as established by M.G.L. c. 21A, § 7.

Directly-piped means any connective fittings and piping between industrial production process tanks and receiving equalization tanks or an Industrial Wastewater Pretreatment System (IWPS) that are intended to be permanent fittings, composed of impermeable materials and designed, installed, operated, and maintained so as to prevent leakage of wastewater and air emissions to the environment.

Discharge or Discharge of Pollutants means any addition of any pollutant or combination of pollutants to waters of the Commonwealth from any source, including but not limited to, discharges from surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a Publicly Owned Treatment Works (POTW); and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any indirect discharger.

Effluent means a discharge of pollutants into the environment, or to a sewer system whether or not treated.

Effluent Limitation or Effluent Limit means any requirement, restriction, or standard imposed by the Department, local municipality, or EPA on quantities, discharge rates, and concentrations of pollutants which are discharged from point sources into waters of the Commonwealth or to publicly owned treatment works.

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Environmental Protection Agency or EPA means the United States Environmental Protection Agency.

Existing Industrial User means the entity that introduces pollutants into a municipal sewer system from any non-domestic source on or before January 12, 2007.

Existing Sewer Connection means any connection to the sewer system on or before January 12, 2007.

Existing Sewer Extension means any extension of the sewer line on or before January 12, 2007.

Federal Act means the Clean Water Act, P.L. 92-500 and 33 U.S.C. 1251 *et seq.*

Fully Automated Industrial Wastewater Pretreatment System (FAIWPS) means a pretreatment system that is equipped with treatment process controller(s), which are capable of initiating, conducting and completing wastewater treatment processes automatically according to preset control parameters and treatment processes. In addition, a FAIWPS shall be capable of responding to any potential system malfunctions that could impact effluent compliance. Such responses shall include, but not be limited to:

- (a) automatic system shutdown, switching the incoming flow to a temporary holding device, or re-circulation of the wastewater within the treatment system until the preset control parameters are restored; and
- (b) sending appropriate alarm signals to a staffed location during operating hours, or executing an on-call system that notifies a responsible operator in a timely manner.

Hazardous Industrial Wastewater means a wastewater that has been characterized as hazardous waste pursuant to the Massachusetts Hazardous Waste Regulations at 310 CMR 30.000.

Hazardous Industrial Wastewater Sludge means a solid or semi-solid waste that has been characterized as hazardous waste pursuant to the Massachusetts Hazardous Waste Regulations at 310 CMR 30.000.

Hazardous Waste means a hazardous waste pursuant to the Massachusetts Hazardous Waste Regulations, 310 CMR 30.000.

Industrial User, or Indirect Discharger means the entity that introduces pollutants into a municipal sewer system from any non-domestic source.

Industrial Waste means any liquid, gaseous, or solid waste substance or a combination thereof resulting from any process of industry, manufacturing, trade, or business or from the development or recovery of any natural resources.

Industrial Wastewater means waste in liquid form resulting from any process of industry, trade, or business, regardless of volume or pollutant content. Waste in liquid form consisting of only sewage is not considered industrial wastewater.

Industrial Wastewater Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in *lieu* of discharging or otherwise introducing such pollutants into a collection system for a POTW.

Industrial Wastewater Pretreatment System or IWPS means a treatment works for Industrial Wastewater Pretreatment prior to discharge to the sewer system or POTW. A treatment works consisting solely of one or more of the following is not considered an IWPS:

- (a) Grease traps;
- (b) Oil-and-water separators such as Metropolitan District Commission (MDC)-designed traps;
- (c) Neutralization units which process less than 100 gallons per day in batches of two liters or less;

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- (d) Limestone chip neutralization units; or
- (e) Closed loop systems.

In-ground Tank means a storage or treatment tank, which is positioned partially or completely in the plane of the adjacent surrounding surface. For purposes of 314 CMR 7.00, any in-ground sumps or pits as part of spill containment devices only are not classified as in-ground tanks.

IPP-POTW means a POTW that has an industrial pretreatment program approved by EPA under 40 CFR 403.

Infiltration means water other than wastewater that enters a sewer system (including sewer connections and foundation drains) from the ground through means which include, but are not limited to, defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from inflow.

Infiltration/Inflow means the quantity of water from both infiltration and inflow without distinguishing the source.

Infiltration/Inflow Rehabilitation means construction associated with the removal of infiltration and inflow from abatement facilities.

Inflow means water other than sanitary flow that enters a sewer system (including sewer connections) from sources that include, but are not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include and is distinguished from, infiltration.

Interference means an inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, use or disposal which is a cause of or significantly contributes to either a violation of any requirement of the POTW's permit (including an increase in the magnitude or duration of a violation) or the prevention of sludge use or disposal by the POTW in accordance with applicable Federal, State, or local laws and regulations or permits issued thereunder. An Industrial User significantly contributes to such a permit violation or prevention of sludge use or disposal in accordance with applicable requirements whenever such Industrial User:

- (a) discharges a daily pollutant loading in excess of that allowed by the POTW or by Federal, State, or local law; or
- (b) discharges wastewater which substantially differs in nature, magnitude, or constituents from the user's average discharge; or
- (c) knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a POTW permit violation or would prevent sludge use or disposal in accordance with the applicable requirements for the POTW's selected method of sludge management.

Massachusetts (MA) Historical Commission means the enabling statute for the Massachusetts Historical Commission at M.G.L. c. 9, §§ 26 through 27C, and 950 CMR 71.00.

Massachusetts Water Quality Standards - the Massachusetts Surface Water Quality Standards (314 CMR 4.00) and the Massachusetts Ground Water Quality Standards (314 CMR 6.00).

MEPA means the Massachusetts Environmental Policy Act, M.G.L. c. 30, §§ 61 through 62H, and 301 CMR 11.00.

New Industrial User means the entity proposed to introduce pollutants into a municipal sewer system from any non-domestic source after January 12, 2007.

New Sewer Connection means any sewer connection proposed after January 12, 2007.

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New Sewer Extension means any sewer extension proposed after January 12, 2007.

Non-IPP-POTW means a POTW that does not have an industrial pretreatment program approved by EPA under 40 CFR 403.

Pass Through means the discharge of pollutants through the POTW into waters of the Commonwealth in quantities or concentrations which causes or significantly contributes to a violation of any requirement or limit of the POTW's permit (including but not limited to an increase in the magnitude or duration of a violation). An Industrial User may be determined to have significantly contributed to such permit violation where it:

- (a) Discharges a daily pollutant loading in excess of that allowed by the POTW or by Federal, State, or local law; or
- (b) Discharges wastewater, which substantially differs in nature, magnitude, or constituents from the Industrial User's average discharge; or
- (c) Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a POTW permit violation; or
- (d) Knows or has reason to know that the POTW is, for any reason, violating the final effluent limits in its permit and that such Industrial User discharge either alone or in conjunction with discharges from other sources, increases the magnitude or duration of the POTW violations.

Permit means an authorization issued pursuant to M.G.L. c. 21, § 43 and 314 CMR 2.00 and 3.00, 5.00, or 7.00.

Person means any agency or political subdivision of the Commonwealth, the federal government, any public or private corporation or authority, individual, partnership or association, or other entity, including any officer of a public or private agency or organization, upon whom a duty may be imposed by or pursuant to any provisions of M.G.L. c. 21, §§ 26 through 53.

Pollutant means any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, in whatever form and whether originating at a point or major non-point source, which is or may be discharged, drained or otherwise introduced into any sewerage system, treatment works or waters of the Commonwealth.

Pollution means the presence in the environment of pollutants in quantities or characteristics which are or may be injurious to human, plant or animal life or to property or which unreasonably interfere with the comfortable enjoyment of life and property throughout such areas as may be affected thereby.

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in *lieu* of discharging or otherwise introducing such pollutants into a POTW.

Public Entity means any city, town, special district, the Department of Conservation and Recreation or other existing governmental unit eligible to receive a grant for the construction of treatment works from the United States Environmental Protection Agency pursuant to Title II of the Federal Act.

Publicly Owned Treatment Works or POTW means any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a public entity. A POTW includes any sewers, pipes, or other conveyances which convey wastewater to a POTW providing treatment.

RCRA means the Solid Waste Disposal Act, P.L. 94-580 and 42 U.S.C. § 6901 *et seq.*

RCRA Facility means, for the purpose of 314 CMR 7.00 a hazardous waste management facility regulated pursuant to RCRA and that discharges to any sewer or a POTW.

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Sanitary Sewage or Sewage means the water-carried human or animal wastes from residences, buildings, industrial establishments or other places, together with such ground water infiltration and surface water as may be present.

Sanitary Sewer Overflow means the discharge of untreated or partially treated sewage from a sewer system.

Sewer Authority or Pretreatment Authority means any municipal authority or public entity that receives and may regulate the industrial indirect discharges to its POTW.

Sewer System means pipelines or conduits, pumping stations, force mains, and all other structures, devices, appurtenances, and facilities used for collecting and conveying wastes to a site or works for treatment or disposal.

Sewer Connection means the sewer pipes and appurtenant works necessary to connect a building or estate to a sewer system.

Sewer Extension means the addition to a sewer system of a sewer pipe, together with appurtenant works, which when connected to the sewer system becomes the property of, and is operated and maintained by, the person owning the sewer system.

State Act means the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26 through 53.

Toxic Pollutants mean those pollutants identified in 314 CMR 3.16, or any other pollutants, or combination of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly through food chains, may, on the basis of information available to the Department cause death, disease, behavioral abnormalities, cancer, mutations, physiological malfunctions, biochemical abnormalities, including malfunctions in reproduction, or physical deformations, in such organisms or their offspring.

TR-16 means the Guides for Design of Wastewater Treatment Works, prepared by the Technical Advisory Board of the New England Interstate Water Pollution Control Commission.

Treatment Works means any and all devices, processes and properties, real or personal, used in the collection, pumping, transmission, storage, treatment, disposal, recycling, reclamation or reuse of waterborne pollutants, but not including any works receiving a hazardous waste from off the site of the works for the purpose of treatment, storage or disposal, or industrial wastewater holding tanks regulated under 314 CMR 18.00.

Wastewater means sewage, industrial waste, other wastes or any combination of the three.

Waters of the Commonwealth means all waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and ground waters.

7.03: Activities Requiring a Permit

No person shall construct, effect, maintain, modify or use any sewer system extension or connection without a currently valid permit from the Department pursuant to M.G.L. c. 21, § 43 and 314 CMR 7.00, unless such activity meets all the applicable conditions in 314 CMR 7.05, as determined by the Department. Notwithstanding the provisions in 314 CMR 7.05, the Department may, pursuant to its authority under M.G.L. c. 21, § 43 and 314 CMR 7.00, require any person constructing, effecting, maintaining, modifying, or using any sewer system extension or connection to obtain a permit from the Department. Any person who proposes to construct, effect, maintain, modify or use a sewer system extension or connection may obtain a permit by filing an application form in accordance with 314 CMR 7.00 and 2.00. The Department may also require any person to provide information as the Department may reasonably require to determine whether that person is subject to or in violation of M.G.L. c. 21, §§ 26 through 53 and 314 CMR 7.00, including the conditions applicable to the activities not requiring a permit in 314 CMR 7.05.

7.04: Additional Restrictions on the Use of Sewer Systems

(1) Where the Department finds that any discharge of pollutants or other condition in violation of the provisions of 314 CMR 4.00, 6.00, or 7.06 is occurring, or determines that inadequacies in the design or capacity of a sewer system exist, or that additional extensions or connections to, or the increased use of, a sewer system will result in violations of the provisions of the State Act or regulations promulgated thereunder or contribute to the inadequacies in the design or capacity of the sewer system, the Department may take actions deemed necessary by the Department to address such conditions, including but not limited to:

- (a) Prohibit further connections to or extensions of the sewer system; or
- (b) Impose conditions in a Department sewer connection permit or a Department sewer extension permit that requires the permittee to remove or ensure the removal of an adequate amount of infiltration/inflow, as determined by the Department, from a local or regional sewer system; or
- (c) May order the person owning the sewer system to:
 - 1. prohibit further connections to or extensions of the sewer system except in accordance with the terms of the order;
 - 2. impose conditions in its local or regional sewer connection permit or its local or regional sewer extension permit that requires the permittee to remove or ensure the removal of an adequate amount of infiltration/inflow, as determined by the Department, from a local or regional sewer system;
 - 3. undertake the necessary design, construction and repair work required to eliminate such discharges;
 - 4. such other actions as may be necessary to abate such violations or conditions; or
 - 5. take all of the actions listed in 314 CMR 7.04(1)(c)1. through 4.

As part of an order issued pursuant to 314 CMR 7.04, the Department may require that all persons desiring to construct, effect, maintain, modify or use a sewer connection or extension within the area served by the sewer obtain a permit from the Department for the extension or connection. Where this requirement is imposed, the person owning the sewer system shall notify all local officials involved in the issuance of building, sewer connection and occupancy permits of the requirement, and said officials shall notify applicants for local permits of the need to apply to the Department for a sewer extension or connection permit pursuant to M.G.L. c. 21, § 43.

(2) All outstanding permits, orders, determinations, notices or other actions of the Department relative to sewer extensions or connections shall remain in full force and effect unless specifically modified by the Department.

(3) Persons owning or operating a sewer system shall report bypasses and/or overflows as follows:

- (a) In the event of an anticipated bypass or sanitary sewer overflow the owner shall provide notification to the Department, on a form approved by the Department, at least ten days prior to the event, if possible; or
- (b) In the event of an unanticipated bypass or sanitary sewer overflow, as soon as the owner has knowledge of the bypass or sanitary sewer overflow and no later than 24 hours after its first occurrence, the owner shall provide notification to the Department, on a form approved by the Department, of such an event.
- (c) Within five days of the event identified in either 314 CMR 7.04(3)(a) or (b) the owner shall provide the following information to the Department, on a form approved by the Department: All the activities that lead up to the event; steps taken to minimize the impact of the event on public health and the environment; and, steps taken to prevent such an event from happening in the future.

7.05: Activities Not Requiring a Permit

(1) The provisions of 314 CMR 7.05(1) are effective on January 12, 2007. The following sewer extensions and sanitary sewer connections are not required to obtain or renew a permit under 314 CMR 7.00 and M.G.L. c. 21, § 43(2), provided that the connection or extension, as applicable, meets all the conditions of the applicable sections in 314 CMR 7.05(1), as determined by the Department:

7.05: continued

(a) Existing Sewer Extensions Constructed Prior to May 10, 1979. Existing sewer extensions for which a permit has not been issued by the Department and which have been constructed and effected prior to May 10, 1979 and are currently being used and maintained. Physical alteration or modification of such existing extensions are also authorized without a permit, except that an increase in the length to the existing sewer extension of 1,000 feet or more shall be subject to a sewer extension permit application to the Department pursuant to 314 CMR 7.09. Any increase in flow, or change in use of such extension shall not result in a condition in violation of any applicable local or regional sewer use rules and regulations or the provisions of 314 CMR 12.00.

(b) Existing Sewer Extensions Previously Permitted by the Department. Existing sewer extensions for which a permit has been issued by the Department and which have been constructed effected and maintained in accordance with that permit. Physical alteration or modification of such previously permitted extensions are also authorized without a permit, except that an increase in the length to the existing sewer extension of 1,000 feet or more shall require a sewer extension permit pursuant to 314 CMR 7.09.

(c) New Sewer Extensions of Less Than 1,000 Feet. Any new sewer extension to a sewer system that is less than 1,000 feet in length and meets all applicable requirements in 314 CMR 7.05(1)(c)1. through 5., unless an outstanding permit, order, determination, notice or other action of the Department in effect pursuant to 314 CMR 7.04 requires otherwise.

1. the sewer extension has been designed in accordance with TR-16 and applicable Department policies;
2. the sewer extension has been permitted by the local or regional sewer authority and the permittee for such extension is in compliance with the local or regional permit, including, where applicable, any infiltration/inflow removal requirements contained therein;
3. where applicable, the permittee has complied with the requirements of MEPA and the MA Historical Commission;
4. for a sewer extension that includes a privately owned pump station, the owner of such pump station has satisfied any requirements imposed by the local or regional sewer authority in its permit for the ownership, operation and maintenance, financial assurance for emergency repair and long-term replacement, or other conditions applicable to the pump station; and
5. the owner or operator of the sewer connection has filed a one-time certification statement in accordance with 314 CMR 7.17(1).

(d) New Sewer Extensions Approved by the Department for Funding under the Clean Water State Revolving Fund Loan Program. Any new sewer extension for which the Department has issued a project approval certificate pursuant to 310 CMR 44.00 (the Clean Water State Revolving Fund Program Regulations).

(e) Existing Sanitary Sewer Connections Constructed Prior to May 10, 1979. Existing sanitary sewer connections for which a permit has not been issued by the Department and which have been constructed and effected prior to May 10, 1979 and are currently being used and maintained. Any increase in flow of sanitary sewage through such connection of 15,000 gallons per day or more above the rate of discharge prevailing in May of 1979 is also authorized without a permit, provided such increase in flow of sanitary sewage meet all applicable conditions in 314 CMR 7.05(1)(h) unless an outstanding permit, order, determination, notice or other action of the Department in effect pursuant to 314 CMR 7.04 requires otherwise. Any change in use of such connections, regardless of the level of flow or whether it is a discharge of sanitary sewage or industrial wastewater, shall not result in a violation of any applicable local or regional sewer use rules and regulations or the provisions of 314 CMR 12.00.

(f) Existing Sanitary Sewer Connections Previously Permitted by the Department. Existing sanitary sewer connections which discharge only sanitary sewage to the sewer system and for which a permit has been issued by the Department and which have been constructed, effected and maintained in accordance with that permit. Any increase in flow of 15,000 gallons per day or more above the permitted discharge through such connections is also authorized without permit, provided such increase in flow of sanitary sewage meet all applicable conditions in 314 CMR 7.05(1)(h). Any change in use of such connection from the discharge of sanitary sewage to industrial wastewater is also authorized without a permit, provided such discharge meets all applicable conditions in 314 CMR 7.05(2), unless an outstanding permit, order, determination, notice or other action of the Department in effect pursuant to 314 CMR 7.04 requires otherwise.

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(g) New Sewer Connections of Less Than 15,000 GPD. Any new connection that discharges sanitary sewage or industrial wastewater from a facility with an SIC code not listed in 314 CMR 7.17(2)c. to an existing sewer system that will add less than or equal to 15,000 gallons per day to the system, unless an outstanding permit, order, determination, notice or other action of the Department in effect pursuant to 314 CMR 7.04 requires otherwise.

(h) Other New Sewer Connections.

1. Except as provided in 314 CMR 7.05(1)(h)2., any new sanitary sewer connection or industrial sewer connection from a facility with an SIC code not listed in 314 CMR 7.17(2)c. or increase in flow to an existing sewer connection, that results in a discharge greater than 15,000 gallons per day and less than or equal to 50,000 gallons per day, provided that such sewer connection meets all the following criteria, unless an outstanding permit, order, determination, notice or other action of the Department in effect pursuant to 314 CMR 7.04 requires otherwise:

a. the sewer connection has been permitted by the local or regional sewer authority and the permittee for such connection is in compliance with the local or regional permit, including, where applicable, any infiltration/inflow removal requirements contained therein;

b. where applicable, the permittee has complied with the requirements of MEPA and the MA Historical Commission;

c. for a sewer connection that includes a privately owned pump station, the owner of such pump station has satisfied any requirements imposed by the local or regional sewer authority in its permit for the ownership, operation and maintenance, financial assurance for emergency repair and long-term replacement, or other conditions applicable to the pump station; and

d. the owner or operator of the sewer connection has filed a one-time certification statement in accordance with 314 CMR 7.17(1).

e. For a sewer connection serving a restaurant or public kitchen, the owner or operator shall also certify compliance with the requirements of 314 CMR 7.05(2)(g)9.

f. For a sewer connection serving a carwash, the owner or operator shall also certify compliance with the requirements of 314 CMR 7.05(2)(g)10.

2. Any new sanitary sewer connection or industrial sewer connection from a facility with an SIC code not listed in 314 CMR 7.17(2)c. or increase in flow to an existing sewer connection that results in a discharge that is greater than 50,000 gallons per day shall require a sewer connection permit pursuant to 314 CMR 7.09.

(2) The provisions of 314 CMR 7.05 (2)(a) through (f) are effective on January 12, 2007. The provisions of 314 CMR 7.05 (2)(g) are effective on January 12, 2007. Facilities subject to 314 CMR 7.05(2)(g) have six months after the effective date to submit either a permit application or a certification, as applicable, to the Department. The following Industrial Users are not required to obtain or renew a permit under 314 CMR 7.00 and M.G.L. c. 21, § 43(2), provided that the Industrial User meets all the conditions of the applicable permit exemption in 314 CMR 7.05(2), as determined by the Department.

(a) Printers. Printers subject to 310 CMR 71.00 need not comply with 314 CMR 7.00.

(b) Photo Processors. Photo processors subject to 310 CMR 71.00 need not comply with 314 CMR 7.00.

(c) Drycleaners. Drycleaners subject to 310 CMR 72.00 need not comply with 314 CMR 7.00.

(d) Dental Facilities. Dental facilities subject to 310 CMR 73.00 need not comply with 314 CMR 7.00.

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(e) Industrial Users as Part of Emergency Response Action. Any new and/or existing sewer connection and/or extension which discharges to the sewer system in compliance with the written instructions of an On-scene Coordinator pursuant to 33 CFR Part 153 - Control of Pollution by Oil and Hazardous Substances, Discharge Removal and 40 CFR Part 300, Subchapter J - Superfund, Emergency Planning, and Community Right-to-know Programs, Subparts B and C, or if conducted as an Immediate Response Action in compliance with M.G.L. c. 21E and 310 CMR 40.0000, or if approved in writing by the Department, the Commissioner, or their designees, as necessary to abate, prevent, or eliminate an imminent hazard to the public health, safety, welfare, or the environment is not subject to permit requirements; provided, however the indirect discharger has approval for the connection and discharge from both the entity controlling the sewer system and the entity controlling the POTW.

(f) Industrial Users as Part of Waste Site Cleanup Actions. Any new and/or existing sewer connection and/or extension which discharges to the sewer system in compliance with the provisions of M.G.L. c. 21E and 310 CMR 40.0000, provided, however, that:

1. prior to the date of commencement of the discharge, the Department, Commissioner, or their designees, or the Commonwealth did not issue an order prohibiting further connections or increased flows to the sewer system to which the connection is made or, if such an order has been issued, the connection or extension is in compliance with the terms of that order;
2. the discharger has approval for the connection and discharge from both the entity controlling the sewer system and the entity controlling the POTW; and
3. the discharger complies with applicable effluent limitations.

(g) Industrial Users. Any Industrial User that discharges industrial wastewater to a sewer system, if such discharge meets all applicable requirements in 314 CMR 7.05(2)(g)1. through 10., unless outstanding orders, determinations, notices, or other actions of the Department require that such Industrial User obtain a permit under 314 CMR 7.00. Industrial Users subject to 314 CMR 7.05(2)(g)11. or 12. shall obtain a permit from the Department. The Department may require any other Industrial User to obtain a permit pursuant to the Department's authority under 314 CMR 7.03 or a plan approval from the Department pursuant to 314 CMR 12.03(4) on a case-by-case basis. An Industrial User listed in 314 CMR 7.17(2)(c) shall also notify the Department, the sewer system owner, and the owner of the receiving wastewater treatment facility of any actual or proposed discharge of those pollutants listed in 314 CMR 3.17 or of pollutants which would be subject to 33 U.S.C. 1251 Sections 301 or 306 if they were directly discharged by the Industrial User, as identified by the Department and in concentrations as determined by the Department. Such notification shall be in the manner and frequency specified by the Department in guidance and include the Industrial User's Standard Industrial Classification Code ("SIC") or North American Industry Classification System ("NAICS") classification, information on the amount, frequency, and concentration of the actual or proposed discharge of pollutants. The Department's guidance shall also establish the methodologies by which the Industrial User shall determine the toxics contained in its discharge. The toxic reporting requirement contained in this section shall become effective upon the Department's issuance of a written guidance, which shall occur no later than January 12, 2009.

1. General Prohibitions. An Industrial User shall not:
 - a. Discharge, or cause to be discharged to a POTW, any substances, materials, or wastewater that may:
 - i. harm the sewers, POTW wastewater treatment process or equipment;
 - ii. have an adverse impact on the receiving waters; or
 - iii. otherwise create a nuisance or endanger public health, safety, or the environment.
 - b. Introduce pollutants into POTWs that pass through the POTW or interfere with its operation or performance.
 - c. Discharge wastewater or allow discharge of wastewater through any sewer connection that would result in a hazard to the public health or safety.
 - d. Discharge bypass wastewater or allow discharge of bypass wastewater through any sewer connection. If bypassing due to an emergency condition occurs, the Department and POTW shall be notified in accordance with 314 CMR 7.04(3). Such notification or its acknowledgement shall not be construed as permission by the Department or POTW to discharge bypass wastewater.

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- e. Discharge hazardous waste or allow the discharge of hazardous waste through any sewer connection.
2. Specific Prohibitions. No Industrial User shall introduce into a POTW or its wastewater collection system the following:
 - a. Pollutants which may create a fire, explosion, or other hazard in the POTW or its wastewater collection system.
 - b. Pollutants which may cause corrosive structural damage to the POTW or its wastewater collection system. In no case shall discharges with a pH lower than 5.0 Standard Unit (S.U) or more than 10.0 S.U. be allowed, unless the local limit allows such discharges.
 - c. Solid or viscous pollutants in amounts which may cause obstruction to the flow in the POTW or its wastewater collection system or may result in interference.
 - d. Any pollutant, including oxygen-demanding pollutants, discharged at a flow rate or pollutant concentration that will cause interference with the POTW or its wastewater collection system.
 - e. Heat in amounts which may inhibit biological activity in the POTW, resulting in interference. In no case shall heat in such quantities that the temperature at the POTW treatment plant exceeds 40° C (104° F) be discharged, unless the Department, upon request of the POTW, approves alternate temperature limits.
 - f. As of May 1, 2009, more than one part per billion (ppb) of mercury. Prior to May 1, 2009, industrial sewer dischargers shall determine possible sources of mercury in their discharges and take all reasonable steps to eliminate the mercury.
 - g. When more than one standard established under 314 CMR 7.05(2)(g)2. and local limits established under 314 CMR 12.09(1) are applicable to an indirect discharge to a POTW the most stringent standard shall apply, with the exception of pH.
 3. Design, and Construction Standards for IWPS. An Industrial User with an IWPS onsite shall meet the following minimum standards for design, and construction:
 - a. be designed to meet all local discharge standards and the applicable Categorical Industrial User (CIU) standards in 40 CFR Chapter I, Subchapter N;
 - b. be equipped to treat at least 120% of design flow;
 - c. be designed to prevent the intentional diversion of wastewater that does not meet discharge standards;
 - d. be designed to prevent mixing of incompatible wastewaters during transport and treatment;
 - e. provide the necessary equipment and access to ensure safe operation and maintenance;
 - f. provide accessible locations for representative sample collection;
 - g. provide odor control measures necessary to prevent nuisance conditions;
 - h. comply with hazardous waste management rules at 310 CMR 30.605 if the IWPS will treat hazardous industrial wastewater or hazardous industrial wastewater sludge; and
 - i. be constructed in accordance with engineering plans reviewed, stamped, and signed by a Massachusetts Registered Professional Engineer (MAPE) with the appropriate specialty (including but not limited to chemical, civil, or environmental engineering). If the IWPS is modified, its revised plans shall be reviewed, stamped and signed by a MAPE.
 4. Grading of Industrial Wastewater Pretreatment Systems (IWPS). In accordance with 257 CMR 2.13(1) the Board of Certification has classified the following facility categories and operator grade requirements:
 - a. Elementary neutralization operations for the treatment of wastewater that is corrosive only and contains no other pollutants will be exempt from the certified operator provisions of 257 CMR 2.00 when the operations are discharged to an on-site wastewater treatment system in accordance with 314 CMR 3.00, 314 CMR 5.00, or 314 CMR 7.00.
 - b. Elementary neutralization operations for the treatment of wastewater that is corrosive only and contains no other pollutants will be exempt from the certified operator provisions of 257 CMR 2.00 when the operations are discharged to an off-site wastewater treatment works, such as a POTW, if the operations are:

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- i. Neutralizing in batches of two liters or less;
 - ii. Neutralizing less than 100 gallons per day of corrosive wastewater for the facility's industrial wastewater streams, alone or combined, for all operations of the facility;
 - iii. Confirming that the resultant wastewater is pH neutral (*i.e.* five to ten standard units) or within acceptable range for the receiving treatment works; and
 - iv. Checking, cleaning, and calibrating the neutralization probes and record this information in a bound logbook, on a weekly basis.
- c. IWPSs consisting only of a single or dual stage neutralization system not covered in 314 CMR 7.05(2)(g)4.a. shall be graded as a Grade 1I (one, industrial) system.
- d. IWPSs consisting of one of the following processes for an industrial pretreatment system, with or without a single or dual stage pH adjustment, shall be graded as a Grade 2I (two, industrial) system:
- i. Cartridge filtration;
 - ii. Cartridge metallic ion replacement;
 - iii. Cartridge single or dual stage ion exchange;
 - iv. Reverse osmosis;
 - v. Ultra filtration system; or
 - vi. Carbon absorption.
- e. All other IWPS configurations shall evaluate the grade of the IWPS as provided in 257 CMR 2.00 and submit that evaluation or grading to the Board of Certification of Operators of Wastewater Treatment Facilities for review and approval.
5. Staffing Requirement for IWPS. An Industrial User with onsite IWPS shall provide adequate certified operator personnel to ensure that the facility is properly operated and maintained, and complies with applicable effluent limits at all times. Adequate certified operator personnel means, at a minimum, the following:
- a. For Non-FAIWPS grade two industrial (2I) or lower that have been graded under 314 CMR 7.05(2)(g)4. c. or d. that operate on a continuous basis and operate for eight hours or more per calendar day, a certified operator higher or equal to the facility grade shall be present at least eight hours per calendar day during IWPS operation. All other Non-FAIWPS grade 2I or lower configurations that operate on a continuous basis for eight hours or less shall have a certified operator higher or equal to the facility grade present during Non-FAIWPS operations. In addition, all other Non-FAIWPS grade 2I or lower configurations that have not been graded under 314 CMR 7.05(2)(g)4.c or d that operate on a continuous basis for more than eight hours per calendar day shall have a certified operator higher or equal to the facility grade present for operations at least eight hours during each calendar day of the Non-FAIWPS operation and shall have an operator higher or equal to one grade lower (if applicable) than the facility grade present during all Non-FAIWPS operations.
 - b. For FAIWPS grade two industrial (2I) or lower, a certified operator higher or equal to the facility grade shall inspect the facility twice per week (spread out during operation rather than consecutive days) and be on call to address any problems that may arise within the system.
 - c. For batch IWPS grade two industrial (2I) or lower batch systems, a certified operator higher or equal to the facility grade, shall inspect the system once per day and whenever discharging to insure adequate treatment.
 - d. For IWPS grade three industrial (3I) or higher that is operated for eight hours or more per calendar day, a certified operator higher or equal to facility grade shall be present at least eight hours per calendar day during IWPS operation and a certified operator equal or one grade lower than facility grade shall be present during all IWPS operations; or
 - e. For IWPS equal to or higher than a grade 3I operated less than eight hours per calendar day, a certified operator higher or equal to facility grade shall be present during all IWPS operations.
- An Industrial User shall review and adjust the IWPS grade as required in 257 CMR 2.00 if the IWPS is modified. If there is any change in grade, the owner or operator shall submit the adjusted system grade to the Board of Certification of Operators of Wastewater Treatment Facilities for their review and approval.

7.05: continued

6. Operation and Maintenance Manual Requirements for IWPS. The owner or operator of an IWPS shall prepare, keep current, and implement an operation and maintenance manual. The operation and maintenance manual shall contain, at a minimum, the following items:
- a. An introduction, including a general description of the facility and industrial wastewater.
 - b. Copies of all permits and standards, including any local permit and applicable categorical pretreatment standards.
 - c. A description of the IWPS, which shall include:
 - i. a description of the principal treatment processes;
 - ii. a description of the sources of water supply;
 - iii. identification of the sources of sanitary and industrial waste streams;
 - iv. a description of any by-product recovery systems;
 - v. a description of liquid waste flow control measures;
 - vi. a flow and material balance diagram; and
 - vii. a list of raw materials used.
 - d. A description of operation and management of the industrial wastewater sludge handling facility and the name and location of the final sludge reuse, recycling, or disposal facility or site.
 - e. Sampling and analytical procedures, including sampling locations, sampling frequencies, and analytical methods.
 - f. A maintenance plan, including daily operating procedures and a periodic inspection plan.
 - g. Emergency operating and response procedures, including a clear description of the communication among facility personnel and outside response agencies, emergency response procedures, and an emergency response equipment list and operating instructions.
 - h. A safety plan, including general operating safety practice requirements and specific handling practices for all hazardous wastes at the facility.
 - i. A utility and supply plan, including each system's utility, major equipment list, and major equipment spare part list.
 - j. A personnel management plan, including a facility staffing plan, operator certifications (if any), and personnel training programs, which shall include training relating to the safety plan, the maintenance plan, the emergency operating and response program, and documentation of the training provided to relevant facility staff.
7. Record Keeping Requirements.
- a. An Industrial User with an IWPS shall maintain the following records at the facility at all times and the records shall be made available for review by the EPA, Department, and the local or regional sewer authority upon request:
 - i. all permits and approvals required by federal, state, local or regional authorities;
 - ii. the current facility plan for the IWPS and any related engineering evaluation reports;
 - iii. as built construction plans of the IWPS; and
 - iv. all records related to decommissioning such as the date of the system decommissioning, shipment records, and a brief description of how the IWPS was decommissioned.
 - b. An Industrial User with an IWPS shall maintain the following records at the facility at all times for at least three years; however this period shall be automatically extended for the duration of any enforcement action, and the records shall be made available for review by the EPA, Department, and the local or regional sewer authority upon request:
 - i. Operation and maintenance records, including but not limited to, a daily operation log, a routine inspection log, an equipment maintenance log, a sludge management log with sludge shipment records, and a chemical and supply inventory;
 - ii. Sampling and analysis records, including but not limited to, chain of custody documents, raw data, quality assurance and quality control results, and analytical reports; and

7.05: continued

- iii. The owner or operator shall document that it has reviewed the IWPS and operation and maintenance manual annually and updated the manual appropriately.
- 8. For Decommissioning IWPS. The owner or operator decommissioning an IWPS shall comply with the following IWPS decommissioning requirements:
 - a. Collect and Dispose of the Content in the IWPS. Collect, treat, and dispose of the IWPS contents in accordance with applicable provisions in the following:
 - i. Hazardous waste regulations (310 CMR 30.000);
 - ii. Solid waste regulations (310 CMR 19.00);
 - iii. Sewer discharge regulations (314 CMR 7.00);
 - iv. Surface water discharge regulations (314 CMR 3.00);
 - v. Groundwater discharge regulations (314 CMR 5.00).
 - b. Decommission IWPS.
 - i. Pump and haul away the entire remaining contents of the system;
 - ii. Clean the system and related areas as necessary;
 - iii. If any part of the system is in the ground, then the owners or operators must comply with one of the following options:
 - Remove the system from the ground; or
 - Fill any empty tanks with clean sand, soil, or other inert material; or
 - Change the function of the system permanently.
 - c. Disconnect the decommissioned IWPS from the sewer system and keep all the decommissioning records as specified in 314 CMR 7.05(2)(g)7.
 - d. Report the decommissioning process to POTW with the following:
 - i. Date of decommissioning;
 - ii. Person responsible for decommissioning;
 - iii. Description of decommissioning process; and
 - iv. Record of final shipment of system's remaining contents
- 9. For Restaurants or Public Kitchens. Owners or operators of restaurants or public kitchens, such as cafeterias, shall properly install and maintain a grease trap for kitchen flow prior to combining with other wastewater.
- 10. For Carwashes. Owners or operators of car washes must install and maintain an oil and water separator prior to discharge of wastewater to a sewer system.
- 11. For Industrial User Discharges to IPP-POTWs. Any industrial user listed in 314 CMR 7.17(2)(c) with a new or existing sewer connection into an IPP-POTW that discharges greater than 50,000 gallons per day shall require a sewer connection permit pursuant to 314 CMR 7.09.
- 12. For Industrial User Discharges to Non-IPP-POTWs. Any industrial user listed in 314 CMR 7.17(2)(c) with a sewer connection into an non-IPP-POTW shall be subject to the certification requirements in 314 CMR 7.17(2), except that any such connection that results in a discharge that is greater than 25,000 gallons per day shall require a sewer connection permit pursuant to 314 CMR 7.09.

7.06: Prohibitions

- (1) No person owning or maintaining a sewer system shall operate such system in a manner, or allow additional sewer extensions or sewer connections to the system that would result in:
 - (a) Any surcharging, overflow or bypassing of the system that is not authorized by a discharge permit issued by the Department pursuant to M.G.L. c. 21, § 43; or
 - (b) An increase in a surcharge, overflow or bypass permitted by the Department which increase would result in the elimination of an existing beneficial use of the receiving waters as established in the Massachusetts water quality standards or the creation of a hazard to the public health or safety; or
 - (c) Any violation of the provisions of 314 CMR 12.00.
- (2) No person owning, maintaining or using a sewer connection shall discharge or allow the discharge of wastewaters through such connection which would result in a hazard to the public health or safety or a violation of the provisions of 314 CMR 7.00 or 12.00.

7.06: continued

(3) No person shall construct or allow the construction of sewer lines and associated appurtenances within a Zone I of a Public Water Supply Well or the Zone A of a Public Surface Water Supply, unless the construction is necessary to eliminate existing sources of pollution or to cross a tributary to the surface water. In cases where construction within Zones I or A is necessary, the construction of the sewer lines and associated appurtenances shall be designed using watertight construction methods as described in Department guidance documents and policies

7.07: Effect of a Permit

Unless a permit specifically states otherwise, a permit for a sewer extension or connection issued by the Department shall be deemed to authorize the applicant or person owning the sewer system of which the sewer extension or connection is a part to construct, effect and maintain the extension or connection as described in the application and in accordance with approved plans and specifications. Use of the extension or connection shall be deemed permitted up to the total flow stated in the application form and additional connections adding flow within this gallonage amount shall not be the subject of a separate application to the Department provided that the industrial waste flow stated in the application form is also not exceeded and that no new sources of industrial wastewater other than those establishments approved by the Department are added to the system through the permitted sewer extension or connection.

7.08: Continuation of an Expiring Permit

- (1) The conditions of a permit continue in force under M.G.L. c. 30A, § 13 beyond the expiration date if:
 - (a) the permittee has made timely application for renewal of a new permit pursuant to 314 CMR 7.09(3) which is a complete application under 314 CMR 7.09(4); and
 - (b) the Department does not renew or issue a new permit with an effective date under 314 CMR 2.08 on or before the expiration date of the previous permit.
- (2) Permits continued under 314 CMR 7.08 remain fully effective and enforceable.

7.09: Application for a Permit

- (1) Duty to Apply. Any person required to obtain a permit pursuant to 314 CMR 7.03 shall complete and submit the application on a form prescribed by the Department. The Department's application form shall contain such standard permit terms and conditions that the Department deems necessary to assure that the proposed permitted activity complies with 314 CMR 7.00 and the State or Federal Acts.
- (2) Who Must Apply. The owner of the treatment works or activity resulting in a discharge of pollutant(s) shall apply for a permit.
- (3) Time to Apply.
 - (a) Any person required to obtain a permit pursuant to 314 CMR 7.03 and who does not have a currently effective permit shall submit an application at least 90 days before the date on which the sewer system extension or connection is to be constructed, unless written permission for a later date has been granted by the Department. A Person proposing a new discharge is encouraged to submit his/her applications well in advance of the 90 day requirement to avoid delay.
 - (b) Any person with a currently effective permit not exempted from permit renewal under 314 CMR 7.05 shall submit a new application at least 90 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Department.

7.09: continued

(4) Determination of the Completeness of and Action on the Application. The Department shall not issue a permit before receiving a complete application as required under 314 CMR 2.03(2). Within a reasonable time following the receipt of a complete application, the Department shall tentatively determine to issue or deny the permit. If the Department tentatively determines to issue the permit, the complete application and any special conditions proposed by the Department shall serve as the draft permit. For every draft permit for a RCRA facility, the Department shall prepare a fact sheet or statement of basis for the permit in accordance with 314 CMR 2.05. The public notice required pursuant to 314 CMR 2.06 shall include the Department's tentative determination to issue or deny the permit. After the conclusion of the 30 day public comment period, or 45 days in the case of RCRA facilities, the Department shall:

- (a) issue the permit, by signing or otherwise documenting its approval of the application including any special conditions imposed by the Department based on its review of the application or in response to public comments; or
- (b) deny the permit.

7.10: Permit Conditions(1) Duration of Permits.

- (a) Permits shall be effective for a fixed term not to exceed five years. The Department may issue any permit for a lesser duration to provide for and assure compliance with all applicable requirements of the State and Federal Acts.
- (b) Permits issued prior to January 12, 2007 expire five years from the date of issuance pursuant to M.G.L. c. 21, § 43.

(2) Monitoring, Record Keeping, and Reporting Requirements.

- (a) A permit may contain monitoring requirements to assure compliance with permit limitations to provide for and assure compliance with all applicable requirements of the State and Federal Acts. The type, intervals, and frequency of monitoring shall be sufficient to yield data which are representative of the monitored activity including, when appropriate, continuous monitoring. Industrial Users that are required to obtain a permit from the Department pursuant to 314 CMR 7.05(2)(g)11. or 12., or pursuant to the Department's authority under 314 CMR 7.03, shall also notify, as a condition of such permits, the Department, the sewer system owner, and the owner of the receiving wastewater treatment facility of any actual or proposed discharge of those pollutants listed in 314 CMR 3.17 or of pollutants which would be subject to 33 U.S.C. 1251 Sections 301 or 306 if they were directly discharged by the Industrial User, as identified by the Department and in concentrations as determined by the Department. Such notification shall be in the manner and frequency specified by the Department in guidance and include the Industrial User's Standard Industrial Classification Code ("SIC") or North American Industry Classification System ("NAICS") classification, information on the amount, frequency, and concentration of the actual or proposed discharge of pollutants.
- (b) A permit may contain requirements to report monitoring results with a frequency dependent on the nature and effect of the discharge.
- (c) The permittee shall retain records of all required monitoring information for a period of three years from the date recorded unless extended by the Department. This period also shall be extended for the duration of any enforcement action.

(3) Schedule of Compliance. A permit may, when appropriate, specify a schedule leading to compliance with the State and Federal Act and regulations adopted thereunder. Any such schedule shall require compliance as soon as possible.

(4) Other Conditions.

- (a) In addition to the conditions established under 314 CMR 7.10(1) through (3), a permit may include other conditions as follows:
 1. Requirements to control or abate the discharge of certain pollutants through the application of best management practices.
 2. Requirements to prepare and submit periodic operating reports for pretreatment facilities.
 3. Requirements governing the disposal of sludge from pretreatment facilities.
 4. Requirements to implement the provisions of 314 CMR 12.00.

7.10: continued

(b) In addition to the conditions applicable to all permits set forth in 314 CMR 7.10(1) through (4), the Department may establish other conditions relative to the design, construction or use of the Sewer Extension or Sewer Connection, as deemed necessary by the Department on a case-by-case basis, to provide for and assure compliance with all applicable requirements of the State and Federal Acts, to assure that the discharge does not have a deleterious effect upon the treatment works, processes, equipment, or receiving waters, or to assure that the sewer user's activity does not pose a threat to public health or the environment or create a public nuisance. These conditions may establish effluent limitations, standards and applicable pretreatment requirements (314 CMR 12.08); the removal of an adequate amount of infiltration/inflow and/or the provision of funding and other arrangements to ensure the removal of an adequate amount of infiltration/inflow, [314 CMR 7.04(1)]; and financial security requirements.

7.12: Modification, Suspension, Revocation and Renewal of Permits

(1) As provided in M.G.L. c. 21, § 43(10), the Department may propose and determine to modify, suspend or revoke any outstanding permit, in whole or in part, for cause including, but not limited to, violation of any permit term, obtaining a permit by misrepresentation or failure to disclose fully all relevant facts or any change in or discovery of conditions that calls for reduction or discontinuance of the authorized discharge or activity. The Department may also modify a permit at the request of the permittee upon a showing, satisfactory to the Department, that the requested modification is appropriate in view of circumstances for which the permittee is not at fault.

(2) The modification, suspension, revocation or renewal of a permit shall be processed in accordance with the provisions of 314 CMR 2.10.

(3) Minor Modifications to permits. Upon the consent of the permittee, the Department may modify a permit to make the corrections or allowances for changes in the permitted activity listed in 314 CMR 7.12(3), without following the procedures of 314 CMR 2.00. Any permit modification not processed as a minor modification under 314 CMR 7.12 must be made for cause and in accordance with the draft permit and public notice requirements of 314 CMR 2.00.

Minor modifications may only:

- (a) Correct typographical errors;
- (b) Require more frequent monitoring or reporting by the permittee;
- (c) Change an interim compliance date in a schedule of compliance, provided the new date does not interfere with attainment of the final compliance date requirement; or
- (d) Allow for a change in ownership or operational control of a facility where the Department determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the Department.

7.13: Transfer of Permits

(1) Any permit issued pursuant to these regulations is valid only for the person to whom it is issued, unless prior to transfer:

- (a) the current permittee notifies the Department at least 30 days in advance of the proposed transfer date; and
- (b) the notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibilities and liability to the new permittee.

7.14: Signatories to Permit Applications and Reports

All permits, applications, and reports shall be signed as follows:

(1) For a municipality, State, Federal, or other public agency, by a principal executive officer, ranking elected official or other duly authorized employee if such employee is responsible for overall operation of the treatment works.

7.14: continued

(2) For all other applicants and permittees, by a duly authorized representative. An authorized representative may be:

- (a) A principal executive officer of at least the level of vice president for a corporation.
- (b) A general partner or proprietor if for a partnership or sole proprietorship respectively.
- (c) A duly authorized representative of the individual designated in 314 CMR 7.14(2)(a) or (b) if such representative is responsible for the sewer extension or connection and the overall operation of the facility discharging thereto.

7.15: Calculation of Flows

Unless a variance is authorized by the Department in writing, applicants applying for a sewer extension or connection permit shall use the following figures in calculating daily sewage flow in completing the application:

SEWAGE FLOW ESTIMATES:

| <u>Type of Establishment</u> | <u>Gallons per Person per Day</u> |
|-------------------------------------------------------------------------------------|---------------------------------------|
| Boarding Schools, Colleges | 65 |
| Nursing Home and Rest Home | 100 |
| School, without cafeteria, gymnasium or showers | 10 |
| School, with cafeteria, but not gymnasium or showers | 15 |
| School, with cafeteria, gymnasium and showers | 20 |
| Swimming Pool | 10 |
| Camp, resident - washroom and toilets | 25 |
| Camp, resident - mess hall | 10 |
| Camp, day - washroom and toilets | 10 |
| Camp, day - mess hall | 3 |
| Camp Ground - showers and toilets - per site | 75 |
| Gymnasium - per spectator | 3 |
| Gymnasium - per participant | 25 |
| Theater, Auditorium | 3 |
| Public Park - toilet wastes only | 5 |
| Public Park - bathhouse, showers, and flush toilets | 10 |
| Factory or Industrial Plant, without cafeteria | 15 |
| Factory of Industrial Plant, with cafeteria | 20 |
| Work or Construction Camp | 50 |
| Single and multiple dwelling units - Per Bedroom motels, hotels, boarding houses | 110 |
| Tennis Club - per court | 250 |
| Bowling Alley - per alley | 100 |
| Country Club - dining room - per seat | 10 |
| Country Club - snack bar or lunch room - per seat | 10 |
| Country Club - locker and showers - per locker | 20 |
| Church - per seat | 3 |
| Church - vestry/kitchen - per person at capacity | 5 |
| Trailer, dump station - per site or per trailer | 50 |
| Mobile Home Park - per site | 200 |
| Office Building - per 1,000 sq. ft. | 75 |
| Dry Goods Stores - per 100 sq. ft. | 5 |
| Drive-In - per stall | 5 |
| Non-single family, Automatic clothes washer per washing machine | 400 |
| Hospital - per bed | 200 |
| Service Station, excluding thruway - per island | 300 |
| Skating Rink - 3,000 gallons per day plus 5 gallons per seat | 300 |
| Dog Pounds - Veterinary Clinics - per pen | 50 |

7.15: continued

| <u>Type of Establishment</u> | <u>Gallons per Seat or Chair per day</u> |
|--------------------------------------------------------|----------------------------------------------|
| Restaurant, food service establishment, lounge, tavern | 35 |
| Restaurant, thruway service area | 150 |
| Restaurant, kitchen flow | 15 |
| Barber Shop/Beauty Salon per chair | 100 |

For purposes of 314 CMR 7.15, a "bedroom" means any portion of a dwelling which is so designed as to furnish the minimum isolation necessary for use as a sleeping area. Such area shall not include kitchen, bathroom, dining room, halls, or unfinished cellar; but may include bedroom, den, study, sewing room, or sleeping loft.

7.16: Approval to Administer the System of Permits for Discharges of Industrial Waste

(1) Any public entity controlling a publicly owned treatment works may apply to the Department for approval to administer, in whole or in part, the system of sewer connection permits for discharges of industrial waste within the POTW system, pursuant to M.G.L. c. 21, § 43(8), excepting therefrom discharges of industrial waste from the public entity itself. Approval or denial of the application will be based on the following criteria:

- (a) the public entity's permitting program:
 1. ensures that effluent limitations and water quality standards are met;
 2. requires adequate monitoring and treatment; and
 3. includes adequate administrative and procedural mechanisms, including but not limited to:
 - a. public notice for each permitting proceeding pursuant to M.G.L. c. 21, § 43(4); and
 - b. the opportunity for a hearing for the applicant or permittee in the event of any proposal to deny, suspend or revoke a permit, in whole or in part, including any proposed reduction in an authorized discharge, and any cease and desist order;
- (b) the public entity's permitting program ensures that existing levels of environmental protection are maintained or enhanced;
- (c) if the public entity is required to obtain federal approval of its pretreatment program, the public entity's pretreatment program has been approved by the U.S. Environmental Protection Agency pursuant to 40 C.F.R. 403 and is implemented as approved;
- (d) the public entity possesses adequate financial resources and demonstrates adequate permitting and inspection staff, qualified and trained operating personnel and management responsible for the pretreatment program, including an appropriate number of personnel certified as Toxic Use Reduction Planners;
- (e) the public entity is willing to sign an appropriate memorandum of understanding with the Department concerning the responsibilities of the Department and the administering entity under an approved program;
- (f) the public entity has an established fee program or other financial mechanism ensuring the financial stability of the administered program;
- (g) the public entity has implemented or proposes to implement a program to encourage industrial sewer users to reduce the volume and toxicity of their discharge through pollution prevention techniques, and the entity has made or proposes to make efforts to increase awareness of the Toxic Use Reduction Act ("TURA", M.G.L. c. 21I) through its permitting and compliance programs; and
- (h) any other relevant factor.

(2) Approval Procedure. The Division will complete a review of the application, request any further information necessary to evaluate the application and hold a public hearing on the application to administer the system of permits. After public hearing, the Department shall either approve or deny the application in whole or in part, or issue a conditional approval.

7.16: continued

(3) Withdrawal or Modification of Approval to Administer the System of Permits. The Department may withdraw, condition or modify its approval to administer the system of permits, in whole or in part, for cause, including but not limited to, obtaining approval by misrepresentation or failing to disclose fully all relevant factors or any change in, or discovery of conditions, or noncompliance with the conditions of approval, that calls for modification or withdrawal of the Department's approval. If the Department withdraws its approval from an administering entity, the permits issued under the approved program shall continue in effect as permits from the Department for all purposes, unless they are reissued, modified, suspended or revoked by the Department. The administering entity shall provide the Department with at least 60 days advance written notice of the administering entity's withdrawal from the approved program.

(4) Permits from the Administering Entity. A facility with a new or existing connection for a discharge of industrial waste to a sewer controlled by an administering entity approved pursuant to M.G.L. c. 21, § 43(8) and 314 CMR 7.16 to administer the system of permits, shall comply with the permitting requirements of the administering entity. Any alteration of the treatment works or the characteristics of a permitted facility's effluent shall be approved as required by the administering entity's permitting program. Any connection permitted under an approved program shall be registered either by the administering entity or the permittee with the Department, and is subject to inspection and enforcement action by the Department. A permit issued by an administering entity shall be considered a permit from the Department for all purposes related to enforcement and compliance with M.G.L. c. 21 and 314 CMR 7.00, 8.00, 12.00 and M.G.L. c. 21C and 310 CMR 30.801(4).

(5) Outstanding Department Permits. Upon the effective date of any approval to administer the system of permits, a facility with an existing Department permit within the approved system may request the Department to modify its permit to conform the permit's monitoring and reporting requirements to those of the permit issued by the administering entity. Such modifications shall be considered minor modifications pursuant to 314 CMR 7.12, and are not subject to the permit modification fee established in 310 CMR 4.10. With respect to facilities subject to M.G.L. c. 21C and 310 CMR 30.801(4), the administering entity shall issue permits under the approved program prior to the expiration of the Department's permit.

(6) Application and Compliance Fees. Permit applications submitted to an administering entity are not subject to the Department's industrial wastewater permit application fee, but may be subject to fees established by the administering entity. Facilities permitted by an administering entity are subject to annual compliance fees established by the Department in 310 CMR 4.03.

7.17: Certification

(1) Sewer Extension and Sanitary or Industrial Wastewater Connection.

(a) Beginning on January 12, 2007, any new sewer extensions less than 1,000 feet in length subject to 314 CMR 7.05(1)(c), or any new sanitary sewer connection or industrial sewer connection from a facility with an SIC code not listed in 314 CMR 7.17(2)c., or any increase in flow to an existing sewer connection, subject to 314 CMR 7.05(1)(h)1., shall submit a one-time compliance certification to the Department in accordance with the Environmental Results Program Certification regulations at 310 CMR 70.03 on a form prescribed by the Department within the following time line:

1. For a new sewer extension less than 1,000 feet in length, within 60 days after commencement of use of the sewer extension;
2. For a new sewer connection and any increase in flow to an existing sewer connection subject to 314 CMR 7.05(1)(h)1., within 60 days after commencement of use of the connection to the sewer line; and

7.17: continued

(b) A subsequent owner, operator, user of, or occupant served by, a sewer extension or connection subject to 314 CMR 7.17(1) shall comply with the compliance certification submitted to the Department in accordance with 310 CMR 70.00. Specifically, the subsequent owner, operator, user, or occupant shall ensure that systems to maintain compliance are in place at the facility and will be maintained even if processes or operating procedures are changed. The current owner shall provide a copy of the compliance certification to the subsequent owner, operator, user, or occupant, but failure to receive or have notice of such certification shall not relieve the subsequent owner, operator, user, or occupant from compliance with 314 CMR 7.17(1)(b).

(2) Industrial User Listed in 314 CMR 7.17(2)(c).

(a) Beginning on July 12, 2007, but no later than January 12, 2008, an Industrial User classified under 314 CMR 7.17(2)(c) and subject to 314 CMR 7.05(2)(g)12. shall submit a compliance certification every five years to the Department in accordance with the Environmental Results Program Certification regulations under 310 CMR 70.03 on a form prescribed by the Department within the following time lines:

1. For an existing Industrial User **without** a DEP permit in accordance with 314 CMR 7.03, within 60 days after July 12, 2007;
2. For an existing Industrial User **with** a DEP permit in accordance with 314 CMR 7.03, within 60 days after the permit expires.
3. For a new Industrial User, including a new owner, within 60 days after the commencement of the operation; and

(b) Except as provided in 314 CMR 7.05(2)(g)11., an Industrial User serviced by an IPP POTW is not required to submit a certification pursuant to 310 CMR 70.00 but shall comply with applicable requirements under 314 CMR 7.05(2)(g).

(c) Standard Industrial Classification (SIC) Codes.

1. An Industrial User with a discharge to a sewer system and which the Department determines is classified by the following Standard Industrial Classification (SIC) Codes, or the corresponding North America Industry Classification System (NAICS) codes, is subject to 314 CMR 7.05(2)(g):

- 1000-1399 Metal Mining, Coal Mining, Oil and Gas Exploration;
- 1474-1499 Chemical/Fertilizer Mining, Nonmetallic Minerals;
- 2000-3999 Manufacturing;
- 4231 Maintenance Facilities for Motor Freight Transport;
- 4581 Airports, Flying Fields and Airport Terminal Service;
- 4911-4939 Electric and Gas Production;
- 4953 Refuse Systems;
- 7216 Dry-cleaning (except rug cleaning);
- 7217 Carpet and Upholstery Cleaning;
- 7218 Industrial Laundries;
- 7384 Photofinishing Laboratories;
- 7532-7539 Automotive Repair Shops and Paint Shops;
- 7549 Automotive Services;
- 7819 Motion Picture Developing/Printing/Film Processing;
- 8062-8069 Hospitals;
- 8071 Medical Laboratories;
- 8072 Dental Laboratories;
- 8731 Commercial Physical and Biological Research; and

Remedial discharges under M.G.L. c. 21E at any active or inactive facility falling in one or more of the above SIC Code categories.

2. An Industrial User with a discharge to the sewer system and which is not classified by the above standard industrial classification (SIC) codes and which generates hazardous industrial wastewater is subject to applicable requirements in 314 CMR 7.05(2)(g).

REGULATORY AUTHORITY