

**WARWICK SEWER AUTHORITY**

**Sewer Use Ordinance**

**Rules & Regulations for the Construction and Use of  
the City of Warwick Wastewater Treatment System**

**ENACTED: March 22, 2018**

**AMENDED: February 28, 2019**

**Article 13 – Summary of Fees, Section 3. 13.3.2, 13.3.4 Pretreatment Fees  
Article 13 – Summary of Fees, Section 5 (new) Sewer Access Charge**

**AMENDED: June 3, 2019**

**Definitions – Amended to include “Maximum Allowable Industrial Loading”  
Article 6 – Pretreatment Standards, Section 2. 6.2.3, 6.2.4 Local Limits**

**AMENDED: September 23, 2019**

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## ARTICLE 1 - GENERAL PROVISIONS

### **Section 1.1 - Authority**

The Authority is authorized to prescribe rules and regulations governing the construction, use, discharge of substances, connections and sewer assessments in accordance with P.L. 1962, Ch. 254, as amended by P.L. 1988, Ch. 479, as amended by P.L. 1991, Ch. 86, as amended by P.L. 1998, Ch. 39, as amended by P.L. 2006, Ch. 369, as amended by P.L. 2016, Ch. 61. The Authority is further authorized and empowered to implement a program for pretreatment of waste by industrial users of the sewer system in accordance with Chapter 13 of the Rhode Island Public Laws of 1983.

### **Section 1.2 – Purpose**

The purpose of these regulations is to set forth uniform requirements for the users of the City of Warwick sewer system to enable the Authority to comply with the federal Clean Water Act, Rhode Island water quality regulations and the City of Warwick’s Rhode Island Pollutant Discharge Elimination System permit and protect public health and the water environment. The intent of the regulations is to ensure the proper use, construction, operation and maintenance of the sewer system as well as appropriate financing for the use, construction, operation, and maintenance of the sewer system for the benefit of the City of Warwick.

## ARTICLE 2 - DEFINITIONS

As used in these Rules and Regulations, unless the context otherwise requires:

**“Authority”** means the Warwick Sewer Authority as authorized by P.L. 1962, Ch. 254, as amended by P.L. 1988, Ch. 479, as amended by P.L. 1991, Ch. 86, as amended by P.L. 1998, Ch. 39, as amended by P.L. 2006, Ch. 369, as amended by P.L. 2016, Ch. 61, and its employees with delegated responsibilities.

### **"Authorized Representative of the User"**

(1) If the User is a corporation, Authorized Representative means:

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

The manager of one or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the User is a partnership, association, or sole proprietorship, an authorized representative means a general partner of the proprietor.

(3) If the individual User is representing Federal, State or local governments, or an agent thereof, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility.

The individuals described in paragraphs 1-3 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 authorization is submitted to the Authority.

**"Baseline Monitoring Report (BMR)"** means the report required by 40 CFR 403 for all new source Users subject to categorical standards or existing sources subject to new categorical standards, the purpose of which is to provide initial information to the Authority including identifying information, description of existing environmental permits, description of operations, flow measurements, and the concentration of pollutants in the wastestream.

**"Best Management Practices (BMPs)"** means schedules of activities, prohibitions or practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials.

**"Building Drain"** means that part of the lowest horizontal piping of the building drainage system which receives the discharge from 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.

**"Building Sewer"** means the extension from the building drain to the public sewer.

**"Categorical Pretreatment Standard or Categorical Standard"** means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Clean Water 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.

**"CBOD"** denotes Carbonaceous Biochemical Oxygen Demand and means the quantity of oxygen utilized in the biochemical oxidation of organic matter where the contribution from nitrogenous bacteria has been suppressed. The test is performed under standard laboratory procedure in five (5) days at 20°C and expressed in milligrams per liter (mg/L).

**"Cesspool"** means any buried chamber other than an on-site wastewater treatment system (OWTS), including, but not limited to, any metal tank, perforated concrete vault or covered hollow or excavation, which receives discharges of sanitary sewage from a building for the purpose of collecting solids and discharging liquids to the surrounding soil.

**"CFR (Code of Federal Regulations)"** refers to a publication of the United States government which contains all the finalized federal regulations. Federal environmental regulations are found in Title 40 of the CFR, and the General Pretreatment Regulations are found at 40 CFR Part 403.

**"City"** means the City of Warwick.

**"COD"** denotes Chemical Oxygen Demand which is a measure of the oxygen-consuming capacity of the organic matter present in the wastewater and is expressed as the amount of oxygen consumed from the oxidation of a chemical during a specific test (in mg/L).

**"Combined Wastestream Formula (CWF) [40 CFR 403]"** is a means of deriving alternative categorical discharge limits in situations where process effluent is mixed with waste waters other than those generated by the regulated process prior to treatment.

**“Common sewer”** means a sewer in which all abutters have equal rights of entrance and use.

**“Composite Sample (24 Hour)”** means a collection of individual grab samples obtained at regular intervals, either based on time intervals or flow intervals (e.g., every two (2) hours during a twenty-four (24) hour span or every one-thousand (1000) gallons of process wastewater produced). Each individual grab sample is either combined with the others or analyzed individually and the results averaged and further defined as:

- (1) Time Proportioned Sampling: the samples are collected at equal time intervals and combined in equal volumetric proportions.
- (2) Flow Proportioned Sampling:
  - (a) Method #1: Individual grab samples of equal volume are collected after a specific volume of flow passes the sampling point.
  - (b) Method #2: The volume of the grab is varied in proportion to the amount of flow that passes the sampling point over the time interval that the sample represents.

**“Cooling Water”** means the clean waste water from air conditioning, condensing and similar apparatus and from hydraulically powered equipment. In general, cooling water will include only water which is sufficiently clean and unpolluted to admit of being discharged, without treatment or purification.

**“Dilution”** means the addition of water or wastewater to another wastewater stream in order to change the concentration of certain pollutants or pollutant causing agents.

**“Drainlayer”** means either an individual, partnership, or corporation to whom a license shall have been issued as such to install and repair sewers, sewer connections, house connections, etc., during the period when such license is valid as hereinafter provided, and the proper agents and representatives of such drainlayer. A drainlayer may be a State-licensed underground utility contractor or master plumber.

**“Environmental Protection Agency or EPA”** means The United States Environmental Protection Agency; the principal environmental regulatory agency established by Congress to administer the nation’s environmental laws.

**“Existing Source”** means any source of discharge, the construction or operation of which commenced prior to 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 federal Clean Water Act.

**“Garbage”** means solid waste from domestic and commercial preparations, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

**“Gender of Words”** is the use of the masculine gender to include the feminine and neuter gender.

**“GPD or gpd”** means gallons per day; a measure of flow.

**“Grab Sample”** means 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.

**“Highways”** means any state or other highway and any public street, alley, park, parkway, driveway, bridge or public place.

**“Industrial User”** means a source of the introduction of pollutants into a POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the Federal Water Pollution Control Act, also known as the Clean Water Act as amended 33 U.S.C § 1251, *et seq.*

**“Industrial wastes”** includes the liquid or water carried wastes of any industrial or commercial process not clearly included within the definitions of sanitary sewage, storm water, cooling water or seepage or subsoil drainage herein. In general, wastewaters carrying any quantity of oils, grease, fats, abrasives, chemicals, residues of manufacturing processes, wastes from commercial food preserving or canning, from slaughter houses or meat processing plants, and similar substances, whether dissolved, in suspension, or mechanically carried by water, shall be considered as industrial wastes.

**"Instantaneous Discharge Limit"** means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

**"Interceptor Sewer"** means a trunk or major sewer into which the sewage from one or more main sewers is discharged, intercepting the sewage which otherwise discharge to surface drainage courses.

**"Interference"** means a discharge which alone or in conjunction with a discharge or discharges from other source(s) 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 any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with any of the following regulations or permits issued thereunder (or any more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and State regulations contained in any State Sludge Management Plan prepared pursuant to Subtitle D of the (SWDA)), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

**“Land”** means and includes any land, including buildings and other improvements thereon, estate, riparian or other rights, easements, interests or waterways.

**“Living area”** shall refer to the building space classified as such by the City Tax Assessor and shown on the property record card as of December 31 of the year prior to sewer assessment.

**“Local Limit”** means specific discharge limits developed and enforced by the Authority upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5 (a) (1) and (b).

**“May”** is permissive.

**“Maximum Allowable Industrial Loading (MAIL)”** is the estimated maximum loading of a pollutant that can be received at a POTW’s headworks from all permitted industrial users and other controlled sources without causing pass through or interference.

**“Mayor”** means the mayor of the City of Warwick.

**“Medical Waste”** refers to isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

**“mg/L”** refers to milligrams per liter; a standard measurement of small quantities of substances (or impurities) in water and sewage.

**“New Source”** means:

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction or operations of which commenced after the publication of proposed Categorical Pretreatment Standards under Section 307(c) (33 U.S.C. § 1317) (c)) of the Clean Water Act which 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 of 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,
    - (iii) 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 definition.

**“Non-Contact Cooling Water”** means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

**"NPDES (National Pollutant Discharge Elimination System) Permit"** means the regulatory document issued by either the EPA or an approved State agency which is designed to control the discharge of pollutants from point sources into waters of the U.S.

**“On-site wastewater treatment system (OWTS)”** means any system of piping, tanks, dispersal areas, alternative toilets or other facilities designed to function as a unit to convey, store, treat or disperse wastewater by means other than discharge into a public wastewater system.

**“Parcel”** means a part, portion or tract of land and whatever is erected, attached, growing upon or affixed to the land.

**"Pass Through"** means 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 POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

**"Person"** means any individual, firm, company, association, society, corporation, or group.

**"pH"** means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. This is a measure of the acidity or alkalinity of a solution.

**“Pollutant”** refers to dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or displaced equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, CBOD, COD, toxicity, or odor).

**“POTW”** (Publicly Owned Treatment Works) means the City of Warwick Treatment Works including any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage, or industrial waste, including sewers, pipes, pumping stations and other means of conveyance which convey waste to Warwick's Treatment Facility.

**“Pretreatment”** refers to 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, interdicting such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes; by process changes; or by any other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

**“Pretreatment Requirements”** means any substantive or procedural requirement related to pretreatment imposed on a User, other than a pretreatment standard.

**“Pretreatment Standards”** means prohibited discharge standards, categorical pretreatment standards and local limits.

**“Privately-Owned Wastewater Treatment System”** includes privately owned wastewater collection, pumping, storage and conveyance systems interconnected with and emptying into a host wastewater collection system with the exception of Onsite Wastewater Treatment Systems, any privately owned plumbing or any privately owned low-pressure grinder pumps.

**“Process Water”** means water that comes in contact with any raw material, product, by-product, or waste during any production or industrial process.

**“Prohibited Discharge Standards or Prohibited Discharges”** means absolute prohibitions against the discharge of certain substances; these prohibitions appear in Article 6 of this ordinance.

**“RCRA (Resource Conservation and Recovery Act of 1986)”** means the Federal Resource Conservation and Recovery Act (PL-94-580) which is the federal law regarding solid waste and resource management and recovery which regulates hazardous waste through a comprehensive system of identification, tracking, treatment, storage and ultimate disposal.

**“Receiving Water”** means a stream, lake, river, ocean other surface or groundwater into which treated or untreated wastewater is discharged; e.g., the receiving water for the Authority is the Pawtuxet River.

**“Representatives of the Authority”** means any employee of the Authority, or any member of the Authority, or any independent contractor authorized by the Authority.

**“Sanitary sewage”** means the common wastewater and water carried wastes from human dwellings and from toilet and lavatory fixtures, kitchen, laundries and similar facilities of business and industrial buildings. In general, sanitary sewage must not include storm water from roofs, yards, streets or open spaces, water from land surfaces or brooks, clean waste or overflows from springs, wells, or subsoil drainage, large volumes of clean water from air conditioning or

other cooling or condensing facilities, clean wastewater from hydraulically operated contrivances and those wastes included within the definition of “industrial waste”.

“**Seepage**” or “**subsoil drainage**” includes water from the soil percolating into subsoil drains and through foundation walls, basement floors, or underground pipes or from similar sources.

“**Septic Waste**” means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

“**Sewage**” means wastewater, water carried wastes, or a combination of them, discharged into and conveyed by sewers or intended or customarily so discharged and conveyed. Sewage may be further classified as sanitary or industrial waste.

“**Sewer assessment**” means the rate or charge for the construction of the sewers and sewer systems set by a method(s) adopted by the Authority that bears a reasonable relation to the costs of construction to the city and Authority of the service rendered to the Users, including, but not limited to, costs related to engineering, inspections, land purchases, paving, and financing.

“**Sewer service connection**” means a pipe and any associated appurtenances to convey sewage and wastes from the property line of a parcel to a common sewer.

“**Sewer system**” means all constructions for collection, transportation, pumping, treatment and final disposition of sewage.

“**Shall**” is mandatory.

“**SIC**” (Standard Industrial Code) means a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

“**Significant Industrial User (SIU)**” is defined as:

- (1) A User subject to categorical pretreatment standards;
- (2) A User that discharges an average of 25,000 gpd or more of process wastewater (excluding sanitary, noncontact cooling, and boiler blowdown wastewater) to the POTW;
- (3) A User that contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; and/or;
- (4) A User that is designated as such by the Authority on the basis that it has a reasonable potential for adversely affecting the POTW’s operation (pass-through, interference) or for violating any pretreatment standard or requirement.

Upon finding that a User meeting the criteria in Subsection (4) has no reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement, the Authority may at any time, on its own initiative or in response to a

petition received from a user, and in accordance with procedures in 40 CFR 403.8 (f) (6), determine that such user should not be considered a significant industrial user.

**“Significant Non-Compliance (SNC)”** is defined for a User where violation(s) meets one or more of the following criteria:

- (1) Chronic violations of wastewater Discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the wastewater measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403;
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the wastewater measurements taken for the same pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR Part 403 multiplied by the applicable TRC. The TRC equals 1.4 for TSS, oil and grease, and 1.2 for all other pollutants except pH;
- (3) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR Part 403 (daily maximum, long-term average, instantaneous limit or narrative standard) that the Authority determines has caused, alone or in combination with other discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days after schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report non-compliance; and/or,
- (8) Any other violation or group of violations, which may include a violation of Best Management Practices, which the Authority determines will adversely affect the operation or implementation of the local Pretreatment program.

**“Sludge”** means the solids, residues, and precipitate separated from or created in water and wastewater by the unit processes of a publicly owned treatment works, industrial pretreatment system or water treatment or purification processes.

**"Slug Load or Slug Discharge"** means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Article 3 of these Regulations. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has reasonable potential to cause Interference or Pass-Through, or in any way violate the POTW's Regulations, Local Limits or Permit conditions.

**"Storm water"** means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

**"Total Suspended Solids"** means solids that either float on the surface or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

**"Toxic Pollutants"** means any substance listed as toxic under section 307 (a) (1) of the Federal Water Pollution Control Act, and listed under the Hazardous Substances Right-to-Know Act, R.I.G.L. §28-21-1 et seq., and as may otherwise be designated by the Authority.

**"Underdeveloped"** means insufficiently developed or not developed to the extent permissible by the City Zoning Ordinance.

**"Undeveloped"** means any parcel of land which has not been built upon or otherwise lacks inhabitable buildings or structures.

**"User"** means any person (including a partnership, corporation, or other entity or creature of statute) who contributes, causes, or permits the contribution of waste or sewage to the POTW.

**"User charges"** means rates, charges and/or fees levied on the users of the wastewater collection and treatment system related to the costs of operation, maintenance, repair and replacement of the wastewater collection and treatment system.

**"Wastewater"** means all the spent water of a community including, but not limited to, a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, institutions and government facilities.

**"Wastewater Treatment Facility"** means any arrangement of devices and structures used for treating sewage.

## ARTICLE 3 - USE OF SEWERS

### **Section 1 – General Provisions**

#### **3.1.1 Sewer Connection or Onsite Wastewater Treatment System Required**

The owner of every dwelling house or any type of building must provide for a suitable wastewater disposal system, properly connected with the house or building, or connect the house or building to the common sewer line.

#### **3.1.2 Limitation of Use**

The use of city sewers must be strictly limited and restricted; to receive and accept the discharge of sewage, industrial waste and other wastes generated on, or discharged from, real property lying within the bounds of the City of Warwick as established and altered, changed, modified, reduced, and enlarged.

### **Section 2 - Prohibited Discharges**

#### **3.2.1 Unlawful Waste Disposal - General**

No person or party may discharge into, or put upon any public sewer of the City of Warwick, any waste or substance other than such kinds or types of water or water carried wastes for the conveyance of which the particular sewer or appurtenance is intended, or designed, as provided by the laws of the State of Rhode Island, the ordinances of the City of Warwick, and these rules and regulations of the Authority.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, cellar drains, basement sumps, or other sources of surface runoff, or groundwater, to the sewer service connection, or building drain, which in turn, is connected directly or indirectly to a common sanitary sewer.

No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water, and/or any industrial process waters to any common sanitary sewer, unless specifically authorized by the Authority.

No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater that 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.

### 3.2.2 Unlawful Waste Disposal – Specific

No person (s) shall discharge or cause to be discharged into the POTW any of the following described waters, wastes, pollutants, or substances:

- a. Any pollutants (liquids, solids, gases, etc.) which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to create a fire or explosive hazard or be injurious in any other way to the POTW. This prohibition includes, but is not limited to, wastestreams with a closed-cup flash point of less than one hundred-forty degrees Fahrenheit (140°F or 60°C). At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system or at any other point in the system be more than 5% nor any single reading over 10% of the lower explosive limit (LEL) of the meter.
- b. Pollutants, including oxygen-demanding pollutants (CBOD, COD, chlorine, 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.
- c. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- d. Any waters containing a toxic pollutant in toxic amounts as defined in standards or guidelines issued pursuant to Section 307(a) of the Federal Water Pollution Control Act.
- e. Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment facility.
- f. Wastewater having a temperature higher than 150 degrees Fahrenheit or which will inhibit biological activity in the treatment facility resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment facility to exceed 104 degrees Fahrenheit.
- g. Any waters or wastes having a pH lower than 6.0 or higher than 10.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater facilities.
- h. Solid or viscous substances in quantities or of such size capable of causing

obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, wipes, needles, styrofoam, grease, garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc.

- i. Any waters from a significant industrial User containing an incompatible pollutant in excess of concentrations or amounts allowed under standards or guidelines issued pursuant to Section 304, 306, and/or 307 of the Federal Water Pollution Control Act.
- j. Contents of septic tanks or similar facility, except at locations designated by the Authority and in accordance with Article 8.
- k. The following described substances, materials, waters, or waste must be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Authority may set limitations different than the limitations established in the regulations below if in its opinion more severe limitations are necessary to meet the above objectives. In forming its opinion as to the acceptability, the Authority will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which must not be violated without approval of the Authority are as follows:
  1. Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin (non-polar oil and grease);



2. Waters or wastes containing more than 300 mg/l fats, oil or grease or animal or vegetable origin (polar oil and grease).
3. Garbage.
4. Any waters or wastes containing objectionable or toxic substances to such degree that any such material discharged to the wastewater facilities exceeds the limits established by the Authority for such materials or causes the treatment facility's effluent to fail a toxicity test.
5. Any waters or wastes containing odor-producing substances which create a public nuisance or exceed limits which may be established by the Authority.
6. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Authority, State of Rhode Island, EPA or other agency with regulatory purview.
7. Quantities of flow, concentrations, or both which constitute a "slug load" as herein defined.
8. Wastewater which imparts color to the POTW, including, but not limited to, dye wastes and vegetable tanning solutions, which consequently may impart color to the treatment facility's effluent thereby violating the City's NPDES permit.
9. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the Pawtuxet River.
10. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release noxious or malodorous liquids, gases or solids, or form suspended solids which interface with the collection system, or create a condition deleterious to structures and treatment processes or the public health, safety and welfare.

- 3.2.3** Prohibitive Discharges - Local Limits Development - Local limits - where specific prohibitions or limits on pollutants or pollutant parameters are developed by the Authority in accordance with 40 CFR 403 such limits must be deemed pretreatment standards.
- 3.2.4** Prohibitive Discharges - Excessive Discharge - Dilution - No User shall, in any manner, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, 40 CFR, or in any other pollutant specific limitation developed by the Authority. The Authority must use EPA formulas or any other reasonable method for determining discharge levels where dilution is reasonably suspected.
- 3.2.5** Prohibitive Discharges – Deny Or Condition New or Increased Contributions - The Authority must deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the treatment facility by Users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the Authority to violate its NPDES permit.

### **Section 3 - Right to Reject, Require Pretreatment, Control or Payment**

**3.3.1** If any waters or wastes are discharged, or are proposed to be discharged to the common sewers, which waters contain the substances or possess the characteristics enumerated in Article 3 herein, and which in the judgment of the Authority, may have a deleterious effect upon the sewer system, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Authority may:

- a) Reject the wastes;
- b) Require pretreatment to an acceptable condition for discharge to the common sewers;
- c) Require control over the quantities and rates of discharge and/or;
- d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of these Rules and Regulations.

If the Authority permits the pretreatment or equalization of waste flows, the design and installation of the pretreatment facilities and equipment must be subject to the review and approval of the Authority, and subject to the requirements of all applicable codes, ordinances, and laws and the discharge permit of the Authority. Further, such pretreatment must be subject to the requirements of any state pretreatment permit issued to the industry as well as to Article 6 regulations and any permit issued pursuant thereto.

### **Section 4 - Changes In or Discontinuation of Use of Sewer Service**

**3.4.1** Users must notify the Authority prior to any changes in the use of permitted sewer connections. All changes in or discontinuation of said service must be approved and permitted in accordance with Article 4.

### **Section 5 – Damage to Sewers**

**3.5.1** No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper, with any structure, appurtenance, or equipment which is part of the public sewer system.

### **Section 6 - Connections Required**

#### **3.6.1. To Replace Failed OWTS Where Sewers Are Available**

The Authority shall order any owner or occupant of any parcel whereupon there is a cesspool, privy vault, OWTS, drain or other arrangement that has failed by the Rhode Island Department of Environmental Management definition, upon any street in which there is a sewer or in which a sewer may hereafter be constructed, to connect the sewage of such premises with such sewer.

The Authority may order any owner or occupant to fill up and destroy any cesspool, privy vault, drain or other arrangement on such parcel for the reception of sewage. Upon the service of any such order, or copy thereof, upon any such owner or occupant, to connect the sewage as aforesaid, or to fill up or destroy any cesspool, privy vault, drain or other arrangement for the reception of sewage, such owner or occupant must comply therewith within thirty (30) days from the time of service of such order. In case the owner or occupant to whom any such order is directed neglects or refuses to comply therewith within thirty (30) days after the service thereof, the owner or occupant will be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each subsequent twenty-four (24) hours during which he/she neglects or refuses to comply therewith; and in case such neglect or refusal continues for sixty (60) days after the service of such an order, the Authority may cause such cesspool, privy vault, drain or other arrangement for the reception of sewage which is the subject of such order to be filled up or destroyed and the sewage from such parcel to be connected with a common sewer. The pendency of any appeal from any such order shall not affect the power of the Authority, after the expiration of said period of sixty (60) days, to cause such cesspool, privy vault, or other arrangement for the reception of sewage to be forthwith filled up with acceptable materials and destroyed.

Whenever the Authority causes any cesspool, privy vault, or other arrangement for the reception of sewage to be filled up and destroyed, or the sewage of any parcel to be connected with a common sewer, it must keep careful account of the cost of such work and of any expense caused the city or Authority by reason of the neglect or refusal of the owner or occupant of such parcel to comply with the order of the Authority issued as aforesaid, and upon the completion of such work the Authority must file statement of such cost and expense with the director of finance and thereupon the amount of such cost and expense must be a lien upon the parcel, including improvements thereon, for which such cost and expense was incurred and the same must be collected in the same manner as other assessments and charges are collected under these Regulations.

### **3.6.2 Mandatory Connection to Sewer After Sale or Transfer of Ownership**

Any owner of any parcel upon any street in which there is a sewer must connect the sewage of such premises with such sewer prior to the one year anniversary of the sale or transfer in ownership, and fill up and destroy any cesspool, privy vault, drain or other arrangement on such parcel for the reception of sewage, excluding any Rhode Island Department of Environmental Management OWTS approved system. If such owner or occupant of any parcel who is required to connect to the sewer system fails to do so in the prescribed time period, then such owner or occupant of the parcel must be required to pay usage fees as if such owner or occupant of the parcel were connected to the sewer system.

**3.6.3** Notwithstanding the provisions of any law, rule, regulation or agreement to the contrary, an owner or occupant of any parcel upon any street in which there is a common sewer must not be required to connect to the sewer system, except as provided under this section.

# ARTICLE 4 - SEWER CONNECTION PERMITS

## **Section 1 - Permits Required**

**4.1.1 General Requirements:** The following general requirements shall be applicable for all existing and proposed Users of the sewer system:

- a) It is unlawful for any person to connect, or permit the connection of, or authorize connection of any service line to the sewer system without obtaining a permit from the Authority.
- b) No building permit for the construction or alteration of any building or structure which requires a sewer connection shall be issued, unless the owner of the property on which such building or structure is to be situated has obtained a permit.
- c) No permit shall be issued until the applicant has presented proof satisfactory that the applicant has either made application for a building permit or notified the Building Inspector's office of the proposed change in use or occupancy, in accordance with the City of Warwick Zoning Ordinance.
- d) Permits shall be issued on a first come, first served basis.
- e) Permits are non-transferrable.
- f) Any service line which was connected without a permit, or which was connected as a result of any false statement, misrepresentation or nondisclosure on the application therefor or which was connected through any means which circumvented the limitations created by this Article will be subject to immediate inspection at the cost of the property owner which may require the applicant to dig up and expose the pipe.
  1. If the connection was done improperly then it shall be disconnected from the sewer system at the owner's expense.
  2. If said connection caused any undue stress on the sewer system or lines or resulted, directly or indirectly, in damage to the sewer lines or any part of the sewer infrastructure, a fee equal to the amount of the damages, may be assessed to the property owner and contractor.
  3. If, per the inspection performed by the Authority, the connection was done properly and in a way that does not cause undue stress on or damage to the

sewer system then the property must be allowed to remain connected. Back charges of sewer usage fees must be assessed on the property based on the method for calculating said fees that is in effect at the time of the inspection and must be back dated to the date the property was connected to the sewer system or the date the property was acquired by the current property owner, whichever date is more recent.

## **Section 2 - Classes of Permits**

- 4.2.1** There shall be classes of sewer service connection permits as follows:
- a) Residential service
  - b) Commercial service
  - c) Services to establishments producing industrial wastes
  - d) Extension of the common sewer
  - e) Demolition
  - f) Repair

## **Section 3 -- Drainlaying Permits/Applications for Sewer Connections**

- 4.3.1** All necessary permits must be obtained from the office of the Authority and from such other departments of the City and State as may be required.
- 4.3.2** A permit must be issued by the Authority before any person shall make any excavation, or construct, install, lay, repair, alter, abandon, or remove any sewer connection, or appurtenance thereof in a public street, or in private lands within the City of Warwick, which sewer is in any way connected to, or discharges directly, or indirectly, into any public sewer of the City of Warwick, or is intended at some future date to be so connected or to be discharged.
- 4.3.3** Before the Authority will issue a permit for sewer work within the street lines of any public street (which generally includes the gutter and sidewalk area) in the City of Warwick, the applicant must present the required permit for excavation from the proper office of the City of Warwick.
- 4.3.4** The applicant must provide a Dig Safe number as part of the permit application.
- 4.3.5** When the proposed work is within the limits of any State highway, the applicant must also present the required permit for excavation from the Department of Public Works or other proper State Agency or Department before the sewer permit will be issued.
- 4.3.6** The applicant must furnish the Authority with the street address, the Assessor's Plat and Lot number, the owner's name and address, the type of occupancy of the premises and the number of family units to be serviced by the connection.

**4.3.7** In the case of a proposed sewer connection from any industrial building, commercial building, apartment house or any building other than a residential building, the applicant must provide three (3) copies of a suitable plan and the proposed method of connection to the public sewer. Such plan, along with fee for review, must be submitted to the Authority thirty (30) days prior to the time when the permit is needed.

**4.3.8** A permit fee must be paid to the Authority at the time application is filed; said fee shall be based on the total footage of pipe involved in the project.

**4.3.9 Repair of Sewer Connections**

- a) A permit must be obtained for all repairs to existing building sewers.
- b) Repair work must not commence until a permit has been issued by the Authority except in the case of an emergency where delays in performing the repairs may result in a severe sewer overflow or imminent danger to the public health, safety or welfare.
- c) In the case of an emergency, the Authority must be notified immediately by the drainlayer of the commencement of work. Application for a repair permit must be made as soon as practical but not later than forty-eight (48) hours from the time of notice of the emergency repair.

**4.3.10 Demolition of Sewer Connections**

- a) A permit is required prior to the demolition of any building or structure that is connected to the sewer system.
- b) Sewer service must be capped at the property line in the presence of an Authority inspector and the building sewer pipe removed.

**4.3.11 Expiration of Permits**

Permits are valid for one (1) year from the date of application unless an extension for cause is applied for and granted by the Authority.

**Section 4 - Drainlaying by Licensed Contractors**

**4.4.1 Persons Authorized to Make Connections to Public Sewers**

Construction of all sewer extensions and services, in public or private property, must be performed by State of Rhode Island licensed underground utility contractors. Service connections on private property may be performed by State of Rhode Island licensed master plumbers.

**4.4.2** Proof of current licensing must be provided to the Authority.

**4.4.3** Drainlayers must only install building sewers during the normal working hours of the Authority. Emergency working hours may be approved by the Authority.

## **Section 5 - Inspections**

### **4.5.1 Notice of Inspection Required**

The applicant for the sewer service connection permit must notify the Authority twenty-four (24) hours prior to when the sewer service connection is ready for inspection and connection to the common sewer.

**4.5.2** The connection must be made under the supervision of the Authority.

**4.5.3** Inspections required outside the normal working hours of the Authority shall carry an additional fee. This fee may be waived for good cause shown at the discretion of the Authority by the Executive Director or Superintendent of Sewers.

**4.5.4** Inspections on Saturdays, Sundays and/or Holidays shall carry an additional fee.

**4.5.5** A copy of the permit must at all times be available for inspection at the site of the work.

### **4.5.6 Cancellation/Rescheduling of Inspection**

The applicant for the sewer service connection permit must provide the Authority with two (2) hours advanced notice if the connection is not ready for inspection. The applicant will be assessed a re-inspection fee for failure to provide proper notice in accordance with this regulation.



## ARTICLE 5 – CONSTRUCTION OF SEWERS

### **Section 1 – Construction of Sewers**

**5.1.1** The Authority must establish standard requirements or specifications to regulate the sizes, materials, methods, and workmanship to be used in the construction of sanitary sewers, house connections, and other similar work and appurtenances, thereto connected or intended to be connected or to discharge, directly or indirectly, into any common sewer. All connections are to be gastight and watertight in conformance with all State and local plumbing codes.

### **Section 2 – Protective Devices Required**

**5.2.1** All excavations for sewers and/or service connection installation must be adequately guarded with fences, barricades, and lights so as to protect from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work must be restored in a manner satisfactory to the Authority.

### **Section 3 – Cost of Construction**

**5.3.1** All costs and expense incident to the installation and connection of the sewer service connection must be borne by the owner. The owner shall indemnify and save harmless the City and/or Authority for any loss or damage that may be directly or indirectly occasioned by the installation of the sewer service connection.

### **Section 4 – Private Sewer Exceptions**

**5.4.1** A separate and independent building sewer must be provided for every building, except where one building stands at the rear of another and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building. The owner of the rear lot must obtain, and file in the City's land evidence records, an easement from the front lot owner for the use of the sewer line.

### **Section 5 – Sewer Design Specifications**

**5.5.1** The connection, size, slope, alignment, materials of construction of a sewer service connection, pumps and discharge piping, and the methods to be used in excavating, placing of the pipe, jointing, testing, and back filling the trench must conform to the statutes, ordinances, and rules and regulations of the State of Rhode Island, City of Warwick, and the Authority. In absence of such requirements and rules of the State of Rhode Island and City of Warwick, the materials and procedures set forth in appropriate specifications of the American Standards Testing Material (ASTM) and also set forth in the applicable Water Environment Federation (WEF) manuals of practice apply. Any deviations from these prescribed procedures and materials must be authorized by the Authority before installation.

### **5.5.2 Pipe Size**

The size of pipe used for the construction of laterals and connections shall be specified by the Authority.

### **5.5.3 Pipe Slope**

Pipe slope shall be specified by the Authority.

### **5.5.4 Backflow Prevention Devices (Check Valves) Required**

A backflow prevention device must be installed according to State of Rhode Island plumbing code and shall be located outside the building foundation.

### **5.5.5 Cleanouts Required**

Cleanouts must be installed after the backflow check valve at the building and also at the property line. Additional cleanouts may be required at the discretion of the Authority.

### **5.5.6 Backflow/Cleanout (Clean Check) Required**

A combination backflow prevention device and cleanout (Clean Check) is required when installation is at a depth greater than 18 inches.

### **5.5.7 Manholes Required**

The Authority may require that the owner of any commercial/industrial property install a suitable control manhole together with such necessary meters and other appurtenances in the sewer service connection to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, must be accessible and safely located, and must be constructed in accordance with plans approved by the Authority.

Manholes may be required for residential service connections longer than 150 feet.

### **5.5.8 Traps Required**

Grease, oil, and solids interceptors, or traps, must be provided when, in the opinion of the Authority, they are necessary for the proper handling of liquid wastes containing pollutants in excessive amounts. Traps must be installed in a location which is readily accessible for cleaning and inspection.

Traps shall be approved by the Authority and installed in accordance with specifications as promulgated by the Authority.

Commercial laundries must be equipped with an interceptor having a wire basket or similar device, removable for cleaning, which will prevent passage of solids such as lint, string, rags, buttons, and other materials detrimental to the sewer system.

## **Section 6 – Construction Requirements**

### **5.6.1 Connection of Roof Downspouts, Floor Drains, Sump Pumps, Areaway Drains Prohibited**

No person shall make connections of roof downspouts, exterior foundation drains, areaway drains, or other surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a common sewer.

### **5.6.2 No Discharge of Cesspool/Septic Tank Waste, or Groundwater to Sewers**

The discharge of the contents of cesspools or septic tanks into the sewer system during construction is prohibited. Pumping groundwater from construction trenches into the sewer system is also prohibited.

### **5.6.3 Capping of Connections/Termination of Use**

Whenever the drainlayer temporarily terminates the sewer connection outside the building, the open end of the pipe must be fitted with an approved cap to prevent any drainage, storm, or muddy water, or debris from entering the public sewers.

## **Section 7 -- Sewer Line Extensions**

**5.7.1** In any case where connection to the City sewer system is not possible because an existing sewer line does not pass through the land of a property owner, or a street abutting the land of the property owner, and where the Authority has declined to extend the sewer line to a location where connection would be possible, the property owner may apply to the Authority for permission to extend the common sewer line from its existing location to a location where connection is feasible.

**5.7.2** The Authority shall review and approve plans and issue a permit if acceptable. The Authority shall inspect the construction for compliance with its requirements and specifications. The Authority may require testing of the sewer line following installation. Upon approval of the construction, the Authority must accept the portion of the extension in the public-right-of-way and assume maintenance for the same.

**5.7.3** The cost of construction and all associated fees, including a Sewer Access Charge shall be borne by the property owner or developer requesting the sewer line extension.

## **Section 8 -- Low Pressure Sewers**

**5.8.1** In low-lying areas and in buildings in which the building drain is too low to permit gravity flow to the public sewer, the Authority may allow the use of low pressure systems and pumps to lift the wastewater for discharge to the public sewer.

**5.8.2** Low pressure pumps shall be manufactured by Environment One, or equivalent. The unit shall consist of a grinder pump, level controls, siphon breaker, check valve and a minimum 70 gallon high density polyethylene tank. The unit must be equipped with an electrical quick disconnect plug, a discharge line shut-off valve and a quick disconnect assembly. The alarm/disconnect panel must contain circuit breakers, an audible and visual alarm transfer switch and generator receptacle. A second check valve must be provided at the curb stop.

**5.8.3** The alarm panel must be installed by a licensed electrician.

**5.8.4** A start-up inspection must be conducted by a representative of the pump manufacturer.

### **Section 9 - Standard Requirements and Specifications**

**5.9.1** The Authority has established standard requirements and specifications for the sizes, materials, methods, and workmanship to be used in the construction of sewers, house connections, and other similar work and appurtenances, thereto connected or intended to be connected or to discharge, directly or indirectly, into any public sewer or collection system. All construction procedures, materials and specifications shall conform to the Authority's Standard Requirements and Specifications and all applicable Federal, State, and City Building and Plumbing codes.

**5.9.2** Any deviations from the prescribed procedures and materials must be authorized by the Authority before installation is permitted.

### **Section 10 – As-Built Drawings Required**

**5.10.1** Drawings of the final, as-built sewer extension or connection are required for acceptance and permit sign-off.

# ARTICLE 6 - PRETREATMENT STANDARDS

## **Section 1 - General Provisions**

### **6.1.1. Purpose and Policy**

The objectives of this Article are:

- (a) to identify Users of the system who because of the size and/or nature of their waste could alone, or in conjunction with others, interfere with the operation of the system or contaminate the resulting sludge;
- (b) to prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system, or contaminate the resulting sludge;
- (c) to prevent the introduction of pollutants into the municipal wastewater system which will pass through the Publicly Owned Treatment Works (POTW), inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
- (d) to improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
- (e) to provide for equitable distribution of the cost of the municipal wastewater system;
- (f) to carry out the responsibilities of the Authority as a POTW whose responsibilities are prescribed in the Federal Water Pollution Act, also known as the Clean Water Act (33 United States Code (U.S.C.) § 1251 *et seq.*), the General Pretreatment Regulations (40 Code of Federal Regulations (CFR) Part 403) and subsequent Regulations issued pursuant to said act;
- (g) to establish fees for the cost of the Industrial Waste Pretreatment Program (IPP), which cost the Authority, in its discretion, may determine by Regulation, shall be borne either by all Industrial/Commercial Users and Commercial Users Engaged in Food Services, equitably, by all Industrial/Commercial Users and Commercial Users Engaged in Food Services in proportion to the amount and type of discharge, by all Industrial/Commercial Users and Commercial Users Engaged in Food Services of the treatment works generally, or in any manner, deemed appropriate by the Authority; and,
- (h) to enable the Authority to comply with its NPDES permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

### **6.1.2. Applicability**

These Regulations shall be applicable to all Users of the POTW, including users who deliver waste materials to the POTW without using sewer lines and users who are not residents of the City of Warwick.

## **Section 2 - General Sewer Use Requirements**

### **6.2.1 General Discharge Prohibitions**

No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater that 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 Federal, State or Local pretreatment standards or requirements.

The general discharge prohibitions as listed in Article 3 of these regulations are hereby made prohibitions of Article 6 for Pretreatment Standards. Any User violating any of the prohibitions identified in Article 3 shall be deemed to be in violation of Article 6.

### **6.2.2 Federal Categorical Pretreatment Standards**

- (a) Upon the promulgation of Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standards, if more stringent than limitations imposed under these Regulations, or under any permit issued pursuant to these Regulations, shall immediately supersede the limitations of these Regulations or such permit. A violation of any Federal Categorical Pretreatment Standard which is effective against any User, shall be deemed to be a violation of these Regulations.
- (b) In the event that the Authority's load limits are more stringent than Environmental Protection Agency's Federal Categorical Pretreatment Standards, the Authority's limits will supersede the Categorical Standards. The Authority shall incorporate plans to re-evaluate the Federal vs. City standards annually at each Significant Industrial User/Categorical Industrial User Annual Inspection.

### **6.2.3 Local Limits**

- (a) The following pollutant limits are established to protect against pass through and interference. No User shall discharge wastewater containing pollutants in excess of the following:

**TABLE 6.2.3 - TABLE OF TOXIC AND CONVENTIONAL POLLUTANT LOCAL LIMITS DAILY MAXIMUM DISCHARGE LIMITS (mg/L)**

PARAMETER		DAILY MAX LIMIT (mg/L)
As	Arsenic	0.10
Be	Beryllium	0.003
Cd	Cadmium	0.05
Cr	Chromium	2.77
Cu	Copper	0.70
Pb	Lead	0.15
Hg	Mercury	0.001
Ni	Nickel	3.98
Se	Selenium	0.20
Ag	Silver	0.32
Zn	Zinc	1.00
CN	Cyanide	0.16
TTO	Total Toxic Organics	2.13
pH	pH	6.0 - 10.0 s.u.
CBOD	Carbonaceous Biochemical Oxygen Demand All Users Excluding NAICS CODE 312120	2,500
CBOD	Carbonaceous Biochemical Oxygen Demand NAICS CODE 312120 Only	≤ 800 lbs/day*
TSS	Total Suspended Solids	1,000
O & G	Oil and Grease (animal/vegetable origin)	300
O & G	Oil and Grease (mineral or petroleum origin)	25
	Temperature	66° C 150° F

\*A CBOD mass-based local limit, not to exceed 800 lbs/day has been assigned to the brewery industry, specifically NAICS CODE 312120. All other IU's must maintain compliance with the concentration based CBOD limit of 2,500 mg/L. See Section 2: 6.2.4

- (b) 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 Authority may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

#### **6.2.4 Mass-based Carbonaceous Biochemical Oxygen Demand (CBOD) Local Limit for NAICS CODE 312120**

The Authority has established a maximum daily mass based CBOD loading limit for NAICS CODE 312120 or “Industries primarily engaged in brewing beer, ale, malt liquors and non-alcoholic beer” as follows:

- (a) Breweries will be assigned a maximum daily CBOD loading allowance not to exceed 800 lbs/day;
- (b) Each brewery’s individual CBOD loading allowance will be determined based on the maximum daily process discharge flow allowance provided by the Warwick Sewer Authority and base-line CBOD process flow data provided by the brewery and/or collected by the Warwick Sewer Authority;
- (c) Breweries are subject to the Warwick Sewer Authority’s established surcharge limits and rates for all conventional pollutants including CBOD. Discharge of any conventional pollutant in excess of the respective surcharge load limit is subject to an annual surcharge fee.
- (d) The total CBOD Maximum Allowable Industrial Loading (MAIL) allocation for all IU’s (i.e., all IUs subject to the concentration based CBOD local limit of 2,500 mg/L, breweries subject to the mass-based CBOD local limit of  $\leq$  800 lbs/day and all other IUs to be permitted in the future) shall be capped at the RIDEM-approved CBOD MAIL of 10,222 lbs/day.

#### **6.2.5 Response to Information Requests**

- (a) Any User of the POTW, upon request for information from a representative of the Authority, by mailing a registered letter to the address listed for the user on the City of Warwick Tax Assessor's Records, shall respond to that request. Failure to respond fully, in writing, to a request within the fourteen (14)-day period, or other period contained in the request (the reply time may be extended by a representative of the Authority in the request), shall constitute a violation of these Regulations.
- (b) Upon violation of this section, the Authority may commence a Civil Action to recover a fine of up to twenty-five thousand dollars (\$25,000.00) per day for each day the request is overdue and to recover Attorney fees. Additionally, the Authority may seek a Court Order that the information requested be given to the Authority.

#### **6.2.6 Right of Revision**

The Authority reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW than those requirements contained herein.



### **6.2.7 Dilution**

- (a) No User shall in any manner 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.
- (b) The Authority 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 3 - Pretreatment of Wastewater**

### **6.3.1 Pretreatment Facilities**

Users must provide wastewater treatment as necessary to comply with this Regulation and shall achieve compliance with all Categorical Pretreatment Standards, local limits and prohibitions as identified in this Regulation, within the time limitations specified by the Environmental Protection Agency (EPA), the State, or the Authority, 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 Authority for review, and shall be authorized by the Authority before such facilities are constructed. The review of such plans and operating procedures shall not relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Authority under the provisions of this Regulation or subsequent modification to this Regulation.

### **6.3.2 Additional Pretreatment Measures**

- (a) Whenever deemed necessary, the Authority may require Users to restrict their discharge during peak flow periods, 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 determine the user's compliance with the requirements of this Regulation.
- (b) The Authority may require any User 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.
- (c) Grease, oil and/or solids interceptors shall be provided when, in the opinion of the Authority, they are necessary for the proper handling of wastewater containing excessive amounts of grease, oil and/or solids. All interception units shall be of type and capacity authorized by the Authority and shall be 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.

### 6.3.3 Accidental Discharge/Slug Control Plans

- (a) Industrial Users identified as Significant Industrial Users (SIUs) are required to submit a Slug Discharge Prevention and Control Plan as part of the submittal of their Application for Wastewater Discharge Permit. Additionally, the Authority may require any other User who's Discharge could negatively impact the treatment facility to provide a Slug Discharge Prevention and Control Plan with their Application for Wastewater Discharge Permit. By definition, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge, which has reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits and/or permit conditions. The results of such activity shall be made available forthwith to the Authority upon request.
- (b) The Slug Discharge Prevention and Control Plan is intended to assist the User in evaluating their current practice in prevention and control of slug discharges. Additionally, completion of a Plan will allow the Authority's Industrial Waste Pretreatment Program to properly assess the User's potential to impact the POTW, as well as the user's ability to prevent and remediate slug discharges. The Slug Discharge Prevention and Control Plan shall contain, at a minimum, the following elements:
- (1) Description of discharge practices, including non-routine batch discharges;
  - (2) Description of stored chemicals;
  - (3) Procedures for immediately notifying the Authority of slug discharges, including any discharge which would violate a prohibition under 40 CFR Part 403, with procedures for follow-up written notification within five days;
  - (4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.
- (c) Users that are required to maintain a Slug Discharge Prevention and Control Plan must notify the POTW immediately of any changes at its facility affecting potential for a Slug Discharge.
- (d) Users that are required to maintain a Slug Discharge Prevention and Control Plan must provide the POTW with a revised plan where changes made at its facility may affect potential for a Slug Discharge. Revisions are due to the Authority within 30 days of implementing changes at the facility.

- (e) SIUs are required to certify in their Annual Inspection Report submittal that the Slug Discharge Prevention and Control Plan on file with the POTW is current. If the Plan on file is not current, a revised Plan must be provided with their Annual Inspection Report submittal.
- (f) SIUs are required to certify in their Application for renewal of their Wastewater Discharge Permit that the Slug Discharge Prevention and Control Plan on file with the POTW is current. If the Plan on file is not current, a revised Plan must be provided with their Application for renewal of their Wastewater Discharge Permit.

#### **6.3.4 Hauled Wastewater**

Regulations and rules regarding hauled wastewater are listed in Article 8 of these Regulations and are hereby made rules of Article 6 for Pretreatment Standards. Any User violating any of the information identified in Article 8 shall be deemed to be in violation of Article 6.

### **Section 4 - Wastewater Discharge Permit Application**

#### **6.4.1 Wastewater Analysis**

- (a) Any User of the POTW may be requested by a representative of the Authority to furnish certified test reports of samples of the user's wastestream. Said request shall be in writing, and shall be effective upon mailing by certified or registered mail to the User at the address listed for the user on the City of Warwick Tax Assessor's Records.
- (b) Analyses shall be performed by a RI Department of Health (RIDOH) Certified Laboratory in accordance with EPA approved procedures (40 CFR Part 136). Should 40 CFR Part 136 not contain appropriate sampling or analytical techniques for the pollutant in question, procedures approved by the EPA or the Authority must be used.
- (c) Analytical results must be documented on a certified laboratory sheet listing the approved test procedure, method detection limit, date and time of analysis and certification (initials) of the qualified professional for each parameter tested.
- (d) An accurate and complete Self-Monitoring Report Coversheet (supplied by the Authority) must accompany the test results. The Coversheet shall contain all of the information requested, such as, User identifying information, date(s) and time(s) of sample collection(s), location(s) of sample collection(s), pollutant(s) analyzed, compliance status and signature of an authorized official of the user.
- (e) Failure to furnish the certified test reports within the time period allowed in the request, or submission of incomplete test reports, shall constitute a violation of these Regulations.

- (f) Upon violation of this section, the Authority may commence a Civil Action to recover a fine of up to twenty-five thousand dollars (\$25,000.00) per day for each day the report remains overdue and for Attorney fees. Additionally, the Authority may commence a Court Order that the information requested be given to the Authority.

#### **6.4.2 Wastewater Discharge Permit Requirement**

- (a) The Federal Government, through the provisions of the General Pretreatment Regulations (40 CFR Part 403), requires the Authority to establish procedures for the enforcement of pretreatment standards and requirements.
- (b) As part of this program, it is necessary to conduct a survey to determine the type, location, water use and characteristics of wastewater discharge to the Authority. On January 8<sup>th</sup>, 1994, the Authority adopted a Resolution for a Wastewater Discharge Permit Application.
- (c) Wastewater Discharge Permits are required of all Industrial/Commercial Users and Commercial Users Engaged in Food Services discharging to the Authority either directly (through Warwick sewer connections) or indirectly (by way of septic waste hauler), **unless** exempted from this requirement after application and approval by the Authority for exemption.
- (d) Users are notified via a certified or registered letter, mailed to the address listed for the user on the City of Warwick Tax Assessor's Records, to complete a Wastewater Discharge Permit Application. The completed Permit application forms along with a one-time application fee are to be returned to the Authority within thirty (30) days of receipt of the application materials.
- (e) The User may apply in writing to the Authority for a hearing to show cause as to why the user should not be categorized as an Industrial/Commercial User or Commercial User Engaged in Food Services or should otherwise be exempt from application submittal and/or application fee.
- (f) If the User fails to complete and submit the application forms along with the associated application fee, or fails to apply for an exemption to the Wastewater Discharge Permit, within the allotted thirty (30) days, the user shall be deemed in violation of this Regulation. Failure to complete any information reasonably required on the application forms shall also be deemed a violation of this Regulation.
- (g) Upon violation of this section, the Authority may commence a Civil Action to recover a fine of up to twenty-five thousand dollars (\$25,000.00) per day for each day the application forms are overdue and to recover Attorney fees. Additionally, the Authority may seek a Court Order that the application forms requested by the Authority be completed and submitted to the Authority along with the associated application fee.
- (h) All applications shall be accompanied by a check for the application fee.

Application fees are dependent upon the User category as shown in Article 13, Section 3.

### **6.4.3 Wastewater Discharge Permit Application Contents**

As part of the Wastewater Discharge Application process, the User may be required to submit as part of an application for Wastewater Discharge Permit the following information:

- (a) All information as required by Section 6.6.1 (c) of this Regulation;
- (b) Description of all activities, facilities and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- (c) Number of employees, days and hours of operation;
- (d) Products produced and rates of production;
- (e) Type and amount of raw materials processed;
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains and appurtenances by size, location and elevation, as well as, all points of discharge;
- (g) Time(s) and duration(s) of discharges; and,
- (h) Any other information as may be deemed necessary by the Authority to evaluate the Wastewater Discharge Permit Application.

### **6.4.4 Application Signatories and Certification**

- (a) All permit applications, base line monitoring reports and other User reports must contain the following certification statement and be signed by an authorized representative of the user. "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." (followed by signature of Authorized Representative of the User)
- (b) If the User is a corporation, authorized representative shall mean:

- (1) 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
  - (2) The manager of one or more manufacturing, production or operating facilities provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (c) If the User is a partnership, association, or sole proprietorship, an authorized representative shall mean a general partner of the proprietor.
- (d) If the individual User is representing Federal, State or local governments, or an agent thereof, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility.

The individuals described in paragraphs b, c, and d 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 authorization is submitted to the Authority.

#### **6.4.5 Wastewater Discharge Permit Decisions**

The Authority shall evaluate the information/data furnished by the User and may determine that additional information is required. Following review of all pertinent materials, the Authority shall determine whether or not to issue a Wastewater Discharge Permit. The Authority may deny any application for a Wastewater Discharge Permit.

### **Section 5 - Wastewater Discharge Permit Issuance Process**

#### **6.5.1 Wastewater Discharge Permit Duration**

- (a) A Wastewater Discharge Permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit.
- (b) A Wastewater Discharge Permit may be issued for a period of less than five (5) years, at the discretion of the Authority.
- (c) Each Wastewater Discharge Permit must indicate a specific date upon which it will expire.

## **6.5.2 Wastewater Discharge Permit Contents**

- (a) Upon receipt of the completed Wastewater Discharge Permit application, and any additional information deemed necessary by the Authority, a representative of the Authority shall issue an Industrial Pretreatment Wastewater Discharge Permit to the User by registered or certified mail.
- (b) The Industrial Pretreatment Wastewater Discharge Permit shall be expressly subject to all provisions of these Regulations and may contain:
  - (1) A statement that indicates the Permit duration; which in no event shall exceed five (5) years.
  - (2) A statement that the Wastewater Discharge Permit is site-specific and non-transferable.
  - (3) Effluent limits based on applicable pretreatment standards.
  - (4) Limits on the average and maximum rate and time of discharge or requirements for flow regulations and equalization.
  - (5) Requirements for installation and maintenance of inspection and sampling facilities.
  - (6) Requirements for submission of technical reports or discharge reports.
  - (7) Requirements for maintaining facility records relating to wastewater discharge and access by the Authority to such records.
  - (8) Requirements for notification to the Authority of any change in occupancy or ownership of the User's premises/business.
  - (9) Requirements for notification to the Authority of any new introduction of wastewater constituents, or any substantial change in the volume or character of waste or wastewater.
  - (10) Self-monitoring, sampling, reporting, notification and record-keeping requirements. These requirements shall include an identification of the pollutants to be monitored, sampling location, sampling frequency and sample type based on Federal, State and/or City law.
  - (11) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated or non-routine discharges.
  - (12) A statement of applicable Civil and Criminal Penalties for violation of pretreatment standards and requirements.

(13) Specifications for an applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State and/or City law.

(14) Any other condition or term deemed necessary by the Authority.

### **6.5.3 Wastewater Discharge Permit Appeals**

- (a) The User may petition to appeal the terms of this permit within fourteen (14) days of issuance of the Wastewater Discharge Permit. This petition must be in writing; failure to submit a petition for review shall be deemed to be a waiver of the appeal. In its petition, the User must indicate the Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to be placed in the Permit.
- (b) The use of the Wastewater Discharge Permit shall not be stayed pending reconsideration. If, after considering the petition, the Authority determines that reconsideration is proper, it shall remand the Permit back for reissuance. Those Permit provisions reconsidered by the Authority shall be stayed pending reissuance.

### **6.5.4 Wastewater Discharge Permit Modification**

- (a) The Wastewater Discharge Permit may be amended by the Authority following notice and right of User appeal similar to that required at the time of Permit issuance. Modifications for good cause include, but are not limited to, the following:
  - (1) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
  - (2) Material or substantial alterations (or additions to the Permittee's operation processes, or discharge volume or character which were not considered in drafting the effective permit;
  - (3) A change in any condition in either the industrial User or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
  - (4) Information indicating that the permitted discharge poses a threat to the Authority's collection and treatment systems, POTW personnel or the receiving waters;
  - (5) Violation of any terms or conditions of the permit;
  - (6) Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required report;
  - (7) Revision of or a grant of variance from such categorical standards pursuant to 40 CFR Part 403;
  - (8) To correct typographical or other errors in the permit; and/or



- (9) Upon request of the Permittee, provided such request does not create a violation of any applicable requirements standards, laws or rules and regulations.
- (b) The filing of a request by the Permittee for a permit modification, revocation and re-issuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

#### **6.5.5 Wastewater Discharge Permit Transfer**

- (a) Wastewater Discharge Permits are site-specific and are non-transferable.
- (b) The Wastewater Discharge Permit is issued to a specific entity and cannot be transferred by the Permittee.

#### **6.5.6 Wastewater Discharge Permit Termination**

- (a) The Wastewater Discharge Permit may be terminated for good cause, including, but not limited to, the following reasons:
  - (1) Falsifying self-monitoring reports;
  - (2) Failure to notify the Authority of intention to close, liquidate or move the permitted premises in writing thirty (30) days before disposing of any process wastes;
  - (3) Failure to report major changes in process flows and/or pretreatment equipment;
  - (4) Failure to comply with Authority Administrative Orders or Agreements;
  - (5) Tampering with monitoring equipment;
  - (6) Refusing to allow timely access to the facility premises and records;
  - (7) Failure to meet effluent limitations;
  - (8) Failure to pay fines;
  - (9) Failure to pay sewer charges;
  - (10) Failure to meet compliance schedule; and/or,
  - (11) Violation of any other permit condition.
- (b) Wastewater Discharge Permits are void upon cessation of operations or transfer of business ownership.
- (c) All Wastewater Discharge Permits issued to a particular User are void upon the issuance of a new Wastewater Discharge Permit to that user.

### **6.5.7 Wastewater Discharge Permit Re-issuance**

- (a) A User with an expiring Wastewater Discharge Permit must apply for reissuance by submitting a complete Permit Application at least ninety (90) days before the expiration of the existing Wastewater Discharge Permit.
- (b) An expired Permit will continue to be effective and enforceable until the permit is reissued if the User has submitted a complete Permit Application at least ninety (90) days prior to the expiration date of the user's existing permit and the failure to reissue the permit, prior to the expiration of the previous permit, is not due to any act or failure on the part of the user.

### **6.5.8 Regulation of Waste Received from Other Jurisdictions**

- (a) At the time of approval and adoption of this Regulation, there are no other contributing jurisdictions to the City's Wastewater Treatment Facility.
- (b) In the future, should another municipality, or User located within another municipality, contribute wastewater to the POTW, the Authority shall enter into an intermunicipal agreement with the contributing municipality.
- (c) Prior to entering into an agreement required by paragraph (b), above, the Authority shall request the following information from the contributing municipality:
  - (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
  - (2) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
  - (3) Such other information as the Authority may deem necessary.
- (d) An intermunicipal agreement, as required by paragraph (b), above, shall contain the following conditions:
  - (1) A requirement for the contributing municipality to adopt a Sewer Use Ordinance (SUO) which is at least as stringent as those set out in Section 6.2.3 of this Article. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City of Warwick's Ordinance or local limits;
  - (2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis; 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 Authority; and which of these activities will be conducted jointly by the contributing municipality and the Authority;

- (3) A requirement for the contributing municipality to provide the Authority with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- (4) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- (5) Requirements for monitoring the contributing municipality's discharge;
- (6) A provision ensuring the Authority 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 Authority; and,
- (7) A provision specifying remedies available for breach of the terms of the intermunicipal agreement. Where the contributing municipality has primary responsibility for permitting, compliance monitoring, or enforcement, the intermunicipal agreement should specify that the City of Warwick has the right to take legal action to enforce the terms of the contributing municipality's ordinance or to impose and enforce pretreatment standards and requirements directly against noncompliant dischargers in the event the contributing jurisdiction is unable or unwilling to take such action.

## **Section 6 - Reporting Requirements**

### **6.6.1 Baseline Monitoring Reports**

- (a) Within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administrative decision on a category determination under 40 CFR Part 403, whichever is later, an Existing Source (i.e., existing Significant Industrial Users) subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to the municipal system shall be required to submit to the Authority a report which contains the information listed in the paragraphs (c)(1) through (8) below.
- (b) At least ninety (90) days prior to commencement of their Discharge, New Sources, and sources that become Industrial Users subsequent to the promulgation of an applicable categorical Standard, must submit to the Authority a report which contains the information listed in paragraph (c) (1) through (5) of this section. A new source must report the method of pretreatment it intends to use to meet applicable pre-treatment standards. All baseline monitoring reports must be signed and certified by an authorized representative of the company as listed under Section 6.4.4 of this Article.
- (c) Users described above must submit the information as set forth below:

- (1) Identifying Information. The User must submit the name and address of the facility including the name of the operator and owners;
- (2) Permits. The User must submit a list of any environmental control permits held by the user or for the facility;
- (3) Description of Operations. The User must submit a brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include a schematic process diagram, which indicates points of discharge to the system from the regulated processes;
- (4) Flow measurement. The User must submit information showing the measured average daily and maximum daily flow, in gallons per day, to the system from regulated process streams and other streams as necessary to allow use of the combined wastestream formula set out in 40 CFR Part 403;
- (5) Measurement of Pollutants.
  - i. The User must identify the Pretreatment Standards applicable to each regulated process.
  - ii. In addition, the User must submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the Authority) of regulated pollutants in the Discharge from each regulated process. Both daily maximum and average concentrations (or mass, where required) must be reported. The sample must be representative of daily operations. In cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User must submit documentation as required by the POTW or the applicable Standards to determine compliance with the Standard.
  - iii. A minimum of four (4) grab samples must be used of pH, cyanide, total phenols, oil and grease, sulfide. One (1) grab sample may be used for volatile and semi-volatile organics where the User demonstrates that this will provide a representative sample of the effluent being discharged. All other pollutants will be measured by composite samples obtained through flow proportional sampling techniques. If flow proportional composite sampling is infeasible, samples may be obtained through time proportional sampling techniques or through four (4) grab samples if the User demonstrates that this will provide a representative sample of the Discharge.

- iv. Samples must be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User must measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR Part 403 in order to evaluate compliance with Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR Part 403, this adjusted limit along with supporting data shall be submitted to the POTW.
  - v. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Authority determines that Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis must be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW, that are approved by EPA;
  - vi. The baseline report must indicate the time, date and place, of sampling, methods of analysis and must certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.
- (6) Special Certification. A statement, reviewed by an authorized representative of the User and certified to 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 for the user to meet the Pretreatment Standards and Requirements; and,
- (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 must 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 the Wastewater Permit Application Form.
- (8) All baseline monitoring reports must be signed and certified by an authorized representative of the company.

### **6.6.2 Compliance Schedule Progress Reports**

- (a) When the Authority finds that a User has violated or continues to violate these Regulations, Permits or Orders issued hereunder, or any other pretreatment requirement, a Compliance Order including a schedule may be issued to the user responsible for the discharge directing that, following a specified time period, sewer

service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated.

- (b) The schedule must contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, executing contracts for major components, commencing construction, completing construction).
- (c) Compliance orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer.
- (d) No more than fourteen (14) days following each completion date in the schedule, the User shall submit a progress report to the Authority including, at a minimum, whether or not the user has complied with the increments of progress, the reason for delay, and the steps being taken by the user to return to the schedule established. In no event shall completion dates for the increments of progress be more than nine (9) months apart.
- (e) Furthermore, the Authority may continue to require such additional self-monitoring for at least ninety (90) days after consistent compliance has been achieved, after which time the self-monitoring conditions in the discharge permit shall control.
- (f) The compliance schedule shall not be a waiver of the Users non-compliance nor shall it protect the User from enforcement actions.
- (g) All compliance reports must be signed and certified by an authorized representative of the company.

### **6.6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline**

- (a) 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 municipal wastewater system, a User subject to such Pretreatment Standards and Requirements must submit to the Authority a report containing the information described in Section 6.6.1 (c) (4) through (6).
- (b) For Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR Part 403 this report must contain a reasonable measure of the user's long term production rate.

- (c) For all other Users subject to categorical pretreatment standards expressed in terms of allowable pollutants discharge per unit of production (or other measure of operation), this report must include the user's actual production during the appropriated sampling period
- (d) All compliance reports must be signed and certified by an authorized representative of the company.

#### 6.6.4 Self-Monitoring Requirements

- (a) **Monitoring to Demonstrate Compliance:** Any User subject to Pretreatment Standards and Requirements must, at a frequency determined by the Authority but in no case less than twice per year, monitor their Discharge(s) and submit a Self-Monitoring Report (SMR) indicating the nature and concentration of pollutants in the Discharge(s) which are limited by such Pretreatment Standards and Requirements.
  - (1) The User must monitor for the parameters identified in their Wastewater Discharge Permit.
  - (2) The User must comply with the sampling frequency as well as the indicated sampling location(s) as indicated in their Wastewater Discharge Permit.
  - (3) All wastewater samples must be representative of the User's Discharge. Wastewater monitoring and flow measurement facilities must 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.
  - (4) Sampling parameters, frequency and location(s) cannot be changed without prior written approval by the Authority.
  - (5) All sampling, handling, preservation, testing, and reporting of the collected samples, must be performed in accordance with EPA approved procedures (40 CFR Part 136) and amendments thereto unless specified otherwise in the monitoring conditions of the User's Wastewater Discharge Permit.
  - (6) A RI State Department of Health (RIDOH) Certified Laboratory must perform all testing and reporting as required by the User's Wastewater Discharge Permit.
- (b) **Reporting Requirements:** Users subject to the requirements of Section 6.6.4 a (1)-(6) must provide the Authority with analytical results obtained through their monitoring efforts.
  - (1) The Authority must receive an original Certificate of Analysis, the corresponding Chain-of-Custody form and a Self-Monitoring Report Coversheet, as provided in the Wastewater Discharge Permit, within 30 days of the sampling event. For example: results for samples collected and analyzed for the self-monitoring month of June are due no later than July 30<sup>th</sup>.

- (2) The Certificate of Analysis must contain the User name, date of sample collection, sample description and/or matrix, sample ID, date of sample receipt, a listing the analyte(s), the test results, the detection limit of the test method, the units for the reported concentration, the EPA approved test procedure used for each parameter tested, the date the sample was analyzed and the analyst's initials for each result reported.
- (3) The Self-Monitoring Report Coversheet and Chain-of-Custody must be accurate and complete, otherwise they will be returned to the User for revision and/or completion as necessary. The Self-Monitoring Report Coversheet must be signed and certified by an authorized agent of the company.
- (4) All sampling, handling, preservation, testing, and reporting of the collected samples, as identified in the Certificate of Analysis, Chain-of-Custody and Self-Monitoring Report Coversheet must demonstrate compliance with EPA approved procedures (40 CFR Part 136) and amendments thereto unless specified otherwise in the monitoring conditions of the User's Wastewater Discharge Permit.
- (5) Unless agreed to in writing by the Superintendent and/or Pretreatment Coordinator, the User must monitor the pH of the discharge and record it continuously.
  - i. The results must be recorded on a monthly summary report, as provided in the Wastewater Discharge Permit, giving the maximum, minimum and (weighted) average daily readings.
  - ii. The Authority requires that the User performing pH monitoring calibrate their pH meter weekly. Calibrations should be noted in the comments section of the pH summary report.
  - iii. Deviations from the pH range of 6 – 10 s.u. which exceed 15 minutes in duration must be reported immediately to the Authority. Deviations which do not exceed 15 minutes in duration must be flagged on the pH summary report (or an attachment) with a reason for the non-compliance.
- (6) Unless agreed to in writing by the Authority, the User must monitor and record the flow or gallons per day (GPD) of their discharge.
  - i. The results must be recorded on a monthly summary report, as provided in the Wastewater Discharge Permit.
  - ii. Where pH and flow are to be monitored the Authority may allow the User to submit a combined pH-flow summary report, as provided in the Wastewater Discharge Permit.
- (7) Delays in submittal of complete reports will result in the issuance of a Notice of Violation to the Permittee. Reports received 30 days or more after the due date are



subject to Significant Non-compliance Violations (SNC). SNC violators will have their names and violations published in a newspaper of general circulation at the end of the Pretreatment Reporting Year (October 1 - September 30).

- (c) **Additional Monitoring:** Should the User monitor any pollutant more frequently than required by their Wastewater Discharge Permit, using test procedures prescribed in 40 CFR Part 136 or amendments thereto, or otherwise approved by EPA or as specified in their Wastewater Discharge Permit, the results of such monitoring must be included in any calculations of actual daily maximum or monthly average pollutant discharge. Results must be reported in the monthly report submitted by the User to the Authority as required by 40 CFR Part 403.
- (d) **Violations and Automatic Re-sampling/Reporting:** If the results of the User's wastewater analysis indicate that a violation of their Wastewater Discharge Permit has occurred, the user must:
- (1) Immediately, within 24 hours of becoming aware of the violation, notify the Authority;
  - (2) Immediately repeat the sampling and analysis activities for the non-compliant parameter;
  - (3) Submit the results of the initial repeat sampling within fifteen (15) days of the sampling event;
  - (4) Ensure that the date of the initial repeat sampling event provides for the results of this analysis to be received by the Authority within thirty (30) days after the User first became aware of the violation;
  - (5) Continue with weekly (batch) sampling events until a minimum of four (4) consecutive analyses demonstrate compliance with the Authority's effluent limits;
  - (6) Provide the Authority with the results of each repeat sampling within fifteen (15) days of the sampling event;
  - (7) Supply the Authority with written documentation as to the events which may have caused the non-compliance and the steps the User has taken to avoid a reoccurrence.
  - (8) 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 Regulation.

- (e) All monitoring reports submitted in fulfillment of the requirements identified in Section 6.6.4 must be signed and certified by an authorized agent of the company.

### **6.6.5 Reports of Changed Conditions**

The Authority may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a new wastewater permit application, if necessary. Each User must notify the Authority 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 90 days before the change.

- (a) The Authority may issue a Wastewater Discharge Permit or modify existing Wastewater Discharge Permit.
- (b) No User shall implement the planned condition(s) until and unless the Authority has responded to the user's notice.
- (c) For purposes of this requirement, flow increases of ten percent (10%) or greater and the discharge of any previously unreported pollutants shall be deemed significant.

### **6.6.6 Reports from Non-permitted Users**

All Users not required to obtain a Wastewater Discharge Permit must provide appropriate reports to the Authority as they may require.

### **6.6.7 Notification of Discharge of Hazardous Waste**

- (a) All categorical and non-categorical Users must notify the Authority immediately of all Discharges, including, but not limited to, accidental Discharges of a non-routine, episodic nature, a non-customary batch Discharge, or a slug load, as defined by 40 CFR Part 403, that could cause problems to the POTW. This notification must include the location of the Discharge, type of waste, (approximate) concentration and volume if known and corrective actions taken by the User. The Authority should be notified by telephone at (401) 739-4949.
- (b) Within 24 hours of the accidental Discharge the User must provide the Authority with written documentation of the Discharge in the form of a Slug Discharge Notification Log (supplied in the User's Permit). This form must be delivered to the Authority within 24 hours of the Discharge.
- (c) Within 5 days following the accidental Discharge, the User must submit to the Authority a detailed Discharge report. The report must include:
  - (1) A detailed description and cause of the upset, slug load or accidental Discharge, the cause thereof, and the impact on the Permittee's compliance status. The description must also include the location of the Discharge, type, concentration and volume of waste.
  - (2) Duration of non-compliance including exact dates and times of non-compliance

and, if the non-compliance is continuing, the time by which compliance is reasonably expected to occur.

- (3) All steps taken or to be taken to reduce, eliminate, and/or prevent recurrence of such an upset, slug load, accidental Discharge, or other conditions of non-compliance.
- (d) The User must notify the Authority, the EPA Regional Waste Management Division Director, and the State of Rhode Island Hazardous Waste Authorities in writing of any Discharges into the POTW of a substance, which, if otherwise disposed of, would be hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of Discharge (continuous batch, or other).
- (e) 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 Regulation.

#### **6.6.8 Bypass**

- (a) Bypass is strictly prohibited unless it is unavoidable to prevent loss of life, personal injury, severe property damage or imminent danger to the public safety, health, or welfare.
- (b) The User may allow bypass to occur which does not cause effluent limitations to be exceeded as set forth in these Regulations, but only if it is also for essential emergency maintenance to assure efficient operation.
- (c) In every instance where a bypass is installed, notification must be delivered to the Authority on the same day:
  - (1) Anticipated bypass - If the User knows in advance of the need for bypass, it shall submit prior written notice, at least ten (10) days before the date of the bypass, to the Authority.
  - (2) Unanticipated bypass - The User shall notify the Authority immediately (within 24 hours) of becoming aware of the event and submit a written notice to the Authority within five (5) days of the event. The report shall specify a description of the bypass, its cause and duration, whether the bypass has been corrected and the steps taken or to be taken to reduce, eliminate and prevent reoccurrence of the bypass.
- (d) Notification of the bypass shall not relieve the User of any expense, loss, damage or other liability which may be incurred as a result of bypass 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 Regulation.

### **6.6.9 Analytical Requirements**

All pollutant analysis, including sampling techniques, must be performed using techniques prescribed in 40 CRF Part 136 or, if 40 CFR Part 136 does not contain appropriate sampling or analytical techniques for the pollutant in question, procedures approved by the EPA or the Authority will be used.

### **6.6.10 Sample Collection**

- (a) Samples for pH, temperature, cyanide, total phenols, oil and grease, sulfides and volatile/semi-volatile organic compounds must be obtained using grab collection techniques. A minimum of four (4) grab samples must be used of pH, temperature, cyanide, total phenols, oil and grease and sulfides. One (1) grab sample may be used for volatile and semi-volatile organics where the User demonstrates that this will provide a representative sample of the effluent being discharged.
  
- (b) For all other pollutants, the User, or contracted analytical laboratory, must collect wastewater samples using flow proportional composite collection techniques. In the event that flow proportional sampling is infeasible, the Authority may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the User demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous Discharge limits.

### **6.6.11 Record Keeping**

Users must retain, and make available for inspection and copying all records and information required to be retained under 40 CFR Part 403. These records must remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning compliance with this Regulation, or where the User has been specifically notified of a longer retention period by the Authority, RIDEM and/or EPA.

## **Section 7 - Compliance Monitoring**

### **6.7.1 Right of Entry: Inspection and Sampling Procedures**

The Authority has the right to enter the facilities of any User at reasonable times to ascertain whether the objectives of these Regulations are being met and all requirements are being complied with. Users must allow the Pretreatment Coordinator, Superintendent, and/or their representatives ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of additional duties.

- (a) Where a User has security measures in force which require proper identification and clearance before entry into its premises, the user must make all necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the Authority, State and EPA must be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
- (b) The Authority, State and EPA have the right to set up or require the installation of, on the User's property, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- (c) The Authority may require the User to install monitoring equipment, as necessary. The facility's sampling and monitoring equipment must be maintained at all times in a safe and proper operating condition by the User at the user's expense. All devices used to measure wastewater flow and quality must be calibrated periodically to ensure their accuracy.
- (d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled must be promptly removed by the User at the written or verbal request of the Authority and must not be replaced. The cost of clearing such access shall be borne by the User.
- (e) Unreasonable delays in allowing Authority personnel access to the User's premises shall be violation of this Regulation.

#### **6.7.2 Search Warrants**

If a representative of the Authority is denied access, the Authority may seek authority from a District Court to obtain access.

### **Section 8 - Confidential Information**

#### **6.8.1 Public Information**

Information and data on a User obtained from reports, questionnaires, permit applications, permits, monitoring programs, and from Authority 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 Authority that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State law.

- (a) Wastewater constituents and characteristics and other “effluent data” as defined by 40 CFR will not be recognized as confidential information and will be available to the public without restriction.
- (b) 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

this Regulation, the National Pollutant Discharge Elimination System (NPDES) program, and in enforcement proceedings involving the person furnishing the report.

### **Section 9 - Publication of Users in Significant Non-Compliance**

#### **6.9.1 Significant Non-Compliance (SNC) Criteria**

The Authority shall annually publish in a newspaper of general circulation a list of the User's which, during the previous twelve (12) months, were in significant non-compliance with applicable pretreatment standards and requirements. A User is in significant non-compliance if its violation meets one or more of the following criteria:

- (a) Chronic violations of wastewater Discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the wastewater measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403;
- (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the wastewater measurements taken for the same pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR Part 403 multiplied by the applicable TRC. The TRC equals 1.4 for TSS, oil and grease, and 1.2 for all other pollutants except pH.
- (c) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR Part 403 (daily maximum, long-term average, instantaneous limit or narrative standard) that the Authority determines has caused, alone or in combination with other discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);
- (d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- (e) Failure to meet, within 90 days after schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (f) Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (g) Failure to accurately report non-compliance; and/or,

- (h) Any other violation or group of violations, which may include a violation of Best Management Practices, which the Authority determines will adversely affect the operation or implementation of the local Pretreatment program.

### **Section 10 - Administrative Enforcement Remedies**

#### **6.10.1 Notice of Violation**

- (a) Any User who has violated or is violating the conditions of this Regulation, Wastewater Discharge Permit or Order issued hereunder, or any other pretreatment requirement shall be issued a written Notice of Violation (NOV).
- (b) The Notice is delivered via certified or registered mail to the address listed for the User on the City of Warwick Tax Assessor's Records.
- (c) Within a required period of time (typically ten (10) days, but no more than fifteen (15) days), as stated in the Notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, must be submitted to the Authority.
- (d) Additionally, where effluent violations have been detected, the User must begin immediate re-sampling according to Section 6.6.4 (d) of this Article.
- (e) The Notice is an appropriate response to insignificant violations, however, if the User does not return to compliance following issuance of the Notice, the Authority may proceed with more stringent enforcement measures.
- (f) Submission of this plan, and/or repeat sampling results, does not relieve the User of liability for any violations occurring before or after receipt of the Notice of Violation.

#### **6.10.2 Consent Orders**

- (a) The Authority is hereby empowered to enter into Consent Orders with any User which causes or contributes to violation(s) of these Regulations, Wastewater Discharge Permits or Orders issued hereunder, or any other pretreatment requirements.
- (b) Consent Orders include assurances of voluntary compliance, or other similar documents establishing an agreement with the User responsible for the noncompliance.
- (c) Such Orders shall include specific action to be taken by the User to correct the noncompliance within a time period also specified by the order.
- (d) Consent Orders are appropriate when the User assumes responsibility for its noncompliance and is willing (in good faith) to correct its cause(s).
- (e) Consent Orders shall have the same force and effect as administrative orders and shall be judicially enforceable.

### **6.10.3 Show Cause Hearing**

- (a) The Authority may order any User which causes or contributes to violation(s) of these Regulations, Wastewater Discharge Permits or Orders issued hereunder, or any other pretreatment requirements to appear before the Authority and show cause why a proposed enforcement action should not be taken.
- (b) The Order to Show Cause is typically issued after informal contacts or Notices of Violation have failed to resolve noncompliance, but also may be issued to investigate violations of previous Orders.
- (c) 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 this proposed enforcement action should not be taken.
- (d) 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.
- (e) Such notice may be served on any Authorized Representative of the User.
- (f) Whether or not the User appears as noticed, immediate enforcement action may be pursued following the hearing date.

### **6.10.4 Compliance Orders**

- (a) When the Authority finds that a User has violated or continues to violate these Regulations, Permits or Orders issued hereunder, or any other pretreatment requirement, an Order may be issued to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated.
- (b) The Order shall contain specific requirements and deadlines for interim and final reporting.
- (c) Compliance Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer.
- (d) Furthermore, the Authority may continue to require such additional self-monitoring for at least ninety (90) days after consistent compliance has been achieved, after which time the self-monitoring conditions in the discharge permit shall control.



### **6.10.5 Cease and Desist Orders**

When the Authority finds that a User has violated or continues to violate these Regulations, Permits or Orders issued hereunder, or any other pretreatment requirement, the Superintendent may issue an Order to the user directing it to cease and desist all such violations and directing the user to immediately comply with all requirements and to 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.

### **6.10.6 Administrative Fines**

An Administrative Fine is a monetary penalty assessed by the Authority for violations of pretreatment standards and requirements. Administrative Fines are among the most effective responses to User noncompliance because they can be assessed at the Authority's discretion and the amount of the fines may be determined on an individual basis. Administrative Fines differ from Civil Penalties (penalties imposed through court proceedings), since fines are assessed by the Authority directly and do not require court intervention unless the User contests the action or refuses to pay the fine. Administrative Fines are punitive in nature and are not related to a specific cost borne by the treatment facility. Instead, fines are to recapture the full or partial economic benefit of noncompliance, and to deter future violations.

#### **(a) Legal Authority to Assess Administrative Fines**

- (1) RIGL 45-6-2.3 authorizes the Authority to issue administrative fines. The Pretreatment Coordinator shall consult with the Superintendent and the Executive Director prior to issuance by the Chairman of the Authority.
  - (2) RIGL 45-6-2.3 also sets forth the maximum specific dollar amounts (per violation) which the Authority may assess. Notwithstanding any other section of this Regulation, any User which is found to have violated any provision of this Regulation, Permits and Orders issued hereunder, or any other pretreatment requirement shall be fined in an amount not to exceed \$25,000/per day. Such fines shall be assessed on a per violation, per day basis.
- (b) Administrative fines are utilized as an escalated enforcement response, particularly when Notices of Violation or Administrative Orders have not prompted a return to compliance. When using this enforcement response, either singly or in conjunction with another response, (i.e., an administrative order requiring the User to take steps to return to compliance), the Authority will consider the following factors:
- (1) The type and severity of the violation.
  - (2) The number of violations cited.
  - (3) The duration of the noncompliance.

- (4) The impact of the violation on the wastewater treatment plant and the environment (i.e., whether the violation caused pass through or interference).
  - (5) Whether the violation threatened human health.
  - (6) Whether the User derived any economic benefit or savings from the noncompliance.
  - (7) The compliance history of the User.
  - (8) Whether the User is making good faith efforts to restore compliance.
  - (9) Other policy considerations normally involved in an enforcement decision.
- (c) Once the violation is documented and an appropriate fine amount determined, the Authority must notify the User of the fine assessed and collect the fine. This shall be done through the issuance of a Notice of Violation, an Administrative Order, or a Show Cause Hearing.
  - (d) The Pretreatment Coordinator/Superintendent must review all data relative to the severity of the violation and make a recommendation to the Authority Board as to the extent of the penalty.
  - (e) In the case of monthly or other long-term average discharge limits, fines shall be assessed for each business day during the period of violation. Additionally, the Authority may seek related costs incurred due to the User's violation including, but not limited to, court costs and Attorney's fees.

#### **6.10.7 Emergency Suspensions**

The Authority may suspend the Wastewater Discharge Permit of a User, for a period not to exceed thirty (30) days, whenever such suspension is necessary in order 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, interferes with the operation of the Wastewater Treatment Facility, or which presents or may present an endangerment to the environment. Any User notified of a suspension of its wastewater permit shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Authority shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the system, its receiving stream, or endangerment to any individuals. The Authority shall allow the User to recommence its discharge when the user has demonstrated to the satisfaction of the Authority that the period of endangerment has passed. A User which is responsible, in whole or in part, for any discharge presenting imminent endangerment must submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Authority prior to the date of any show cause or termination hearing.

### **6.10.8 Termination of Discharge**

Termination of service is the revocation of a User's privilege to discharge wastewater, either sewage or septic waste, into the POTW.

- (a) The Authority may suspend or terminate wastewater service when:
  - (1) Unpermitted discharge(s) violate the POTW's NPDES permit or create a dangerous situation threatening human health, the environment, or the treatment facility;
  - (2) Discharge(s) that exceed local or categorical discharge limits result in damage to the environment;
  - (3) Slug loads that result in interference, pass through, or damage to human health, the environment, or the treatment facility;
  - (4) Failure of the User to notify the Authority of effluent limit violations or slug discharge results in environmental or POTW damage;
  - (5) The User fails to sample, monitor, or report as required by an Administrative Order;
  - (6) The User fails to install required monitoring equipment per the condition of an Administrative Order;
  - (7) A major violation of a permit condition or Administrative Order is accompanied by evidence of negligence or intent; and/or,
  - (8) The User has repeatedly violated the Authority's Ordinances or its permit to such an extent that compliance with pretreatment requirements or the permit cannot, in the judgment of the Authority, be reasonably expected.
- (b) Non-compliant Users shall be notified of the proposed termination of their wastewater permit/service and be offered an opportunity to show cause why the proposed action should not be taken.
- (c) Three mechanisms are available to terminate sewer service:
  - (1) Physically sever (or plug) the connection to the collection system.
  - (2) Halt the discharge by revoking the permit.
  - (3) Issue a cease and desist order.
- (d) Upon meeting all terms, conditions and administrative, civil or criminal penalties assessed by the Authority, a User must reapply for, and be granted, a reinstatement of the terminated permit or a new permit.

## **Section 11 – Judicial Enforcement Remedies**

### **6.11.1 Injunctive Relief**

When the Authority finds that a User has violated, or continues to violate, any provision of this Regulation, Wastewater Discharge Permit, or Order issued hereunder, or any other pretreatment standard or requirement, the Authority may petition the State of Rhode Island for 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 Regulation on activities of the user. The Authority 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 petition for injunctive relief shall not be a bar against, or a prerequisite for, the Authority to take any other action against the User.

### **6.11.2 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 of Warwick – the Authority, for a maximum civil penalty of \$25,000.00 per violation, per day. 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 Authority may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost for any actual damages incurred by the City of Warwick – the Authority.
- (c) In determining the amount of civil liability, the following relevant circumstances, shall be taken into account, 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 the User.

### **6.11.3 Criminal Prosecution**

- (a) A User who willfully or negligently violates any provision of this Ordinance, a Wastewater Discharge Permit, or Order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$25,000.00 per violation, per day, or imprisonment for not more than the maximum number of years allowed under State law, or both.

- (b) A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage, shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$25,000.00 per violation, per day, or be subject to imprisonment for not more than the maximum number of years allowed under State law, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- (c) A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be punished by a fine of not more than \$25,000.00 per violation, per day, or be subject to imprisonment for not more than the maximum number of years allowed under State law, or both.
- (d) In the event of a second conviction, a User shall be punished by a fine of not more than \$25,000.00 per violation, per day, or be subject to imprisonment for not more than the maximum number of years allowed under State law, or both.

#### **6.11.4 Remedies Non-exclusive**

The remedies provided for in this Regulation are not exclusive. The Authority 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 Authority's Enforcement Response Plan. However, the Authority may take other action against any User when circumstances warrant. Furthermore, the Authority is empowered to take more than one enforcement action against any non-compliant User.

### **Section 12 - Supplemental Enforcement Action**

#### **6.12.1 Performance Bonds**

The Authority may decline to issue or reissue a Wastewater Discharge Permit to any User who has failed to comply with any provision of this ordinance, a previous Wastewater Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the Authority, in a sum not to exceed a value determined by the Authority to be necessary to achieve consistent compliance.

#### **6.12.2 Liability Insurance**

The Authority may decline to issue or reissue a Wastewater Discharge Permit to any User who has failed to comply with any provision of this Ordinance, a previous Wastewater Discharge Permit, or order issued hereunder, or any other pretreatment standard or

requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

### **6.12.3 Public Nuisances**

A violation of any provision of this Ordinance, a Wastewater Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Authority. Any person(s) creating a public nuisance shall be subject to the provisions of the City of Warwick's Code governing such nuisances, including reimbursing the City of Warwick – the Authority for any costs incurred in removing, abating or remedying said nuisance.

### **6.12.4 Contractor Listing**

Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the Authority. Existing contracts for the sale of goods or services to the Authority held by a User found to be in significant non-compliance with pretreatment standards or requirements may be terminated at the discretion of the Authority.

## **Section 13 - Affirmative Defenses**

### **6.13.1 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;
  - (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 Authority within twenty-four (24) hours of becoming aware of the upset (if provided orally, a written submission shall be provided within five (5) days):

- i. A description of the indirect discharge and cause of noncompliance;
  - ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue; and
  - iii. 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 standard upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

### **6.13.2 Prohibited Discharge Standards**

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Article 3 of this ordinance or the specific prohibitions in Article 3, Section 2, 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
- (b) No local limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the Authority was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

### **6.13.3 Bypass**

- (a) For the purpose of Section 6.13.3,
  - (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) If a User knows in advance of the need for a bypass, it shall submit prior to notice to the Authority, at least ten (10) days before the date of bypass, if possible. A User shall submit oral notice to the Pretreatment Coordinator 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 must 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 Authority may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours. Notification of the bypass, however, shall not relieve the User of any expense, loss, damage or other liability which may be incurred as a result of bypass 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 Regulation.

- (d) Bypass is strictly prohibited, and the Authority may take an enforcement action against a User for a bypass, unless
  - (1) Bypass was unavoidable to prevent loss of life, personal injury, severe property damage, or imminent danger to the public safety, health, or welfare.
  - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - (3) The User submitted notices as required under paragraph (c) of this Section.
- (e) The Authority may approve an anticipated bypass, after considering its adverse effects, if the Authority determines that it will meet the three conditions listed in paragraph (d) of this Section.



## **Section 14 - Industrial Pretreatment Fees**

### **6.14.1 Permit Fees**

- (a) A representative of the Authority shall determine the Category of an Industrial/Commercial User or Commercial User Engaged in Food Services based on any, or all of information obtained from the following: Industrial Pretreatment Wastewater Discharge Permit Application; Industrial Pretreatment Questionnaire; Baseline Monitoring Report; Inspection of the User's Facilities; and/or, Interviews with the User's Designated Representative(s).
- (b) Any User who has been issued a license to serve food by a department or agency of the State of Rhode Island and/or the City of Warwick shall be categorized based on the number of seats available where food may be served. For the purpose of classification, seats at a bar or in a cocktail lounge shall be counted as seats where food may be served. If a business serving food and/or beverages, feels that the classification on its permit does not correctly represent the nature of its operation, said business may request in writing a reclassification of its permit to one which correctly represents the true nature of its business. The Authority, after further review of said matter for good cause shown, may grant such request for reclassification.
- (c) In order to carry out the objectives of Article 6, the Authority established categories and associated fees for Industrial Pretreatment Wastewater Discharge Permits which are listed in Article 13, Section 3.

### **6.14.2 Monitoring Fees**

In addition to an annual permit fee, the User may be required to pay monitoring fees. The Authority reserves the right to perform periodic monitoring of the Permittee's waste stream. Repeat sampling and analyses conducted by the Authority may be deemed necessary due to failure to meet effluent limits, change in production processes or expansions or reduction of production and/or discovery of additional information on production not available at the time of permit issue. All costs incurred for sampling events are the sole responsibility of the User. The monitoring fee is calculated based on the frequency of sampling, the number of events and the fee for the parameters evaluated. Fees are listed in Article 13, Section 3.

### **6.14.3 Surcharge Fees**

Discharge of conventional pollutant levels which exceed their respective surcharge limits is subject to an annual surcharge. Surcharge limits and associated surcharge fees are listed in Article 13, Section 3.

The surcharge fee is calculated using the following formula:

$$\text{Fee} = ((\text{Average-Surcharge Limit}) \times (\text{Annual Flow/gal}) \times (8.34 \text{ lb./gal}) \times (\text{Surcharge Rate})) \div 1,000,000$$

#### **6.14.4 Penalty for Non-payment of Industrial Pretreatment Fees**

Any User which fails and/or refuses to pay any and all of the Industrial Pretreatment fees as described in this section within sixty (60) days of the due date, shall be subject to the imposition of a civil penalty of up to twenty-five thousand dollars (\$25,000.00) per day for each successive day of non-payment after said sixty (60) day period.

### **Section 15 - Miscellaneous Provisions**

#### **6.15.1 Severability**

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

### **Section 16 - Effective Date**

#### **6.16.1 Effective Date of Regulation Modification**

This Regulation shall be in full force and effect immediately following its passage, approval, and publication.

# ARTICLE 7 - PRIVATELY-OWNED WASTEWATER TREATMENT FACILITIES

## **Section 1 – Operations and Maintenance Requirements**

**7.1.1** Owners of privately-owned wastewater treatment facilities shall maintain the system in good working order. Proper operation and maintenance shall include, but not be limited to:

- (a) Effective performance based on facility design;
- (b) Adequate operator staffing and training;
- (c) Adequate laboratory and process controls including quality assurance procedures as determined to be appropriate by the Authority;
- (d) Backup or auxiliary facilities or similar systems to assure compliance or effective performance; and,
- (e) Emergency procedures and reporting requirements in case of power outages, natural disaster, labor shortages (intentional work stoppages or epidemic), equipment failures, acts of terrorism/vandalism and/or sanitary sewer overflows.

## **Section 2 – Inspections**

**7.2.1** The Authority has the right to enter the facilities at reasonable times to ascertain whether the objectives of these regulations are being met and all requirements are being complied with, including inspection of equipment and records related to the operation and maintenance of the privately-owned wastewater treatment facilities.

**7.2.2** The owner must conduct, at a minimum, quarterly inspections of pumping stations associated with the privately-owned wastewater treatment facilities.

## **Section 3 -- Reporting Requirements**

**7.3.1** Owners of privately-owned wastewater treatment facilities must report sanitary sewer overflows to the Authority and the Rhode Island Department of Environmental Management as follows:

- (a) Verbal notification as soon as possible but no later than twenty-four (24) hours of discovery of the event, and
- (b) Written report submitted within five (5) business days from the date of the overflow event.

**7.3.2** Owners of privately-owned pumping stations must forward reports of inspections required under Section 7.2.2 to the Authority within three (3) business days from the date of the inspection. The report must contain the following:

- (a) Name of the individual or firm performing the inspection;
- (b) Hours of operation for each pump;
- (c) Generator run time;
- (d) Summary of alarms and occurrences during the reporting period;
- (e) Maintenance performed during the reporting period;
- (f) Condition of the pumping station; and,
- (g) Maintenance recommendations.

#### **Section 4 – Operations & Maintenance Manuals**

**7.4.1** The owner must submit an Operations and Maintenance Manual to the Authority for review and approval which must describe the plans, standards and procedures by which the wastewater treatment facilities, pumping station(s) and/or collection system(s) will be staffed, operated and maintained during normal and emergency conditions. Should the plan include the practice of engineering, the plan must be prepared and certified by a Professional Engineer registered in the State of Rhode Island.

**7.4.2** The owner of an existing privately-owned pump station must submit an Operations and Maintenance Manual within one (1) year from the date of approval of these regulations.

**7.4.3** The owner of newly proposed privately-owned pump stations must submit an Operations and Maintenance Manual for review and approval of the Authority prior to the issuance of a sewer connection permit.

#### **Section 5 – Fees**

**7.5.1** There shall be a one-time fee for review and approval of the Operations and Maintenance Manual required under Section 4.

**7.5.2** There shall be an annual permit fee for privately-owned pump stations which shall be dependent on flows into the common sewer.

**7.5.3** See Article 13 for Summary of Fees.

## ARTICLE 8 - SEPTIC WASTE

### **Section 1 – Disposal of Cesspool/Septic Tank Wastes**

**8.1.1** The treatment facility will accept waste pumped out of cesspools, septic tanks and onsite wastewater treatment systems (OWTS) located in the City of Warwick for a fee as specified in Article 13.

### **Section 2 - Permitting of Septic Waste Haulers**

**8.2.1** Any person and/or corporation engaged in the hauling of septic waste to the POTW must possess a valid permit from the Authority. Applications for a permit to use the septic waste disposal station at the Wastewater Treatment Facility for the dumping of septic waste shall be obtained at the office of the Authority.

**8.2.2** A one-time permit application fee shall be charged and paid at the time the application is made.

**8.2.3** Permitted haulers are responsible for complying with all terms and conditions contained within the permit in addition to all applicable terms and conditions of the Authority's Rules and Regulations.

**8.2.4** Any person or corporation discharging to the POTW without a valid permit will be subject to penalties as defined in this Regulation.

**8.2.5** Permits for haulers of septic waste will be granted by the Authority following submission of a permit application and payment of applicable fees.

**8.2.6** Permits will be renewed every five (5) years (effective duration five (5) years).

**8.2.7** Permit fees will be charged annually and payable quarterly (See Article 13).

### **Section 3 – Delivery of Waste**

**8.3.1** Septic waste haulers may deliver to the sewer treatment plant, waste materials extracted from cesspools and OWTS located within the limits of the city, subject to the following:

- a. No truck shall be permitted to deliver such waste unless tallies on forms provided by the Authority for the total load are presented.
- b. Material banned from Authority facilities will not be delivered to the wastewater treatment facility.
- c. Deliveries of waste may not be made unless the driver signs a delivery form provided by the Authority.

- d. The driver must clean the receiving platform after each delivery and return hose to its proper location.
- e. Deliveries of cesspool and OWTS wastes may be made between the hours of 7:30a.m. and 3:30 p.m., Monday – Friday, provided, however, that deliveries may not be made after thirty five thousand gallons (35,000) have been discharged to the wastewater treatment facility on the same day.
- f. Allowable gallons and hours for delivery of waste may be reduced, extended, increased, or otherwise changed or altered at the discretion of the Superintendent of the wastewater treatment facility, as conditions warrant.

#### **Section 4 – False Affidavit Truck and Driver Barred**

**8.4.1** Any driver rendering a false or fraudulent affidavit, or any form bearing a false, fictitious, or forged signature, will be permanently barred from making further deliveries at the wastewater treatment facility.

**8.4.2** All trucks owned, used, or registered to the owner of the truck operated by the offending driver will also be permanently barred from making further deliveries at the wastewater treatment facility.

#### **Section 5 – Other Requirements**

**8.5.1** The discharge of hazardous waste (as defined in Section 1004 of the Resource Conservation and Recovery Act) into a pipeline connected to the Public Sewer System or to the head works of the plant is strictly prohibited.

**8.5.2** Any waste identified as commercial or industrial, or waste from an industry identified by an SIC number, must be pre-sampled by the Authority prior to pumping and the results of that sampling reviewed and approved by the Authority and determined by a representative of the Authority to be safe for disposal at the Authority's facilities. Authority authorization must be presented to the septic waste hauler by the business or industry prior to having waste pumped and hauled. Any commercial or industrial waste that is incompatible with the operations of the wastewater treatment facility, or that violates Federal, State, or Authority Rules and Regulations may not be hauled or discharged to the Authority's wastewater treatment facility. The dumping of grease-laden wastewater is strictly prohibited. Grease-laden wastewater may be interpreted to include, but is not solely limited to, grease interceptor/trap waste, septic waste containing grease (by mixing/blending or as found in pump stations servicing restaurants), grease from deep frying equipment, wok-line oil, rendering waste, etc. Sampling of commercial or industrial waste must be performed by a representative of the Authority or individual designated by the Authority. Charges for sampling conducted by the Authority will be reviewed and adjusted as deemed necessary. Sampling, handling, and Chain-of-Custody procedures for commercial and/or industrial waste will be determined by the Authority. Independent laboratories are required to possess RI Department of Health Licensure and

Authority approval in order to conduct sample analyses. The cost of sampling and testing will be borne by the generator of the waste.

- 8.5.3** The waste hauler must provide the Facility operator or a designated representative with a sample of the waste to ensure compliance with discharge limits and requirements prior to the discharge of hauled waste.
- 8.5.4** The waste hauler must discharge all wastes at the location designated by the Authority or its representative. Discharge may not occur without prior notice to the facility operator and without supervision by facility personnel.
- 8.5.5** Authority septic waste disposal facilities are available for use only for those septic wastes originating within the limits of the City of Warwick. Wastes cannot be discharged to the Authority's facility without completion and presentation of a Waste Hauler Manifest form.
- 8.5.6** Disposal of mixed wastes or domestic septic waste blended with commercial waste is prohibited.
- 8.5.7** Any person and/or corporation that knowingly makes, authorizes, solicits, aids, or attempts to make any false statement, representation, or certification in any permit application, manifest form, record report or other document filed or required to be maintained pursuant to a permit or the current Rules and Regulations, or who falsifies, tampers with, bypasses, or knowingly renders inaccurate any monitoring device, testing method or testing samples required under a permit or the current Rules and Regulations, shall be subject to immediate revocation of their permit and will be subject to penalty.
- 8.5.8** Any person that fails to complete Waste Hauler Manifest Forms and/or Septic Waste Dumping Log Forms will be subject to a fine of fifty dollars and 00/100 (\$50.00) per incident.
- 8.5.9** Any violation of the Authority's Rules and Regulations or of a condition of a permit issued pursuant to the Rules and Regulations shall be subject to a maximum fine of twenty-five thousand dollars and 00/100 (\$25,000.00) per day/per violation, and/or suspension or revocation of a permit to discharge septic waste at the Authority's facilities.

# ARTICLE 9 - SEWER CHARGES

## Section 1 – Sewer Use Charges

### **9.1.1 General**

- (a) Sewer Users shall be billed for operation and maintenance of the sewer system based on water usage as well as a flat fee for related services.
- (b) Sewer usage bills shall be collected in the same manner as City taxes and other utilities are collected, with the same penalties for late and/or non-payment.
- (c) The Authority will annually review the User charges, including service charges, based upon annual operation and maintenance budgets and the proportional contribution of each type of user and adjust the fees accordingly, if necessary.

### **9.1.2 Separate Meters Allowed**

- (a) Any User of the sewer system may, at its own option and expense, install a separate water meter to measure water consumed in sprinkling of lawns, gardens, or vehicle washing, and for other consumption of water which is not discharged into the City's sewer facilities. Water consumption registered on the separate meter shall be deducted from the total water usage for the purposes of calculating consumption-based User charges.
- (b) The meters must be purchased from the City Water Department or the Authority to ensure the meter is compatible with meter reading and billing programs.
- (c) Any meters installed pursuant to this section must be subject to testing and inspection by the Authority or its agents whenever the Authority deems this necessary. All maintenance and repairs required thereto must be made at the expense of the User.

### **9.1.3 Residential User Fees**

- (a) All residential Users of the sewer facilities must pay a usage fee for collection and treatment of wastewaters based on water consumption; a service charge (flat fee) for debt service and general administrative services; and a renewal and replacement fee based on water consumption to be set aside in a dedicated fund for necessary infrastructure improvements.
- (b) All charges for residential use of the sewer facilities shall be billed and payable quarterly.

### **9.1.4 Non-Residential User Fees**

- (a) All non-residential Users of the sewer facilities will pay a usage fee for collection and treatment of wastewaters based on water consumption; a service charge (flat fee) for



debt service and general administrative services based on water meter size; and a renewal and replacement fee based on water consumption to be set aside in a dedicated fund for necessary infrastructure improvements. All charges for non-residential use of the sewer facilities shall be billed and payable quarterly.

- (b) If the User obtains part or all of its water supply from sources other than the municipal or county water suppliers and it is not measured by a water meter acceptable to the Authority, such user must install and maintain at its own expense, a water meter, or meters satisfactory to determine the sanitary sewage charge, which shall be the net sum of the quantities measured by all meters.

### **9.1.5 Septic waste Hauling/Disposal Fees**

- (a) Licensed Septic waste Haulers will be billed directly on a monthly basis based on records of volumes of loads dumped at the treatment facility.
- (b) Failure to pay disposal charges shall be grounds for license revocation.

## **Section 2 – Sewer Assessment Charges**

### **9.2.1 Assessments for Sewer Construction Costs**

The Authority will establish sewer assessment charges to be levied upon owners of parcels abutting on that portion of any public highway or right-of-way in which a common sewer is laid as well as parcels that do not abut a public highway or right-of-way but have access to sewers.

Said charges will be determined on a project by project basis. The assessment shall be calculated by establishing the actual total project cost divided by the number of Equivalent Dwelling Units (EDUs) in the project area which shall be apportioned as provided herein:

#### **Residential Buildings**

Single family home -- 1 EDU

Two Family to Multi-Family (up to 10) -- 1 EDU plus 0.1 EDU for each additional unit over 1

Multi-Family (10 units or greater) -- 2 EDU plus 0.05 EDU for each additional unit over 10

Condominiums (up to 10 units) -- 1 EDU plus 0.1 EDU for each additional unit over 1

Condominiums (10 units or greater) -- 2 EDU plus an 0.05 EDU for each additional unit over 1

**Non-Residential Buildings** (based on Living Area per the City Tax Assessor's records as of December 31<sup>st</sup> in the year prior to assessment)

Up to 5,000 square feet (SF) -- 1 EDU

5,001 to 15,000 SF -- 2 EDUs

15,001 to 30,000 SF -- 3 EDUs

30,001 to 50,000 SF -- 4 EDUs

50,001 SF or greater -- 5 EDUs

#### **Mixed Use Buildings**

If the area of the non-residential portion of the building is greater than 1,000 square feet, the property will be assessed as a non-residential building.

## Undeveloped Parcels

For undeveloped residential or non-residential lots that can be developed – 1 EDU

If, at the time the parcel is developed, those improvements result in a change of use or additional structures, the Authority will reassess the parcel with the additional assessment.

The Authority reserves the right to reassess parcels for an increase in EDUs based on the residential and commercial rates set forth in the Regulations that are in effect at the time of development.

The Authority shall prepare and certify for the City Finance Director a sewer assessment roll for each project to be assessed which shall list the parcels to be assessed, the classification of each parcel for assessment purposes, the amount of said assessment and the terms for payment. The Authority shall cause notice to be sent to the owner of each parcel to be assessed. Said assessments constitute a lien upon the property until the assessment is paid in full. If the assessment charges are not paid as required, it shall be collected in the same manner as taxes assessed on real estate are collected by law. At the time of transfer of title on assessed parcels, the assessment balance may be transferred to the new parcel owner.

### **9.2.2 Sewer Access Charge**

If a parcel of land abuts a common sewer and the installation of such common sewer was paid for by private funds and not paid for by expenditure of public funds, then the property owner shall pay a sewer access charge as determined by the Authority to recover the embedded costs of the downstream infrastructure. The sewer access charge will be considered an assessment charge for billing and payment purposes.

### **9.2.3 Installment Payments**

The sewer assessments levied hereunder may be paid in as many as thirty (30) annual installments in accordance with the terms of the loan secured for sewer construction. In the case of installment payments, interest at a rate not to exceed a maximum rate of one and twenty-five hundredths percent (1.25%) above the average interest rate the Authority is charged on the loan used to fund the construction of the sewers shall be charged annually on the unbilled balance of the total sewer assessment. Such annual installment payments may be paid on a quarterly basis.

Delinquent (penalty) interest shall be applied to the account if the annual installment payment is not received in full within the year. Delinquent interest shall be assessed in the same manner and at the same rate as established for the collection of real estate taxes.

The unpaid balance of each sewer assessment shall bear interest at the rate determined by the Authority at the time of assessment provided however that the whole assessment against any parcel may be prepaid without interest at any time prior to the due date for the first installment payment. The unbilled balance of any sewer assessment, together with any outstanding annual installments and interest accrued to the date of payment, may be paid at any time.

## **9.2.4 Assessment Deferment**

### **a. Underdeveloped and Undeveloped Land**

The Authority shall have discretion to defer sewer assessments against parcels that are underdeveloped or not developed; provided that such parcels remain subject to assessment upon the development or redevelopment of such parcels.

### **b. On-site Wastewater Treatment System**

The Authority may defer sewer assessments against any parcels if the owner of a parcel has installed a RIDEM-permitted OWTS within twenty (20) years of sewer service initially becoming operational, provided that such parcel shall remain subject to assessment and shall begin paying such assessment twenty (20) years from the date of the installation of the OWTS or upon connection to the sewer system, whichever occurs first.

### **c. Parcels Owned by Religious Corporations**

All parcels in the city owned by religious corporations, and on which are located buildings used solely for the purpose of holding religious services therein shall be exempt from the payment of any and all sewer assessments for the construction of the sewer system made pursuant to these Rules and Regulations, so long as such parcels shall be held and used solely for such purposes; provided that all such assessments made on such parcels for the construction of the sewer system under the provisions of these Rules and Regulations shall be and remain a lien on the parcels and the improvements thereon without interest, and the city may enforce for collection of the assessments whenever the parcels or any portion thereof shall be abandoned from the above-listed purposes, in the same manner as other sewer assessments under these Rules and Regulations are collected or enforced.

### **d. Cemeteries**

All parcels in the city owned by cemetery corporations and used solely for cemetery purposes, shall be exempt from the payment of any and all sewer assessments for the construction of the sewer system made pursuant to these Rules and Regulations, so long as such parcels shall be held and used solely for such purposes; provided that all such assessments made on such parcels for the construction of the sewer system under the provisions of these Rules and Regulations shall be and remain a lien on the parcels and the improvements thereon without interest, and the city may enforce for collection of the assessments whenever the parcels or any portion thereof shall be abandoned from the above-listed purposes, in the same manner as other sewer assessments under these Rules and Regulations are collected or enforced.

### **9.2.5. Assessment Modification**

The Authority with the advice and consent of the mayor may at any time modify in whole or in part any charge or assessment to the extent the Authority determines such charge or assessment to have been improperly imposed.

### **9.2.6. Temporary Hardship Waivers**

Parcel owners that demonstrate undue hardship may apply to the Authority for temporary hardship waivers.

## **Section 3 – Appeal of Sewer Assessment or Charge**

Within sixty (60) days after mailing of notice of an assessment or charge under this Article, any person aggrieved by such assessment or charge may appeal to the sewer board of review. The board shall review the Authority's decision to ensure that the Authority's decision complies with the provisions of the Authority's enabling law and rules and regulations promulgated thereunder. If the board determines that an assessment or charge was made in violation of the provisions expressed in law, rule or regulation, either in whole or in part, it shall annul or modify the same and make such order as justice may require. Otherwise, it shall affirm the same. Within thirty (30) days after the decision of the sewer board of review, any party aggrieved, including the Authority, may appeal to the superior court.

## ARTICLE 10 - ON-SITE WASTEWATER TREATMENT SYSTEMS

### *ARTICLE TO BE RESERVED*

Cross-reference City Ordinance on OWTS (formerly Individual Sewage Disposal Systems (ISDS) Section 66-1 (Code 1971, §18-1)

# ARTICLE 11 - ENFORCEMENT

## **Section 1 – Right of Entry**

**11.1.1** The Authority has the right to enter the facilities of any User at reasonable times to ascertain whether the objectives of these regulations set forth herein are being met and complied with. Users shall allow representatives of the Authority access to all areas of the premises for the purpose of inspection, sampling, records examination, and the performance of additional duties.

**11.1.2** Denial of access or unreasonable delays in allowing access to Authority personnel to perform their regulatory duties shall be deemed a violation of these regulations.

**11.1.3** While performing the necessary work on private properties, the duly authorized representatives of the Authority shall observe all safety rules applicable to the premises and the property owner shall be held harmless for injury to Authority representatives. The Authority shall indemnify the property owner against loss or damage and liability claims by Authority representatives except as such may be caused by negligence or failure of the property owner to maintain safe conditions.

## **Section 2 – Penalties**

### **11.2.1 Fines for Violations of General Requirements (Articles 3, 4, 5, 7, and 8)**

Violations of any provision of Articles 3, 4, 5, 7, and 8 of these regulations shall be fined in an amount not to exceed five thousand dollars and 00/100 (\$5,000.00) for each violation, and not to exceed five thousand dollars and 00/100 (\$5,000.00) for each additional day that any such violation shall continue. The Authority may also pursue restitution for damages caused by any such violation.

### **11.2.2 Fines for Violations of Pretreatment Regulations (Article 6)**

RIGL 45-6-2.3 sets forth the maximum specific dollar amounts (per violation) which the Authority may assess for violations of Pretreatment Standards. Notwithstanding any other section of this Regulation, any User found to have violated any provision of Article 6 shall be fined in an amount not to exceed twenty five thousand (\$25,000) per day per violation.

The Authority has an Enforcement Response Policy for violations of Article 6 which sets forth enforcement procedures and various levels of penalties depending on the violation. Additional enforcement mechanisms are detailed in Article 6, Section 10, 11, and 12.

# ARTICLE 12 - APPROVALS OF CONNECTIONS TO OTHER SEWER SYSTEMS

## **Section 1 – Connections to the West Warwick Sewer System**

### **Section 12.1.1 General**

In areas where sewer service is available to property in the City of Warwick as a result of an Agreement between the Authority and another municipality, the following regulations shall apply.

Prior to connection to a Town of West Warwick sewer line or a City of Warwick sewer line which lines transport waste to the Town of West Warwick wastewater treatment facility from property in the City of Warwick, the owner of the property shall apply to the City of Warwick. Said application shall be on a form furnished by the Authority and shall be an application for a specific amount of gallons per day in average daily flow.

Upon such application, the Authority shall determine whether or not there is sufficient reserve capacity in accordance with the above referenced Agreement to permit the connection, taking into account planned future use of that reserve capacity, and the existing uses of the capacity. If the reserve capacity is granted by the Authority, the applicant for the reserve capacity shall be notified in writing.

Upon granting the reserve capacity, the Authority may grant the capacity subject to any conditions that the Authority deems necessary to fulfill the purposes of these regulations, including but not limited, a requirement that the permittee install devices to monitor the average daily flow in gallons per day and, that the amount of capacity granted, be reduced, if the permittee is not using the capacity granted. Upon notice, in writing that the reserve capacity has been granted, the applicant shall have one year within which to connect to the sewer system. In the event that the connection has not been made within one year, the applicant shall lose any right to said reserve capacity and permission to connect to the sewer unless extension is granted for good cause shown.

Any City of Warwick property owner who has heretofore been granted the right to connect to lines servicing Warwick but connected to West Warwick, shall be subject to this one year limitation. The one year period within which to connect to the sewers shall commence upon the effective date of this regulation or upon the date on which notice is sent by certified mail to the persons who have already been given authority to connect to said lines.

Any person who shall exceed the permitted average daily flow, or use any capacity to without a permit shall be in violation of this regulation.

### **Section 12.1.2 Lien Agreements to be Recorded**

The property owner shall be required to complete a Lien Agreement furnished by the Town of West Warwick for sewer usage and/or sewer assessment charges. The property owner shall be responsible for recording the Lien Agreement in the City of Warwick land evidence records.

### **Section 12.1.3 Other**

The property owner must comply with all applicable Town of West Warwick regulations regarding permits and sewer connections.



# ARTICLE 13 - SUMMARY OF FEES

## **Section 1 – Permits**

### **13.1.1 Privately-Owned Wastewater Treatment Facilities**

Operations and Maintenance Manual Review Fee (one-time):	\$500
Annual Permit Fee (average flows less than 30,000 gpd):	\$500
Annual Permit Fee (average flows of 30,000 gpd or greater):	\$1,000

### **13.2.1.**

## **Section 2 – Sewer Connection Permits**

Sewer Service Connection:	\$200 (up to 100 linear feet) \$300 (101 to 200 linear feet) \$400 (201 or more linear feet)
Repair Permit:	\$100
Demolition Permit:	\$50
Late Cancellation/Re-Inspection Fee (additional):	\$150
After-Hours/Overtime Inspection Fee (additional):	\$125
Weekend/After Hours Inspection Fee (additional):	\$150
New Construction/Change in Use Plan Review Fee:	\$300
Sewer Extension Plan Review Fee:	\$300
Sewer Extension Permit:	\$500
Sewer Extension Inspection Fee:	\$2 per linear foot of pipe

**Section 3 – Pretreatment Fees & Surcharges**

**13.3.1 DISCHARGE PERMIT APPLICATION CATEGORIES AND FEES**

<b>Category</b>	<b>Industrial/Commercial User Category Description</b>	<b>Application Fee</b>
ICU - 1	Users requiring pretreatment including all Significant Industrial Users	\$300.00
ICU - 2	Users having some toxic discharge requiring minimal or no pretreatment as determined by a representative of the Authority.	\$300.00
ICU - 3	Users having non-toxic discharges in addition to sanitary waste flows.	\$300.00
ICU - 4A	Users using and storing toxic pollutants on the premises, but not discharging toxic pollutants directly or indirectly to the POTW.	\$200.00
ICU - 4B	Users using and storing toxic pollutants on the premises, but not discharging toxic pollutants to their underground disposal system.	\$200.00
ICU - 5	Users discharging sanitary waste flows only.	\$100.00
ICU - 6	Users engaged in photo-imaging process, practicing complete waste haul-out with sanitary discharge only.	\$100.00
ICU - 9	Septic Waste Haulers	\$200.00

<b>Category</b>	<b>Commercial Business Engaged in Food Services</b>	<b>Application Fee</b>
R - 1	Businesses serving food with a seating capacity of 1-25 persons.	\$100.00
R - 2	Businesses serving food with a seating capacity of 26-50 persons.	\$100.00
R - 3	Businesses serving food with a seating capacity of 51-100 persons.	\$200.00
R - 4	Businesses serving food with a seating capacity of 100-125 persons and/or derives 50% or more gross income or gross receipts from drive-up or take-out.	\$300.00
R - 5	Business serving food with a seating capacity of greater than 125 persons.	\$300.00

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### 13.3.2 DISCHARGE PERMIT CATEGORIES AND FEE STRUCTURE

Rate Code	Category	Industrial/Commercial User Category Description	Annual Fee 2020	Annual Fee 2021	Annual Fee 2022
930	ICU - 1	Users requiring pretreatment including all Significant Industrial Users	\$4,781.25	\$5,137.50	\$5,375.00
932	ICU - 2	Users having some toxic discharge requiring minimal or no pretreatment as determined by a representative of the	\$3,656.25	\$3,937.50	\$4,125.00
934	ICU - 3	Users having non-toxic discharges in addition to sanitary waste flows.	\$1,781.25	\$1,912.50	\$2,000.00
936	ICU - 4A	Users using and storing toxic pollutants on the premises, but not discharging toxic pollutants directly or indirectly to the	\$575.00	\$620.00	\$650.00
938	ICU - 4B	Users using and storing toxic pollutants on the premises, but not discharging toxic pollutants to their underground disposal	\$487.50	\$525.00	\$550.00
940	ICU - 5	Users discharging sanitary waste flows only.	\$400.00	\$430.00	\$450.00
941	ICU - 6	Users engaged in photo-imaging process, practicing complete waste haul-out with sanitary discharge only.	\$312.50	\$335.00	\$350.00
950	ICU - 9	Septic Waste Haulers	\$312.50	\$335.00	\$350.00

Rate Code	Category ICU - 8	Commercial Business Engaged in Food Service Description	Annual Fee 2020	Annual Fee 2021	Annual Fee 2022
921	R - 1	Businesses serving food with a seating capacity of 1-25 persons.	\$156.25	\$167.50	\$175.00
922	R - 2	Businesses serving food with a seating capacity of 26-50 persons.	\$312.50	\$335.00	\$350.00
923	R - 3	Businesses serving food with a seating capacity of 51-100 persons.	\$487.50	\$525.00	\$550.00
924	R - 4	Businesses serving food with a seating capacity of 100-125 persons and/or derives 50% or more gross income or gross receipts from drive-up or take-out.	\$625.00	\$670.00	\$700.00
925	R - 5	Business serving food with a seating capacity of greater than 125 persons.	\$800.00	\$860.00	\$900.00

\*2023 Annual Permit Fee rates will follow 2022 rates above.

### 13.3.3 INDUSTRIAL PRETREATMENT WASTEWATER MONITORING FEES

Service Code Rate	Parameters	Fees
952	pH	\$5.00
967	Chemical Oxygen Demand - COD	\$20.00
964	Total Suspended Solids - TSS	\$12.00
970	Equipment	\$25.00
971	Sampling	\$70.00

### 13.3.4 CONVENTIONAL POLLUTANTS, SURCHARGE LIMITS AND RATES

PARAMETER		SURCHARGE LIMIT (mg/L)	SURCHARGE RATE (per lb)
O&G	Oil and Grease (animal/vegetable origin)	100	\$0.71
CBOD	Carbonaceous Biochemical Oxygen Demand	250	\$0.45
TSS	Total Suspended Solids	250	\$0.37
NH <sub>3</sub>	Ammonia	35	\$2.38
TP	Total Phosphorus	8	\$6.05

## Section 4 – Usage Fees

### **13.4.1 Usage Charge**

Residential: \$47.80 per 1,000 cubic feet of water usage

Non-Residential: \$73.24 per 1,000 cubic feet of water usage

### **13.4.2 Service Charges**

Residential (per unit) \$31.72

Non-Residential (per unit)

5/8 inch meter	\$65.16
¾ inch meter	\$89.43
1 inch meter	\$108.97
1 ½ inch meter	\$195.77
2 inch meter	\$271.76
3 inch meter	\$371.45
4 inch meter	\$560.77
6 inch meter	\$984.03
8 inch meter	\$1,715.66
10 inch meter	\$2,417.81

### **13.4.3 Renewal & Replacement Charges**

\$3.50 per 1,000 cubic feet of water usage

(\$6.00 per 1,000 cubic feet of water usage effective July 1, 2019).

### **13.4.4 Septic Waste Disposal**

\$75.00 per 1,000 gallons (\$10.00 per 1,000 gallons to State of Rhode Island per R.I.G.L. §46- 12.11, Uniform Septic Waste Disposal Fee)

\$5 per 100 gallons for disposal from Recreational Vehicles (Warwick Residents ONLY)

# ARTICLE 14 – PUBLIC HEARINGS

## **Section 1 – Purpose**

The Authority shall be required to hold public hearings for various reasons including, but not limited to, proposed annual budgets, rate increases, and for the adoption of rules and regulations. This regulation includes requirements for notice, distribution of associated documents, and response to substantive and relevant comments from the public.

## **Section 2 – Sewer Construction**

**14.2.1** Public Hearing shall be required prior to the commencement of sewer construction. At such time as such plans, specifications, report, and estimates for sewer construction are completed, the Authority shall cause to be held a public hearing to introduce information pertaining to the proposed sewer construction.

**14.2.2** Notice of said public hearing shall be given as follows:

- a. By publication of notice, which shall outline the date, time, and place of public hearing and the nature of the purpose of the hearing, in a newspaper of general circulation within the City of Warwick at least fourteen (14) days prior to the date of hearing.
- b. Written notice, which may be a copy of the newspaper notice, outlining the date, time, and place of the public hearing, shall be mailed to all owners of real property whose property is located in the designated project area. The notice shall be sent by first class mail to the last known address of the owners, as shown on the current real estate tax assessment records of the City. Said notice shall be sent at least fourteen (14) days prior to the date of hearing.
- c. Written notice, containing the information set forth above, shall be mailed to the Mayor and the City Council Member of the ward where the designated project area is located. Notice of public hearing shall be made at least fourteen (14) days prior to the date of the hearing.
- d. Notice of the public hearing shall be posted in accordance with Rhode Island's Open Meetings Act.

**14.2.3** Opportunity shall be given at the public hearing to all persons interested to be heard upon the subject matter.

**14.2.4** Documents pertaining to the proposed sewer construction shall be made available at the public hearing and upon request.

**14.2.5** Minutes of the Public Hearing shall be prepared and available to the public in accordance with Rhode Island's Open Meetings Act. The approved minutes shall act as the formal record of the public hearing.

### **Section 3 – Amendment and Adoption of Regulations**

**14.3.1** The Regulations set forth herein may be amended, from time to time, as may, in the opinion of the Authority, be necessary. Whenever the Authority shall amend any such Regulations or introduce and adopt new Regulations, it shall cause to be heard a public hearing.

**14.3.2** Notice of said Public Hearing shall be given as follows:

- a. Notice of said public hearing shall be given by publication of notice, which shall outline the date, time, and place of the public hearing and a summary of the proposed changes, in a newspaper of general circulation within the City of Warwick at least fourteen (14) days prior to the date of the hearing.
- b. Written notice, containing the information set forth above, shall be mailed to the Mayor and members of the City Council. Notice of public hearing shall be made at least fourteen (14) days prior to the date of hearing.
- c. Notice of the public hearing shall be posted in accordance with Rhode Island's Open Meetings Act.

**14.3.3** The period for public comment shall commence upon publication of the public hearing notice.

**14.3.4** Opportunity shall be given at the public hearing to all persons interested to be heard upon the subject matter.

**14.3.5** The proposed Amendments to the Regulations and/or the new Regulations shall be available prior to the public hearing at the Authority's Administration building and on the Authority's website.

**14.3.6** The proposed Amendments to the Regulations and/or the new Regulations shall be distributed at the public hearing.



**14.3.7** Minutes of the Public Hearing shall be prepared and available to the public in accordance with Rhode Island’s Open Meetings Act. The approved minutes shall serve as the record of the public hearing.

**14.3.8** The Authority’s Board shall review the public hearing comments and consider formal adoption of the proposed Regulations at a subsequent meeting. The Authority’s Board shall obtain the Mayor’s consent on the proposed Regulations.

**14.3.9** Such rules and regulations adopted after a public hearing shall be filed with the Warwick City Clerk’s office.

**Section 4 – Proposed Annual Budget**

**14.4.1** The Authority shall cause to be held a public hearing on the proposed annual budget.

a. Notice of the public hearing shall be posted in accordance with Rhode Island’s Open Meetings Act.

**14.4.2** The period for public comment shall commence upon publication of the public hearing notice.

**14.4.3** Opportunity shall be given at the hearing to all persons interested to be heard upon the subject matter.

**14.4.4** The proposed budget shall be available prior to the public hearing at the Authority’s Administration building and on the Authority’s website.

**14.4.5** The proposed budget shall be distributed at the public hearing.

**14.4.6** Minutes of the Public Hearing shall be prepared and available to the public in accordance with Rhode Island’s Open Meetings Act. The approved minutes shall serve as the record of the public hearing.

**14.4.7** The Authority’s Board shall review the public hearing comments and consider formal adoption of the proposed budget at a subsequent meeting. The Authority’s Board shall obtain the Mayor’s consent on the proposed budget. The approved budget shall be presented to the City Council during the period of scheduled budget hearings.

**Section 5 – Rate Increases**

**14.5.1** The Authority shall cause to be held a public hearing on proposed rate increases.

**14.5.2** Notice of the proposed rate increases shall be given as follows:

- a. Notice of said public hearing shall be given by publication of notice, which shall outline the date, time, and place of the public hearing and a summary of the proposed changes, in a newspaper of general circulation within the City of Warwick at least give fourteen (14) days prior to the date of the hearing.
- b. Written notice, containing the information set forth above, shall be mailed to the Mayor and the members of the City Council. Notice of public hearing shall be made at least fourteen (14) days prior to the date of the hearing.
- c. Notice of the public hearing shall be posted in accordance with Rhode Island's Open Meetings Act.

**14.5.3** The period for public comment shall commence upon publication of the public hearing notice.

**14.5.4** Opportunity shall be given at the hearing to all persons interested to be heard upon the subject matter.

**14.5.5** Information pertaining to the proposed rate increases shall be available prior to the public hearing at the Authority's Administration building and on the Authority's website.

**14.5.6** Information pertaining to the proposed rate increases shall be distributed at the public hearing.

**14.5.7** Minutes of the Public Hearing shall be prepared and available to the public in accordance with Rhode Island's Open Meetings Act. The approved minutes shall serve as the record of the public hearing.

**14.5.8** The Authority's Board shall review the public hearing comments and consider formal adoption of the proposed rate increases at a subsequent meeting. The Authority's Board shall obtain the Mayor's consent.

## ARTICLE 15 - SAVING CLAUSE

If any provision, paragraph, word, section or article of these regulations is held invalid by a court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and articles shall not be affected thereby and shall continue in full force and effect. The invalidity of any provision, paragraph, word, section, or article shall not affect the validity of the remainder of the regulations set forth herein.

## ARTICLE 16 - AMENDMENTS

These regulations may be amended from time to time as, in the opinion of the Authority, may be appropriate.

## APPENDIX – GLOSSARY OF ACRONYMS

1. ASTM	American Standards Testing Material
2. BMP	Best Management Practice
3. BMR	Baseline Monitoring Report
4. CBOD	Carbonaceous Biochemical Oxygen Demand
5. CFR	Code of Federal Regulations
6. COD	Chemical Oxygen Demand
7. CWF	Combined Wastestream Formula
8. EDU	Equivalent Dwelling Unit
9. EPA	Environmental Protection Agency
10. GPD	Gallons Per Day
11. IPP	Industrial Pretreatment Program
12. Mg/L	Milligrams per Liter
13. NOV	Notice of Violation
14. NPDES	National Pollutant Discharge Elimination System
15. O & M	Operation and Maintenance
16. OWTS	Onsite Wastewater Treatment System
17. pH	Potential of Hydrogen
18. POTW	Publicly Owned Treatment Works
19. RCRA	Resource Conservation and Recovery Act
20. RIDEM	Rhode Island Department of Environmental Management
21. RIDOH	Rhode Island Department of Health
22. RIGL	Rhode Island General Laws
23. RIHMFC	Rhode Island Housing and Mortgage Finance Corporation
24. SIC	Standard Industrial Code
25. SIU	Significant Industrial User
26. SMR	Self-Monitoring Report
27. SNC	Significant Non-Compliance
28. STILF	Sewer Tie In Loan Fund
29. SUO	Sewer Use Ordinance
30. SWDA	Solid Waste Disposal Act
31. TBD	To Be Determined
32. TRC	Total Residual Chlorine
33. TSS	Total Suspended Solids
34. USC	United States Code
35. WEF	Water Environment Federation