

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

WHEREAS, the City of Groton’s existing Sewer Use Ordinance requires revision, and

WHEREAS, an Ordinance is required to regulate private sewers and drains; private wastewater disposal; the installation and connection of building sewers; and the discharge of waters and waste into the public sewer system, and

WHEREAS, the City of Groton Water Pollution Control Authority has recommended the adoption of a Revised Sewer Use Ordinance, and

WHEREAS, a public hearing was held on November 3, 1997, on the Revised Sewer Use Ordinance and no challenges or adverse comments were received,

THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Groton **finally** approve the Revised Sewer Use Ordinance entitled “An Ordinance Regulating The Use of Public and Private Sewers and Drains, Private Wastewater Disposal, The Installation and Connection of Building Sewers, and The Discharge of Waters and Wastes into The Public Sewer System and Providing Penalties for Violations Thereof: In The City of Groton, County of New London, State of Connecticut.

Be it ordained and enacted by the Mayor and Council of the City of Groton, State of Connecticut, as follows:

SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

This Ordinance sets forth uniform requirements and procedures for users of the Publicly Owned Treatment Works (POTW) for the City of Groton (City) and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this Ordinance are:

- A. To inform the public as to the technical and administrative procedures to be followed in obtaining connection to the City’s sewage collection system;
- B. To prevent the introduction of pollutants into the POTW that will damage or interfere with its operation;
- C. To prevent the introduction of pollutants into the POTW that will pass through the Pollution Abatement Facility (PAF), inadequately treated, into receiving waters, or otherwise be incompatible with the PAF.

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

- D. To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- E. To promote reuse and recycling of industrial wastewater and sludge from the PAF;
- F. To provide for fees for connection to the POTW; and
- G. To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

This Ordinance shall apply to the City of Groton and all users of the City's Sewage Collection System or Pollution Abatement Facility. This Ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.2 Administration

Except as otherwise provided herein, the Director of Utilities of the City of Groton shall administer, implement, and enforce the provisions of this Ordinance. Any powers, granted to, or duties imposed upon the Director of Utilities, may be delegated by the Director of Utilities to other City personnel.

1.3 Abbreviations

The following abbreviations, when used in this Ordinance, shall have the designated meanings:

- BOD - Biochemical Oxygen Demand
- CFR - Code of Federal Regulations
- COD - Chemical Oxygen Demand
- CGS - Connecticut General Statutes
- DEP - Connecticut Department of Environmental Protection
- EPA - United States Environmental Protection Agency
- gpd - gallons per day
- mg/l - milligrams per liter
- NPDES - National Pollutant Discharge Elimination System
- NCCW - Noncontact Cooling Water
- O&M - Operations and Maintenance
- PAF - Pollution Abatement Facility

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

- POTW - Publicly Owned Treatment Works
- PSES - Pretreatment Standards for Existing Sources
- PSNS - Pretreatment Standards for New Sources
- RCRA - Resource Conservation and Recovery Act
- SIC - Standard Industrial Classification
- TSS - Total Suspended Solids
- U.S.C. - United States Code
- WPCA - Water Pollution Control Authority

1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated:

- A. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq.*
- B. Approval Authority. State of Connecticut, Department of Environmental Protection, Water Management Bureau, 79 Elm Street, Hartford, CT 06106-5127
- C. Authorized Representative of the User.
- (1) If the user is a corporation:
- (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
- (b) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

- (3) If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in paragraphs (1) through (3), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of Groton.
- D. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g., mg/l).
- E. Boiler Blowdown Wastewater. Boiler wastewater resulting from periodic or continuous bleed off or draining of bottom, bulk or surface water from a boiler during boiler operation for the purpose of eliminating excess solids from the boiler water, and shall include steam condensate from the boiler operations but does not include boil-out or boiler acid cleaning wastewaters.
- F. Boiler Acid Cleaning Wastewaters or Boil-Out. Wastewater and waste acid or alkaline cleaning solution generated from cleaning to remove scale, oil, grease, or other contaminants from a boiler, performed also as maintenance or on a new boiler prior to operation.
- G. Building Drain. That part of the lowest horizontal piping of a building plumbing 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 five (5) feet outside the inner face of the building wall.
- H. Building Sewer. The extension from the building drain to the public sewer, private sewer, or other place of disposal (may also be called the house connection).
- I. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- J. Chemical Oxygen Demand (COD). The amount of oxygen required for the chemical oxidation of carbonaceous (organic) material in wastewater using inorganic dichromate or permanganate salts as oxidants in a two-hour test.

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

- K. Commissioner. Commissioner of the Department of Environmental Protection for the State of Connecticut.
- L. Compatible Pollutant. Biochemical Oxygen Demand (BOD), suspended solids, pH, and fecal coliform bacteria; plus any additional pollutants identified in the PAF's NPDES permit, where the PAF is designed to treat such pollutants and, in fact, does treat such pollutants to the degree required by the NPDES permit.
- M. Cooling Tower Blowdown. Wastewater, including condensate, resulting from periodic, continuous bleed off or discharge from cooling towers during operation, which may or may not have come in contact with water treatment chemicals.
- N. Cooling Water. Process water, in general, used for cooling purposes to which the only pollutant added is heat and which has such characteristics that it may be discharged to a natural outlet in accordance with Federal and State Laws.
- O. City of Groton. The City of Groton, Connecticut, including but not limited to its Water Pollution Control Authority.
- P. Director of Utilities. The person designated by the City to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this Ordinance, or his duly authorized deputy, agent or representative.
- Q. Domestic Sewage. Sewage that consists of water and human excretions or other waterborne wastes incidental to the occupancy of a residential building or nonresidential building but not wastewater from water softening equipment, commercial laundry wastewater, and blowdown from heating and cooling equipment.
- R. Environmental Protection Agency (EPA). The United States Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said Agency.
- S. Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- T. Floatable Oil. Oil, fat, or grease in a physical state such that it will separate by gravity from sewage by treatment in an approved pretreatment facility.

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

- U. Garbage. Animal or vegetable waste resulting from the handling, preparation, cooking or serving of food.
- V. 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 fifteen (15) minutes.
- W. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.
- X. Industrial Wastewater. All wastewater from industrial processes, trade, or business and is distinct from domestic sewage.
- Y. 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 composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
- Z. Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the 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: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- AA. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes and dialysis wastes.
- AB. National Pollutant Discharge Elimination System (NPDES). The program for issuing, modifying, revoking, monitoring and enforcing permits and imposing and enforcing pretreatment requirements under Section 307, 402, 318 and 405 of the Clean Water Act and Chapter 446K of the Connecticut General Statutes and Regulations adopted thereunder.
- AC. 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 Clean Water Act, as amended, which will

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

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 whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph 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 placement, 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 paragraph.
- AD. Noncontact Cooling Water (NCCW). Water used for cooling purposes which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

- AE. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.
- AF. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- AG. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- AH. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- AI. Pollution Abatement Facility (PAF). The arrangement of structures and devices used for the treatment of sewage and sludge.
- AJ. Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard, and except as prohibited by Title 40, Code of Federal Regulations, Section 403.6(d).
- AK. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- AL. Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- AM. Private Sewer. A sewer installed and owned on private property by the property owner at his expense, as a collection system for multiple building sewers which do not connect separately and directly to a public sewer. This shall not include sewers passing through and interconnecting separate buildings. Private sewers shall be under control of the POTW.

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

- AN. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 4.1 of this Ordinance.
- AO. Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act (33 U.S.C. §1292), which is owned by the City of Groton and operated through the City's WPCA. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.
- AP. Public Sewer. A common sanitary sewer owned and controlled by the POTW.
- AQ. Pretreatment Standards for Existing Sources (PSES). Those standards as specified in Section 22a-430-4 of the Regulations of Connecticut State Agencies.
- AR. Pretreatment Standards for New Sources (PSNS). Those standards as specified in Section 22a-430-4 of the Regulations of Connecticut State Agencies.
- AS. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- AT. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
- AU. Sewage Collection System. All facilities for collecting, regulating, pumping and transporting sewage to the POTW.
- AV. Significant Industrial User.
- (1) A user subject to categorical pretreatment standards; or
 - (2) A user that:
 - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW; or

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

- (c) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the PAF's operation or for violating any pretreatment standard or requirement.
- (3) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.
- AW. Slug Load or Slug. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 4.1 of this Ordinance and which could adversely affect the POTW and/or the PAF.
- AX. Soluble Oil. Oil which is of either mineral or vegetable origin and disperses in water or sewage at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit.
- AY. Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
- AZ. Storm Sewer. A sewer which collects and conveys storm water or groundwater and to which condensate, cooling water, or similar wastes may be discharged.
- BA. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snow melt.
- BB. Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- BC. Swimming Pool Wastewater. Wastewaters generated by the acid cleaning, pressure washing and/or draining of public pools or private residential pools, or the backwash of a pool filtration system.
- BD. User or Industrial User. A source of indirect discharge.
- BE. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- BF. Wastewater Discharge Permit. A permit issued in accordance with Federal and/or State regulations and requirements.

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

- BG. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.
- BH. Watercourse. A natural or artificial channel for the passage of water either continuously or intermittently.
- BI. Water Pollution Control Authority (WPCA). The municipality which has jurisdiction over the POTW. The authority under the City of Groton.

SECTION 2 - PUBLIC AND PRIVATE SEWER AVAILABILITY

- A. The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public or private sewer under control of the WPCA are, at the option of the WPCA and at the owner's expense, required to install a building sewer to connect their building drain to the public or private sewer in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so.
- B. It shall be unlawful for any person to construct or repair any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage if public sewers are available.
- C. It shall be unlawful for any person to place, deposit, or permit to be deposited in any manner on public or private property within the City any human excrement, garbage, or other objectionable waste.
- D. It shall be unlawful for any person to discharge to any watercourse within the City any sewage or other polluted waters except where suitable treatment has been provided and/or otherwise permitted in accordance with this Ordinance.
- E. Public or private sewers shall be deemed not available if:
- (1) no public or private sewer is located within one hundred feet (100') of the property line; or,
 - (2) connection to a public or private sewer is prevented by topographical or other physical reasons as determined by the WPCA.
- F. Where a public or private sewer is not available, the building's sewer shall be connected to an on-site sewage disposal system complying with the rules and regulations of the State Department of Health Services as administered by the Ledge Light Health District.

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

SECTION 3 - PRIVATE SEWER AND BUILDING SEWER REQUIREMENTS

The provisions of this Section of this Ordinance shall apply to the connection and construction of building sewers to private sewers and private sewers to the public sewer.

3.1 Private Sewer Connection Standards

- A. No private sewer shall be constructed unless it is connected to a public sewer.
- B. Use of private sewers by multiple property owners and construction or reconstruction of private sewers capable of servicing multiple property owners is prohibited unless such private sewer meets the requirements of this article.
- C. Private sewers shall be designed and constructed in accordance with plans and specifications prepared by a registered professional engineer, consistent with the currently effective "Sewer Main and Services, Construction Standards" issued by the WPCA, and approved by the Director of Utilities. Construction shall be subject to the inspection of the Director of Utilities and use of the private sewer shall be prohibited until such time as the construction is approved. No certificate of occupancy for the building(s) serviced by such private sewer shall be issued by the Zoning and Building Official of the City of Groton until such time as said approval is granted in writing. Ownership of and responsibility for the maintenance of the private sewer shall remain with the owner(s) of record of the property.
- D. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, repair, or disturb any public sewer, private sewer, building sewer, or appurtenance thereof. The work related to uncovering, making and connecting with or opening into any public sewer shall be performed by agents or representatives of the WPCA. Any other work may be done by private contractors.
- E. No user shall make connections of roof drains, downspouts, foundation drains, areaway drains, basement drains, sump pumps, or other sources of surface runoff or ground water to a building sewer, building drain, or private sewer which in turn is connected directly or indirectly to a public sewer.

3.2 Building Sewer Connection Standards

- A. 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 public or private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway. The building sewer that provides service for the building which fronts on the public or private sewer

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

may be extended to the rear building and the whole considered as one building sewer, if approved by the Director of Utilities. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such aforementioned connection.

- B. Existing building sewers or portions thereof may be used in connection with new buildings only when they are found on examination and test by the Director of Utilities to meet all requirements of this Ordinance. The cost of the examination and test shall be borne by the user(s) of the new buildings.
- C. The building sewer shall be brought to the building at an elevation below the basement floor, unless the Director of Utilities for severe practical difficulties grants a waiver of this requirement. The depth shall be sufficient to afford protection from frost.
- D. In all buildings in which any building drain is too low to permit gravity flow to the public or private sewer, sewage carried by such drain shall be lifted by an acceptable and city approved lift system and discharged into the building sewer. Duplex lift systems shall be provided for commercial and industrial buildings.
- E. The building sewer shall be cast-iron soil pipe, ASTM Specification A74-66, vitrified-clay sewer pipe, ASTM Specification C200-65T, or polyvinyl chloride pipe, ASTM Specification D3034-SDR35. Whenever any part of the building sewer is located within ten feet (10') of a water pipe, is subject to damage by tree roots, or is placed on fill or unstable material, a specific building material may be required by the Director of Utilities.
- F. The size and slope of a building sewer shall be subject to the approval of the Director of Utilities, but in no event shall the diameter be less than six inches (6"). The slope of such six-inch (6") pipe shall not be less than one-eighth inch (1/8") per foot. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in grade or direction shall be made only with manholes or properly constructed cleanouts and approved by the Director of Utilities. Every building drain shall be equipped with a Y branch furnishing a cleanout for the main drain. The Y branch shall be placed as to give direct access to the building drain at the point the building drain leaves the building basement and shall be fitted with a threaded brass cleanout plug. The Y branch cleanout is to be located in the cellar floor with the cleanout plug located a minimum of four inches (4") above the basement floor at the outer wall except where permission is given by the Zoning and Building Official and Director of Utilities to place it otherwise.
- G. All building sewer joints and connections shall be made tight and waterproof. Cement mortar joints will not be permitted. Cast-iron pipe joints shall be firmly packed with oakum or hemp and filled with molten lead, Federal Specifications QQ-C-40, not less than one inch (1") deep. Lead shall be run in one (1) pouring and caulked tight. No paint, varnish, or other coatings

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

shall be permitted on the jointing material until after the joint has been tested and approved. Approved premolded, matching resilient rubber gasket joints may be used as an alternate to the lead joint. All joints in vitrified-clay pipe or between such pipe and metals shall be made with approved premolded, matching resilient rubber gasket joints. Gasket joints using materials having resilient properties shall conform to ASTM Specification C425-66T and shall be Type I or III. All joints in polyvinyl chloride pipe shall be made with approved premolded, matching resilient rubber gasket joints conforming to ASTM Specification D1869.

- H. All excavations required for the installation of a building sewer or a private sewer shall be open trench work unless otherwise approved by the Director of Utilities. All pipe laying and backfilling on private property up to a level of two feet (2') over the top of the pipe shall be performed in accordance with ASTM Specification C12-64, except that no backfill shall be placed until the work has been inspected and approved. The remaining backfilling of the pipe trench in the street right-of-way will be controlled by the applicable requirements of the City's Street Opening Ordinance.
- I. All excavations for building sewer or private sewer installation, repair, and connection shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner meeting all the applicable requirements of the City's Street Opening Ordinance and shall be inspected and approved by the Director of Public Works of the City or his duly authorized representative.
- J. The connection of the building sewer into the public sewer shall be made at an existing Y or Tee branch, if such Y or Tee branch is available at a suitable location. If no Y or Tee branch is available, a connection may be made by tapping the existing sewer by an approved method, then installing a Tee saddle or other approved fitting. No portion of the fitting shall project beyond the inside surface of the sewer.
- K. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, repair, or disturb any public sewer, private sewer, building sewer, or appurtenance thereof. The work related to uncovering, making and connecting with or opening into any public sewer shall be performed by agents or representatives of the WPCA. Any other work may be done by private contractors.
- L. No user shall make connections of roof drains, downspouts, foundation drains, areaway drains, basement drains, sump pumps, or other sources of surface runoff or ground water to a building sewer, building drain, or private sewer which in turn is connected directly or indirectly to a public sewer.

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

3.3 Persons Authorized to Install and Use Building Sewers and Private Sewers

- A. No unauthorized person shall use any public sewer or private sewer or undertake any work related to the installation of building sewers or private sewers without first obtaining a written permit from the Director of Utilities. All building sewers or private sewers shall be installed by a drain layer who possesses a valid license issued under Chapter 393 of the Connecticut General Statutes, as amended.
- B. Applications for permits shall be submitted on a special form furnished by the WPCA and signed jointly by the owner(s) of the property to be serviced by the building sewer or private sewer and by the contractor retained by the owner(s) to construct the building sewer or private sewer. For the purposes of this Ordinance, the owner(s) and the contractor shall be considered as joint permittees with the responsibility of the permittee (owner(s)) limited to all non-construction requirements of this Ordinance and the responsibility of the permittee (contractor) limited to the construction of the building sewer or private sewer and payment of permit fee requirements of this Ordinance.
- C. The application for permit shall be supplemented by any plans, specifications, or other information considered pertinent by the Director of Utilities to determine that the proposed installation meets the requirements of this regulation and other applicable specifications, codes, and laws.
- D. The permittee (contractor) shall have one (1) copy of the permit available for inspection at the site of the work at all times. Upon approval of the application, a permit shall be issued to have the work performed by the stated contractor.
- E. In the event ownership of the premises changes before the work is completed, or if another contractor is chosen to perform or finish the work, the original permit shall become void, and a new permit must be obtained by the new parties in interest.
- F. A connection to the public sewer will be made only after the building('s)(s') plumbing has been approved by the Zoning and Building Official of the City in order to insure that applicable requirements are met for the installation.
- G. The permittees for the building sewer or private sewer permit shall notify the Director of Utilities at least twenty-four (24) hours before beginning the work and also when the building sewer and/or private sewer is ready for inspection and connection to the public sewer. No work shall be backfilled until inspected and approved.
- H. Any permit may be suspended, canceled, or terminated by the Director of Utilities on written notice to the permittees for violation of the conditions thereof or for violation of the requirements of this Ordinance, or for other reason(s) in the public interest. Suspension, cancellation, or termination of a

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

permit shall not entitle the permittees to any compensation or reimbursement from the WPCA, the City or its agents or representatives for any alleged loss or expense incurred thereby, and permits shall be issued on this condition.

- I. The permittee (contractor) shall be required to submit a full written report to the Director of Utilities within twenty-four (24) hours in the event that prohibited substances are found in a building sewer, private sewer, or house drain during the course of the work.
- J. Notification of the completion of the work with certification that all conditions of this Ordinance have been complied with shall be filed in writing with the WPCA by the permittee (contractor) within twenty-four (24) hours after the completion of the work covered in each permit.
- K. Notices shall be effective when sent by certified or registered mail to the permittees at the addresses given on the application for permit.

3.4 Permit Fee Requirements

- A. A permit fee of ten dollars (\$10.00) for each single-family building serviced by the proposed building sewer or private sewer shall be paid to the WPCA by the permittee (contractor).
- B. A permit fee of fifty dollars (\$50.00) for each commercial, industrial, or multi-family building serviced by the building sewer or private sewer shall be paid to the WPCA by the permittee (contractor).
- C. Non-profit institutions shall be exempt from permit fees.
- D. All costs and expenses except permit fees incident to the installation, connection, repair, and inspection of the building sewer or private sewer shall be borne by the permittee owner(s). The permittee (contractor) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer and/or private sewer in accordance with the following requirements:
 - (1) Prior to the approval of an application for permit by the Director of Utilities, the permittee (contractor) shall file with the WPCA a certificate of public liability insurance with limits of at least \$1,000,000/\$1,000,000 for bodily injury and \$1,000,000 covering property damage, both of which shall remain in full force and effect for a period of at least one year from the date and permitted construction is completed and approved. The City of Groton shall be named as an additional insured with respect to general liability.

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

- (2) Said insurance shall indemnify the WPCA, its employees, agents, and representatives, and the City of Groton against any and all claims, liability, or action for damages incurred in or in any way connected with the performance of the work, and for or by reason of any acts or omissions in the performance of the work.

SECTION 4 - GENERAL SEWER USE REQUIREMENTS

4.1 Prohibited Discharge Standards

- A. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.
- B. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW those pollutants, substances, or wastewaters listed below, unless specifically authorized by the Director of Utilities or appropriate Federal, State or local permits. Prohibitions may be enforced if user discharges adversely affect the POTWs quantity or quality, or results in the City's failure to comply with the NPDES permit or disruption of plant operations.
- (1) Pollutants which create a fire or explosive hazard or be injurious in any other way to the POTW and/or the PAF, including, but not limited to, wastestreams with a closed-cup flashpoint reading from an explosion hazard meter of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
 - (2) Wastewater having a pH less than 5.5 or more than 10, or otherwise causing corrosive structural damage to the POTW or equipment. The upper and lower limits of pH for any industrial wastewater discharge shall be established under the discharger's State Discharge Permit;
 - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW and/or PAF resulting in interference but in no case solids greater than one-half inch (0.5") in any dimension;
 - (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
 - (5) Wastewater having a temperature greater than 150°F (65°C) at the point were discharged to the POTW, or which will inhibit biological activity in the treatment plant resulting in

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);

- (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems or to exceed the limitations set forth in the Pretreatment Standards;
- (8) Trucked or hauled pollutants, except at discharge points designated by the Director of Utilities in accordance with Section 5.4 of this Ordinance;
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit;
- (11) Wastewater containing any radioactive wastes or isotopes;
- (12) Materials which exert or cause unusual concentrations of inert suspended solids such as but not limited to, Fullersearth, lime slurries, and lime residues, or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate;
- (13) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool wastewater, condensate, deionized water, noncontact cooling water, boiler blowdown, cooling tower blowdown and unpolluted wastewater;
- (14) Overflow from holding tanks or other receptacles storing organic waste;
- (15) Steam exhausts, sediment traps, or pipes carrying hot circulating water;
- (16) Periodic boiler cleaning, including but not limited to, boil-out wastewaters and boiler acid-cleaning wastewaters. Periodic boiler cleaning is not included in the term "boiler blowdown" as used in the Ordinance;
- (17) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

- (18) Medical wastes;
- (19) Strong acid iron pickling wastes, photographic darkroom wastes, chemical etching wastes, plating solutions, or strong oxidizing agents, whether neutralized or not;
- (20) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (21) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (22) Fats, wax, oils, greases, of animal or vegetable origin, petroleum or mineral oil, whether emulsified or not, in concentrations greater than 100 mg/l, with floatable oil not to exceed 20 mg/l or containing substances which may solidify or become viscous at temperatures between 32°F (0°C) and 150°F (65°C);
- (23) Wastewater causing two successive readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 5% or any single reading over 10% of the Lower Explosive Limit of the meter; or,
- (24) Quantities of cooling water, either noncontact or direct.
- (25) Any substance which, if otherwise disposed of, would be a listed hazardous waste under 40 CFR Part 261, as amended.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

4.2 National Categorical Pretreatment Standards

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director of Utilities may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director of Utilities shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

- C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 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.
- D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
- E. Upon the promulgation of the Categorical Standard for a particular industrial subcategory, the National Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall supersede the limitations imposed under this Ordinance.

4.3 State Pretreatment Standards

State pretreatment standards are hereby incorporated. If established for the discharge of 40 CFR Parts 405 through 470 in accordance with Section 307 CWA, PSNS for new sources and PSES for all other discharges. Existing discharges to stormwater or ground water which are redirected to the POTW after adoption of a pretreatment standard shall meet PSES, unless the discharge is a new source in which case PSNS requirements shall be met at the time the redirected discharge is commenced.

4.4 Local Limits

The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the Connecticut State Statutes Section 22a-430-3 and Section 22a-430-4-, as amended, or in excess of the following average monthly allowable discharge limits, whichever is stricter, unless otherwise permitted:

<u>0.05</u>	mg/l arsenic
<u>5.0</u>	mg/l barium
<u>30.0</u>	mg/l BOD ₅
<u>5.0</u>	mg/l boron
<u>0.1</u>	mg/l cadmium
<u>1.0</u>	mg/l chromium (total)
<u>0.1</u>	mg/l chromium (Cr ⁺⁶)
<u>1.0</u>	mg/l copper
<u>0.1</u>	mg/l cyanide (amenable)
<u>20.0</u>	mg/l fluoride
<u>0.1</u>	mg/l lead
<u>100.0</u>	mg/l magnesium
<u>5.0</u>	mg/l manganese
<u>0.01</u>	mg/l mercury

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

<u>1.0</u>	mg/l nickel
<u>10.0</u>	mg/l oil and grease
11.0	mg/l silver
<u>2.0</u>	mg/l tin
<u>20.0</u>	mg/l total suspended solids
<u>1.0</u>	mg/l zinc

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for “total” metal unless indicated otherwise. The Director of Utilities may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

4.5 Dilution

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Director of Utilities may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

SECTION 5 - PRETREATMENT OF WASTEWATER

5.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 4.1 of this Ordinance within the time limitations specified by EPA, the State, or the Director of Utilities, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Director of Utilities for review, and shall be acceptable to the Director of Utilities before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this Ordinance.

5.2 Additional Pretreatment Measures

A. Whenever deemed necessary, the Director of Utilities may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and/or PAF and determine the user's compliance with the requirements of this Ordinance.

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

- B. The Director of Utilities may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director of Utilities, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Director of Utilities and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense. The user shall maintain records of the dates and means of disposal, which are subject to review by the Commissioner. Any removal and hauling of collected material shall be performed by a waste disposal firm which possesses a valid permit from the Commissioner under Section 25-54h of the Connecticut General Statutes, as amended.
- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

5.3 Accidental Discharge/Slug Control Plans

The Director of Utilities may evaluate whether each significant industrial user needs to prepare or revise an accidental discharge/slug control plan (or equivalent document), prepared in accordance with Federal, State or local requirements or the provisions set forth in this Ordinance. The Director of Utilities may require any user to develop, revise, submit for approval and implement such a plan. The Director of Utilities may require each significant industrial user to submit pertinent information from the accidental discharge/slug control plans on a regular basis (i.e., emergency notification numbers annually).

5.4 Hauled Wastewater

- A. Septic tank waste may be introduced into the POTW only at locations designated by the Director of Utilities, and at such times as are established by the Director of Utilities. Such waste shall not violate Section 4 of this Ordinance or any other requirements established by the City. The Director of Utilities may require septic tank waste haulers to obtain wastewater discharge permits.
- B. The Director of Utilities shall require haulers of industrial waste to obtain wastewater discharge permits. The Director of Utilities may require generators of hauled industrial waste to obtain wastewater discharge permits. The Director of Utilities also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Ordinance.

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

- C. Industrial waste haulers may discharge loads only at locations designated by the Director of Utilities. No load may be discharged without prior consent of the Director of Utilities. The Director of Utilities may collect samples of each hauled load to ensure compliance with applicable standards. The Director of Utilities may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- E. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum:
 - (1) the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste; and,
 - (2) shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

SECTION 6 - WASTEWATER DISCHARGE PERMIT APPLICATION

6.1 Wastewater Analysis

When requested by the Commissioner, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request, using appropriate Federal, State or local forms for this purpose. The Director of Utilities must receive a copy of this information and may periodically require users to update this information.

6.2 Wastewater Discharge Permit Requirement

- A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Commissioner, in accordance with Section 22a-430 of the Connecticut General Statutes, as amended, except that a significant industrial user that has filed a timely application pursuant to Section 6.3 of this Ordinance may continue to discharge until final action is taken on the application.
- B. The Commissioner may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this Ordinance, including but not limited to:
 - (1) Domestic sewage in excess of five thousand (5,000) gpd through any individual building sewer to a public sewer.

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 12 through 14 of this Ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State and local law.

6.3 Wastewater Discharge Permitting: Existing Connections

Any user currently discharging wastewater into the POTW and who wishes to continue such discharges in the future, shall, comply with and adhere to all local, State and Federal regulations and permits.

6.4 Wastewater Discharge Permitting: New Connections

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit must be submitted to the Commissioner no later than 90 days prior to the date upon which any discharge will begin or recommence.

6.5 Application Signatories and Certification

All wastewater discharge permit applications and user reports submitted to the WPCA must be signed by an authorized representative of the user and contain the following certification statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations.”

6.6 Wastewater Discharge Permit Decisions

The Commissioner will evaluate the data furnished by the user and may require additional information. The Commissioner may in accordance with Section 22a-430(b) of the Connecticut General Statutes, as amended, and in accordance with the provisions set forth in this Ordinance:

- A. Reject the discharge of sewage.

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

- B. Require pretreatment of the sewage to an acceptable condition prior to discharge to the public sewers at the discharger's expense.
- C. Require control over quantities and rates of the discharge of sewage (equalization).

If the Commissioner permits the pretreatment and/or equalization of sewage flows, the design and installation of the facilities to accomplish such pretreatment and/or flow equalization shall be subject to the review and approval of the Commissioner and Director of Utilities subject to the requirements of all applicable codes, ordinances, and laws. The cost of design and installation of the facilities to accomplish such pretreatment and/or equalization of sewage flows shall be borne by the discharger.

The WPCA shall have the right to reject the discharge of any sewage; or, require more stringent effluent limitations than required by the user's permit, the decision(s) of the Commissioner notwithstanding, if the Director of Utilities finds that said sewage is likely to interfere with the operation or performance of the POTW.

6.7 Regulation of Waste Received from Other Jurisdictions

- A. If another municipality, or user located within another municipality, contributes wastewater to the POTW, the Director of Utilities shall enter into an intermunicipal agreement with the contributing municipality.
- B. Prior to entering into an agreement required by paragraph A, above, the Director of Utilities shall request the following information from the contributing municipality:
 - (1) A description of the quality and volume of wastewater discharged to the PAF by the contributing municipality;
 - (2) An inventory of all users located within the contributing municipality that are discharging to the PAF; and,
 - (3) Such other information as the Director of Utilities may deem necessary.
- C. An inter-municipal agreement, as required by paragraph A, above, shall contain the following conditions:
 - (1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this Ordinance and local limits which are at least as stringent as those set out in Section 4.4 of this Ordinance. The requirement shall specify that such ordinance and

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

limits must be revised as necessary to reflect changes made to the City's ordinance or local limits;

- (2) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
 - (3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Director of Utilities; and which of these activities will be conducted jointly by the contributing municipality and the Director of Utilities;
 - (4) A requirement for the contributing municipality to provide the Director of Utilities with access to all information that the contributing municipality obtains as part of its pretreatment activities;
 - (5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
 - (6) Requirements for monitoring the contributing municipality's discharge;
 - (7) A provision ensuring the Director of Utilities access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Director of Utilities;
 - (8) A provision specifying remedies available for breach of the terms of the inter-municipal agreement; and,
- (9) A hookup and operating fee (i.e., North Slope and Town connections)

SECTION 7 - REPORTING REQUIREMENTS

7.1 Baseline Monitoring Reports

- A. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Director of Utilities a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

of an applicable categorical standard, shall submit to the Director of Utilities a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described above shall submit the information set forth below.

- (1) Identifying Information. The name and address of the facility, including the name of the operator and owner.
- (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
- (3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
- (4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
- (5) Measurement of Pollutants.
 - (a) The categorical pretreatment standards applicable to each regulated process.
 - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Director of Utilities, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 7.9 of this Ordinance.
 - (c) Sampling must be performed in accordance with procedures set out in Section 7.10 of this Ordinance.
- (6) Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

- (7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 7.2 of this Ordinance.
- (8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 6.5 of this Ordinance.

7.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 7.1(B)(7) of this Ordinance:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine (9) months;
- C. The user shall submit a progress report to the Director of Utilities no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the Director of Utilities.

7.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Director of Utilities a report containing the information described in Section 7.1(B)(4-6) of this Ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6.5 of this Ordinance.

7.4 Periodic Compliance Reports

- A. All significant industrial users shall, at a frequency determined by the Director of Utilities but in no case less than twice per year (in June and December), submit a report (i.e., Discharged Monthly Reports) indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 6.5 of this Ordinance.
- B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Director of Utilities, using the procedures prescribed in Section 7.10 of this Ordinance, the results of this monitoring shall be included in the report.

7.5 Reports of Changed Conditions

Each user must notify the Director of Utilities 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 sixty (60) days before the change.

Any user proposing a new discharge through an existing building sewer into the POTW shall notify the Director of Utilities at least forty-five (45) days prior to the date of the proposed change or connection.

- A. The Director of Utilities may require the user to submit such information as may be deemed necessary to evaluate the changed condition.
- B. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of previously unreported pollutants including: those located in Appendix B and/or D of Section 22a-430 and 433; or subsequent revisions; substances located in the Priority Pollutant List; and/or those which may adversely affect the POTW.

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

7.6 Reports of Potential Problems

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the PAF, the user shall immediately telephone and notify the Director of Utilities of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- B. Within five (5) days following such discharge, the user shall, unless waived by the Director of Utilities and the Commissioner, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this Ordinance.
- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
- D. Any user whose discharge results in a malodorous condition in the sewage collection system which, in the judgment of the Director of Utilities, constitutes a threat to public health and/or a public nuisance, shall, upon written notification, implement such actions as are necessary to control or eliminate said conditions. Actions to be taken may include, but are not limited to:
 - (1) Installation of odor control devices.
 - (2) Application of odor control chemicals.
 - (3) Increased frequency of user-owned pumping station operation.

The expense of implementing such odor control actions shall be borne by the user. In the event the user does not comply with the written notification to implement odor control actions within ten (10) days, the Director of Utilities shall implement such actions necessary to control or eliminate said condition and bill the user for the expense of such actions.

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

7.7 Reports from Unpermitted Users

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Director of Utilities as the Director of Utilities may require.

7.8 Notice of Violation/Repeat Sampling and Reporting

Any user found to be in violation of any provisions of this Ordinance shall be served by the POTW with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall within the period of time stated in such notice, permanently cease all violations.

Any user who is found to be in violation of Section 22a-430 of the Connecticut General Statutes, as amended, shall be subject to a monetary penalty or forfeiture under Section 22a-438 of the Statutes. If the City is found to be in violation of Section 22a-430 and is fined, and if the violation and fine result from the violation of Section 22a-430 or this Ordinance by any user subject to the ordinance, then the City may require that person to indemnify the City for said fine.

7.9 Analytical Requirements

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

7.10 Sample Collection

- A. When required by the Commissioner, the owner(s) of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observations, sampling, and measurement of wastewaters. Such structures, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Commissioner. The sampling structure shall be located at a point along industrial waste stream where a representative sample of the industrial wastewater may be obtained prior to its being diluted by domestic sewage in the building sewer. The structure shall be installed and maintained by the owner(s) at the owner(s) expense.
- B. All significant industrial users discharging to the POTW shall perform such monitoring of their discharge as required by the Commissioner in any State discharge permit issued pursuant to Section

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

22a-430 of the Connecticut General Statutes, as amended, including, but not limited to, installation, use, and maintenance of monitoring equipment, keeping records and reporting the results to the Commissioner. Such records shall be made available upon request of the Commissioner or the Director of Utilities.

- C. All measurements, tests, and analyses of the characteristics of sewage to which reference is made in this ordinance 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. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to the stipulations and general conditions of the user’s wastewater discharge permit.

7.11 Timing

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

7.12 Record Keeping

Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the City, or where the user has been specifically notified of a longer retention period by the Director of Utilities.

SECTION 8 - COMPLIANCE MONITORING

8.1 Right of Entry: Inspection and Sampling

The Director of Utilities and other duly authorized employees of the City bearing credentials and identification shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this Ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow the Director of Utilities or duly authorized employees of the City ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

- A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director of Utilities or duly authorized employees of the City will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Director of Utilities or duly authorized employees of the City shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- C. The Director of Utilities or duly authorized employees of the City may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Director of Utilities or duly authorized employees of the City and shall not be replaced. The costs of clearing such access shall be borne by the user.
- E. Unreasonable delays in allowing the Director of Utilities or duly authorized employees of the City access to the user's premises shall be a violation of this Ordinance.
- F. The Director of Utilities or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the user.
- G. The Director of Utilities and other duly authorized employees of the City shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of repair, reconstruction, and maintenance of any portion of the POTW 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.

SECTION 9 - CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Director of Utilities' inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Director of Utilities, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

SECTION 10 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Industrial Task Force shall report annually a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other discharge violation that the Director of Utilities believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of PAF personnel or the general public;
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Director of Utilities' exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules; or

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

G. Failure to accurately report noncompliance.

SECTION 11 - ADMINISTRATIVE ENFORCEMENT REMEDIES

11.1 Notification of Violation

When the Director of Utilities finds that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director of Utilities may serve upon that user a written Notice of Violation. Within thirty (30) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Director of Utilities within the period of time stated in the Notice of Violation. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Director of Utilities to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

11.2 Consent Orders

The Director of Utilities may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 11.4 and 11.5 of this Ordinance and shall be judicially enforceable.

11.3 Show Cause Administrative Hearing

The Director of Utilities may order a user which has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the WPCA and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

11.4 Compliance Orders

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

11.5 Cease and Desist Orders

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

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

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

11.6 Administrative Fines

- A. When the Director of Utilities finds that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director of Utilities may fine such user in an amount not to exceed one hundred dollars (\$100.00). 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.

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

- B. Any person that has violated any of the provisions of this Ordinance shall become liable to the City of Groton acting through the City of Groton's WPCA for any expenses, loss, or damage occasioned, by reason of such violation.
- C. Any user found to be in violation of Section 22a-430 of the Connecticut General Statutes, as amended, shall be subject to a monetary penalty or forfeiture under Section 22a-438 of the Statutes. If the City is found to be in violation of Section 22a-430 and is fined, and if the violation and fine result from the violation of Section 22a-430 or this Ordinance by any user subject to this Ordinance, then the City may require that user to indemnify the City for said fine.
- D. Users desiring to dispute such fines must file a written request for the Director of Utilities to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the WPCA may convene a hearing on the matter. The WPCA shall schedule the appeal for a hearing at its next regularly scheduled meeting fourteen (14) days after receipt of the appeal. All hearings shall be informal in nature. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Director of Utilities may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- E. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

11.7 Emergency Suspensions

The Director of Utilities may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director of Utilities may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Director of Utilities may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director of Utilities may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Director of Utilities that the period of endangerment has passed, unless the termination proceedings in Section 11.8 of this Ordinance are initiated against the user.

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

- B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director of Utilities prior to the date of any show cause or termination hearing under Sections 11.3 or 11.8 of this Ordinance.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

11.8 Termination of Discharge

Any user who violates the following conditions is subject to discharge termination:

- A. Violation of wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the pretreatment standards in Section 4 of this Ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 11.3 of this Ordinance why the proposed action should not be taken. Exercise of this option by the Director of Utilities shall not be a bar to, or a prerequisite for, taking any other action against the user.

SECTION 12 - JUDICIAL ENFORCEMENT REMEDIES

12.1 Injunctive Relief

When the Director of Utilities finds that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director of Utilities may petition the Superior Court through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this Ordinance on activities of the user. The Director of Utilities may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

12.2 Civil Penalties

- A. A user who has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of \$100.00 per violation, per day in accordance with Section 7-148(c)(10)(A) of the Connecticut General Statutes. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The Director of Utilities 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 City.
- C. In determining the amount of civil liability, the Court 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.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

12.3 Remedies Nonexclusive

The remedies provided for in this Ordinance are not exclusive. The Director of Utilities may take any, all, or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Director of Utilities may take other action against any user when the circumstances warrant. Further, the Director of Utilities is empowered to take more than one enforcement action against any non-compliant user.

12.4 Appeals

- A. The WPCA shall hear and determine appeals from any users on matters concerning interpretation and execution of the provisions of this Ordinance by the Director of Utilities.

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

- B. Within thirty (30) days of receipt of an interpretation or order to which the user takes exception, unless an earlier appeal is required hereunder, the user shall file an appeal in writing with the authority setting forth the interpretation or order objected to on the grounds of the objection.
- C. The WPCA shall schedule the appeal for a hearing at its next regularly scheduled meeting fourteen (14) days after receipt of the appeal. All hearings shall be informal in nature.

SECTION 13 - SUPPLEMENTAL ENFORCEMENT ACTION

13.1 Water Supply Severance

Whenever a user has violated or continues to violate any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

13.2 Public Nuisances

No person shall maliciously, willfully or negligently break, damage, destroy and cover deface or tamper with any structure or pertinence or equipment which is part of the sewage collection system or WPCA. Any person who violates this provision shall be punished by a fine not exceeding one hundred (\$100.00) dollars.

SECTION 14 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

14.1 Upset

- A. For the purposes of this section, “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable 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.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph C, below, are met.
- C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and the user can identify the cause(s) of the upset;

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

- (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
- (3) The user has submitted the following information to the Director of Utilities within twenty-four (24) hours of becoming aware of the upset if this information is provided orally, a written submission must be provided within five (5) days:
 - (a) A description of the indirect 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; and
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

14.2 Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 4.1(A) of this Ordinance or the specific prohibitions in Sections 4.1(B)(3) through 4.1(B)(25) of this Ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

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

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

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

14.3 Bypass

- A. For the purposes of this section,

- (1) "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

- B. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs C and D of this section.

- C. (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Director of Utilities, at least ten (10) days before the date of the bypass, if possible.
- (2) A user shall submit oral notice to the Director of Utilities of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director of Utilities may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

- D. (1) Bypass is prohibited, and the Director of Utilities may take an enforcement action against a user for a bypass, unless:

- (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

**112. ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF GROTON, COUNTY OF NEW LONDON, STATE OF CONNECTICUT
(DECEMBER 1, 1997)**

- (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (c) The user submitted notices as required under paragraph C of this section.
- (2) The Director of Utilities may approve an anticipated bypass, after considering its adverse effects, if the Director of Utilities determines that it will meet the three conditions listed in paragraph D (1) of this section.

SECTION 15 - MISCELLANEOUS PROVISIONS

15.1 Pretreatment Charges and Fees

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals; and
- E. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Ordinance and are separate from all other fees, fines, and penalties chargeable by the City.

15.2 Severability

If any provision of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

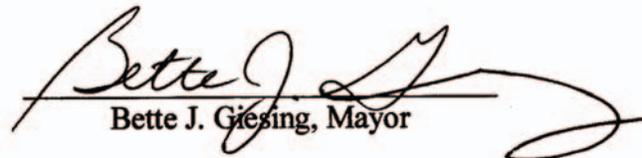
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(DECEMBER 1, 1997)**

15.3 Validity

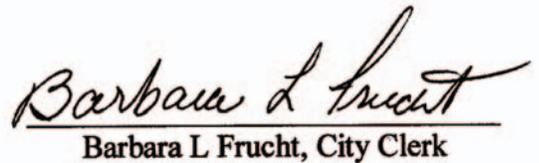
All ordinances or parts of ordinance in conflict herewith, are hereby repealed.

SECTION 16 - EFFECTIVE DATE

This Ordinance (Ordinance #112) shall be in full force and effective on December 5, 1997, following its passage, approval, recording and publication, as provided by law.



Bette J. Giesing, Mayor



Barbara L Frucht, City Clerk