The following are the minutes of a public hearing held Tuesday, March 12, 2019, at 6:30 PM in the City Council Chambers, Fourth Floor, City Hall Annex, 274 Front Street, Chicopee, MA 01013.

Members Present: Tillotson, Krampits, Laflamme, Labrie

Not Present: Roy

Also Present: Dan Garvey (Associate City Solicitor), Councilor Balakier, Councilor Dobosz, Carl Dietz (Building Commissioner), Councilor Zygarowski, John Beaulieu (Mayors Chief of Staff), Elizabette Botelho (DPW Superintendent), William Zaskey (Water & Sewer Commissioner), Richard Grabiec (Water Commissioner), Francis LaBreck (Water Commissioner), James Carabetta (Sewer Commissioner), Tom Hamel (Water Pollution Control)

The meeting was called to order at 6:30 PM.

In compliance with the open meeting laws the Chairman asked if anyone in the audience was recording the meeting. Hearing none the meeting continued.

ITEM #1
BE IT ORDAINED THAT the City of Chicopee hereby deletes Article XXIII – Chapter 16-100 and Chapter 16-101 from the City of Chicopee Code in its entirety and insert in place thereof the following:

Article XXIII – Water & Sewer Commission

- **Proposed Ordinances as submitted to the Ordinance Committee**

  CITY OF CHICOPEE
  WATER & SEWER COMMISSION

  Chapter 16

§ 16-100 Powers and Duties

1
The Water-Sewer Commission ("Commission") is hereby established. The Commission shall possess the following powers:

1. To set the sewer, storm, water rates and fees in accordance with Chapters 230 (Sewer Use Ordinance), 231 (Storm Water Management Ordinance), and 269 (Drinking Water Use Ordinance). Said rates shall be sufficient to provide the revenue necessary to operate and maintain: (i) the City’s drinking water distribution system; (ii) drinking water treatment; (iii) sewage treatment; (iv) sewage works; (v) to pay its debt service thereon and (vi) to maintain a reasonable reserve as hereinafter defined.

The Commission shall set its water, sewer, and or storm rates and/or fees at least 90 days prior to rates or fees effective date. In any event, all said rates and/or fees shall be set prior to July 1 of each year in order to conform to the budgets for each department.

2. To serve as the hearing board with the powers and duties as enumerated in § 230-28P, § 231-13, § 230-28P, 269-9, of the Revised Ordinances of the City of Chicopee.

   A. The Commission shall act as the Hearing Board for all matters concerning sewer, water, storm water, billing, fees, assessments and appeals upon request.

   B. The Water-Sewer Commission shall act as the Hearing Board upon request for anyone aggrieved by actions of the Superintenent in the management and enforcement of Chapters 230, 231, 269 of the City of Chicopee Ordinances.

§ 16-101A Separate Departments

Under the organization and authority of the Chicopee Department of Public Works, there shall be two separate and distinct revenue generating departmental entities known as (1) Water Division and (2) Public Utilities Division. The Water Division shall include all personnel, equipment and financial resources for water system distribution and treatment. The Public Utilities Division shall include all personnel, equipment, financial resources necessary for a sewage collection system, wastewater treatment, combined sewer overflows, storm water management and industrial pretreatment.

§ 16-101B Superintendent of Public Works

The Superintendent of Public Works ("Superintendent") shall be empowered to manage and operate both the Water Division and Public Utilities Division. The Superintendent of Public Works and shall manage and enforce Chapters 230, 231, and 269 of the City Ordinances. As part of this responsibility, the Superintendent shall determine the annual cost of operations of the City's water and sewer distribution, treatment, and works program and prepare and submit separate annual budgets and operation reports for each Division to the Commission for approval to be submitted to the Mayor as part of the regular budgetary process.
§ 16-101C Financial Requests and Reserve Fund Balance

The Superintendent with vote of the Commission shall make recommendations to the Mayor and City Council for financial requests in order for the Superintendent to carry out the duties as enumerated in this Chapter.

Notwithstanding anything to the contrary, should either the Water Division or Public Utilities Division reserve fund balance exceed thirty three percent (33%) of that Division’s annual budget, that balance in excess of said thirty three percent (33%) of the respective Divisions annual budget shall be reimbursed to the ratepayer in the form of a credit.

§ 16-101D Membership; terms; meetings.

The Commission shall consist of a seven-member board, appointed by the Mayor and confirmed by a majority of the City Council, five of whom shall be residents of the City of Chicopee.

1. All members shall serve five-year terms. All members of the existing Water Commission and Sewer Commission at the date of passage of this ordinance shall become a member of the Water-Sewer Commission and shall serve out the remainder of their current term of office.

2. The Commission shall annually elect a Chairman and Vice Chairman and shall have a minimum of one meeting per month, to be held at a time which does not conflict with regularly scheduled City Council meetings.

3. Four (4) members of the Commission shall constitute a quorum.

4. The Superintendent or their designee as well as the DPW-Financial Administrator or their designee shall attend all Commissioner meetings.

5. No member of the Commission shall be a current employee of the City of Chicopee or have been employed within the past one year by the Public Utilities Division, Water Division or by any agency providing services directly to the Water Division or Public Utilities Division or be an employee of any industry included in the Industrial Pretreatment Program.

6. All meetings and business of the Commission shall be conducted in compliance with all applicable laws, including but not limited to, the Open Meeting Law of the Commonwealth of Massachusetts.

§ 16-101E Removal
The Mayor may remove a member of the Commission with the approval of the City Council for cause at any time. "Cause" shall include but not be limited to conviction for any crime.

§ 16-101F City Council as Water/Sewer Commission

If the Commission fails to hold a meeting and/or fails to take action with respect to any of its responsibilities, powers and duties as enumerated in this Ordinance for a period of ninety (90) consecutive days, the City Council Water Resources committee may assume all powers and duties of the Commission and carry out the duties and responsibilities of the Commission until such time as the Commission is able to meet and or take action as required by this Ordinance.

Councilor Tillotson stated on 16-100 that there is nothing in this ordinance that brings it back to the City Council for conformation. He stated that we still approve their budget but if they go over budget we can always cut the budget and ask them to adjust the rates to conform to the budget. He stated that they won’t have to come to us to increase the rates but the Council will always have control of the budget; we can’t add but we can cut.

Commissioner Zaskey stated on 16-101 D that he had made a suggestion that it should be in there that if the Mayor cannot find seven members to be appointed we may have a case where someone from the City is retired but does not live in the community; they might be a valuable asset on this commission, particularly because of what they know. He stated that if the Mayor isn’t able to fill a commission then he could reach out to potential people like someone who may have worked in the department and would be qualified to serve as a Commissioner. He stated that we are short two Commissioners right now.

Councilor Laflamme stated that if we can’t fill the positions we could call it back in and change it to non-residents. He stated he would rather keep it in the City and advertise it better. He stated that in a month’s time we could call it back in again to review it.

Councilor Krampits stated that he likes the waiver that if we really have difficulty finding somebody we can adjust it.

Councilor Dobosz agreed all seven members should be residents of the city. He stated if the Mayor couldn’t find anyone to be on the commission then it should more than a majority of the City Council to approve it. I assume the City Council would unanimously support someone like Tom Hamel, someone who is really qualified and known in the City.

Councilor Tillotson stated this is not like it was before; controlled by charter and state law. He stated that anytime we want to make changes on this we can do it through the ordinance.

Commissioner Zaskey stated on 16 101-A should it be the Water and Public Utilities Commission.

Tom Hamel stated that Public Utilities is the name that the five departments are known under the budget process.

Councilor Laflamme asked if the water division is under the Public Utilities.
Elizabelle Botelho stated no, they are under Public Works. Councilor Tillotson suggested that we leave this alone and if the Commission feels uncomfortable with it they can always ask us to change it down the road.

- **Ordinances as amended by Ordinance Committee**

CITY OF CHICOPEE
WATER & SEWER COMMISSION

Chapter 16

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6. All meetings and business of the Commission shall be conducted in compliance with all applicable laws, including but not limited to, the Open Meeting Law of the Commonwealth of Massachusetts.

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Councilor Laflamme motion to approve as amended – Councilor Tillotson 2nd the motion – motion passed

Committee vote 4 – 0 favorable

ITEM #2
BE IT ORDAINED THAT the City of Chicopee hereby deletes Chapter 230 from the City of Chicopee Code in its entirety and insert in place thereof
Chapter 230 – Water & Sewer Commission Sewer Ordinance

Proposed Ordinances as submitted to the Ordinance Committee
Chapter 230

SEWERS

Definitions; word usage; abbreviations.

§ 230-1 Definitions; word usage; abbreviations.
§ 230-2 Water-Sewer Commission; general duties.
§ 230-3 Petitions for public sewers.
§ 230-4 Public sewer construction, alterations and repairs.
§ 230-5 Street openings not to interfere with sewers.
§ 230-6 Connecting building drains with public sewers.
§ 230-7 Permit required for any sewer work.
§ 230-8 Easements and prescriptive rights.
§ 230-9 Separate building sewers required; exception.
§ 230-10 Use of existing building sewer.
§ 230-11 Connections to conform to rules and regulations.
§ 230-12 Sewers entering the building.
§ 230-13 Connection/discharge of stormwater.
§ 230-14 Notice to Superintendent of inspection of connection.
§ 230-15 Protection from hazard; restoration of public property.
§ 230-16 Damage to POTW prohibited.
§ 230-17 Liability for costs and expenses for building sewer.
§ 230-18 Entrance fees and assessments for sewer connections.
§ 230-19 Rate of assessment and entrance fees.
§ 230-20 Superintendent to estimate assessments.
§ 230-21 Billing of entrance fee and assessments.
§ 230-22 Sewer use charges; stormwater fee; other fees.

§ 230-23 Billing discounts.

§ 230-24 Prohibited waters and wastes.

§ 230-25 Pretreatment of Wastewater

§ 230-26 Wastewater Discharge Permits

§ 230-27 Reporting Requirements

§ 230-28 Enforcement

§ 230-29 Severability
§230-1. A. Definitions

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

**Act or “the Act”** – The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

**Approval Authority** – The administrator of US EPA Region I, or authorized representative.

**Authorized Representative of the User** – The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility, including having explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environment compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. [Amended 11-20-2012 by Ord. No. 12-30]

**Betterment** – shall mean the advantage accruing to a property which for the first time may be connected to the City sewage system due to the construction of the extension of the system.

**Biochemical Oxygen Demand or BOD** – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days 20° centigrade, usually expressed as a concentration.

**Building Drain** – The privately owned part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning ten (10) feet outside the inner face of the building wall.

**Building Sewer** – The privately owned extension from the building drain to the public sewer or other place of disposal.

**Categorical Pretreatment Standard or Categorical Standard** – Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sec 307 (b) and (e) of the Act (33 USC Sec 1317) which may apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

**City or City of Chicopee** – A municipal corporation in the county of Hampden, Massachusetts.

**Combined Sewer** – A sewer receiving both surface runoff and sewage.

**CSO** – Combined Sewer Overflow
Composite Sample – for monitoring requirements, a combination of individual samples of equal volume collected at equally spaced intervals (not to exceed 1 hour) during hours of production (not to exceed a 24-hour period) or proportional according to flow. In the case of a batch discharge of two hours or less, the composite will consist of 8 or more volume, flow, or time proportional samples.

Control Manhole – A sampling and monitoring station which may be located in a manhole, vault, pit or room within the premises of the user.

Direct Discharge – The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Massachusetts.

DWO – Dry Weather Overflow

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

Existing Source – Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

Garbage – Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

Grab Sample – for monitoring requirements, an individual sample which is taken from a waste stream on a one-time basis with no regard to flow or time.

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

Industrial Waste – The liquid waste from manufacturing processes, trade, or business, distinct from sanitary sewage.

Indirect Discharge or Discharge – The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307 (b), (c), or (d) of the Act.

Interference – A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use, or disposal; and therefore is a cause of a violation of the City’s NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/ regulatory provisions or permits issued hereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resources Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
Local Limits – Site specific pretreatment standards developed in accordance with EPA protocol and enforced by the City of Chicopee, included in local wastewater discharge permits. The limits address criteria such as biological inhibition, effluent toxicity, sludge disposal, worker health and safety, etc.

National Pollution Discharge Elimination System or NPDES permit – A permit issued to the City pursuant to Section 402 of the Act (33 USC 1342).

Natural Outlet – Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

New Source – (1) Any building, structure, facility or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307 (c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating process of the building, structure, facility, or installation is 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 onsite construction program any placement, assembly, or installation of facilities or equipment; or significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

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

**Noncontact Cooling Water** – Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finishing product.

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

**Person** – Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

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

**Pollutant** – Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural, and industrial wastes, and certain characteristics of wastewater such as pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or oor.

**Pretreatment** – The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing, such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

**Pretreatment Requirements** – Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

**Pretreatment Standard or Standards** – Prohibited discharge standards, categorical pretreatment standards, or local limits.

**Prescriptive Rights** - right or privilege or other easement form of way upon or over land of another when use is continued for twenty years

**Prohibited Discharge Standards or Prohibited Discharges** – Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 230-24 of this code.

**Properly Shredded Garbage** – The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than on-half (1/2) inch[one and twenty-seven hundredths (1.27) centimeters] in any dimension.

**Property Owner** – the owner of record of property.
**Public Sewer** – A sewer in which all owners of abutting properties have equal rights, and are controlled by the City of Chicopee.

**Publicly Owned Treatment Works or POTW** – A “treatment works” as defined by Section 212 of the Act (33 USC Sec 1292) which is owned by the City of Chicopee. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

**Sanitary Sewer** – A sewer which carries sewage and to which storm, surface and ground waters are not intentionally added.

**Sewage** – Human excrement and gray water (household showers, dishwashing operations, etc.).

**Sewer** – A manmade pipe or conduit for carrying off sewage or rainwater.

**Significant Industrial User** –

1. A user subject to categorical pretreatment standards; or

2. A user that:
   
   (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, nonconductor cooling and boiler blow down wastewater);
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(b) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the City on the basis that it has reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement.

(3) Upon finding that a user meeting the criteria in Subsection (2) above has no reasonable potential for adversely affecting the POTW’s operations or for violating any pretreatment standard or requirement, the City may, at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f) (6), determine that such user should not be considered a significant industrial user.

Slug Load or Slug – Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 230-24 of this Chapter.

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

State – the Commonwealth of Massachusetts.

Storm Drain – (sometimes termed “storm – sewer”) A pipeline in which all owners of abutting properties have equal rights, and is controlled by the City of Chicopee, which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than noncontact cooling water.

Storm Water – Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Superintendent – The person designated by the City of Chicopee to supervise the Department of Public Works, and who is charged with certain duties and responsibilities by this Code, or the duly authorized representative.

Suspended Solids – The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

User – Any source of indirect discharge.

Wastewater – Liquid and water-carried wastes from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
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Wastewater Treatment Plant or Treatment Plant — That portion of the POTW which is designed to provide treatment for municipal sludge and industrial waste.

B. Word Usage

Shall is mandatory; May is permissive.

All references to Days in this Code shall refer to calendar days, unless specified otherwise.

C. Abbreviations

The following abbreviations shall have the designated meanings:

BOD — Biochemical Oxygen Demand
CFR — Code of Federal Regulations
CSO — Combined Sewer Overflow
DWO — Dry Weather Overflow
EPA — Environmental Protection Agency
gpd — gallons per day
mg/l — milligrams per liter

NPDES — National Pollutant Discharge Elimination System
POTW — Publicly Owned Treatment Works
SIC — Standard Industrial Classification
SWDA — Solid Waste Disposal Act, 42 USC 6901, et. seq.
TSS — Total Suspended Solids
USC — United States Code
§230-2. Water and Sewer Commission; General Duties

The Water-Sewer Commission shall have the rights and powers as detailed in Chapter 16-100 of the City Ordinances.

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§230-3. Petitions For Public Sewers

Any petitions which may be presented for the laying, establishing and maintaining of the public sewers shall be referred to the Superintendent: which may, in its discretion, give a public hearing thereon and which shall give such public hearing in all cases where it is proposed to lay, establish and maintain such public sewers over private land. In all cases in which a public hearing is held, a written notice of such hearing, signed by the City Clerk, shall be served upon the owners of any land over which it is proposed to lay such public sewers in the manner approved for the laying out of highways. If the Superintendent shall adjudge the public sewers to be necessary for the public convenience or the public health, it shall report thereon to the City Council, and its report shall prescribe the location, dimensions and materials of the public sewers, together with the amount of damages or betterments reasonable and proper to be awarded to any persons affected by the laying and maintenance thereof.

§230-4. Public Sewer Construction, Alterations and Repairs

All construction, alteration and repairs of public sewers and the appurtenances thereto and all connections therewith shall be done under the direction of the Superintendent, and no person other than the Superintendent or persons acting under his direction shall be allowed to dig up any street or open any storm drain or public sewer within any street for any purpose whatever or connect the same with any private drain. All plans, profiles and levels relative to and necessary for the construction of sewers and storm drains shall be approved by the City Engineer. The Superintendent has the power to move utilities at the cost to the utility to construct new sewers and storm drains.

§230-5. Street Openings Not To Interfere With Sewers

Whenever any street shall be opened for laying or repairing water or gas pipes or any other purpose, the work shall be executed so as not to obstruct the course, capacity or construction of public sewers; and whenever pipes for that purpose or any work of construction shall be found to exist in such locations so as to interfere with the storm drains or sewer, the corporation, person or persons having charge of maintaining the same shall, on notice from the Superintendent, remove, change or alter such pipes or other work in such manner as said Superintendent may direct. If such corporation or person neglects or refuses to remove, change or alter such pipes or other work in accordance with said notification, then the Superintendent may make such removal, change or alteration, and said corporation or persons thereof shall pay the cost.

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§230-6. Connecting Building Drains With Public Sewers

Any person may have his building drain connected with any public sewer or sanitary sewer upon application to the Superintendent, who may prescribe the place of such connection, materials and manner of construction of
such particular or building drain; provided, however, that the same shall be constructed with due observance of all regulations of the City and the Superintendent so far as applicable thereto.

§230-7. Permit Required For Any Sewer Work

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

§230-8. Easements And Prescriptive Rights

The Superintendent shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the POTW lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. No length of possession or occupancy of land within the limits of a City easement shall negate or otherwise affect a City owned easement. Any fences, trees, pools, shrubs, buildings or any other objects encroaching upon a City easement shall, upon written notice by the Superintendent, be removed within fourteen (14) days by the owner. If not so removed, the Superintendent may either: (1) remove the same to such adjoining land or (2) remove such encroaching objects, other than a building used for residential purposes, by persons working under the direction of the Superintendent and shall be placed in the nearest maintenance area of the City. Notice by certified mail, return receipt requested shall be given to the owner stating where such encroachment object is located and further stating that if not claimed within three weeks said object may be destroyed. The City may seek to recover costs expended in the removal and relocating of objects in the easement of the City.

CHICOPEE CODE

§230-
The City shall have prescriptive rights or privilege over land of another to perform maintenance, repair, replacement, maintain access, inspection, observation, measurement, sampling, and repair of any portion of the POTW lying within said land

§230-9. Separate Building Sewers Required; Exception

A separate and independent building sewer shall be provided for every building with the following exceptions:

(1) Where one building stands at the rear of another on an interior lot and no building sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, provided all lots are under the same property owner; and,

(2) Where a multiple family complex, a commercial complex, or an industrial complex has a privately owned and maintained collection system.

§230-10. Use of Existing Building Sewer

Existing building sewers may not be used in connection with new buildings. The Superintendent may issue an exception upon presentation of a written request accompanied by a camera inspection video with the written
inspection report that indicates upon examination the building sewer meets all requirements of the Code. The Superintendent reserves the right to require additional testing.

§230-11. Connections to Conform to Rules and Regulations

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules, regulations, and standards of the City. The building drain must include at a minimum the installation of a clean out, and shutoff valve. Drainpipes subject to backflow from sewer shall be supplied with backwater valves and shall be installed according to 248 CMR 10.00 Uniform State Plumbing Code.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules, regulations and standards of the City. All such connections shall be made gastight and watertight, and in accordance with City prescribed procedures and materials. The Superintendent, before installation must approve any deviation from the prescribed procedures and materials.

In the absence of code provisions the materials and procedures set forth in the appropriate specifications of the Water Environment Federation Manual of Practice MFDS or Gravity Sanitary Sewer Design and Construction shall apply:

§230-12. Sewers Entering the Building

Whenever possible, the building sewer shall be brought to the building at a level below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted and discharged to the building sewer by means reviewed by the Superintendent and approved by the City’s plumbing inspector.

§230-13. Connection / Discharge of Storm Water

No person shall make any connection of roof downsplouts, exterior foundation drains, areaway drains, storm water, subsurface drainage, uncontaminated cooling water, or unpolluted process waters, or other sources or surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sewer or combined sewer.

Storm water and all other unpolluted drainage shall be discharged to a natural outlet if such outlet is reasonably accessible. If no such outlet is available, such unpolluted wastes may be discharged into combined sewers or storm sewers if approved by the Superintendent.

§ 230-14 Notice to Superintendent of inspection of connection

The applicant for the building sewer permit shall provide twenty-four-hour notice to the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

§ 230-15 Protection from hazard; restoration of public property
All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Superintendent.

§ 230-16 Damage to POTW prohibited

Damage to or tampering with the publicly owned treatment works (POTW) is prohibited. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the POTW.

§ 230-17 Liability for costs and expenses for building sewer

All costs and expenses, including but not limited to, materials, appurtenances, pumps, pipe, labor, and inspection incident to the installation, maintenance, repair, testing, connection, and cleaning of the building sewer for its entire length to the public sewer, shall be borne privately by the property owner for whom installation, maintenance, repair, testing, connection and cleaning is made.

§ 230-18 Entrance fees and assessments for sewer connections

Entrance Fees, and regular assessments, shall be made upon the property owners within the territory of said POTW by a rate determined by the Board of Water-Sewer Commissioners.

§ 230-19 Rate of assessment and entrance fees

A. The rate of assessment and entrance fees shall be set by the Board of Water-Sewer Commissioners for each connection to the public sewer on any street or way upon which a sewer is constructed and upon application of entrance to said sewer. The current fees are on file in the office of the City Clerk.

B. Betterment Charges are subject to approval of the City Council. See Ch. 16, Water-Sewer Commission, Chapter 16-100.

§ 230-20 Betterment Charges

Should the Water-Sewer Commission, with the approval of the City Council, establish a Betterment Charges, the Superintendent shall, immediately upon the completion of a public sewer in any street or way, have a betterment charge bill sent to each and every owner of an estate on such street or way whose property can be drained into such public sewer. If buildings are already on the estate, the sewer connection shall be made and the assessment bill shall contain the total assessment prescribed.

§ 230-21 Billing of entrance fee and assessments

A. Upon application for sewer entrance by the property owner, the City shall render the property owner a bill for the amount of the sewer entrance fee and said fee must be paid prior to connection.

B. In the case of a special assessment, the City shall, upon completion of a public sewer, render a bill for said assessment to all applicable property owners.

§ 230-22 Sewer use charges; stormwater fee; other fees.
A. All sewer use fees and stormwater fees are to be set by the Board of Water-Sewer Commissioners and kept on file with the City Clerk.

B. A stormwater charge shall hereby be established to manage the storm and surface water system, maintain a good hydrological balance, prevent property damage, and protect water quality for the safety and enjoyment of citizens and the preservation and enhancement of wildlife habitat. The stormwater fee will be used to provide and administer any management responsibilities that will include construction and ongoing operations and maintenance responsibilities related to stormwater and combined sewer overflow (CSO) infrastructure in the City.

C. Payments and late fees. All charges or bills shall be due and payable 45 days after issue, and charges or bills remaining unpaid after such due date shall be charged interest thereon at a rate established by the Commonwealth of Massachusetts. (See Massachusetts General Laws, Chapter 40, Section 21E).

D. Sewer fund. To implement this section of the chapter, the City Council hereby adopts the provisions of Chapter 83, Sections 16, 16A thru F inclusive, as amended, of the Massachusetts General Laws, for the specific purpose of establishing a separate sewer fund.

E. Storm line connection fee schedule.

<table>
<thead>
<tr>
<th>Cost</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0</td>
<td>A resident who completed separation work on his or her property prior to a request for a storm drain connection (storm drain pipe from main line to property line) and prior to the installation of the new pipe in front of his or her property.</td>
</tr>
<tr>
<td>$250</td>
<td>A resident's property which has not been separated prior to a request for a storm drain connection and installation of a new pipe in front of his or her residence; a resident may request a connection in the street. A resident will be billed $250 on his or her storm/sewer bill. This $250 is fully refundable if the separation on the property is completed and confirmed within five years of the date of the request for a storm drain connection.</td>
</tr>
<tr>
<td>Full Cost</td>
<td>If a new pipe is installed in front of a residence and the resident chooses not to request a storm drain connection and pay the deposit, the resident will be responsible for all future storm drain separation and connection costs associated with connection to the pipe in the street.</td>
</tr>
</tbody>
</table>

§ 230-23 Billing discounts

A. Secondary meters can be installed to measure water usage for irrigation purposes only. The secondary meter usage will not be billed a sewer use fee. A secondary meter program, beginning July 1, 1991 and that the residential property owners be allowed to have installed an approved meter. The meter shall be purchased from and installed by the Water Department and inspected by the Water Department, Sewer Department and Plumbing Inspector. The meter program shall be the joint effort and responsibility of the City. All costs for installation and maintenance shall be borne by the property owner.

B. Summer discounts. For those residential property owners who do not install a secondary meter, a 10% discount for each month of June, July and August shall begin in June of 1991 and continue until changed.
Note: The current fees are on file in the office of the City Clerk.

C. Rain Smart Rewards.

(1) Objective. The objective of the Rain Smart Rewards is to increase ratepayer control over stormwater management charges and to advance City environmental goals. The City achieves these objectives by providing economic incentives, technical assistance, and environmental education to ratepayers who control and manage the quality and quantity of stormwater runoff on their private property.

(2) Authority. The Superintendent with the approval of the Commission is authorized to establish and administer Rain Smart Rewards, and promulgate administrative rules and policies to implement the program. The program must contain the following elements with the approval of the City Council:

(a) Definitions for all terms and concepts that are unique to Rain Smart Rewards, unless otherwise referenced by the City Code;

(b) Criteria to be used by the City to determine eligibility for Rain Smart Rewards;

(c) Methods for calculating the amount of incentives and discounts to be awarded to eligible registrants;

(d) Procedures for verifying the validity and accuracy of incentives and discounts, and enforcing administrative rules.

(3) The Water-Sewer Commission, as prescribed in Chapter 16-100 of the City of Chicopee Code, shall be the Hearing Board for review and reconsideration of Superintendent decisions upon request of ratepayers.

§ 230-24 Prohibited waters and wastes

These prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards, or any other federal, state or local pretreatment standards or requirements.

A. General prohibitions. No person shall discharge or cause to be discharged into the POTW any pollutant or wastewater which causes pass-through or interference. No person shall discharge materials, waters, or wastes if the Superintendent determines that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream or can otherwise endanger worker health and safety, public health and safety, or public property.

B. Specific prohibitions. No person shall discharge or cause to be discharged into the POTW any of the following pollutants, substances, or wastewater;

(1) Pollutants which create a fire or explosive hazard in the POTW, including but not limited to waste streams with a closed-cup flash point of less than 140° F. (60° C.) using the test methods specified in 40 CFR 261.21;
(2) Wastewater having a pH of less than 5.5 s.u., or greater than 9.5 s.u., or otherwise capable of causing corrosive structural damage to the POTW or equipment;

(3) Wastewater containing fats, wax, grease or oils, whether emulsified or not, in excess of 150 mg/l;

(4) Wastewater containing solid or viscous substances in amounts which will cause obstruction of the flow to the POTW or result in interference;

(5) Pollutants, including but not limited to oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

(6) Wastewater having a temperature greater than 150°F. (65°C.) at the point of discharge to the POTW or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the POTW headworks to exceed 104°F. (40°C.);

(7) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through;

(8) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause worker health and safety problems;

(9) Trucked or hauled pollutants, except at points designated by the Superintendent;

(10) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or in interaction with other wastes, are sufficient to create a public nuisance or a hazard to life or to prevent entry into the sewers for maintenance or repair;

(11) Wastewater which imparts color that cannot be removed by the POTW treatment process, such as but not limited to dye wastes and vegetable tanning solutions, which consequently imparts color or sheen to the treatment plant’s effluent, thereby causing a violation of the City of Chicopee’s NPDES permit;

(12) Wastewater containing any radioactive isotopes except in compliance with applicable state or federal regulations;

(13) Stormwater, surface water, groundwater, roof runoff, artesian well water, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, or any other unpolluted industrial process wastewater, unless specifically authorized by the Superintendent;

(14) Sludge’s, screenings, or other residues from the pretreatment of industrial wastes, or any waste containing substances at concentrations that could jeopardize the beneficial reuse of the POTW’s sludge;

(15) Medical wastes, except as specifically authorized by the Superintendent in a wastewater discharge permit;

(16) Wastewater causing, alone or in conjunction with other sources, the treatment plant’s effluent to fail a toxicity test;

(17) Detergents, surface-active agents, or other substances which may cause excessive foaming at the POTW; or
(18) Wastewater containing pollutants in excess of local limits established by the Superintendent; pollutants, substances stored in such a manner that they could be discharged to the POTW.

C. National Categorical Pretreatment Standards. The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405 to 471 are hereby incorporated.

(1) Where a categorical pretreatment standard is expressed only in terms of either the mass or concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

(2) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Superintendent shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

(3) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(4) A user may obtain a net/gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

D. State pretreatment standards. The state pretreatment standards found at 314 CMR 1.00 to 15.00 are hereby incorporated and applied where they are more stringent than applicable federal or local law.

E. Local limits. To implement the objectives of § 230-24A and B of this chapter, the Superintendent may further regulate the discharge of any specific pollutant by the establishment of specific local limits to be included in wastewater discharge permits. These limits will be applied at the point where the user discharges wastewater to the POTW and may be expressed as either concentration or mass-based limitations. The Superintendent will provide adequate public notice and an opportunity for users to respond prior to the limits' adoption. The City reserves the right at any time to establish, either by Code or wastewater discharge permit, more stringent standards or requirements on discharges to the POTW.

F. Dilution. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation, unless expressly authorized by an applicable pretreatment standard or requirement. The Superintendent 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.

§ 230-25 Pretreatment of wastewater

A. Pretreatment facilities. Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set forth in § 230-24B of this chapter within the time limitations specified by EPA, the state, or the Superintendent, whichever is most stringent. The Superintendent may issue to the user a compliance schedule for the installation of technology required to meet any applicable pretreatment standard or requirement. 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 acceptable to the Superintendent before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City of Chicopee under the provisions of this chapter.

B. Additional pretreatment measures.
(1) Whenever deemed necessary, the Superintendent may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and impose such other conditions as may be necessary to protect the POTW and determine the user's compliance with the conditions of this chapter.

(2) The Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow.

(3) Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil or sand; grease traps shall be provided for all establishments that prepare food for sale and distribution. Such interceptors shall be of type and capacity approved by the Superintendent and/or the City's Health Department and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly, as needed, by the user at their expense. The user shall also maintain, for inspection by City personnel, records of any interceptor cleaning performed during the previous three years.

C. Accidental discharge/slug control plans. Within a year of an industrial user being designated as significant, the Superintendent shall evaluate whether the significant industrial user needs an accidental discharge/slug control plan. The Superintendent may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Superintendent may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

(1) Description of all discharge practices, including non-routine batch discharges;

(2) Description of all stored chemicals;

(3) Procedures for immediately notifying the Superintendent of any accidental or slug discharge, as required by § 230-27F;

(4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants including solvents, and/or measures and equipment for emergency response.

D. Hauled wastewater.

(1) Septic tank waste may be introduced into the POTW only at locations designated by the Superintendent. Septic tank waste haulers must apply for and obtain a wastewater discharge permit prior to the discharge of the waste at the established site. Discharge of septic tank waste must occur only at times established in the wastewater discharge permit. All such waste must originate from locations within the City of Chicopee, except
where allowed by special permit under § 266-1 of the City Code, and comply with all conditions included in Chapter 230 of this chapter as well as any other requirements in the wastewater discharge permit or state or federal law.

(2) The discharge of any hauled industrial waste is prohibited, except where specifically authorized by the Superintendent.

(3) The Superintendent reserves the right to require monitoring by the user and/or the POTW of any hauled waste prior to discharge, to reject any waste, or to revoke any permit to discharge hauled waste at any time.

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

§ 230-26 Wastewater discharge permits

A. Wastewater discharge permit application requirements.

(1) Any user as described below must submit information on the nature and characteristics of its wastewater, including the filing of a permit application and/or providing laboratory analysis of the proposed discharge. The following users are required to file an application for a wastewater discharge permit:

(a) Any existing or new user that meets or could meet, in the opinion of the Superintendent, the criteria for significant industrial user but has not yet been classified as such;

(b) Any existing significant industrial user proposing to continue to discharge to the POTW and whose existing permit is at expiration date;

(c) Any other user, when the Superintendent deems that the application is necessary to carry out the purposes of this chapter.

(2) Applying for or obtaining a wastewater discharge permit does not relieve a user from its obligation to comply with all federal, state and local pretreatment standards or requirements, or any other requirements of federal, state and local law.

(3) Any new user described in Subsection A(1) (a) or (c) above must submit a completed application at least 45 days prior to the beginning of discharge.

B. Wastewater discharge permit application contents.

(1) All users required to obtain a discharge permit must submit a permit application. The Superintendent may require all users to submit as part of an application the following information:

(a) All information required by § 230-27A(2) of this chapter;
(b) Description of 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 and type of employees, hours of operation, and proposed or actual hours of operation;

(d) Each product produced by type, amount, processes, and rate of production;

(e) Type and amount of raw materials processes (average and maximum per day);

(f) Time and duration of discharges;

(g) Any other information as may be deemed necessary by the Superintendent to evaluate the wastewater discharge permit application; and

(h) A signature of an authorized representative of the user following this certification statement:

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

(2) Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. The Superintendent will evaluate the data furnished by the user and may require additional information. The Superintendent may deny any application for a wastewater discharge permit as necessary to carry out the purposes of this chapter.

C. Wastewater discharge permit contents.

(1) A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Superintendent to prevent pass-through or interference, protect the quality of the water body receiving the POTW's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(2) Wastewater discharge permits may contain, but need not be limited to, the following:

(a) A specific date upon which the permit will expire, not to exceed five years from its effective date. At the discretion of the Superintendent, a permit may be issued for less than five years;

(b) A statement that the wastewater discharge permit is nontransferable without prior notification to the Superintendent in accordance with § 230-26F of this chapter, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(c) Applicable pretreatment standards, including prohibited discharge standards, categorical pretreatment standards, and local limits;
(d) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements, including an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type, based on federal, state, and local law;

(e) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule, not to exceed time limits set forth in applicable federal, state and local law;

(f) Limits on the average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization;

(g) Requirements for the installation and/or maintenance of pretreatment technology, monitoring facilities or equipment, pollution control, or appropriate containment devices designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(h) Requirements for the development and implementation of spill control plan or any plan including management practices necessary to adequately prevent the introduction of pollutants into the treatment works, or any waste minimization plan to reduce the amount of pollutants discharged to the POTW;

(i) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal, state and local pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and

(j) Any other conditions as deemed appropriate by the Superintendent to ensure compliance with this chapter, and state and federal laws, rules and regulations.

D. Wastewater discharge permit appeals.

(1) The permittee may petition the Superintendent to reconsider the terms of a wastewater discharge permit within 90 days of the permittee's receipt of the permit. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(2) In its petition, the permittee must indicate the specific permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit. The effectiveness of the issued permit shall not be stayed pending the appeal.

(3) The Superintendent may decide not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit. Any applicant aggrieved by this action may file a request before the hearing board, as described in § 230-28P of this chapter.

E. Wastewater discharge permit modification. The Superintendent may modify a wastewater discharge permit for good cause, including but not limited to the following reasons:

(1) To incorporate any new or revised federal, state, or local pretreatment standards or

Tom Hanel stated that the Water Department does their work and we don't know the cost until it's actually done. The Sewer Department does not do the work; it's basically for a permit to come in.
He stated that B is different it's a special assessment. He stated that one is just a permit and one is the actual work to be done.

**Attorney Garvey and Tom Hamel** recommend new language in Chapter 40 section 21A where they establish the rate of fourteen percent as pervaded.

**Councilor Tillotson** stated we will take that recommendation and Attorney Garvey will include it in the changes.

- **Ordinance as amended by Ordinance Committee**

  CITY OF CHICOPEE  
  WATER & SEWER COMMISSION  
  SEWER ORDINANCES

Chapter 230

SEWERS

Definitions; word usage; abbreviations.

§ 230-1 Definitions; word usage; abbreviations.

§ 230-2 Water-Sewer Commission; general duties.

§ 230-3 Petitions for public sewers.

§ 230-4 Public sewer construction, alterations and repairs.

§ 230-5 Street openings not to interfere with sewers.

§ 230-6 Connecting building drains with public sewers.

§ 230-7 Permit required for any sewer work.

§ 230-8 Easements and prescriptive rights.

§ 230-9 Separate building sewers required; exception.

§ 230-10 Use of existing building sewer.

§ 230-11 Connections to conform to rules and regulations.

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§ 230-13 Connection/discharge of stormwater.
§ 230-14 Notice to Superintendent of inspection of connection.

§ 230-15 Protection from hazard; restoration of public property.
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§ 230-18 Entrance fees and assessments for sewer connections.

§ 230-19 Rate of assessment and entrance fees.

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§ 230-21 Billing of entrance fee and assessments.

§ 230-22 Sewer use charges; stormwater fee; other fees.

§ 230-23 Billing discounts.

§ 230-24 Prohibited waters and wastes.

§ 230-25 Pretreatment of Wastewater

§ 230-26 Wastewater Discharge Permits

§ 230-27 Reporting Requirements

§ 230-28 Enforcement

§ 230-29 Severability
§230-1. A. Definitions

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

**Act or “the Act”** – The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

**Approval Authority** – The administrator of US EPA Region I, or authorized representative.

**Authorized Representative of the User** – The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility, including having explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environment compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements, and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. [Amended 11-20-2012 by Ord. No. 12-30]

**Betterment** – shall mean the advantage accruing to a property which for the first time may be connected to the City sewage system due to the construction of the extension of the system.

**Biochemical Oxygen Demand or BOD** – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days 20° centigrade, usually expressed as a concentration.

**Building Drain** – The privately owned part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning ten (10) feet outside the inner face of the building wall.

**Building Sewer** – The privately owned extension from the building drain to the public sewer or other place of disposal.

**Categorical Pretreatment Standard or Categorical Standard** – Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sec 307 (b) and (c) of the Act (33 USC Sec 1317) which may apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

**City or City of Chicopee** – A municipal corporation in the county of Hampden, Massachusetts.

**Combined Sewer** – A sewer receiving both surface runoff and sewage.
CSO – Combined Sewer Overflow

Composite Sample – for monitoring requirements, a combination of individual samples of equal volume collected at equally spaced intervals (not to exceed 1 hour) during hours of production (not to exceed a 24-hour period) or proportional according to flow. In the case of a batch discharge of two hours or less, the composite will consist of 8 or more volume, flow, or time proportional samples.

Control Manhole – A sampling and monitoring station which may be located in a manhole, vault, pit or room within the premises of the user.

Direct Discharge – The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Massachusetts.

DWO – Dry Weather Overflow

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

Existing Source – Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

Garbage – Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

Grab Sample – for monitoring requirements, an individual sample which is taken from a waste stream on a one-time basis with no regard to flow or time.

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

Industrial Waste – The liquid waste from manufacturing processes, trade, or business, distinct from sanitary sewage.

Indirect Discharge or Discharge – The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307 (b), (c), or (d) of the Act.

Interference – A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use, or disposal; and therefore is a cause of a violation of the City’s NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/ regulatory provisions or permits issued hereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resources Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
Local Limits – Site specific pretreatment standards developed in accordance with EPA protocol and enforced by the City of Chicopee, included in local wastewater discharge permits. The limits address criteria such as biological inhibition, effluent toxicity, sludge disposal, worker health and safety, etc.

National Pollution Discharge Elimination System or NPDES permit – A permit issued to the City pursuant to Section 402 of the Act (33 USC 1342).

Natural Outlet – Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

New Source – (1) Any building, structure, facility or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307 (c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility or installation is constructed at a site at which no other source is located; or

(d) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(e) The production or wastewater generating process of the building, structure, facility, or installation is 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.

(4) 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 onsite construction program any placement, assembly, or installation of facilities or equipment; or significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

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

**Noncontact Cooling Water** – Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finishing product.

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

**Person** – Any individual, partnership, co partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

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

**Pollutant** – Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater such as pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor.

**Pretreatment** – The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing, such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

**Pretreatment Requirements** – Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

**Pretreatment Standard or Standards** – Prohibited discharge standards, categorical pretreatment standards, or local limits.

**Prescriptive Rights** - right o: privilege or other easement form of way upon or over land of another when use is continued for twenty years

**Prohibited Discharge Standards or Prohibited Discharges** – Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 230-24 of this Chapter.

**Properly Shredded Garbage** – The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than on-half (1/2) inch[one and twenty-seven hundredths (1.27) centimeters] in any dimension.

**Property Owner** – the owner of record of property.
**Public Sewer** – A sewer in which all owners of abutting properties have equal rights, and are controlled by the City of Chicopee.

**Publicly Owned Treatment Works or POTW** – A “treatment works” as defined by Section 212 of the Act (33 USC Sec 1292) which is owned by the City of Chicopee. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

**Sanitary Sewer** – A sewer which carries sewage and to which storm, surface and ground waters are not intentionally added.

**Sewage** – Human excrement and gray water (household showers, dishwashing operations, etc.).

**Sewer** – A manmade pipe or conduit for carrying off sewage or rainwater.

**Significant Industrial User** –

(4) A user subject to categorical pretreatment standards; or

(5) A user that:

(a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, nonconductor cooling and boiler blow down wastewater);
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(b) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the City on the basis that it has reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(6) Upon finding that a user meeting the criteria in Subsection (2) above has no reasonable potential for adversely affecting the POTW's operations or for violating any pretreatment standard or requirement, the City may, at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

Slug Load or Slug – Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 230-24 of this Chapter.

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

State – the Commonwealth of Massachusetts.

Storm Drain – (sometimes termed “storm – sewer”) A pipeline in which all owners of abutting properties have equal rights, and is controlled by the City of Chicopee, which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than noncontact cooling water.

Storm Water – Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Superintendent – The person designated by the City of Chicopee to supervise the Department of Public Works, and who is charged with certain duties and responsibilities by this Code, or the duly authorized representative.

Suspended Solids – The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

User – Any source of indirect discharge.

Wastewater – Liquid and water-carried wastes from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
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Wastewater Treatment Plant or Treatment Plant — That portion of the POTW which is designed to provide treatment for municipal sludge and industrial waste.

B. Word Usage

Shall is mandatory; May is permissive.

All references to Days in this Code shall refer to calendar days, unless specified otherwise

C. Abbreviations

The following abbreviations shall have the designated meanings:

BOD – Biochemical Oxygen Demand
CFR – Code of Federal Regulations
CSO – Combined Sewer Overflow
DWO – Dry Weather Overflow
EPA – Environmental Protection Agency
gpd – gallons per day
mg/l – milligrams per liter

NPDES – National Pollutant Discharge Elimination System
POTW – Publicly Owned Treatment Works
SIC – Standard Industrial Classification
SWDA – Solid Waste Disposal Act, 42 USC 6901, et. seq.
TSS – Total Suspended Solids
USC – United States Code
§230-2. Water and Sewer Commission; General Duties

The Water-Sewer Commission shall have the rights and powers as detailed in Chapter 16-100 of the City Ordinances.

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§230-3. Petitions For Public Sewers

Any petitions which may be presented for the laying, establishing and maintaining of the public sewers shall be referred to the Superintendent which may, in its discretion, give a public hearing thereon and which shall give such public hearing in all cases where it is proposed to lay, establish and maintain such public sewers over private land. In all cases in which a public hearing is held, a written notice of such hearing, signed by the City Clerk, shall be served upon the owners of any land over which it is proposed to lay such public sewers in the manner approved for the laying out of highways. If the Superintendent shall adjudge the public sewers to be necessary for the public convenience or the public health, it shall report thereon to the City Council, and its report shall prescribe the location, dimensions and materials of the public sewers, together with the amount of damages or betterments reasonable and proper to be awarded to any persons affected by the laying and maintenance thereof.

§230-4. Public Sewer Construction, Alterations and Repairs

All construction, alteration and repairs of public sewers and the appurtenances thereto and all connections therewith shall be done under the direction of the Superintendent, and no person other than the Superintendent or persons acting under his direction shall be allowed to dig up any street or open any storm drain or public sewer within any street for any purpose whatever or connect the same with any private drain. All plans, profiles and levels relative to and necessary for the construction of sewers and storm drains shall be approved by the City Engineer. The Superintendent has the power to move utilities at the cost to the utility to construct new sewers and storm drains.

§230-5. Street Openings Not To Interfere With Sewers

Whenever any street shall be opened for laying or repairing water or gas pipes or any other purpose, the work shall be executed so as not to obstruct the course, capacity or construction of public sewers; and whenever pipes for that purpose or any work of construction shall be found to exist in such locations so as to interfere with the storm drains or sewer, the corporation, person or persons having charge of maintaining the same shall, on notice from the Superintendent, remove, change or alter such pipes or other work in such manner as said Superintendent may direct. If such corporation or person neglects or refuses to remove, change or alter such pipes or other work in accordance with said notification, then the Superintendent may make such removal, change or alteration, and said corporation or persons thereof shall pay the cost.

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§230-6. Connecting Building Drains With Public Sewers

Any person may have his building drain connected with any public sewer or sanitary sewer upon application to the Superintendent, who may prescribe the place of such connection, materials and manner of construction of
such particular or building drain; provided, however, that the same shall be constructed with due observance of all regulations of the City and the Superintendent so far as applicable thereto.

§230-7. Permit Required For Any Sewer Work

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

§230-8. Easements And Prescriptive Rights

The Superintendent shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the POTW lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. No length of possession or occupancy of land within the limits of a City easement shall negate or otherwise affect a City owned easement. Any fences, trees, pools, shrubs, buildings or any other objects encroaching upon a City easement shall, upon written notice by the Superintendent, be removed within fourteen (14) days by the owner. If not so removed, the Superintendent may either: (1) remove the same to such adjoining land or (2) remove such encroaching objects, other than a building used for residential purposes, by persons working under the direction of the Superintendent and shall be placed in the nearest maintenance area of the City. Notice by certified mail, return receipt requested shall be given to the owner stating where such encroachment object is located and further stating that if not claimed within three weeks said object may be destroyed. The City may seek to recover costs expended in the removal and relocating of objects in the easement of the City.

§230-9. Separate Building Sewers Required; Exception

A separate and independent building sewer shall be provided for every building with the following exceptions:

(1) Where one building stands at the rear of another on an interior lot and no building sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, provided all lots are under the same property owner; and,

(3) Where a multiple family complex, a commercial complex, or an industrial complex has a privately owned and maintained collection system.

§230-10. Use of Existing Building Sewer

Existing building sewers may not be used in connection with new buildings. The Superintendent may issue an exception upon presentation of a written request accompanied by a camera inspection video with the written
inspection report that indicates upon examination the building sewer meets all requirements of the Code. The Superintendent reserves the right to require additional testing.

§230-11. Connections to Conform to Rules and Regulations

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules, regulations, and standards of the City. The building drain must include at a minimum the installation of a clean out, and shutoff valve. Drainpipes subject to backflow from sewer shall be supplied with backwater valves and shall be installed according to 248 CMR 10.00 Uniform State Plumbing Code.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules, regulations and standards of the City. All such connections must be made gastight and watertight, and in accordance with City prescribed procedures and materials. The Superintendent, before installation must approve any deviation from the prescribed procedures and materials.

In the absence of code provisions the materials and procedures set forth in the appropriate specifications of the Water Environment Federation Manual of Practice MFD5 or Gravity Sanitary Sewer Design and Construction shall apply.

§230-12. Sewers Entering the Building

Whenever possible, the building sewer shall be brought to the building at a level below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted and discharged to the building sewer by means reviewed by the Superintendent and approved by the City’s plumbing inspector.

§230-13. Connection / Discharge of Storm Water

No person shall make any connection of roof downspouts, exterior foundation drains, areaway drains, storm water, subsurface drainage, uncontaminated cooling water, or unpolluted process waters, or other sources or surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sewer or combined sewer.

Storm water and all other unpolluted drainage shall be discharged to a natural outlet if such outlet is reasonably accessible. If no such outlet is available, such unpolluted wastes may be discharged into combined sewers or storm sewers if approved by the Superintendent.

§ 230-14 Notice to Superintendent of inspection of connection

The applicant for the building sewer permit shall provide twenty-four-hour notice to the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

§ 230-15 Protection from hazard; restoration of public property
All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Superintendent.

§ 230-16 Damage to POTW prohibited

Damage to or tampering with the publicly owned treatment works (POTW) is prohibited. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the POTW.

§ 230-17 Liability for costs and expenses for building sewer

All costs and expenses, including but not limited to, materials, appurtenances, pumps, pipe, labor, and inspection incident to the installation, maintenance, repair, testing, connection, and cleaning of the building sewer for its entire length to the public sewer, shall be borne privately by the property owner for whom installation, maintenance, repair, testing, connection and cleaning is made.

§ 230-18 Entrance fees; and assessments for sewer connections

Entrance Fees, and regular assessments, shall be made upon the property owners within the territory of said POTW by a rate determined by the Board of Water-Sewer Commissioners.

§ 230-19 Rate of assessment and entrance fees

A. The rate of assessment and entrance fees shall be set by the Board of Water-Sewer Commissioners for each connection to the public sewer on any street or way upon which a sewer is constructed and upon application of entrance to said sewer. The current fees are on file in the office of the City Clerk.

B. Betterment Charges are subject to approval of the City Council. See Ch. 16, Water-Sewer Commission, Chapter 16-100.

§ 230-20 Betterment Charges

Should the Water-Sewer Commission, with the approval of the City Council, establish a Betterment Charges, the Superintendent shall, immediately upon the completion of a public sewer in any street or way, have a betterment charge bill sent to each and every owner of an estate on such street or way whose property can be drained into such public sewer. If buildings are already on the estate, the sewer connection shall be made and the assessment bill shall contain the total assessment prescribed.

§ 230-21 Billing of entrance fee and assessments

A. Upon application for sewer entrance by the property owner, the City shall render the property owner a bill for the amount of the sewer entrance fee and said fee must be paid prior to connection.

B. In the case of a special assessment, the City shall, upon completion of a public sewer, render a bill for said assessment to all applicable property owners.

§ 230-22 Sewer use charges; stormwater fee; other fees.
A. All sewer use fees and stormwater fees are to be set by the Board of Water-Sewer Commissioners and kept on file with the City Clerk.

B. A stormwater charge shall hereby be established to manage the storm and surface water system, maintain a good hydrological balance, prevent property damage, and protect water quality for the safety and enjoyment of citizens and the preservation and enhancement of wildlife habitat. The stormwater fee will be used to provide and administer any management responsibilities that will include construction and ongoing operations and maintenance responsibilities related to stormwater and combined sewer overflow (CSO) infrastructure in the City.

C. Payments and late fees. All charges or bills shall be due and payable 45 days after the date of issue and charges or bills remaining unpaid after such due date shall be charged interest at a rate of 14% per year as provided in Massachusetts General Laws, Chapter 40, Section 21E.

D. Sewer fund. To implement this section of the chapter, the City Council hereby adopts the provisions of Chapter 83, Sections 16, 16A thru F inclusive, as amended, of the Massachusetts General Laws, for the specific purpose of establishing a separate sewer fund.

E. Storm line connection fee schedule.

<table>
<thead>
<tr>
<th>Cost</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0</td>
<td>A resident who completed separation work on his or her property prior to a request for a storm drain connection (storm drain pipe from main line to property line) and prior to the installation of the new pipe in front of his or her property.</td>
</tr>
<tr>
<td>$250</td>
<td>A resident’s property which has not been separated prior to a request for a storm drain connection and installation of a new pipe in front of his or her residence; a resident may request a connection in the street. A resident will be billed $250 on his or her storm/sewer bill. This $250 is fully refundable if the separation on the property is completed and confirmed within five years of the date of the request for a storm drain connection.</td>
</tr>
<tr>
<td>Full Cost</td>
<td>If a new pipe is installed in front of a residence and the resident chooses not to request a storm drain connection and pay the deposit, the resident will be responsible for all future storm drain separation and connection costs associated with connection to the pipe in the street.</td>
</tr>
</tbody>
</table>

§ 230-23 Billing discounts

A. Secondary meters can be installed to measure water usage for irrigation purposes only. The secondary meter usage will not be billed a sewer use fee. A secondary meter program, beginning July 1, 1991 and that the residential property owners be allowed to have installed an approved meter. The meter shall be purchased from and installed by the Water Department and inspected by the Water Department, Sewer Department and Plumbing Inspector. The meter program shall be the joint effort and responsibility of the City. All costs for installation and maintenance shall be borne by the property owner.

B. Summer discounts. For those residential property owners who do not install a secondary meter, a 10% discount for each month of June, July and August shall begin in June of 1991 and continue until changed.
C. Rain Smart Rewards.

(1) Objective. The objective of the Rain Smart Rewards is to increase ratepayer control over stormwater management charges and to advance City environmental goals. The City achieves these objectives by providing economic incentives, technical assistance, and environmental education to ratepayers who control and manage the quality and quantity of stormwater runoff on their private property.

(2) Authority. The Superintendent with the approval of the Commission is authorized to establish and administer Rain Smart Rewards, and promulgate administrative rules and policies to implement the program. The program must contain the following elements with the approval of the City Council:

(a) Definitions for all terms and concepts that are unique to Rain Smart Rewards, unless otherwise referenced by the City Code;

(b) Criteria to be used by the City to determine eligibility for Rain Smart Rewards;

(c) Methods for calculating the amount of incentives and discounts to be awarded to eligible registrants;

(d) Procedures for verifying the validity and accuracy of incentives and discounts, and enforcing administrative rules.

(3) The Water-Sewer Commission, as prescribed in Chapter 16-100 of the City of Chicopee Code, shall be the Hearing Board for review and reconsideration of Superintendent decisions upon request of ratepayers.

§ 230-24 Prohibited waters and wastes

These prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards, or any other federal, state or local pretreatment standards or requirements.

A. General prohibitions. No person shall discharge or cause to be discharged into the POTW any pollutant or wastewater which causes pass-through or interference. No person shall discharge materials, waters, or wastes if the Superintendent determines that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream or can otherwise endanger worker health and safety, public health and safety, or public property.

B. Specific prohibitions. No person shall discharge or cause to be discharged into the POTW any of the following pollutants, substances, or wastewater;

(1) Pollutants which create a fire or explosive hazard in the POTW, including but not limited to waste streams with a closed-cup flash point of less than 140° F. (60° C.) using the test methods specified in 40 CFR 261.21;
(2) Wastewater having a pH of less than 5.5 s.u., or greater than 9.5 s.u., or otherwise capable of causing corrosive structural damage to the POTW or equipment;

(3) Wastewater containing fats, wax, grease or oils, whether emulsified or not, in excess of 150 mg/l;

(4) Wastewater containing solid or viscous substances in amounts which will cause obstruction of the flow to the POTW or result in interference;

(5) Pollutants, including but not limited to oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

(6) Wastewater having a temperature greater than 150° F. (65° C.) at the point of discharge to the POTW or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the POTW headworks to exceed 104° F. (40° C.);

(7) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through;

(8) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause worker health and safety problems;

(9) Trucked or hauled pollutants, except at points designated by the Superintendent;

(10) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or in interaction with other wastes, are sufficient to create a public nuisance or a hazard to life or to prevent entry into the sewers for maintenance or repair;

(11) Wastewater which imparts color that cannot be removed by the POTW treatment process, such as but not limited to dye wastes and vegetable tanning solutions, which consequently imparts color or sheen to the treatment plant's effluent, thereby causing a violation of the City of Chicopee's NPDES permit;

(12) Wastewater containing any radioactive isotopes except in compliance with applicable state or federal regulations;

(13) Stormwater, surface water, groundwater, roof runoff, artesian well water, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, or any other unpolluted industrial process wastewater, unless specifically authorized by the Superintendent;

(14) Sludge’s, screenings, or other residues from the pretreatment of industrial wastes, or any waste containing substances at concentrations that could jeopardize the beneficial reuse of the POTW's sludge;

(15) Medical wastes, except as specifically authorized by the Superintendent in a wastewater discharge permit;

(16) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

(17) Detergents, surface-active agents, or other substances which may cause excessive foaming at the POTW;
(18) Wastewater containing pollutants in excess of local limits established by the Superintendent; pollutants, substances stored in such a manner that they could be discharged to the POTW.

C. National Categorical Pretreatment Standards. The categorical pretreatment standards found at 40 CFR Chapter 1, Subchapter N, Parts 405 to 471 are hereby incorporated.

(1) Where a categorical pretreatment standard is expressed only in terms of either the mass or concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

(2) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Superintendent shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

(3) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(4) A user may obtain a net/gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

D. State pretreatment standards. The state pretreatment standards found at 314 CMR 1.00 to 15.00 are hereby incorporated and applied where they are more stringent than applicable federal or local law.

E. Local limits. To implement the objectives of §230-24A and B of this chapter, the Superintendent may further regulate the discharge of any specific pollutant by the establishment of specific local limits to be included in wastewater discharge permits. These limits will be applied at the point where the user discharges wastewater to the POTW and may be expressed as either concentration or mass-based limitations. The Superintendent will provide adequate public notice and an opportunity for users to respond prior to the limits' adoption. The City reserves the right at any time to establish, either by Code or wastewater discharge permit, more stringent standards or requirements on discharges to the POTW.

F. Dilution. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation, unless expressly authorized by an applicable pretreatment standard or requirement. The Superintendent 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.

§230-25 Pretreatment of wastewater

A. Pretreatment facilities. Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set forth in §230-24B of this chapter within the time limitations specified by EPA, the state, or the Superintendent, whichever is most stringent. The Superintendent may issue to the user a compliance schedule for the installation of technology required to meet any applicable pretreatment standard or requirement. 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 acceptable to the Superintendent before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City of Chicopee under the provisions of this chapter.

B. Additional pretreatment measures.

(1) Whenever deemed necessary, the Superintendent may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and impose such other conditions as may be necessary to protect the POTW and determine the user's compliance with the conditions of this chapter.

(2) The Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow.

(3) Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil or sand; grease traps shall be provided for all establishments that prepare food for sale and distribution. Such interceptors shall be of type and capacity approved by the Superintendent and/or the City's Health Department and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly, as needed, by the user at their expense. The user shall also maintain, for inspection by City personnel, records of any interceptor cleaning performed during the previous three years.

C. Accidental discharge/slug control plans. Within a year of an industrial user being designated as significant, the Superintendent shall evaluate whether the significant industrial user needs an accidental discharge/slug control plan. The Superintendent may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Superintendent may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

(1) Description of all discharge practices, including non-routine batch discharges;

(2) Description of all stored chemicals;

(3) Procedures for immediately notifying the Superintendent of any accidental or slug discharge, as required by § 230-27F;

(4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants including solvents, and/or measures and equipment for emergency response.

D. Hauled wastewater.

(1) Septic tank waste may be introduced into the POTW only at locations designated by the Superintendent. Septic tank waste haulers must apply for and obtain a wastewater discharge permit prior to the discharge of the waste at the established site. Discharge of septic tank waste must occur only at times established in the wastewater discharge permit. All such waste must originate from locations within the City of Chicopee, except
where allowed by special permit under §266-1 of the City Code, and comply with all conditions included in Chapter 230 of this chapter as well as any other requirements in the wastewater discharge permit or state or federal law.

(2) The discharge of any hauled industrial waste is prohibited, except where specifically authorized by the Superintendent.

(3) The Superintendent reserves the right to require monitoring by the user and/or the POTW of any hauled waste prior to discharge, to reject any waste, or to revoke any permit to discharge hauled waste at any time.

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

§230-26 Wastewater discharge permits

A. Wastewater discharge permit application requirements.

(1) Any user as described below must submit information on the nature and characteristics of its wastewater, including the filing of a permit application and/or providing laboratory analysis of the proposed discharge. The following users are required to file an application for a wastewater discharge permit:

   (a) Any existing or new user that meets or could meet, in the opinion of the Superintendent, the criteria for significant industrial user but has not yet been classified as such;

   (b) Any existing significant industrial user proposing to continue to discharge to the POTW and whose existing permit is at expiration date;

   (c) Any other user, when the Superintendent deems that the application is necessary to carry out the purposes of this chapter.

(2) Applying for or obtaining a wastewater discharge permit does not relieve a user from its obligation to comply with all federal, state and local pretreatment standards or requirements, or any other requirements of federal, state and local law.

(3) Any new user described in Subsection A(1) (a) or (c) above must submit a completed application at least 45 days prior to the beginning of discharge.

B. Wastewater discharge permit application contents.

(1) All users required to obtain a discharge permit must submit a permit application. The Superintendent may require all users to submit as part of an application the following information:

   (a) All information required by §230-27A(2) of this chapter;
(b) Description of 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 and type of employees, hours of operation, and proposed or actual hours of operation;

(d) Each product produced by type, amount, processes, and rate of production;

(e) Type and amount of raw materials processes (average and maximum per day);

(f) Time and duration of discharges;

(g) Any other information as may be deemed necessary by the Superintendent to evaluate the wastewater discharge permit application; and

(h) A signature of an authorized representative of the user following this certification statement:
"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(2) Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. The Superintendent will evaluate the data furnished by the user and may require additional information. The Superintendent may deny any application for a wastewater discharge permit as necessary to carry out the purposes of this chapter.

C. Wastewater discharge permit contents.

(1) A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Superintendent to prevent pass-through or interference, protect the quality of the water body receiving the POTW's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(2) Wastewater discharge permits may contain, but need not be limited to, the following:

(a) A specific date upon which the permit will expire, not to exceed five years from its effective date. At the discretion of the Superintendent, a permit may be issued for less than five years;

(b) A statement that the wastewater discharge permit is nontransferable without prior notification to the Superintendent in accordance with § 230-26F of this chapter, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(c) Applicable pretreatment standards, including prohibited discharge standards, categorical pretreatment standards, and local limits;
(d) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements, including an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type, based on federal, state, and local law;

(e) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule, not to exceed time limits set forth in applicable federal, state and local law;

(f) Limits on the average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization;

(g) Requirements for the installation and/or maintenance of pretreatment technology, monitoring facilities or equipment, pollution control, or appropriate containment devices designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(h) Requirements for the development and implementation of spill control plan or any plan including management practices necessary to adequately prevent the introduction of pollutants into the treatment works, or any waste minimization plan to reduce the amount of pollutants discharged to the POTW;

(i) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal, state and local pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and

(j) Any other conditions as deemed appropriate by the Superintendent to ensure compliance with this chapter, and state and federal laws, rules and regulations.

D. Wastewater discharge permit appeals.

(1) The permittee may petition the Superintendent to reconsider the terms of a wastewater discharge permit within 90 days of the permittee's receipt of the permit. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(2) In its petition, the permittee must indicate the specific permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit. The effectiveness of the issued permit shall not be stayed pending the appeal.

(3) The Superintendent may decide not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit. Any applicant aggrieved by this action may file a request before the hearing board, as described in § 230-28P of this chapter.

E. Wastewater discharge permit modification. The Superintendent may modify a wastewater discharge permit for good cause, including but not limited to the following reasons:

(1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

(2) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of permit issuance;
(3) A change in 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 POTW, personnel, or the receiving waters;

(5) Violation of any terms or conditions of the wastewater discharge permit;

(6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

(8) To correct typographical or other errors in the wastewater discharge permit; or

(9) To reflect a transfer of the facility ownership or operation to a new owner or operator.

F. Wastewater discharge permit transfer.

(1) Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 60 days' advance notice to the Superintendent, and the Superintendent approves the wastewater discharge permit transfer. The notice to the Superintendent must include a written certification by the new owner or operator which:

   (a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

   (b) Identifies the specific date on which the transfer is to occur;

   (c) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

(2) Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of the facility transfer.

G. Revocation of wastewater discharge permit. The Superintendent may revoke a wastewater discharge permit for good cause, including but not limited to the following reasons:

(1) Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge;

(2) Failure to provide notification to the Superintendent of changed conditions pursuant to § 230-2715 of this chapter;

(3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(4) Falsifying self-monitoring reports;

(5) Tampering with monitoring equipment;
(6) Refusing to allow the Superintendent timely access to the facility premises and records;

(7) Failure to meet any applicable effluent limitations;

(9) Failure to pay sewer use charges within 45 days of bill due date.

(10) Failure to meet any compliance schedule;

(11) Failure to complete a wastewater discharge permit application or associated discharge monitoring;

(12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

(13) Violation of any pretreatment standard or requirement, or any terms of this chapter or the facility's discharge permit.

H. Wastewater discharge permit reissuance. A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with § 230-27A(2), a minimum of 90 days prior to the expiration of the user's wastewater discharge permit.

I. Wastewater discharge from other jurisdictions.

(1) If another municipality, or user located within another municipality, contributes wastewater to the POTW, the City shall enter into an intermunicipal agreement with the contributing municipality.

(2) The intermunicipal agreement shall contain the following conditions:

(a) A requirement that the contributing municipality must adopt a sewer use code which is at least as stringent as this chapter and local limits which are at least as stringent as the local limits adopted by the City of Chicopee;

(b) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;

(c) A provision specifying which pretreatment implementation activities, including permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Superintendent; and which of these activities will be conducted jointly by the contributing municipality and the Superintendent;

(d) A requirement for the contributing municipality to provide the Superintendent with access to all information that the contributing municipality obtains as part of its pretreatment activities;

(e) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

(f) Requirements for monitoring the contributing municipality's discharge;

(g) A provision ensuring the Superintendent 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 Superintendent; and

(h) A provision specifying remedies available for breach of the terms of the municipal agreement.
§ 230-27 Reporting requirements

A. Baseline monitoring reports.

(1) Within either 180 days after the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Superintendent a report which contains the information listed in Subsection A(2) below. At least 90 days prior to commencement of their discharge, new sources and sources that become categorical users subsequent to the promulgation of an applicable categorical standard shall submit to the Superintendent a report which contains the information listed in Subsection A(2) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(2) Users described above shall submit the information set forth below:

(a) Identifying information. The name and address of the facility, including the name of the operator and owner.

(b) Environmental permits. A list of any environmental control permits held by or for the facility.

(c) Description of operations. A brief description of the nature, average rate of production, and standard industrial classification(s) of the operation(s) carried out by the user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated process.

(d) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process waste streams and other streams, as necessary to allow for the use of the combined waste stream formula set out in 40 CFR 403.6(e).

(e) Measurement of pollutants, including the categorical pretreatment standards applicable to each regulated process and the results of sampling and analysis identifying the nature and concentration, and/or mass, where required, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations, and analyzed in accordance with procedures set forth in Subsections J and K of this section.

(f) Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or pretreatment is required to meet the applicable standards or requirements.

(g) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 230-27B of this chapter.

(h) Signature and certification. All baseline monitoring reports must be signed and certified in accordance with § 230-26B(1)(h) of this chapter.
B. Compliance schedule progress reports. The following conditions shall apply to any compliance schedule issued by the Superintendent for installation of technology necessary to obtain compliance with an applicable pretreatment standard or requirement:

(1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(2) No increment referred to above shall exceed nine months;

(3) The user shall submit a progress report to the Superintendent no later than 14 days following each date in the schedule and the final date of compliance, including, as a minimum, whether or not it complied with the increment of progress, the reason for the delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
(4) In no event shall more than nine months elapse between such progress reports to the Superintendent.

C. Reports on compliance with categorical pretreatment standard deadline. Within 90 days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Superintendent a report containing the information described in § 230-27A(2) of this chapter. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 230-26B(1)(h) of this chapter.

D. Periodic compliance reports.

(1) All significant industrial users shall, at a frequency determined by the Superintendent but in no case less than twice per year, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with § 230-26B(1)(h) of this chapter.

(2) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(3) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Superintendent, using the procedures described in § 230-27I and K of this chapter, the results of this monitoring shall be included in the report.

E. Reports of new discharges or changed conditions.

(1) Each new user or existing user must notify the Superintendent and obtain prior approval before making any 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.

(2) The Superintendent may require the user to submit any additional information, including a completed wastewater discharge permit application as described in § 230-26B of this chapter. The Superintendent may issue a wastewater discharge permit or modify an existing permit as needed. The Superintendent may deny or condition any new or increased contribution.

(3) For the purposes of this requirement, "significant" changes include, but are not limited to, flow or average daily BOD or TSS increases of 20% or greater and the discharge of any previously unreported pollutants.

F. Reports of potential problems.
(1) In the case of any discharge, including but not limited to an accidental discharge, a discharge of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the POTW of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(2) Within five days following the discharge, the user shall submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, natural resources or any other damage to a person or property, nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

(3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in Subsection F(1) above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

G. Reports from unpermitted users. All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Superintendent as the Superintendent may require to fulfill the intent of this chapter.

H. Report of discharge violation/repeat sampling and reporting. If sampling performed by the user indicates a violation of any applicable pretreatment standard, the user must notify the Superintendent within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within 30 days after becoming aware of the violation. The user will be waived from the resampling requirement if the Superintendent has monitored the user's effluent between the time of user's initial sampling and when the user received the results of this initial sampling.

I. Notification of the discharge of hazardous waste.

(1) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State Hazardous Waste Division Director, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261.

(a) Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent that such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream expected to be discharged during that calendar month and an estimate of the mass of such constituents in the waste stream expected to be discharged in the following 12 months.

(b) All notifications must take place no later than 180 days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under §230-27E of this chapter. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of §230-27A, C, and D of this chapter.
(2) Dischargers are exempt from the requirements of Subsection I(1) above during a calendar month in which they discharge no more than 15 kilograms of hazardous waste, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 216.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(3) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Superintendent, the EPA Regional Waste Management Division Director, and the State Hazardous Waste Division Director of the discharge of such substance within 90 days of the effective date of such regulations.

(4) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

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

J. Analytical requirements.

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

(2) In addition, a laboratory certified by the state for the wastewater analyses of each analyte shall perform all laboratory analyses required by the Superintendent.

K. Sample collection.

1. Except as indicated in Subsection K(2) below, the user must collect wastewater samples using flow-proportional composite techniques. In the event flow-proportional sampling is not feasible, time-proportional composite samples as defined in Section 230-1 will be allowed.

2. Grab samples, must be obtained when sampling for the parameter oil and grease, temperature, pH, cyanide, phenols, sulfide, and volatile organic compounds. In addition, grab samples may be required to show compliance with instantaneous daily maximum discharge limits.

L. Recordkeeping.

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

N. Right of entry; inspection and sampling.

(1) The Superintendent shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this chapter and any wastewater discharge permit or order issued hereunder. Users shall allow the Superintendent ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(2) Where a user has security measures in force which require proper identification and clearance before entry into its premises the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Superintendent will be permitted to enter without delay for the purposes of performing specific responsibilities.

(3) While performing the necessary work on private properties, the Superintendent and all duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and which shall be made available to the City upon request.

(4) The Superintendent shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations. The Superintendent may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated and/or cleaned at a frequency prescribed in the user's wastewater discharge permit.

(5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be borne by the user.

(6) Any unreasonable delay, as defined by Department policy or contained in a wastewater discharge permit or order issued hereunder, in allowing the Superintendent ready access to the user's premises shall be a violation of this chapter.

O. Search warrants. If the Superintendent has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Superintendent may seek issuance of a search warrant from the appropriate court.

P. Confidential information.

(1) Information and data obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Superintendent's inspection and sampling activities shall be available to the public per Departmental policy, unless the user specifically requests, and is able to
demonstrate to the satisfaction of the Superintendent, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law.

(2) Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data," as defined by 40 CFR 2.302, will not be recognized as confidential information and will be made available to the public per Departmental policy.

§ 230-28 Enforcement

The remedies provided in this chapter are not exclusive. The Superintendent may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City of Chicopee’s Enforcement Response Plan. However, the Superintendent may take other action against any user when the circumstances warrant. Further, the Superintendent is empowered to take more than one enforcement action against any noncompliant user.

A. Notification of violation. When the Superintendent finds that a user has violated, or continues to violate, any provision of this chapter, wastewater discharge permit, or any applicable state or federal pretreatment standard or requirement, the Superintendent may serve upon that user a written notice of violation. Within 15 days of receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted in writing to the Superintendent. Submission of this plan shall in no way relieve the user of liability for any violations occurring before or after the receipt of the notice of violation. Nothing in this section shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

B. Publication of users in significant noncompliance. The Superintendent shall publish at least annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall mean:

(1) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;

(2) Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equal or exceed the product of a numeric pretreatment standard or requirement, including instantaneous limits, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(3) Where a discharge is monitored continuously for pH using a method approved by 40 CFR 136, any individual excursion from a range of 5.5 to 9.5 s.u. for greater than 60 minutes; or when total time outside this range during any calendar month exceeds seven hours and 26 minutes; or any excursion of pH less than 5.0 s.u., or greater than 12.5 s.u., for any length of time;
(4) Any other discharge that the Superintendent believes has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public;
(5) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Superintendent’s exercise of its emergency authority to halt or prevent such a discharge;

(6) Failure to meet, within 50 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(7) Failure to provide, within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(8) Failure to accurately report noncompliance; or

(9) Any other violation(s) which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

C. Consent orders. The City may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to § 230-28E and F of this chapter and shall be judicially enforceable.

D. Show-cause hearing. The Superintendent may order a user which has violated or continues to violate any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other applicable state or federal pretreatment standard or requirement, to appear before the Superintendent and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user, specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 15 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show-cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

E. Administrative order.

(1) When the Superintendent finds that a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other applicable state or federal pretreatment standard or requirement, or that the user's past violations are likely to recur, the Superintendent may issue an administrative order to the user, directing it to cease and desist all such violations and to:

(a) Immediately comply with all requirements; and

(b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
(2) Issuance of an administrative order shall not be a bar against, or a prerequisite for, taking any other action against the user.

F. Emergency suspensions.

(1) The Superintendent may immediately suspend a user's discharge after informal notice to the user whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons.

(2) The Superintendent may also immediately suspend a user's discharge after notice and opportunity to respond that threatens to interfere with the operation of the POTW or which presents, or may present, an endangerment to the environment.

(3) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings in § 230-28G of this chapter are initiated against the user.

(4) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Superintendent prior to the date of any show-cause or termination hearing under § 230-28D of this chapter.

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

(6) Such user or owner will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under § 230-28D why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the user.

G. Termination of discharge. In addition to the provisions in § 230-28B of this chapter, any user who violates the following conditions is subject to discharge termination:

(1) Violation of wastewater discharge permit conditions or discharge limitations;

(2) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge; or

(4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, records examination, or sampling.

(5) Failure to make any payments required herein, including but not limited to sewer use fees, storm fees, cost recovery fees, late fees and any other fees required to carry out this chapter. Payments are deemed late 45 days after bill date. For nonpayment, the City shall provide at least 30 days' notice prior to termination of service.
H. Injunctive relief. When the Superintendent finds that a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any state or federal pretreatment standard or requirement, the Superintendent may petition the appropriate court through the City Solicitor for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the user. The Superintendent 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, taking any other action against a user.

I. Departmental cost recovery.

(1) The general costs for implementation, management, and enforcement of the City's industrial pretreatment program are borne by all users of the POTW. However, under this section, the City may assess against any user that violated any provision of this chapter or a wastewater discharge permit issued hereunder, charges to recover pretreatment program actual costs resulting from enforcement action of said violation, including but not limited to:

(a) Costs for monitoring, inspections and surveillance procedures;

(b) Costs for reviewing accidental discharge procedures and construction;

(c) Costs for sampling and analysis;

(d) Charges to recover the cost of consultants' services required to carry out the review of specific concerns regarding industrial wastewater discharges;

(e) Charges to recover legal costs associated with pretreatment program violations;

(f) Other costs as the Superintendent may deem necessary to carry out the requirements contained herein.

(2) These charges relate solely to the matters covered by the industrial pretreatment program and are separate from all other fees chargeable by the City, such as sewer entrance fees, sewer user charge fees, etc.

J. Civil penalties.

(1) A user who has violated or continues to violate any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other state or federal standard or requirement shall be liable to the City of Chicopee for a civil penalty of up to $1,000 but not to exceed $5,000 per violation, per day. In the case of a monthly or long-term average, penalties shall accrue for each day during the period of the violation.

(2) The Superintendent may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City of Chicopee.

(3) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.
K. Criminal prosecution. A user who willfully or negligently violates any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other applicable state or federal pretreatment standard or requirement, shall be subject to prosecution as allowed by Massachusetts General Laws.

L. Noncriminal disposition. As an alternative to criminal prosecution or civil action, the City of Chicopee may elect to utilize the noncriminal disposition procedure set forth in G.L. Ch. 40, § 21D. The Department of Public Works shall be the enforcing entity. The penalty for the first violation shall be up to $100. The penalty for the second violation shall be up to $200. The penalty for the third and subsequent violations shall be $300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

M. Performance bonds. The Superintendent may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this chapter, a previous wastewater discharge permit, or order issued hereunder or any other applicable state or federal pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the City of Chicopee, in a sum not to exceed a value determined by the Superintendent to be necessary to achieve consistent compliance.

N. Liability insurance. The Superintendent may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this chapter, a previous wastewater discharge permit, or order issued hereunder, or any other applicable state or federal 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.

O. Public nuisances. A violation of any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other applicable state or federal pretreatment standard or requirement, is hereby declared a "public nuisance" and shall be corrected or abated as directed by the Superintendent. Any person(s) creating a public nuisance shall be subject to the provisions of the Codes of the City of Chicopee governing such nuisances, including reimbursing the City of Chicopee for any costs incurred in removing, abating or remedying said nuisance.

P. Water-Sewer commission as hearing board.

(1) Any user who is aggrieved by the actions of the Superintendent may request a hearing before the Water-Sewer Commission as defined in Chapter 16-100 of the City Ordinances.

(2) The aggrieved person shall file a written request for such a hearing within seven (7) working days from the date the Superintendent's order was served or given to the aggrieved person. The Water-Sewer Commission shall set a time and place for such hearing and shall inform the aggrieved person in writing of the same.

(3) The hearing shall be commenced not later than 30 days after the day on which the written request was filed and shall be concluded within an additional 30 days thereafter. If an aggrieved person filed a request for a hearing regarding § 230-28F, the Commission shall commence the hearing within seven (7) working days from the date on which the written request was filed.

(4) At the hearing, the petitioner shall be given an opportunity to be heard and to show why the order or decision of the Superintendent should be modified or withdrawn.

(5) After the hearing, the Water-Sewer Commission shall sustain, modify or withdraw the order or decision of the Superintendent, and shall inform the petitioner and the Superintendent, in writing, of its decision within seven (7) working days after the conclusion of the hearing.
(6) If a written letter for hearing is not filed in the office of the Water-Sewer Commission within seven (7) working days after an order has been issued or if after a hearing the order has been sustained in any part, each day's failure to comply with the order as issued or modified shall constitute an additional offense.

§ 230-29 Severability

A. The provisions of this chapter, or any order or permit of the Superintendent are severable, and if any provision contained therein, or the application thereof, is held invalid, the application of such provision to other circumstances and the remainder of this chapter, the order or permit shall not be affected thereby.

B. All codes or parts of codes in conflict herewith are hereby repealed.

Councilor Krampits motion to approve as amended – Councilor Tillotson 2nd the motion – motion passed

Committee vote 4 – 0 favorable

ITEM #3
BE IT ORDAINED THAT the City of Chicopee hereby deletes Chapter 231 from the City of Chicopee Code in its entirety and insert in place thereof
Chapter 231 – Water & Sewer Commission Storm Water Management Ordinance

Proposed Ordinances as submitted to the Ordinance Committee

CITY OF CHICOPEE
WATER & SEWER COMMISSION
STORM WATER MANAGEMENT ORDINANCES

Chapter 231

§231-1 Purpose and Authority

A Storm Water Management ordinance is hereby established to manage the storm and surface water system, maintain a good hydrological balance, prevent property damage, better manage land development, and protect water quality for the safety and enjoyment of citizens and the preservation and enhancement of wildlife habitat. The Storm Water Management ordinance will provide for the administration and management of the storm water system that will include construction, and ongoing operations and maintenance responsibilities related to the municipal separate storm sewer system (MS4).

The proper management of storm water runoff will meet the following objectives:

1. Reduce the adverse water quality impacts of storm water and combined sewer overflow discharges to rivers, lakes, reservoirs and streams in order to attain federal water quality standards;
2. Prevent the discharge of pollutants, including hazardous chemicals into storm water runoff;

3. Minimize the volume and rate of storm water, which is discharged to rivers, streams reservoirs, lakes and combined sewers;

4. Prevent erosion and sedimentation from improper land development, and reduce stream channel erosion caused by increased runoff;

5. Provide for the recharge of groundwater aquifers and maintain the base flow of streams;
6. Provide storm water facilities that are attractive, maintain the natural integrity of the environment, and are designed to protect public safety;

7. Maintain or reduce pre-development runoff characteristics after development to the extent feasible;

8. Minimize damage to public and private property from flooding;

9. To prevent pollutants from entering Chicopee’s municipal separate storm sewer system (MS4);

10. To prohibit illicit connections and unauthorized discharges to the MS4;

11. To require the removal of all such illicit connections;

12. To comply with state and federal statutes and regulations relating to storm water discharge to establish the legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement;

13. To prevent contamination of drinking water supplies.

This regulation, for the proper management of storm water is adopted under the provisions of Law Department General Laws, Chapter 40A, and Sections 1 through 22 inclusive

§231-2. Definition; Word Usage; Abbreviations

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

Act or the Act – The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

Adverse impact - means any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses, or effects which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

Approval Authority – The administrator of US EPA Region I, or authorized representative.

Authorized Representative of the User –

(1) If the user is a corporation:
(a) The president, secretary, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the user is a Federal, State or local government facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

The individuals described in paragraphs 1-3 above, may designate another authorized representative if authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Superintendent.

**Authorized Enforcement Agency** - The Department of Public Works, its employees or agents designated to enforce this by-law.

**Best Management Practices (BMP)** - are either structural or non-structural devices that temporarily store or treat urban storm water runoff to reduce flooding, remove pollutants, and provide other amenities, or non-structural practices that reduce pollutants at their source.

**Biochemical Oxygen Demand or BOD** – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days 20°C centigrade, usually expressed as a concentration.

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

**Building Sewer** – The extension from the building drain to the public sewer or other place of disposal (sometimes called sewer service).

**Clean Water Act** - The Federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*) as hereafter amended

**City or City of Chicopee** – A municipal corporation in the county of Hampden, Massachusetts.

**Combined Sewer** – A sewer receiving both surface runoff and sewage.

**Commission** shall mean the Chicopee Water and Sewer Commission.

**CSO** – Combined Sewer Overflow
Composite Sample – for monitoring requirements, a combination of individual samples of equal volume collected at equally spaced intervals (not to exceed 1 hour) during hours of production (not to exceed a 24-hour period) or proportional according to flow. In the case of a batch discharge of two hours or less, the composite will consist of 8 or more volume, flow, or time proportional samples.

Control Manhole – A sampling and monitoring station which may be located in a manhole, vault, pit or room within the premises of the user.

Discharge of Pollutants - The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

Design storm - is a rainfall event of specified size and return frequency that is used to calculate the runoff volume and peak discharge rate.

Detention - is the temporary storage of storm water runoff in a BMP, which is used to control the peak discharge rates, and provides gravitational settling of pollutants.

Discharge: (the meaning of term(s) discharge for use in this Code is as follows):

Direct Storm Water Discharge – The discharge of treated or untreated storm water directly to the waters of the Commonwealth of Massachusetts.

Illegal Storm Water Discharge - Any direct or indirect non-storm water discharge to the municipal storm drain system, except as specifically exempted in Section 231-7 of this code. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit.

Indirect Storm Water Discharge – The discharge or flow of treated or untreated storm water indirectly to the City’s MS4 by any means other than a conduit.

Storm Water Discharge – The discharge of treated or untreated storm water directly by a conduit to the City’s MS4

Drainage area - means that area-contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridgeline.

Drywell – an approved structure used to infiltrate storm water.

DWO – Dry Weather Overflow

Easement - a grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.

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

Existing Source or Existing User – Any source of discharge, the construction or operation of which commenced prior to the enactment of this Code.
Flow attenuation - prolonging the flow time (lagging) of runoff to reduce the peak discharge.

Grab Sample – for monitoring requirements, an individual sample which is taken from a waste stream on a one-time basis with no regard to flow or time.

Groundwater - All water beneath the surface of the ground.

Illicit Connection - Any surface or subsurface drain or conveyance, which allows an illegal discharge into the municipal storm drain system. Illicit connections include conveyances which allow a non-storm water discharge to the municipal storm drain system including sewage, process wastewater or wash water and any connections from indoor drains sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this ordinance.

Impervious Surface: Any material or structure on or above the ground that prevents water from infiltrating the underlying soil.

Industrial Waste – The liquid waste from manufacturing processes, trade, or business, distinct from sanitary sewage.

Infiltration - is the downward movement of water from the surface to subsurface soils.

Infiltration trench - is a storm water management device filled with aggregate, which removes both soluble and particulate pollutants. Trenches are not intended to trap coarse sediments.

Municipal separate storm sewer system (MS4) or municipal storm drain system - The system of conveyances designed or used for collecting or conveying storm water, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the City of Chicopee.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit – A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

Natural Outlet – Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

New Source or New User – Any building, structure, facility or installation from which there is, proposed (or may be) a discharge of storm water, the construction of which commenced after the adoption of this Code.

(1) Construction on a site at which an existing source is located results in redevelopment rather than a new source if the construction does not create a new building, structure, facility, impervious surface or installation.

(2) 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 onsite construction program, any placement, assembly, or installation of facilities or equipment; or significant site preparation work including clearing, excavation, or removal of existing buildings,
structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

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

**Non-contact Cooling Water** – Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finishing product.

**Non-Storm water Discharge**: Any discharge to the municipal storm drain system not composed entirely of storm water.

**Outfall** - is the terminus of a storm drain or other storm water structure where storm water is discharged.

**Peak discharge** - is the maximum instantaneous rate of flow during a storm, usually in reference to a specific design storm.

**Permeable soils** - are soil materials with a sufficiently rapid infiltration rate so as to greatly reduce or eliminate surface and storm water runoff. These soils are generally classified as Soil Conservation Service hydrologic soil types A and B.

**Person** – Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

**Pollutant**: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or non-point source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include but not be limited to:

1. paints, varnishes, and solvents;
2. oil and other automotive fluids;
3. non-hazardous liquid and solid wastes and yard wastes;
4. refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
5. pesticides, herbicides, and fertilizers;
6. hazardous materials and wastes; sewage, fecal coliform and pathogens;
7. dissolved and particulate metals;
8. animal wastes;
(9) rock; sand; salt; soils;
(10) construction wastes and residues;
(11) and noxious or offensive matter of any kind.

**Process wastewater** means any water, which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

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

**Pretreatment** – The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in storm water prior to, or in lieu of, introducing such pollutants into the POTW or MS4. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

**Pretreatment Requirements** – Any substantive or procedural requirement or devices related to pretreatment imposed on a user, other than a pretreatment standard.

**Public Sewer** – A sewer in which all owners of abutting properties have equal rights, and is controlled by the City of Chicopee.

**Publicly Owned Treatment Works or POTW** – A “treatment works” as defined by Section 212 of the Act (33 USC Sec 1292) which is owned by the City of Chicopee. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

**Recharge**: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

**Retention** – is the holding of runoff in a basin without release except by means of evaporation, infiltration, or emergency bypass.

**Sanitary Sewer** – A conduit that carries sewage and to which storm, surface and ground waters are not intentionally added.

**Sewage** – Human excrement and gray water (household showers, dishwashing operations, etc.).

**Sewer** – A pipe or conduit for carrying sewage.

**Significant User** – A user of the MS4 that in the opinion of the Superintendent has the capacity to adversely impact:

Public health, safety, and general welfare

Cause a nuisance
Wildlife habitat

Hydrological balance

Property, public or private

Operation and maintenance of the MS4

Water quality

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

**State** – the Commonwealth of Massachusetts.

**Storm Drain** – (sometimes termed “storm – sewer”) A conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than non-contact cooling water.

**Storm Water** – Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

**Superintendent** – The person designated by the City of Chicopee to supervise the Department of Public Works, and who is charged with certain duties and responsibilities by this Code, or his duly authorized representative.

**Suspended Solids** – The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

**Swale** - is a natural depression or wide shallow ditch used to temporarily store, route or filter runoff.

**Toxic or Hazardous Material or Waste:** Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

**TR 55** - is Technical Release 55, " Urban Hydrology for Small Watersheds", is a hydrologic model developed by the Soil Conservation Service to calculate storm water runoff and to aid in designing detention basins

**TR-20** - is a watershed hydrology model developed by the Soil Conservation Service that is used to route a design storm hydrograph through a pond.

**Uncontaminated:** Water containing no pollutants.

**User** – Any property owner or permittee that has any storm water discharge, direct storm water discharge, or indirect storm water discharge.
**Wastewater:** any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

**Wastewater Treatment Plant or Treatment Plant** – That portion of the POTW which is designed to provide wastewater treatment.

**Watercourses:** A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

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

§231-3 **Applicability**

This ordinance shall apply to flows entering the municipally owned storm drainage system (MS4), storm water discharges, and indirect storm water discharges.

Prior to the issuance of any storm water discharge permit for any proposed development listed below, the Superintendent must approve a stormwater management plan, or a waiver of the requirement for a stormwater management plan. In addition the user must submit the required storm water discharge permit application per Section 231-9. No person shall, on or after the effective date of the ordinance, initiate any land clearing; land grading, earth moving or development activities without first complying with this ordinance. The following uses shall be required to submit drainage reports, plans, construction drawings, specifications and as-built information in conformance with the requirements of this ordinance:

1. Multi-family residential developments involving three or more units;

2. Any new source commercial, industrial, residential and institutional structures under the same ownership, with an least 4,000 gross square feet of impervious surface.

3. Redevelopment or additions to existing commercial, industrial, residential and institutional uses which result in a total impervious surface area of greater than 4,000 gross square feet.

4. Any activity that disturbs one acre or more of land.

5. Any other user, when the Superintendent deems that the application and permitting is required to carry out the intent of this Code.

§231-4 **Storm Water Management Plans**

A. Submittal of Storm Water Management Plans.

1.) A storm water management plan or an application for waiver shall be submitted to the Superintendent for review and approval for any proposed development specified in Section 231-3. The plan shall contain supporting computations, drawings, and sufficient information describing
the manner, location, and type of measures in which storm water runoff will be managed from the entire development. The plan shall serve as the basis for all subsequent construction.

2.) The applicant may request, and the Superintendent may grant, a waiver from any information requirements he/she judges to be unnecessary to the review of a particular plan.

B. Inspections

No Plan will be approved without adequate provision for inspection of the property before development activity commences. The applicant shall arrange with the City Engineer for scheduling the following inspections:

(1) Initial inspection: prior to approval of any plan

(2) Erosion Control Inspection: to ensure erosion control practices are in accord with the plan.

(3) Bury inspection: prior to backfilling of any underground drainage or storm water conveyance structures.

(4) Final Inspection: when all work including construction of storm water management facilities has been completed.

The Superintendent shall inspect the work and either approve it or notify the applicant in writing in what respects there has been a failure to comply with the requirements of the approved plan. The applicant shall promptly correct any portion of the work, which does not comply, or the applicant will be subject to the bonding provisions of Section 231-22 or the penalty provisions of Section 231-21. The City may conduct random inspections to ensure effective control of erosion and sedimentation during all phases of construction.

C. Contents of the Storm-Water Management Plan

The applicant is responsible for submitting a storm water management plan, which meets the design requirements provided by this Code. The plan shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures proposed for managing storm water runoff. The applicant shall certify on the drawings that all clearing, grading, drainage, construction, and development shall be conducted in strict accordance with the plan. The minimum information submitted for support of a storm water management plan shall be as follows:

(1) Plan Contents:

   a. Locus map.

   b. Drainage area map showing pre and post construction watershed boundaries, drainage area and storm water flow paths.

   c. Location of existing and proposed utilities.

   d. Topographic survey showing existing and proposed contours (maximum 2ft.)
contour intervals).

e. Soils investigation. Including borings or test pits, to a depth greater than 4ft below estimated seasonal ground water for areas where construction of infiltration practices will occur.

f. Description of all watercourses, impoundments, and wetlands on or adjacent to the site or into which storm water flows.

g. Delineation of 100-year flood plains, if applicable.

h. Groundwater levels at the time of probable high groundwater elevation (November to April) in areas to be used for storm water retention, detention, or infiltration.

i. Existing and proposed locations cross-sections, and profiles of all brooks, streams, drainage swales and the method of Stabilization.

j. Location of existing and proposed easements.

k. Proposed improvements including location of buildings or other structures, impervious surfaces, and storm drainage facilities, if applicable.

l. Structural details for all components of the proposed drainage systems and storm water management facilities.

m. Timing schedules and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization.

n. Maintenance schedule.

o. Notes on drawings specifying materials to be used, construction specifications, and typicals.

(2) Computations: pre- and post-development drainage calculations shall be included, for storm events with return periods of 2, 10, 25 and 100-year storms used as the basis of design. Calculations for:

a. Hydrology

b. Hydraulics

c. Structures

(3) Estimate of storm water management construction costs.

(4) Other information as required.

§231-5 Storm Water Management Performance Standards

A. Minimum Control Requirements
The minimum storm water control requirements shall require that all developments provide management measures necessary to maintain the post-development peak discharges for a 24-hour, 2-year frequency storm event at a level that is equal or less than the respective, pre-development peak discharge rates, through storm water management practices that control the volume, timing, and rate of flows. When the proposed storm water discharge may have an impact upon a sensitive receptor, including streams, storm sewers, and/or combined sewers, the Superintendent may require an increase in these minimum requirements.

B. Storm Water Management Measures

(1) Storm water management measures shall be required to satisfy the minimum control requirements and shall be according to the following order of preference:

   a. On-site infiltration, flow attenuation, and pollutant removal of runoff on-site to existing areas with grass, trees, and similar vegetation and through the use of open vegetated swales and natural depressions;

   b. Retention and evaporation of storm water on rooftops or in parking lots;

   c. Use of storm water on-site to replace water used in industrial processes or for irrigation.

   d. Storm water detention structures for the temporary storage of runoff which is designed so as not to create a permanent pool of water; and

   e. Storm water retention structures for the permanent storage of runoff by means of a permanent pool of water.

(2) Infiltration practices shall be utilized to reduce runoff volume increases. A combination of successive practices may be used to achieve the applicable minimum control requirements. Justification shall be provided by the applicant for rejecting each practice based on site conditions.

(3) Best Management Practices shall be employed to minimize pollutants in storm water runoff prior to discharge into a combined or separate storm drainage system or water body.

(4) All storm water management facilities shall be designed to provide an emergency overflow system, and incorporate measures to provide a non-erosive velocity of flow along its length and at any outfall.

(5) The designed release rate of any storm water structure shall be modified if any increase in flooding or stream channel erosion would result at a downstream dam, highway, structure, or natural point of restricted stream flow or result in increased combined overflow or sewer backups.

(6) In addition, The Specific Standards and Design Criteria as detailed in MA DEP Storm Water Management Volumes One & Two March 1997 edition must be included. These standards and design criteria include but are not limited to the following:

   a. No new storm water conveyances (e.g. outfalls) may discharge untreated storm water directly to or cause erosion in wetlands or waters of the Commonwealth.
b. Storm water management systems must be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates.

c. Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to the maximum extent practicable. The annual recharge from the post-development site should approximate the annual recharge from the pre-development or existing site conditions, based on soil types.

d. For new development, storm water management systems must be designed to remove 80% of the average annual load (post-development conditions) of Total Suspend Solids (TSS). It is presumed that this standard is met when:

- Suitable non-structural practices for source control and pollution prevention are implemented;
- Storm water management best management practices (BMPs) are sized to capture the prescribed runoff volume; and
- Storm water management BMPs are maintained as designed.

e. Storm water discharges from areas with higher potential pollution loads require the use of specific storm water management BMPs, the use of infiltration practices without pretreatment is prohibited.

f. Storm water discharges to critical areas must utilize certain storm water management BMPs approved for critical areas. Critical areas are Outstanding Resource Waters (ORWs), shellfish beds, swimming beaches, cold water fisheries and recharge areas for public water supplies.

g. Redevelopment of previously developed sites must meet the Storm Water Management Standards to the maximum extent practicable. However, if it is not practicable to meet all the Standards, new (retrofitted or expanded) storm water management systems must be designed to improve existing conditions.

h. Erosion and sediment controls must be implemented to prevent impacts during construction or land disturbance activities.

i. All storm water management systems must have an operation and maintenance plan to ensure that systems function as designed.

C. Specific Design Criteria

(1). Infiltration systems:

a. Infiltration systems shall be equipped with clean stone and or filter fabric adjacent to the soil and have appropriate sediment removal mechanisms;

b. Infiltration systems shall be located at least 20 feet from basement walls;
c. Due to the potential for groundwater contamination infiltration systems shall not be an acceptable method for management of runoff containing pollutants;

d. Infiltration systems designed to handle runoff from commercial or industrial impervious parking areas shall be a minimum of 400 feet from any water supply well;

e. Infiltration systems shall not be used as sediment control basins during construction unless specific plans are included to restore or improve the basin surface;

f. Infiltration basins shall be constructed with a three foot minimum separation between the bottom of the structure and the maximum groundwater elevation; and

g. Provisions shall be made for safe overflow passage, in the event of a storm, which exceeds the capacity of an infiltration system.

(2) Retention and detention ponds shall be designed and constructed in accordance with the criteria of the Soil Conservation Service's "Urban Hydrology for Small Watersheds" Technical Release No. 55, June, 1986 unless otherwise approved by the Superintendent.

(3) The applicant shall give consideration in any plan to incorporating the use of natural topography and land cover such as natural swales, and depressions as they exist prior to development to the degree that they can accommodate the additional flow of water.

(4) The Superintendent shall give preference to the use of swales in place of the traditional use of curbs and gutters based on a case-by-case review of storm water management plans by the Department of Public Works.

(5) The applicant shall consider public safety in the design of any storm water facilities. The banks of detention, retention, and infiltration basins shall be sloped at an appropriate grade into the water as a safeguard against personal injury, to encourage the growth of vegetation and to allow the alternate flooding and exposure of areas along the shore. Basins may require fencing depending on final design. Side slopes must be stabilized and planted with vegetation to prevent erosion and provide pollutant removal. The banks of retention areas shall be designed with sinuous rather than straight shorelines so that the length of the shoreline is maximized, thus offering more space for the growth of vegetation.

(6) Where a storm water management plan involves direction of some or all runoff off of the site, it shall be the responsibility of the applicant to obtain from adjacent property owners any easements or other necessary property interests concerning flowage of water. Approval of a storm water management plan does not create or affect any such rights.

(7) All applicants for projects which involve the storage or use of hazardous chemicals shall incorporate handling and storage "best management practices" that prevent such chemicals from contaminating runoff discharged from a site into infiltration systems, receiving water bodies or storm drains.

(8) Runoff from parking lots shall be treated by oil/water separators or other controls to remove oil and sediment;

231-6 Maintenance

A. Maintenance

(1) Included in the storm water discharge permit for which storm water management is required, the Superintendent shall require the owner and/or permittee to execute an inspection and maintenance program. The permit requirements shall be on all subsequent owners and/or permittee of land served by the private storm water management facility. The permit shall provide for access to the facility at all reasonable times for regular inspections by the city or its authorized representative and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any provision established.

(2) The agreement shall also provide that, if after notice by the Superintendent to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner(s) within thirty days, the Department of Public Works may perform all necessary work to place the facility in proper working condition. The owner(s) of the facility shall be assessed the cost of the work and any penalties.

B. Maintenance Responsibilities

(1) The owner of the property on which work has been done pursuant to this Ordinance for private storm water management facilities, or permittee, shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restoration and maintenance shall be in accordance with approved plans.

A maintenance schedule shall be developed for the life of any storm water management facility and shall state the maintenance to be completed; the time period for completion, and who shall perform the maintenance. This maintenance schedule shall be included in the storm water management plan.

§231-7 Prohibited Activities

A. Illegal Discharges

No person shall dump, discharge, cause or allow to be discharged any pollutant or non-storm water discharge into the municipal storm drain system, watercourse, or into the waters of the Commonwealth.
B. Illicit Connections

No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

C. Obstruction of Municipal Storm Drain System

No person shall obstruct or interfere with the normal flow of storm water into or out of the municipal storm drain system without written prior approval from the Superintendent or designated agent.

D. Exemptions

This section shall not apply to any of the following non-storm water discharges or flows provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:

1. Waterline flushing;
2. Flows from potable water sources;
3. Springs;
4. Natural flows from riparian habitats and wetlands;
5. Diverted stream flows;
6. Rising groundwater;
7. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
8. Uncontaminated groundwater discharge from a residential sump pump, which existed at the time of adoption of this bylaw;
9. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems, such as dewatering excavations for foundation or pipelines), crawl space pumps, or air conditioning condensation;
10. Discharges from landscape irrigation or lawn watering;
11. Water from individual residential car washing and temporary fund-raising car wash events;
12. Discharges from dechlorinated swimming pool water (less than one ppm chlorine) provided it is allowed to stand for one week prior to draining, or tested for chlorine levels with a pool test kit prior to draining, and the pool is drained in such a way as not to cause a nuisance;
13. Discharges from street sweepers of minor amounts of water during operations;
14. Discharges or flows resulting from fire fighting activities;
(15) Dye testing, provided verbal notification is given to the Department of Public Works prior to the time of the test;

(16) Non-storm water discharges permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and

(17) Discharges for which advanced written approval is received from the Department of Public Works if necessary to protect public health, safety, welfare or the environment.

§231-8 Notification of Spills

Notwithstanding any other requirements of local, state or federal law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials at that facility operation which is resulting or may result in illegal discharge of pollutants that person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments, Department of Public Works and Board of Health. In the event of a release of non-hazardous material, said person shall notify the Authorized Enforcement Agency no later than the next business day. Written confirmation of all telephone, facsimile or in-person notifications shall be provided to the Authorized Enforcement Agency within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§231-9 STORM WATER DISCHARGE PERMITS

A. STORM WATER DISCHARGE PERMIT APPLICATION REQUIREMENTS

Any user as described below must submit information on the nature and characteristics of its storm water, including the filing of a permit application. The following users are required to file an application for a storm water discharge permit;

(1) Any existing or new user that meets or could meet, in the opinion of the Superintendent, the criteria for significant user but has not yet been classified as such;

(2) Any existing significant user proposing to continue to discharge to the MS4 and whose existing permit will expire within 90 days

(3) Any other existing or new user, when the Superintendent deems that the application is necessary to carry out the purposes of this Code.

(4) Any new or existing user whose applicability is included in Section 231-3 of this Code
Applying for or obtaining a storm water management discharge permit does not relieve a user from its obligation to comply with all Federal, State and local pretreatment standards or requirements, or any other requirements with Federal State and local law.

Any new user described in the above must submit a completed application at least forty-five (45) days prior to the beginning of storm water discharge.

**B. STORM WATER DISCHARGE PERMIT APPLICATION CONTENTS**

All users required to obtain a storm water discharge permit must submit a permit application. The Superintendent may require all users to submit as part of an application the following information:

1. All information required by Section 231-4 of this Code;

2. Description of 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 MS4;

3. Any other information as may be deemed necessary by the Superintendent to evaluate the storm water discharge permit application; and

4. A signature of an authorized representative of the user certifying the accuracy.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. The Superintendent will evaluate the data furnished by the user and may require additional information. The Superintendent may deny any application for a storm water discharge permit as necessary to carry out the purposes of this Code.

**C. STORM WATER DISCHARGE PERMIT CONTENTS**

A storm water discharge permit shall include such conditions as are deemed reasonably necessary by the Superintendent to prevent pass through or interference, protect the quality of the water body receiving the discharge, protect worker health and safety, and protect against damage to the MS4.

Storm water discharge permits may contain, but need not be limited to the following:

1. A specific date upon which the permit will expire, not to exceed five (5) years from its effective date. At the discretion of the Superintendent, a permit may be issued for less than five (5) years;

2. A statement that the storm water discharge permit is nontransferable without prior notification to the Superintendent in accordance with Section 231-9D of this Code, and provisions for furnishing the new owner or operator with a
copy of the existing storm water discharge permit;

(3) Applicable standards including prohibited discharge standards, and local limits;

(4) Self monitoring, sampling, reporting, notification, and record-keeping requirements, including an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type, based on Federal, State, and local law;

(5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule not to exceed time limits set forth in applicable Federal, State and local law;

(6) Limits on the average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization;

(7) Requirements for the installation and/or maintenance of pretreatment technology, monitoring facilities or equipment, pollution control, or appropriate containment devices designed to reduce, eliminate, or prevent the introduction of pollutants into the MS4;

(8) Requirements for the development and implementation of a spill control plan or any plan including management practices necessary to adequately prevent the introduction of pollutants into the MS4;

(9) A statement that compliance with the storm water discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal, State and local standards, including those which become effective during the term of the storm water discharge permit; and

(10) Any other conditions as deemed appropriate by the Superintendent to ensure compliance with this Code, and State and Federal laws, rules, and regulations.

D. Storm Water Discharge Permit Transfer

Storm water discharge permits may be transferred to a new owner if the permittee gives no less than sixty (60) days advanced notice to the Superintendent, and the Superintendent approves the Storm water discharge permit transfer. The notice to the Superintendent must include a written certification by the new owner which:

(1) States that the new owner has no immediate intent to change the facilities storm water operations and process.

(2) Identifies the specific date the transfer is to occur.

(3) Acknowledges full responsibility for complying with the existing storm water discharge permit.

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Failure to provide advance notice of a transfer renders the storm water discharge permit void as of the date of transfer.

§231-10 Suspension Of Storm Drainage System Access

The Superintendent may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened illegal discharge that presents or may present imminent risk of harm to the public health, safety, welfare of the environment. In the event any person fails to comply with an emergency suspension order, the Authorized Enforcement Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, and welfare of the environment.

Any person discharging to a municipal storm drain system in violation of this ordinance may have their municipal storm drain system discharge terminated if such termination would abate or reduce an illicit discharge. The Superintendent will notify a violator of the proposed termination of municipal storm drain system access. The violator may petition the Superintendent for reconsideration and hearing. A person commits an offense if the person reinstates municipal storm drain system access to premises terminated pursuant to this section, without prior approval from the Superintendent.

§231-11 Emergency Suspensions

The Superintendent may immediately suspend a user's storm water discharge permit, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons.

The Superintendent may also immediately suspend a user's storm discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the MS4, or which presents, or may present, an endangerment to the environment.

Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Superintendent may take such steps as deemed necessary, including immediate severance of the sewer or storm drain connection, to prevent or minimize damage to the MS4, its receiving stream, or endangerment to any individuals. The Superintendent may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings in Section 231-12 of this Code are initiated against the user.

A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Superintendent prior to the date of any show cause or termination hearing under Section 231-12 of this Code.

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

§231-12 Termination Of Discharge

In addition to the provisions in Section 231-9 of this Code, any user who violates the following conditions is subject to discharge termination:
(1) Violation of storm water discharge permit conditions or discharge limitations;

(2) Failure to accurately report the storm water constituents and characteristics of its discharge;

(3) Failure to report significant changes in operations or storm water volume, constituents, and characteristics prior to discharge; or

(4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, records examination, or sampling.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 231-17, why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the user.

§231-13 Responsibility For Administration

The Superintendent of the Department of Public Works shall administer, implement and enforce this ordinance. Any powers granted to or duties imposed upon the Department of Public Works may be delegated in writing by the Superintendent of the Department of Public Works to employees or agents of the Department of Public Works.

The Superintendent may promulgate rules and regulations to effectuate the purposes of this ordinance. Failure by the Water and Sewer Commission to promulgate such rules and regulations shall not have the effect of suspending or invalidating this ordinance.

Water-Sewer Commission as Hearing Board

Any user who is aggrieved by the actions of the Superintendent may request a hearing before a Hearing Board, which, for the purposes of this Code, is deemed to be the City of Chicopee Water and Sewer Commission as defined in Chapter Section 16-100 of the City Code of Ordinances.

The aggrieved person shall file a written request for such a hearing within seven (7) days after the day the Superintendent's order was served or given, in the office of the Water and Sewer Commission. The Water and Sewer Commission shall set a time and place for such hearing, and shall inform the petitioner thereof, in writing.

The hearing shall be commenced not later than thirty (30) days after the day on which the written request was filed and shall be concluded within an additional thirty (30) days thereafter. If a petitioner is aggrieved under Section 231-12 of this Code, the hearing must commence within five (5) days of the date on which the written request was filed.

At the hearing, the petitioner shall be given an opportunity to be heard and to show why the order or decision of the Superintendent should be modified or withdrawn.

After the hearing, the Commission shall sustain, modify or withdraw the order or decision of the Superintendent, and shall inform the petitioner and the Superintendent, in writing, of its decision within seven (7) days after the conclusion of the hearing.
If a written letter for hearing is not filed in the office of the Water-Sewer Commission within seven (7) working days after an order has been issued or if after a hearing the order has been sustained in any part, each day's failure to comply with the order as issued or modified shall constitute an additional offense.

Not less than three commissioners shall constitute a quorum, and a majority of the quorum shall be required in order to sustain, modify, or withdraw an order or decision of the Superintendent.

§231-14 Enforcement

The Department of Public Works or its authorized agent shall enforce this ordinance, and the regulations promulgated hereunder, as well as the terms and conditions of all permit, notices, and orders, and may pursue all civil and criminal remedies for such violations.

A. Civil Relief

If anyone violates the provisions of this ordinance, regulations, permit, notice, or order issued hereunder, the Department of Public Works may seek injunctive relief in a court of competent jurisdiction to restrain the person from activities which would create further violations or compelling the person to abate or remediate the violation.

B. Orders

The Superintendent may issue a written order to enforce the provisions of this ordinance or the regulations hereunder, which may include: (a) elimination of illicit connections or discharges to the storm drainage system; (b) termination of access to the storm drainage system; (c) performance of monitoring, analyses, and reporting; (d) cessation of unlawful discharges, practices, or operations; and (e) remediation of contamination in connection therewith. If the Superintendent determines that abatement or remediation of contamination is required, the order shall set forth a deadline for completion of the abatement or remediation. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the City may, at its option, undertake such work, and expenses thereof shall be charged to the violator or property owner.

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the City, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Superintendent within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Superintendent affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner’s property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57 after the thirty-first day at which the costs first become due.

The remedies provided in this Code are not exclusive. The Superintendent may take any, all, or any combination of these actions against a noncompliant user. However, the Superintendent may take other action against any user when the circumstances warrant. Further, the Superintendent is empowered to take more than one enforcement action against any noncompliant user.
§231-15 Notification Of Violation

When the Superintendent finds that a user has violated, or continues to violate, any provision of this Code, storm water discharge permit, or any applicable State or Federal standard or requirement, the Superintendent may serve upon that user a written Notice of Violation. Within 15 days receipt of this Notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions shall be submitted to the Superintendent. Submission of this plan shall in no way relieve the user of liability for any violations occurring before or after the receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

§231-16 Consent Orders

The City may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 231-18 of this Code and shall be judicially enforceable.

§231-17 Show Cause Hearing

The Superintendent may order a user which has violated, or continues to violate, any provision of this Code, a storm water discharge permit or order issued hereunder, or any other applicable State or Federal standard or requirement, to appear before the Superintendent and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 15 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

§231-18 Administrative Order

When the Superintendent finds that a user has violated, or continues to violate, any provision of this Code, a storm water discharge permit or order issued hereunder, or any other applicable State or Federal standard or requirement, or that the user's past violations are likely to recur, the Superintendent may issue an Administrative Order to the user directing it to cease and desist all such violations and to:

1. Immediately comply with all requirements; and
2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
Issuance of an Administrative Order shall not be a bar against, or a prerequisite for, taking any other action against the user.

§231-19  
Injunctive Relief

When the Superintendent finds that a user has violated, or continues to violate, any provision of this Code, a storm water discharge permit, or order issued hereunder, or any State or Federal standard or requirement, the Superintendent may petition the appropriate court through the City Solicitor, for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the storm water discharge permit, order, or other requirement imposed by this Code on activities of the user. The Superintendent 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, taking any other action against a user.

§231-20  
Departmental Cost Recovery

The general costs for implementation, management, and enforcement of the City's Storm Water Management Program are borne by all property owners. However, under this section, the City may assess against any user that violated any provision of this Code or a Storm Water Discharge Permit issued hereunder, charges to recover program actual costs resulting from enforcement action of said violation, including but not limited to:

1. costs for monitoring, inspections and surveillance procedures;
2. costs for reviewing accidental discharge procedures and construction;
3. costs for sampling and analysis;
4. charges to recover the cost of consultant's services required to carry out the review of specific concerns regarding industrial storm water discharges;
5. charges to recover legal costs associated with program violations;
6. other costs as the Superintendent may deem necessary to carry out the requirements contained herein.

These charges relate solely to the matters covered by the Storm Water Management Program, and are separate from all other fees chargeable by the City, such as building permit fees, storm fees, sewer entrance fees, sewer user charge fees, etc.

§231-21  
Civil Penalties

A user who has violated, or continues to violate, any provision of this Code, a storm water discharge permit, or order issued hereunder, or any other State or Federal standard or requirement shall be liable to the City of Chicopee for a civil penalty of up to one thousand dollars ($1000) but not to exceed five thousand dollars ($5000) per violation, per day. In the
case of a monthly or long-term average, penalties shall accrue for each day during the period of the violation.

The Superintendent may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City of Chicopee.

Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

Criminal Penalties

A user who willfully or negligently violates any provision of this Code, a storm water discharge permit, or order issued hereunder, or any other applicable State or Federal standard or requirement, shall be subject to prosecution as allowed by Massachusetts General Laws.

Non-Criminal Disposition

As an alternative to criminal prosecution or civil action, the City of Chicopee may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D. The Department of Public Works shall be the enforcing entity. The penalty for the 1st violation shall be up to $100. The penalty for the 2nd violation shall be up to $200. The penalty for the 3rd and subsequent violations shall be $300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Performance Bonds

The Superintendent may decline to issue or reissue a storm water discharge permit to any user who has failed to comply with any provision of this Code, a previous storm water discharge permit, or order issued hereunder or any other applicable State or Federal pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the City of Chicopee, in a sum not to exceed a value determined by the Superintendent to be necessary to achieve consistent compliance.

The Superintendent may require from the user a surety or cash bond, irrevocable letter of credit, or other means of security acceptable to the Superintendent prior to the issuance of any storm water discharge permit for the construction of a development requiring a storm water management facility. The amount of the security shall not be less than the total estimated construction cost of the storm water management facility. The bond so required in this section shall include provisions relative to forfeiture for failure to complete work specified in the approved storm water management plan, compliance with all of the provisions of this Ordinance and other applicable laws and regulations, and any time limitations. The bond shall not be fully released without a final inspection of the completed work by the City Engineer, submission of" As-bUILT" plans, and certification of completion by the City Engineer of the storm water management facilities being in compliance with the approved plan and the provisions of this Ordinance.

Liability Insurance
The Superintendent may decline to issue or reissue a storm water discharge permit to any user who has failed to comply with any provision of this Code, a previous storm water discharge permit, or order issued hereunder, or any other applicable State or Federal standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the MS4 caused by its discharge.

§230-24 Public Nuisances

A violation of any provision of this Code, a storm water discharge permit or order issued hereunder, or any other applicable State or Federal standard or requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the Superintendent. Any person(s) creating a public nuisance shall be subject to the provisions of the Codes of the City of Chicopee governing such nuisances, including reimbursing the City of Chicopee for any costs incurred in removing, abating, or remedying said nuisance.

§231-25 Entry to Perform Duties Under this By-Law

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Superintendent, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and regulations and may make or cause to be made such examinations, surveys or sampling as the Superintendent deems reasonably necessary.

§231-26 Appeals

The decisions or orders of the Superintendent and Board of Water-Sewer Commissioners shall be final. Further relief shall be to a court of competent jurisdiction.

§231-27 Remedies Not Exclusive

The remedies listed in this by-law are not exclusive of any other remedies available under any applicable federal, state or local law.

§231-28 Publication Of Users In Significant Noncompliance

The Superintendent shall publish at least annually, in the largest daily newspaper where the MS4 is located, a list of the users that, during the previous twelve months, were in significant noncompliance with applicable storm water management standards and requirements. The term "significant noncompliance" shall mean:

(1) Any other discharge that the Superintendent believes has caused, alone or in combination with other discharges, interference or passthrough, including endangering the health of DPW personnel or the general public;

(2) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Superintendent's exercise of its emergency authority to halt or prevent such a discharge;
(3) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a storm water discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(4) Failure to provide within thirty (30) days after the due date, any required reports, including monitoring reports, reports on compliance with storm water management standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(5) Failure to accurately report noncompliance; or

(6) Any other violation(s), which the Superintendent determines, will adversely affect the operation or implementation of the local storm water management program.

§231-29 Severability and Effective Date

If any provision, paragraph, sentence, or clause, of this by-law, Code, or any order or permit of the Superintendent shall be held invalid for any reason, all other provisions shall continue in full force and effect.

All parts of this Code in conflict herewith are hereby repealed.

This Code will take affect upon passage.

Tom Hamel stated on 231-1 the storm water management ordinance it starts at 231-2 and 231-1 is not even included so he does not know why there is no changes.

Tom Hamel stated you can format it and amend it.

Tom Hamel stated on 231-15 & 14 was in the original and in here it is missing.

Councilor Tillotson stated that Attorney Garvey will make the corrections.

Tom Hamel stated that on 221-4 that the Superintend and the Commissioner are the only job descriptions that are detailed on what their duties are.

Ordinance as amended by Committee

CITY OF CHICOPEE
WATER & SEWER COMMISSION
STORM WATER MANAGEMENT ORDINANCES

Chapter 231

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§231-2 Definitions; Word Usage; Abbreviations.

§231-3 Applicability.
§231-4 Storm Water Management Plans.

§231-5 Storm Water Management Performance Standards.

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§231-7 Prohibitive Activities.

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§231-9 Storm Water Discharge Permits.

§231-10 Suspension of Storm Drainage System Access.

§231-11 Emergency Suspensions.

§231-12 Termination of Discharge.

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§231-20 Departmental Cost Recovery.

§231-21 Civil Penalties.

§231-22 Performance Bonds.

§231-23 Liability Insurance.

§231-24 Public Nuisances.

§231-25 Entry to perform Duties Under this By-Law.

§231-26 Appeals.

§231-27 Remedies Not Exclusive.
§231-28 Publication of Users in Significant Noncompliance.

§231-29 Severability and Effective Date

§231-1 Purpose and Authority

A Storm Water Management ordinance is hereby established to manage the storm and surface water system, maintain a good hydrological balance, prevent property damage, better manage land development, and protect water quality for the safety and enjoyment of citizens and the preservation and enhancement of wildlife habitat. The Storm Water Management ordinance will provide for the administration and management of the storm water system that will include construction, and ongoing operations and maintenance responsibilities related to the municipal separate storm sewer system (MS4).

The proper management of storm water runoff will meet the following objectives:

13. Reduce the adverse water quality impacts of storm water and combined sewer overflow discharges to rivers, lakes, reservoirs and streams in order to attain federal water quality standards;

14. Prevent the discharge of pollutants, including hazardous chemicals into storm water runoff;

15. Minimize the volume and rate of storm water which is discharged to rivers, streams reservoirs, lakes and combined sewers;

16. Prevent erosion and sedimentation from improper land development, and reduce stream channel erosion caused by increased runoff;

17. Provide for the recharge of groundwater aquifers and maintain the base flow of streams;

18. Provide storm water facilities that are attractive, maintain the natural integrity of the environment, and are designed to protect public safety;

19. Maintain or reduce pre-development runoff characteristics after development to the extent feasible;

20. Minimize damage to public and private property from flooding;

21. To prevent pollutants from entering Chicopee's municipal separate storm sewer system (MS4);

22. To prohibit illicit connections and unauthorized discharges to the MS4;

23. To require the removal of all such illicit connections;

24. To comply with state and federal statutes and regulations relating to storm water discharge to establish the legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement;

25. To establish the legal authority to ensure compliance with the provisions of this ordinance through inspection, monitoring and enforcement.
14. To prevent contamination of drinking water supplies.

This regulation, for the proper management of storm water is adopted under the provisions of Law Department General Laws, Chapter 40A, and Sections 1 through 22 inclusive.

§231-2. Definition; Word Usage; Abbreviations

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

Act or the Act – The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

Adverse impact - means any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses, or effects which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

Approval Authority – The administrator of US EPA Region I, or authorized representative.

Authorized Representative of the User –

(1) If the user is a corporation:
   (a) The president, secretary, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
   (b) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the user is a Federal, State or local government facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

The individuals described in paragraphs 1-3 above, may designate another authorized representative if authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Superintendent.

Authorized Enforcement Agency – The Department of Public Works, its employees or agents designated to enforce this by-law.
Best Management Practices (BMP) - are either structural or non structural devices that temporarily store or treat urban storm water runoff to reduce flooding, remove pollutants, and provide other amenities, or non-structural practices that reduce pollutants at their source.

Biochemical Oxygen Demand or BOD – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days 20° centigrade, usually expressed as a concentration.

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

Building Sewer – The extension from the building drain to the public sewer or other place of disposal (sometimes called sewer servico).

Clean Water Act - The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended

City or City of Chicopee – A municipal corporation in the county of Hampden, Massachusetts.

Combined Sewer – A sewer receiving both surface runoff and sewage.

Commission shall mean the Chicopee Water and Sewer Commission.

CSO – Combined Sewer Overflow

Composite Sample – for monitoring requirements, a combination of individual samples of equal volume collected at equally spaced intervals (not to exceed 1 hour) during hours of production (not to exceed a 24-hour period) or proportional according to flow. In the case of a batch discharge of two hours or less, the composite will consist of 8 or more volume, flow, or time proportional samples.

Control Manhole – A sampling and monitoring station which may be located in a manhole, vault, pit or room within the premises of the user.

Design storm - is a rainfall event of specified size and return frequency that is used to calculate the runoff volume and peak discharge rate.

Detention - is the temporary storage of storm water runoff in a BMP, which is used to control the peak discharge rates, and provides gravitational settling of pollutants.

Discharge: (the meaning of term(s) discharge for use in this Code is as follows):

Direct Storm Water Discharge – The discharge of treated or untreated storm water directly to the waters of the Commonwealth of Massachusetts.

Discharge of Pollutants - The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.
**Illegal Storm Water Discharge** - Any direct or indirect non-storm water discharge to the municipal storm drain system, except as specifically exempted in Section 231-7 of this code. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit.

**Indirect Storm Water Discharge.** – The discharge or flow of treated or untreated storm water indirectly to the City’s MS4 by any means other than a conduit.

**Storm Water Discharge** – The discharge of treated or untreated storm water directly by a conduit to the City’s MS4.

**Drainage area** - means that area-contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridgetline.

**Drywell** – an approved structure used to infiltrate storm water.

**DWO** – Dry Weather Overflow

**Easement** - a grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.

**Environmental Protection Agency or EPA** – The US Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

**Existing Source or Existing User** – Any source of discharge, the construction or operation of which commenced prior to the enactment of this Code.

**Flow attenuation** - prolonging the flow time (lagging) of runoff to reduce the peak discharge.

**Grab Sample** – for monitoring requirements, an individual sample which is taken from a waste stream on a one-time basis with no regard to flow or time.

**Groundwater** - All water beneath the surface of the ground.

**Illicit Connection** - Any surface or subsurface drain or conveyance, which allows an illegal discharge into the municipal storm drain system. Illicit connections include conveyances which allow a non-storm water discharge to the municipal storm drain system including sewage, process wastewater or wash water and any connections from indoor drains sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this ordinance.

**Impervious Surface:** Any material or structure on or above the ground that prevents water from infiltrating the underlying soil.

**Industrial Waste** – The liquid waste from manufacturing processes, trade, or business, distinct from sanitary sewage.

**Infiltration** - is the downward movement of water from the surface to subsurface soils.
Infiltration trench - is a storm water management device filled with aggregate, which removes both soluble and particulate pollutants. Trenches are not intended to trap coarse sediments.

Municipal separate storm sewer system (MS4) or municipal storm drain system - The system of conveyances designed or used for collecting or conveying storm water, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the City of Chicopee.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit - A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

Natural Outlet – Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

New Source or New User—Any building, structure, facility or installation from which there is, proposed (or may be) a discharge of storm water, the construction of which commenced after the adoption of this Code.

(3) Construction on a site at which an existing source is located results in redevelopment rather than a new source if the construction does not create a new building, structure, facility, impervious surface or installation.

(4) 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 onsite construction program, any placement, assembly, or installation of facilities or equipment; or 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

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

Non-contact Cooling Water – Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finishing product.

Non-Storm water Discharge: Any discharge to the municipal storm drain system not composed entirely of storm water.

Outfall - is the terminus of a storm drain or other storm water structure where storm water is discharged.

Peak discharge- is the maximum instantaneous rate of flow during a storm, usually in reference to a specific design storm.
Permeable soils - are soil materials with a sufficiently rapid infiltration rate so as to greatly reduce or eliminate surface and storm water runoff. These soils are generally classified as Soil Conservation Service hydrologic soil types A and B.

Person – Any individual, partnership, co partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State and local governmental entities.

Pollutant: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or non-point source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include but not be limited to:

1. paints, varnishes, and solvents;
2. oil and other automotive fluids;
3. non-hazardous liquid and solid wastes and yard wastes;
4. refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
5. pesticides, herbicides, and fertilizers;
6. hazardous materials and wastes; sewage, fecal coliform and pathogens;
7. dissolved and particulate metals;
8. animal wastes;
9. rock; sand, salt, soils;
10. construction wastes and residues;
11. and noxious or offensive matter of any kind.

Process wastewater means any water, which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

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

Pretreatment – The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in storm water prior to, or in lieu of, introducing, such pollutants into the POTW or MS4. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
Pretreatment Requirements – Any substantive or procedural requirement or devices related to pretreatment imposed on a user, other than a pretreatment standard.

Public Sewer – A sewer in which all owners of abutting properties have equal rights, and is controlled by the City of Chicopee.

Publicly Owned Treatment Works or POTW – A “treatment works” as defined by Section 212 of the Act (33 USC Sec 1292) which is owned by the City of Chicopee. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

Recharge: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

Retention- is the holding of runoff in a basin without release except by means of evaporation, infiltration, or emergency bypass.

Sanitary Sewer – A conduit that carries sewage and to which storm, surface and ground waters are not intentionally added.

Sewage– Human excrement and gray water (household showers, dishwashing operations, etc.).

Sewer – A pipe or conduit for carrying sewage.

Significant User– A user of the MS4 that in the opinion of the Superintendent has the capacity to adversely impact:

Public health, safety, and general welfare

Cause a nuisance

Wildlife habitat

Hydrological balance

Property, public or private

Operation and maintenance of the MS4

Water quality

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

State – the Commonwealth of Massachusetts.

Storm Drain – (sometimes termed “storm – sewer”) A conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than non-contact cooling water.
**Storm Water** – Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

**Superintendent** – The person designated by the City of Chicopee to supervise the Department of Public Works, and who is charged with certain duties and responsibilities by this Code, or his duly authorized representative.

**Suspended Solids** – The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

**Swale** - is a natural depression or wide shallow ditch used to temporarily store, route or filter runoff.

**Toxic or Hazardous Material or Waste:** Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

**TR 55** - is Technical Release 55, "Urban Hydrology for Small Watersheds", is a hydrologic model developed by the Soil Conservation Service to calculate storm water runoff and to aid in designing detention basins

**TR-20** - is a watershed hydrology model developed by the Soil Conservation Service that is used to route a design storm hydrograph through a pond.

**Uncontaminated:** Water containing no pollutants.

**User** – Any property owner or permittee that has any storm water discharge, direct storm water discharge, or indirect storm water discharge.

**Wastewater:** any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

**Wastewater Treatment Plant or Treatment Plant** – That portion of the POTW which is designed to provide wastewater treatment.

**Watercourses:** A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

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

**§231-3 Applicability**

This ordinance shall apply to flows entering the municipally owned storm drainage system (MS4), storm water discharges, and indirect storm water discharges.
Prior to the issuance of any storm water discharge permit for any proposed development listed below, the Superintendent must approve a stormwater management plan, or a waiver of the requirement for a stormwater management plan. In addition the user must submit the required storm water discharge permit application per Section 231-9. No person shall, on or after the effective date of the ordinance, initiate any land clearing; land grading, earth moving or development activities without first complying with this ordinance. The following uses shall be required to submit drainage reports, plans, construction drawings, specifications and as-built information in conformance with the requirements of this ordinance:

6. Multi-family residential developments involving three or more units;

7. Any new source commercial, industrial, residential and institutional structures under the same ownership, with at least 4,000 gross square feet of impervious surface.

8. Redevelopment or additions to existing commercial, industrial, residential and institutional uses which result in a total impervious surface area of greater than 4,000 gross square feet.

9. Any activity that disturbs one acre or more of land.

10. Any other use, when the Superintendent deems that the application and permitting is required to carry out the intent of this Code.

§231-4

Storm Water Management Plans

A. Submittal of Storm Water Management Plans.

1.) A storm water management plan or an application for waiver shall be submitted to the Superintendent for review and approval for any proposed development specified in Section 231-3. The plan shall contain supporting computations, drawings, and sufficient information describing the manner, location, and type of measures in which storm water runoff will be managed from the entire development. The plan shall serve as the basis for all subsequent construction.

2.) The applicant may request, and the Superintendent may grant, a waiver from any information requirements he/she judges to be unnecessary to the review of a particular plan.

B. Inspections

No Plan will be approved without adequate provision for inspection of the property before development activity commences. The applicant shall arrange with the City Engineer for scheduling the following inspections:

(5) Initial inspection: prior to approval of any plan

(6) Erosion Control Inspection: to ensure erosion control practices are in accord with the plan.

(7) Bury inspection: prior to backfilling of any underground drainage or storm water conveyance structures.
(8) Final Inspection: when all work including construction of storm water management facilities has been completed.

The Superintendent shall inspect the work and either approve it or notify the applicant in writing in what respects there has been a failure to comply with the requirements of the approved plan. The applicant shall promptly correct any portion of the work, which does not comply, or the applicant will be subject to the bonding provisions of Section 231-22 or the penalty provisions of Section 231-21. The City may conduct random inspections to ensure effective control of erosion and sedimentation during all phases of construction.

C. Contents of the Storm Water Management Plan

The applicant is responsible for submitting a storm water management plan, which meets the design requirements provided by this Code. The plan shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures proposed for managing storm water runoff. The applicant shall certify on the drawings that all clearing, grading, drainage, construction, and development shall be conducted in strict accordance with the plan. The minimum information submitted for support of a storm water management plan shall be as follows:

(10) Plan Contents:

a. Locus map.

b. Drainage area map showing pre and post construction watershed boundaries, drainage area and storm water flow paths.

c. Location of existing and proposed utilities.

d. Topographic survey showing existing and proposed contours (maximum 2ft. contour intervals).

p. Soils investigation. Including borings or test pits, to a depth greater than 4ft below estimated seasonal ground water for areas where construction of infiltration practices will occur.

q. Description of all watercourses, impoundments, and wetlands on or adjacent to the site or into which storm water flows.

r. Delineation of 100-year flood plains, if applicable.

s. Groundwater levels at the time of probable high groundwater elevation (November to April) in areas to be used for storm water retention, detention, or infiltration.

t. Existing and proposed locations cross-sections, and profiles of all brooks, streams, drainage swales and the method of Stabilization.

u. Location of existing and proposed easements.
v. Proposed improvements including location of buildings or other structures, impervious surfaces, and storm drainage facilities, if applicable.

w. Structural details for all components of the proposed drainage systems and storm water management facilities.

x. Timing schedules and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization.

y. Maintenance schedule.

z. Notes on drawings specifying materials to be used, construction specifications, and typicals.

(11) Computations: pre- and post-development drainage calculations shall be included, for storm events with return periods of 2, 10, 25 and 100-year storms used as the basis of design. Calculations for:

a. Hydrology
b. Hydraulics
c. Structures

(3) Estimate of storm water management construction costs.

(4) Other information as required.

§231-5 Storm Water Management Performance Standards

A. Minimum Control Requirements

The minimum storm water control requirements shall require that all developments provide management measures necessary to maintain the post-development peak discharges for a 24-hour, 2-year frequency storm event at a level that is equal or less than the respective, pre-development peak discharge rates, through storm water management practices that control the volume, timing, and rate of flows. When the proposed storm water discharge may have an impact upon a sensitive receptor, including streams, storm sewers, and/or combined sewers, the Superintendent may require an increase in these minimum requirements.

B. Storm Water Management Measures

(1) Storm water management measures shall be required to satisfy the minimum control requirements and shall be according to the following order of preference:

f. On-site infiltration, flow attenuation, and pollutant removal of runoff on-site to existing areas with grass, trees, and similar vegetation and through the use of open vegetated swales and natural depressions;
g. Retention and evaporation of storm water on rooftops or in parking lots;

h. Use of storm water on-site to replace water used in industrial processes or for irrigation.

i. Storm water detention structures for the temporary storage of runoff which is designed so as not to create a permanent pool of water; and

j. Storm water retention structures for the permanent storage of runoff by means of a permanent pool of water.

(2) Infiltration practices shall be utilized to reduce runoff volume increases. A combination of successive practices may be used to achieve the applicable minimum control requirements. Justification shall be provided by the applicant for rejecting each practice based on site conditions.

(12) Best Management Practices shall be employed to minimize pollutants in storm water runoff prior to discharge into a combined or separate storm drainage system or water body.

(13) All storm water management facilities shall be designed to provide an emergency overflow system, and incorporate measures to provide a non-erosive velocity of flow along its length and at any outfall.

(14) The designed release rate of any storm water structure shall be modified if any increase in flooding or stream channel erosion would result at a downstream dam, highway, structure, or natural point of restricted stream flow or result in increased combined overflow or sewer backups.

(6) In addition, the Specific Standards and Design Criteria as detailed in MA DEP Storm Water Management Volumes One & Two March 1997 edition must be included. These standards and design criteria include but are not limited to the following:

a. No new storm water conveyances (e.g. outfalls) may discharge untreated storm water directly or cause erosion in wetlands or waters of the Commonwealth.

j. Storm water management systems must be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates.

k. Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to the maximum extent practicable. The annual recharge from the post-development site should approximate the annual recharge from the pre-development or existing site conditions, based on soil types.

l. For new development, storm water management systems must be designed to remove 80% of the average annual load (post-development conditions) of Total Suspend Solids (TSS). It is presumed that this standard is met when:

• Suitable non-structural practices for source control and pollution prevention are implemented;

• Storm water management best management practices (BMPs) are sized to capture the prescribed runoff volume; and
• Storm water management BMPs are maintained as designed.

m. Storm water discharges from areas with higher potential pollution loads require the use of specific storm water management BMPs, the use of infiltration practices without pretreatment is prohibited.

n. Storm water discharges to critical areas must utilize certain storm water management BMPs approved for critical areas. Critical areas are Outstanding Resource Waters (ORWs), shellfish beds, swimming beaches, cold water fisheries and recharge areas for public water supplies.

o. Redevelopment of previously developed sites must meet the Storm Water Management Standards to the maximum extent practicable. However, if it is not practicable to meet all the Standards, new (retrofitted or expanded) storm water management systems must be designed to improve existing conditions.

p. Erosion and sediment controls must be implemented to prevent impacts during construction or land disturbance activities.

q. All storm water management systems must have an operation and maintenance plan to ensure that systems function as designed.

C. Specific Design Criteria

(i). Infiltration systems;

h. Infiltration systems shall be equipped with clean stone and or filter fabric adjacent to the soil and have appropriate sediment removal mechanisms;

i. Infiltration systems shall be located at least 20 feet from basement walls;

j. Due to the potential for groundwater contamination infiltration systems shall not be an acceptable method for management of runoff containing pollutants;

k. Infiltration systems designed to handle runoff from commercial or industrial impervious parking areas shall be a minimum of 400 feet from any water supply well;

l. Infiltration systems shall not be used as sediment control basins during construction unless specific plans are included to restore or improve the basin surface;

m. Infiltration basins shall be constructed with a three foot minimum separation between the bottom of the structure and the maximum groundwater elevation; and

n. Provisions shall be made for safe overflow passage, in the event of a storm, which exceeds the capacity of an infiltration system.
(2) Retention and detention ponds shall be designed and constructed in accordance with the criteria of the Soil Conservation Service's "Urban Hydrology for Small Watersheds", Technical Release No. 55, June, 1986 unless otherwise approved by the Superintendent.

(3) The applicant shall give consideration in any plan to incorporating the use of natural topography and land cover such as natural swales, and depressions as they exist prior to development to the degree that they can accommodate the additional flow of water.

(4) The Superintendent shall give preference to the use of swales in place of the traditional use of curbs and gutters based on a case-by-case review of storm water management plans by the Department of Public Works.

(5) The applicant shall consider public safety in the design of any storm water facilities. The banks of detention, retention, and infiltration basins shall be sloped at appropriate grade into the water as a safeguard against personal injury, to encourage the growth of vegetation and to allow the alternate flooding and exposure of areas along the shore. Basins may require fencing depending on final design. Side slopes must be stabilized and planted with vegetation to prevent erosion and provide pollutant removal. The banks of retention areas shall be designed with sinuous rather than straight shorelines so that the length of the shoreline is maximized, thus offering more space for the growth of vegetation.

(15) Where a storm water management plan involves diversion of some or all runoff off of the site, it shall be the responsibility of the applicant to obtain from adjacent property owners any easements or other necessary property interests concerning flowage of water. Approval of a storm water management plan does not create or affect any such rights.

(16) All applicants for projects which involve the storage or use of hazardous chemicals shall incorporate handling and storage "best management practices" that prevent such chemicals from contaminating runoff discharged from a site into infiltration systems, receiving water bodies or storm drains.

(17) Runoff from parking lots shall be treated by oil/water separators or other controls to remove oil and sediment;


231-6 Maintenance

A. Maintenance

(1) Included in the storm water discharge permit for which storm water management is
required, the Superintendent shall require the owner and/or permittee to execute an inspection and maintenance program. The permit requirements shall be on all subsequent owners and/or permittee of land served by the private storm water management facility. The permit shall provide for access to the facility at all reasonable times for regular inspections by the city or its authorized representative and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any provision established.

(2) The agreement shall also provide that, if after notice by the Superintendent to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner(s) within thirty days, the Department of Public Works may perform all necessary work to place the facility in proper working condition. The owner(s) of the facility shall be assessed the cost of the work and any penalties.

B. Maintenance Responsibilities

(1) The owner of the property on which work has been done pursuant to this Ordinance for private storm water management facilities, or permittee, shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restoration and maintenance shall be in accordance with approved plans.

A maintenance schedule shall be developed for the life of any storm water management facility and shall state the maintenance to be completed; the time period for completion; and who shall perform the maintenance. This maintenance schedule shall be included in the storm water management plan.

§231-7 Prohibited Activities

A. Illegal Discharges

No person shall dump, discharge, cause or allow to be discharged any pollutant or non-storm water discharge into the municipal storm drain system, watercourse, or into the waters of the Commonwealth.

B. Illicit Connections

No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

C. Obstruction of Municipal Storm Drain System

No person shall obstruct or interfere with the normal flow of storm water into or out of the municipal storm drain system without written prior approval from the Superintendent or designated agent.

D. Exemptions
This section shall not apply to any of the following non-storm water discharges or flows provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:

(1) Waterline flushing;
(2) Flows from potable water sources;
(3) Springs;
(4) Natural flows from riparian habitats and wetlands;
(5) Diverted stream flows;
(6) Rising groundwater;
(7) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
(8) Uncontaminated groundwater discharge from a residential sump pump, which existed at the time of adoption of this bylaw;
(9) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems, such as dewatering excavations for foundation or pipelines), crawl space pumps, or air conditioning condensation;
(10) Discharges from landscape irrigation or lawn watering;
(11) Water from individual residential car washing and temporary fund-raising car wash events;
(12) Discharges from dechlorinated swimming pool water (less than one ppm chlorine) provided it is allowed to stand for one week prior to draining, or tested for chlorine levels with a pool test kit prior to draining, and the pool is drained in such a way as not to cause a nuisance;
(13) Discharges from street sweepers of minor amounts of water during operations;
(14) Discharges or flows resulting from fire fighting activities;
(15) Dye testing, provided verbal notification is given to the Department of Public Works prior to the time of the test;
(16) Non-storm water discharges permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
(17) Discharges for which advanced written approval is received from the Department of Public Works if necessary to protect public health, safety, welfare or the environment.
Notwithstanding any other requirements of local, state or federal law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials at that facility operation which is resulting or may result in illegal discharge of pollutants that person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments, Department of Public Works and Board of Health. In the event of a release of non-hazardous material, said person shall notify the Authorized Enforcement Agency no later than the next business day. Written confirmation of all telephone, facsimile or in person notifications shall be provided to the Authorized Enforcement Agency within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§231-9  

STORM WATER DISCHARGE PERMITS  

A.  

STORM WATER DISCHARGE PERMIT APPLICATION REQUIREMENTS  

Any user as described below must submit information on the nature and characteristics of its storm water, including the filing of a permit application. The following users are required to file an application for a storm water discharge permit:

(1) Any existing or new user that meets or could meet, in the opinion of the Superintendent, the criteria for significant user but has not yet been classified as such.

(2) Any existing significant user proposing to continue to discharge to the MS4 and whose existing permit will expire within 90 days

(3) Any other existing or new user, when the Superintendent deems that the application is necessary to carry out the purposes of this Code.

(4) Any new or existing user whose applicability is included in Section 231-3 of this Code

Applying for or obtaining a storm water management discharge permit does not relieve a user from its obligation to comply with all Federal, State and local pretreatment standards or requirements, or any other requirements with Federal State and local law.

Any new user described in the above must submit a completed application at least forty-five (45) days prior to the beginning of storm water discharge.

B.  

STORM WATER DISCHARGE PERMIT APPLICATION CONTENTS  

All users required to obtain a storm water discharge permit must submit a permit application. The Superintendent may require all users to submit as part of an application the following information:
(1) All information required by Section 231-4 of this Code;

(2) Description of 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 MS4;

(3) Any other information as may be deemed necessary by the Superintendent to evaluate the storm water discharge permit application; and

(4) A signature of an authorized representative of the user certifying the accuracy.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. The Superintendent will evaluate the data furnished by the user and may require additional information. The Superintendent may deny any application for a storm water discharge permit as necessary to carry out the purposes of this Code.

C. STORM WATER DISCHARGE PERMIT CONTENTS

A storm water discharge permit shall include such conditions as are deemed reasonably necessary by the Superintendent to prevent pass through or interference, protect the quality of the water body receiving the discharge, protect worker health and safety, and protect against damage to the MS4.

Storm water discharge permits may contain, but need not be limited to the following:

(1) A specific date upon which the permit will expire, not to exceed five (5) years from its effective date. At the discretion of the Superintendent, a permit may be issued for less than five (5) years;

(2) A statement that the storm water discharge permit is nontransferable without prior notification to the Superintendent in accordance with Section 231-9D of this Code, and provisions for furnishing the new owner or operator with a copy of the existing storm water discharge permit;

(3) Applicable standards including prohibited discharge standards, and local limits;

(4) Self monitoring, sampling, reporting, notification, and record-keeping requirements, including an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type, based on Federal, State, and local law;

(5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule not to exceed time limits set forth in applicable Federal, State and local law,
(6) Limits on the average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization;

(7) Requirements for the installation and/or maintenance of pretreatment technology, monitoring facilities or equipment, pollution control, or appropriate containment devices designed to reduce, eliminate, or prevent the introduction of pollutants into the MS4;

(8) Requirements for the development and implementation of a spill control plan or any plan including management practices necessary to adequately prevent the introduction of pollutants into the MS4;

(9) A statement that compliance with the storm water discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal State and local standards, including those which become effective during the term of the storm water discharge permit; and

(10) Any other conditions as deemed appropriate by the Superintendent to ensure compliance with this Code, and State and Federal laws, rules, and regulations.

D. Storm Water Discharge Permit Transfer

Storm water discharge permits may be transferred to a new owner if the permittee gives no less than sixty (60) days advanced notice to the Superintendent, and the Superintendent approves the Storm water discharge permit transfer. The notice to the Superintendent must include a written certification by the new owner which:

(4) States that the new owner has no immediate intent to change the facilities storm water operations and process.

(5) Identifies the specific date the transfer is to occur.

(6) Acknowledges full responsibility for complying with the existing storm water discharge permit.

Failure to provide advance notice of a transfer renders the storm water discharge permit void as of the date of transfer.

§231-10 Suspension Of Storm Drainage System Access

The Superintendent may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened illegal discharge that presents or may present imminent risk of harm to the public health, safety, welfare of the environment. In the event any person fails to comply with an emergency suspension order, the Authorized Enforcement Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, and welfare of the environment.

Any person discharging to a municipal storm drain system in violation of this ordinance may have their municipal storm drain system discharge terminated if such termination would abate or reduce an illicit discharge. The Superintendent will notify a violator of the proposed termination of municipal storm drain
system access. The violator may petition the Superintendent for reconsideration and hearing. A person commits an offense if the person reinstates municipal storm drain system access to premises terminated pursuant to this section, without prior approval from the Superintendent.

§231-11 Emergency Suspensions

The Superintendent may immediately suspend a user's storm water discharge permit, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons.

The Superintendent may also immediately suspend a user's storm discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the MS4, or which presents, or may present, an endangerment to the environment.

Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Superintendent may take such steps as deemed necessary, including immediate severance of the sewer or storm drain connection, to prevent or minimize damage to the MS4, its receiving stream, or endangerment to any individuals. The Superintendent may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings in Section 231-12 of this Code are initiated against the user.

A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Superintendent prior to the date of any show cause or termination hearing under Section 231-12 of this Code.

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

§231-12 Termination Of Discharge

In addition to the provisions in Section 231-9 of this Code, any user who violates the following conditions is subject to discharge termination:

(1) Violation of storm water discharge permit conditions or discharge limitations;

(2) Failure to accurately report the storm water constituents and characteristics of its discharge;

(3) Failure to report significant changes in operations or storm water volume, constituents, and characteristics prior to discharge; or

(4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, records examination, or sampling.
Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 231-17, why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the user.

§231-13 Responsibility For Administration

The Superintendent of the Department of Public Works shall administer, implement and enforce this ordinance. Any powers granted to or duties imposed upon the Department of Public Works may be delegated in writing by the Superintendent of the Department of Public Works to employees or agents of the Department of Public Works.

The Superintendent may promulgate rules and regulations to effectuate the purposes of this ordinance. Failure by the Water and Sewer Commission to promulgate such rules and regulations shall not have the effect of suspending or invalidating this ordinance.

Water-Sewer Commission as Hearing Board

Any user who is aggrieved by the actions of the Superintendent may request a hearing before a Hearing Board, which, for the purposes of this Code, is deemed to be the City of Chicopee Water and Sewer Commission as defined in Chapter Section 16-100 of the City Code of Ordinances.

The aggrieved person shall file a written request for such a hearing within seven (7) days after the day the Superintendent's order was served or given, in the office of the Water and Sewer Commission. The Water and Sewer Commission shall set a time and place for such hearing, and shall inform the petitioner thereof, in writing.

The hearing shall be commenced not later than thirty (30) days after the day on which the written request was filed and shall be concluded within an additional thirty (30) days thereafter. If a petitioner is aggrieved under Section 231-12 of this Code, the hearing must commence within five (5) days of the date on which the written request was filed.

At the hearing, the petitioner shall be given an opportunity to be heard and to show why the order or decision of the Superintendent should be modified or withdrawn.

After the hearing, the Commission shall sustain, modify or withdraw the order or decision of the Superintendent, and shall inform the petitioner and the Superintendent, in writing, of its decision within seven (7) days after the conclusion of the hearing.

If a written letter for hearing is not filed in the office of the Water-Sewer Commission within seven (7) working days after an order has been issued or if after a hearing the order has been sustained in any part, each day's failure to comply with the order as issued or modified shall constitute an additional offense.

Not less than four commissioners shall constitute a quorum, and a majority of the quorum shall be required in order to sustain, modify, or withdraw an order or decision of the Superintendent.

§231-14 Enforcement
The Department of Public Works or its authorized agent shall enforce this ordinance, and the regulations promulgated hereunder, as well as the terms and conditions of all permit, notices, and orders, and may pursue all civil and criminal remedies for such violations.

A. Civil Relief

If anyone violates the provisions of this ordinance, regulations, permit, notice, or order issued hereunder, the Department of Public Works may seek injunctive relief in a court of competent jurisdiction to restrain the person from activities which would create further violations or compelling the person to abate or remediate the violation.

B. Orders

The Superintendent may issue a written order to enforce the provisions of this ordinance or the regulations hereunder, which may include: (a) elimination of illicit connections or discharges to the storm drainage system; (b) termination of access to the storm drainage system; (c) performance of monitoring, analyses, and reporting; (d) cessation of unlawful discharges, practices, or operations; and (e) remediation of contamination in connection therewith. If the Superintendent determines that abatement or remediation of contamination is required, the order shall set forth a deadline for completion of the abatement or remediation. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the City may, at its option, undertake such work, and expenses thereof shall be charged to the violator or property owner.

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the City, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Superintendent within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Superintendent affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner’s property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch.. 59, § 57 after the thirty-first day at which the costs first become due.

The remedies provided in this Code are not exclusive. The Superintendent may take any, all, or any combination of these actions against a noncompliant user. However, the Superintendent may take other action against any user when the circumstances warrant. Further, the Superintendent is empowered to take more than one enforcement action against any noncompliant user.

§231-15 Notification Of Violation

When the Superintendent finds that a user has violated, or continues to violate, any provision of this Code, storm water discharge permit, or any applicable State or Federal standard or requirement, the Superintendent may serve upon that user a written Notice of Violation. Within 15 days receipt of this Notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions shall be submitted to the Superintendent. Submission of this plan shall in no way relieve the user of liability for any violations occurring before or after the receipt of the Notice of Violation. Nothing in this section
shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

§231-16 Consent Orders

The City may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 231-18 of this Code and shall be judicially enforceable.

§231-17 Show Cause Hearing

The Superintendent may order a user which has violated, or continues to violate, any provision of this Code, a storm water discharge permit or order issued hereunder, or any other applicable State or Federal standard or requirement, to appear before the Superintendent and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 15 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

§231-18 Administrative Order

When the Superintendent finds that a user has violated, or continues to violate, any provision of this Code, a storm water discharge permit or order issued hereunder, or any other applicable State or Federal standard or requirement, or that the user’s past violations are likely to recur, the Superintendent may issue an Administrative Order to the user directing it to cease and desist all such violations and to:

(1) Immediately comply with all requirements; and

(2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of an Administrative Order shall not be a bar against, or a prerequisite for, taking any other action against the user.

§231-19 Injunctive Relief

When the Superintendent finds that a user has violated, or continues to violate, any provision of this Code, a storm water discharge permit, or order issued hereunder, or any State or Federal standard or requirement, the Superintendent may petition the appropriate court through the City Solicitor, for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the storm water discharge permit, order, or other
requirement imposed by this Code on activities of the user. The Superintendent 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, taking any other action against a user.

§231-20

Departmental Cost Recovery

The general costs for implementation, management, and enforcement of the City's Storm Water Management Program are borne by all property owners. However, under this section, the City may assess against any user that violated any provision of this Code or a Storm Water Discharge Permit issued hereunder, charges to recover program actual costs resulting from enforcement action of said violation, including but not limited to:

(1) costs for monitoring, inspections and surveillance procedures;

(2) costs for reviewing accidental discharge procedures and construction;

(3) costs for sampling and analysis;

(4) charges to recover the cost of consultant's services required to carry out the review of specific concerns regarding industrial storm water discharges;

(5) charges to recover legal costs associated with program violations;

(6) other costs as the Superintendent may deem necessary to carry out the requirements contained herein.

These charges relate solely to the matters covered by the Storm Water Management Program, and are separate from all other fees chargeable by the City, such as building permit fees, storm fees, sewer entrance fees, sewer user charge fees, etc.

§231-21

Civil Penalties

A user who has violated, or continues to violate, any provision of this Code, a storm water discharge permit, or order issued hereunder, or any other State or Federal standard or requirement shall be liable to the City of Chicopee for a civil penalty of up to one thousand dollars ($1000) but not to exceed five thousand dollars ($5000) per violation, per day. In the case of a monthly or long-term average, penalties shall accrue for each day during the period of the violation.

The Superintendent may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City of Chicopee.

Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

Criminal Penalties
A user who willfully or negligently violates any provision of this Code, a storm water discharge permit, or order issued hereunder, or any other applicable State or Federal standard or requirement, shall be subject to prosecution as allowed by Massachusetts General Laws.

Non-Criminal Disposition
As an alternative to criminal prosecution or civil action, the City of Chicopee may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D. The Department of Public Works shall be the enforcing entity. The penalty for the 1st violation shall be up to $100. The penalty for the 2nd violation shall be up to $200. The penalty for the 3rd and subsequent violations shall be $300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

§231-22

Performance Bonds

The Superintendent may decline to issue or reissue a storm water discharge permit to any user who has failed to comply with any provision of this Code, a previous storm water discharge permit, or order issued hereunder or any other applicable State or Federal pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the City of Chicopee, in a sum not to exceed a value determined by the Superintendent to be necessary to achieve consistent compliance.

The Superintendent may require from the user a surety or cash bond, irrevocable letter of credit, or other means of security acceptable to the Superintendent prior to the issuance of any storm water discharge permit for the construction of a development requiring a storm water management facility. The amount of the security shall not be less than the total estimated construction cost of the storm water management facility. The bond so required in this section shall include provisions relative to forfeiture for failure to complete work specified in the approved storm water management plan, compliance with all of the provisions of this Ordinance and other applicable laws and regulations, and any time limitations. The bond shall not be fully released without a final inspection of the completed work by the City Engineer, submission of "As-built" plans, and certification of completion by the City Engineer of the storm water management facilities being in compliance with the approved plan and the provisions of this Chapter.

§231-23

Liability Insurance

The Superintendent may decline to issue or reissue a storm water discharge permit to any user who has failed to comply with any provision of this Code, a previous storm water discharge permit, or order issued hereunder, or any other applicable State or Federal standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the MS4 caused by its discharge.

§230-24

Public Nuisances

A violation of any provision of this Code, a storm water discharge permit or order issued hereunder, or any other applicable State or Federal standard or requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the Superintendent. Any
person(s) creating a public nuisance shall be subject to the provisions of the Codes of the City of Chicopee governing such nuisances, including reimbursing the City of Chicopee for any costs incurred in removing, abating, or remedying said nuisance.

§231-25 Entry to Perform Duties Under this By-Law

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Superintendent, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and regulations and may make or cause to be made such examinations, surveys or sampling as the Superintendent deems reasonably necessary.

§231-26 Appeals

The decisions or orders of the Superintendent and Board of Water-Sewer Commissioners shall be final. Further relief shall be to a court of competent jurisdiction.

§231-27 Remedies Not Exclusive

The remedies listed in this by-law are not exclusive of any other remedies available under any applicable federal, state or local law.

§231-28 Publication Of Users In Significant Noncompliance

The Superintendent shall publish at least annually, in the largest daily newspaper where the MS4 is located, a list of the users that, during the previous twelve months, were in significant noncompliance with applicable storm water management standards and requirements. The term "significant noncompliance" shall mean:

1. Any other discharge that the Superintendent believes has caused, alone or in combination with other discharges, interference or passthrough, including endangering the health of DPW personnel or the general public;

2. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Superintendent's exercise of its emergency authority to halt or prevent such a discharge;

3. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a storm water discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

4. Failure to provide within thirty (30) days after the due date, any required reports, including monitoring reports, reports on compliance with storm water management standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

5. Failure to accurately report noncompliance; or
(6) Any other violation(s), which the Superintendent determines, will adversely affect the operation or implementation of the local storm water management program.

§231-29 Severability and Effective Date

If any provision, paragraph, sentence, or clause, of this by-law, Code, or any order or permit of the Superintendent shall be held invalid for any reason, all other provisions shall continue in full force and effect.

All parts of this Code in conflict herewith are hereby repealed.

This Code will take effect upon passage.

Councilor Krampits motion to approve as amended – Councilor Tillotson 2nd the motion – motion passed

Committee vote 4 – 0 favorable

ITEM #4

BE IT ORDAINED THAT the City of Chicopee hereby deletes Chapter 269 from the City of Chicopee Code in its entirety and insert in place thereof Chapter 269 Water & Sewer Commission Drinking Water Ordinances

Proposed Ordinances as submitted to the Ordinance Committee

CITY OF CHICOPEE
WATER & SEWER COMMISSION
DRINKING WATER ORDINANCES

Chapter 269

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§269-1.0 IMPORT OF ORDINANCES, GENERAL PROVISIONS

§269-1.1 Reference to Ordinances

These Ordinances may be referred to as the Water Use Ordinances.

§269-1.2 Authority

Under the authority of Chapter 40 (Section 42, Sections 42A-42K, Sections 41A, Acts and Resolves of Massachusetts and in furtherance of the goals set forth therein, the City of Chicopee has established the following Ordinances governing the use of the public and private water facilities in the City of Chicopee.

§269-1.3 Repeal of City Ordinance

§269-1.4 Purpose

These Ordinances are intended to protect the public health, safety and welfare and to ensure proper and safe operation of the City’s water distribution and treatment system and facilities.

§269-1.5. Severability

The provisions of these Ordinances are severable. If any provision of these Ordinances or any specific application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications which can be given effect in the absence of the invalid provision or application.

§269-1.6. Applicable Ordinances

Every user of the public water system or private water mains that are connected to the public drinking water system shall be subject to these policies and the Ordinances of the City, as they apply, and to any charges, rates, fees and assessments which are or may be established by the Water/Sewer Commission or the City. Any user of the public water system or private water mains shall also be subject to applicable state and federal Regulations. In instances where various Ordinances contain conflicting requirements, the most stringent requirements shall
be met. In addition to these Ordinances, the most recent editions of the following rules or guidelines shall be adhered to:

a) Commonwealth of Massachusetts, Department of Environmental Protection 310 CMR 22 Division of Water Supply: Guidelines and Policies for Public Water Systems, as amended;

b) Commonwealth of Massachusetts, Board of State Examiners of Plumbers and Gas Fitters: Uniform State Plumbing Code and Massachusetts Fuel Gas Code (State Plumbing Code), 248 CMR 10;

c) Commonwealth of Massachusetts, Department of Public Health: State Sanitary Code, 105 CMR 400, Chapter I and Chapter II;

d) Commonwealth of Massachusetts, Department of Environmental Protection: Drinking Water Regulations: 310 CMR Section 22;

e) Commission: Billing, Termination and Appeal Regulations;

f) Commission: Site Plan Requirements;


h) City of Chicopee Health Department Commission Ordinances/Regulations.

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


§269-1.7 Right to Amend Ordinances

The City Council reserves the right to amend these Ordinances in any manner they deem necessary or appropriate.

§269-1.8. City Ordinances

No provision of these Ordinances shall be deemed to contravene or render ineffective any valid City regulation or Ordinance.

§269-1.9 Required Applications and Permits
Applications and permits required by these Ordinances are in addition to applications and permits that may be required by other Federal, State, City and local laws or Ordinances. The following applications and permits are required by these Ordinances:

a) General Service Application

b) Hydrant Permit

c) Termination Verification Approval Application

d) Application for Site Plans

1. The Superintendent of Public Works shall enforce, pursuant to §269-8 of these Ordinances, the terms and conditions of permits issued.

2. The Superintendent may modify a permit as deemed necessary or appropriate or as required by State or Federal Law.

3. A permittee may request reconsideration of the terms and conditions in an issuance, renewal, modification or denial of a permit by the Superintendent to the Water/Sewer Commission pursuant to §269-9 of these Ordinances.

4. A permit shall not be assigned or transferred without prior written approval of the Superintendent. After approval of a permit assignment or transfer, the permittee shall provide a copy of the permit to the assignee or transferee.

5. These Ordinances shall not be construed to require the Superintendent and/or the Commission to permit itself or those in its employ for activities done to carry out the Superintendent and/or Commission’s responsibilities under any Federal or State Law, regulation or requirement.

§269-2.0 DEFINITIONS

Terms that are not defined herein shall be interpreted as defined in the most recent edition of the Glossary - Water and Wastewater Control Engineering, published by the Water Pollution Control Federation (WPCF) (now called the Water Environment Federation) (WEF), Washington, D.C.

Throughout these Ordinances, shall is mandatory, and may is permissive. Unless the content specifically indicates otherwise, the meaning of the terms used in these Ordinances shall be as follows:

**Air Gap Separation** The method of preventing backflow through the use of an unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood rim of the receptacle.

**Approved** Accepted by the reviewing authority as meeting an applicable specification stated or cited in this regulation or as suitable for the proposed use.

**Approved Backflow Prevention Device or Devices** A method to prevent backflow approved by MADEP for use in Massachusetts.
Atmospheric Vacuum Breaker An approved backflow device used to prevent back siphonage which is not
designed for use under static line pressure and is approved by MADEP.

Applicant shall mean any property owner or duly authorized owner’s agent applying for water
Service, or for a water main extension, alteration, replacement, or relocation.

Automated Meter Reading Device shall mean a device(s) used for reading a water meter without having to
enter a premise.

Auxiliary Water Supply Any water supply of unknown or questionable quality on or available to the premises
other than the supplier's approved public potable water supply.

Backflow shall mean the flow of water or other fluids, mixtures or substances into the distribution pipes of a
potable supply of water from any source or sources other than its intended source of potable water.

Backflow Prevention Device shall mean an approved mechanical device designed to prevent
backflow. As approved by MADEP.

Backflow Preventer with Intermediate Atmospheric Vent A device approved by MADEP having two
independently operating check valves separated by an intermediate chamber with a means for automatically
venting it to the atmosphere, in which the check valves are force loaded to a normally closed position and the
venting means is force loaded to a normally open position.

Back Pressure created by mechanical means or other means which causes water or other liquids or substances
to flow or move in a direction opposite to that which is intended.

Back Siphonage A form of backflow due to reduced or sub-atmospheric pressure within a water system.

Barometric Loop A loop of pipe rising at least 35 feet, at its topmost point, above the highest fixture it
supplies.

Betterment shall mean the advantage accruing to a property which for the first time may be connected to the
City drinking water system due to the construction of the extension of the system.

Building shall mean any structure used for human occupancy, employment, recreation or other purposes.

City shall mean the City of Chicopee, Massachusetts.

Combined Service shall mean a service pipe that is used to provide both water service and private fire
protection service.

Commission shall mean the Chicopee Water and Sewer Commission.

Commission Bonded Contractor shall mean a contractor having the appropriate bonding, insurance and drain
layers license necessary to perform work on the City’s water distribution system and/or connections to the
City’s water distribution system.

Condominium shall mean an independently owned unit of a residential or commercial building.
Consumption shall mean the amount of water used, as measured by a meter or as estimated by the Commission in accordance with its Billing, Termination and Appeal Regulations.

Contaminant Any physical, chemical, biological or radiological substance or matter in the drinking water or distribution system, treatment facility, or storage tank.

Cross Connection shall mean any actual or potential connection between a distribution pipe of potable water supplied by the public water system and any waste pipe, soil pipe, sewer, drain or any other unapproved source including private water lines. Without limiting the generality of the foregoing, the term “cross connection” shall also include any bypass arrangement, jumper connection, removal section, swivel or changeover connection and any other temporary or permanent connection through which backflow can or may occur.

Cross-Connection Violation Form A violation form designated by the Department, which is sent to the owner by the water supplier with copies sent to the MADEP, plumbing inspectors and Board of Health delineating cross-connection violations found on the owner’s premises and a procedure for corrective action.

Customer shall mean the legal title holder of the property responsible for payment of bills for charges for water and sewer service to a property whether or not the premises are occupied by the customer or the customer’s authorized representative.

Decorative Fountain shall mean an indoor or outdoor fountain that is designed and constructed for aesthetic purposes and is not intended for human contact, recreation or for providing drinking water.

Design Criteria shall mean standards for design used by the Superintendent for construction and rehabilitation of public water mains, water service pipes and fire pipes.

Discontinuance shall mean a temporary cessation of water service at the premise at the request of an owner or customer for reasons other than ordinary repair or maintenance.

Distribution System shall mean system of engineered hydrologic and hydraulic components which provide drinking water supply.

Double Check Valve Assembly A backflow prevention device which incorporates an assembly of check valves, with shutoff valves at each end and appurtenances for testing approved by MADEP.

Easement shall mean an acquired legal right for the specific use of land owned and maintained by others, whether recorded or by prescription.

Environmental Protection Agency or EPA The United States Environmental Protection Agency.

Fire Protection/Suppression System Supply Line shall mean the private water piping, control valve and appurtenances installed solely to furnish water for extinguishing fires. (also referred to as a Fire Pipe in these Ordinances.)

Fire Flow Test shall mean the measurement of flow from a hydrant performed by the Superintendent in accordance with generally accepted engineering practices.
General Service Application shall mean the form provided by the Superintendent and completed by the property owner or by an agent authorized by the owner and submitted to the Superintendent prior to construction, reconstruction, repair or modification of a water service pipe or a fire pipe from a public water main. A completed General Service Application includes verification that the premise address listed therein is correct.

Hydrant shall mean a device connected to a public water main for the purpose of extinguishing fires or other authorized purpose.

Hydrant Permit shall mean a written permit granted by the Superintendent for the temporary use of a City owned hydrant or a private hydrant that is not master metered.

In-Plant Protection The location of approved backflow prevention devices in a manner which provides simultaneous protection of the public water system and the potable water system within the premises.

Let On shall mean the opening of a control valve to initiate or restore water service.

Licensed Drain Layer shall mean a person authorized in writing by the Superintendent to install, maintain and repair water mains and water services within the City of Chicopee. (A Licensed Drain Layer is also authorized to install, maintain and repair sanitary sewers, combined sewers, storm drains, building sewers and building storm drains.)

LUTO, an acronym for Leak Up To Owner, shall mean a leak in the owner's portion of a water service pipe, a leak on a fire pipe or a combined service.

LUTO Notice shall mean the Superintendent's written notification to an owner or customer that a leak exists in the water service pipe on the owner's property, and that the owner is responsible for repairing the leak.

Master Meter shall mean a water meter used for billing purposes serving a building or group of buildings, that may or may not be separately metered.

MADEP shall mean the Massachusetts Department of Environmental Protection.

Meter shall mean an instrument or device, including any appurtenances thereto, for measuring the flow of water.

Meter Pit shall mean an underground vault enclosing a meter.

Owner shall mean a person who alone or jointly or severally with others, has the legal title to any premises or has care, charge, custody or control of any premises as agent, executor, administrator, trustee, lessee or guardian of the estate of the holder of legal title.

Permit A document issued by the Department.

Person shall mean any agency of the federal government, the City of Chicopee, any agency or political subdivision of the Commonwealth, any state, public or private corporation or authority, individual, firm, joint stock company, partnership, association, or other entity, or any group thereof, and any officer, employee, or agent of such person, and any group of persons.
Pressure Vacuum Breaker An approved backflow prevention device designed to prevent only back siphonage and which is designed for use under static line pressure and which has necessary appurtenances for testing, and is approved by MADEP.

Plumber shall mean a person licensed as a plumber by the Commonwealth of Massachusetts.

Point-Of-Entry Treatment Device shall mean a device installed to treat water entering any building or portion of such building for the purpose of reducing contaminants in the water distributed through that building or portion of such building.

Potable Water shall mean water fit for human consumption in conformance with the Regulations of the Massachusetts Department of Environmental Protection.

Premise/Property shall mean a parcel of real estate or portion thereof, including any improvements thereon, which is determined by the Superintendent to be a user for purposes of receiving, using and paying for water service.

Prescriptive Rights Right or privilege or other easement form of way upon or over land of another when use is continued for 20 years.

Private Fire Protection shall mean private water mains, fire pipes and other appurtenances installed for the purpose of fire protection/suppression at a particular premise.

Private Hydrant shall mean a hydrant installed by an owner for the purpose of private fire protection/suppression at a particular premise.

Private Water Main shall mean a water main that is not owned by the City or another city or town.

Public Fire Protection shall mean the public water mains, hydrants and appurtenances installed for the purpose of fire protection in a public way, City-owned easement, whether recorded or by prescription, or private way open to public travel.

Public Water Main shall mean the piping and associated valves, hydrants and appurtenances owned by the City, or another city or town installed in a public way, publicly-owned easements whether recorded or by prescription, or private way open to public travel, for the purpose of supplying water to one or more customers or for public fire protection.

Public Water System shall mean a system for the provision to the public of piped water for human consumption. The City is a public water system.

Recreational Spray or Sprinkler Pool shall mean an indoor or outdoor spray or sprinkler pool that is designed and constructed for the purpose of human contact recreation.

Pressure Vacuum Breaker An approved backflow prevention device designed to prevent only back siphonage and which is designed for use under static line pressure and which has necessary appurtenances for testing.

Reduced Pressure Backflow Preventer An approved backflow prevention device incorporating two or more check valves, an automatically operating differential relief valve located between the two checks, two shutoff valves and necessary appurtenances for testing.
Residential Dual Check: An assembly of two spring-loaded, independently operating check valves without tightly closing shutoff valves and test cocks. Generally employed immediately downstream of the water meter to act as a containment device.

Reviewing Authority: The Department, its designee or the local plumbing inspector, authorized by MGL c. 142 and licensed by the Board of State Examiners of Plumbers and Gas Fitters, whichever is responsible for the review and approval of the installation of an approved backflow prevention device.

Release Agreement shall mean a form prescribed by the Commission that transfers ownership of water facilities to the City and/or grants to the Commission an easement with respect to such facilities. The form shall be duly completed, accepted and signed by the City and filed with the Hampden County Registry of Deeds.

Requirements for Site Plans shall mean the document that describes the information that must be included in site plans submitted to the Superintendent. A Site Plan is required by the Commission for review and approval by the Superintendent of a proposed connection or reconstruction, repair or modification of a water service pipe or fire pipe which connects to the City's water distribution system. (The document also includes requirements for connections to the City's sanitary and combined sewers and storm drain systems.)

Residential Meter shall mean a meter two inches in size or smaller used to measure the flow of water to a predominantly residential property.

Shut Off shall mean the closing of a control valve to temporarily stop water service or to terminate water service.

Superintendent: The person designated by the City of Chicopee to supervise the Department of Public Works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

Termination shall mean the cessation of water service pursuant to the Commission's Billing, Termination and Appeal Regulations or for a violation of these Ordinances.

Termination Verification Approval Application shall mean the form completed and submitted to the Superintendent by the owner or by the owner's agent prior to demolition of any building having water, sewer or storm drainage connections to the City's water distribution or sewer or storm drainage systems. A copy of the completed form approved by the Superintendent must be submitted to the Chicopee Building Department before that Department may approve demolition.

User shall mean any person who obtains water service from a public water main or a private water main supplied from a public water main.

Water Service shall mean the readiness to supply or actual supplying of water to premises in which a water service pipe or fire pipe has been installed. Water service may also mean a water service pipe.

Water Service Pipe shall mean the connection, piping and associated valves and appurtenances that extend from a public water main to a building or property for the purpose of supplying water, other than for fire protection/suppression systems.
Well shall mean any dug, driven or drilled hole, with a depth greater than its largest surface diameter, developed to supply water intended and/or used for human consumption, irrigation, or industry and not subject to regulation by 310 CMR 22.00.

§269-3.0 USE OF WATER AND WATER FACILITIES

§269-3.1 Jurisdiction

All property situated within the City of Chicopee shall be eligible to receive water service from the City upon compliance with these Ordinances. The timing and methods for extending or providing service shall be at the Superintendent’s sole discretion. Eligibility for water service outside of the City shall be conditioned upon the Superintendent’s approval and compliance with these Ordinances.

§269-3.2 Authority

As provided in the Federal Safe Drinking Water Act of 1974, (Public Law 93-523), and the Commonwealth of Massachusetts Drinking Water Regulations, 310 CMR 22.22, the water purveyor has the primary responsibility for preventing water from unapproved sources or any other substances from entering the public potable water system.

The Superintendent shall, have charge of the construction, alteration and care of all water pipes and water fixtures owned by the City and may make all necessary repairs thereto and extension thereof; shall have general control and care of all buildings and structures used exclusively by the Water Department; and shall keep the same in repair.

The Superintendent shall, have the charge and care of all new construction or extension and of all repairs and management of the works of said Department. He shall have authority to dig up the streets and highways, so far as is necessary for the purpose of paving and repairing lines of water pipe or water mains; but in all such cases the streets, while so dug up, are to be suitably protected and guarded, and after the work is finished, the streets shall be left in a condition satisfactory to the Superintendent. All defects in highways or streets caused by leaks in water mains or pipes shall be repaired by the Superintendent. Upon receiving notice from the Chief of the Fire Department of any defective hydrant, said Superintendent shall cause the same to be repaired without delay. The Superintendent should issue news releases to the media as applicable notifying residents of any scheduled maintenance that would result in their water being shutoff.

§269-3.3 Superintendent to act as registrar.

The Superintendent shall act as registrar and shall keep all required records and books and shall make such reports to the Commission as detailed in Chapter 16 of the Ordinances of City of Chicopee. He shall file with the City Collector and City Auditor on the first day of each month a list of water commitments which are payable on those days, and on the first day of each month he shall file with the City Collector and City Auditor a statement of all water commitments and other claims which may have become due to the City during the preceding month in this Department. Whenever any bill is abated or changed by the Commissioner, a certificate of such abatement or change, signed by the Superintendent, shall be delivered to the City Collector and City Auditor and shall become his voucher for the amount therein stated.
§269-3.4 Ownership

The City owns all public water mains, transmission mains, hydrants, valves, and associated appurtenances located within public ways, City owned easements, whether recorded or by prescription and private ways open to public travel within the City unless otherwise specified in writing by the Superintendent (with a copy provided to the owner). The City also owns all water service pipes from public water mains located within public ways, all easements, whether recorded or by prescription and private ways open to public travel within the City to an owner’s property line, except where a building, foundation wall, retaining wall, stairs, areaways or other subterranean structures are located on the property line, in which case the City owns the water service pipe to a distance of 18 inches outside the property line.

§269-3.5 Public Water Mains

The Superintendent shall control the use of all public water mains in the City, except for certain water mains of adjacent communities that are interconnected with the City water system. No person shall, without prior written authorization from the Superintendent, uncover, make any connections with or opening into, alter, or disturb a public water main. 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 City’s water distribution system.

§269-3.6 Private Water Mains

All private water mains in the City that convey water from public water mains owned by the City shall be controlled by the City, but shall be constructed, installed, repaired, operated and maintained by their owners at the owner’s expense. The Superintendent may direct the owner to repair or replace a private water main if in the judgment of the Superintendent such action will reduce the quantity of water lost through leaks from that main or where such leaks may jeopardize the operation of the public water system. Repairs to private water mains shall be made by and at the expense of the owner. The Superintendent shall inspect and approve the connection of the private water main to the City’s public water main. Ownership of the curbstop shutoff valve and meter within and connected to a private water main is the property of the City and shall not be tampered with, removed, repaired, replaced, disturbed or manipulated in any way except by the City Water Department.

§269-3.7 Easements and Prescriptive Rights

1. The Superintendent shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the water treatment and distribution system lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

2. No length of possession or occupancy of land within the limits of a City easement shall invalidate or negate the City easement rights. Any fences, trees, pools, shrubs, buildings or any other objects encroaching upon a City easement shall, upon written notice by the Superintendent, be removed within 14 days by the owner, and if not so removed, the Superintendent may remove the same to such adjoining land or such encroaching objects, other than a building used for residential purposes. Said encroachment(s), may be removed by persons working under the direction of the Superintendent and shall be placed in the nearest maintenance area of the City. Notice by certified mail, return receipt
requested, shall be given to the owner, stating where such encroachment object is located and further stating that, if not claimed within three weeks, said object may be destroyed. The City may seek cost recovery for all expenses incurred in the removal and relocating of objects in the easement of the City.

3. The City shall have prescriptive rights or privilege over land of another to perform maintenance, repair, and replacement, maintain access, inspection, observation, measurement, sampling, and repair of any portion of the water treatment and distribution system lying within said land.

§269-3.8 Water Conservation and Emergencies

1. Conservation by Users. No user shall knowingly allow water to leak or run to unnecessary waste.

2. Conservation Restrictions. The Superintendent may adopt conservation restrictions in accordance with the provisions of Massachusetts General Laws Chapter 21G upon its determination that conditions exist which limit the water supply and may endanger the public health, safety and welfare. Conservation restrictions shall remain in full force and effect until the Superintendent determines that the condition requiring their imposition no longer exists.

3. Emergency Shut-Off. The Superintendent may shut off water service to any premises during a drought, hurricane, conflagration or other disaster upon notification to the owner in accordance with Massachusetts General Laws Chapter 40, Section 41A.

§269-3.9 Water Main Extensions, Replacement and Relocations Procedure for Extensions.

An applicant may propose an extension, replacement or relocation of public water mains to serve new or rehabilitated buildings. All proposed extensions, replacements or relocations, including any tests, studies, investigations and inspections required for design, shall be designed and constructed in accordance with the City's Design Criteria, and subject to the approval of the Superintendent. All expenses, including all engineering, legal, permitting, construction, and inspection expenses, involved in applying for and constructing an extension, replacement or relocation shall be borne by the applicant.

1. Bonding and Approval of Contractors. Contractors must post a bond in a form satisfactory to the City and in an amount and for a period of time that the Superintendent deems sufficient to guarantee construction quality and operating performance. Bonding is required before work commences on any public water main extension, replacement or relocation by contractors working for the City or an owner on City-owned property or easements.

2. Release Agreement. After approval of a proposed extension, replacement or relocation of a water main and after the attendant construction has been approved by the Superintendent, the applicant shall transfer ownership of the extended, replaced or relocated water main to the City through a Release Agreement in a form prescribed by the Superintendent. The Release Agreement shall be accompanied with as-built plans for the extended, replaced or relocated water main and any other information required by the Superintendent. Until such time as the Release Agreement is signed by the Superintendent, the extended, replaced or relocated water main shall be considered to be privately owned by the applicant and shall be subject to the requirements pertaining to private water mains contained in these Ordinances.

3. Denial or Modification of Proposal. The Superintendent may deny the request of an applicant to extend, replace or relocate a public water main if the Superintendent determines that the proposed work
does not conform to the City’s Design Criteria or the Superintendent determines that the work will adversely affect its system or that of existing users. The Superintendent may condition approval of a request to extend, replace or relocate. Among other things, the Superintendent may require that an applicant who proposes to extend, replace or relocate a public water main make certain improvements or modifications to the existing system.

4. **Water Main Replacement.** If an applicant requests new water service pipe or fire pipe which, in the judgment of the Superintendent, will impose a demand in excess of the capacity of the existing main, it may be necessary to replace the existing main with one of appropriate size. The applicant shall pay the full cost thereof including any tests, studies, investigations and inspections required for design and construction.

5. **Major Development Project Reviews.** When the Superintendent must utilize outside professional engineering and legal reviews for major development projects, the applicant shall pay for such reviews.

§269-3.10 **Hydrants**

1. **Ownership.** All hydrants located in public ways, City-owned easements, whether recorded or by prescription, or private ways open to public travel shall be owned and maintained by the City unless the Superintendent expressly determines otherwise with respect to specific locations.

2. **Location.** Hydrants shall be placed at locations designated by the Superintendent to facilitate public fire protection or for City maintenance enhancement. As a condition of an approved new or extended water service, the Superintendent may require an owner to pay for the cost of hydrant installation if the Superintendent determines that such new extended water service creates fire protection requirements or enhanced City maintenance.

3. **Relocation.** An owner may request approval to relocate water facilities. The request shall include a plan of the relocation designed in accordance with the Design Criteria of the City. If the relocation is approved, the owner shall have the work performed at its expense by a contractor bonded and approved in accordance with §269-3.9 above.

4. **Permits for Use of a Hydrant.** Any use of water from an unmetered hydrant for purposes other than extinguishing fires shall only occur pursuant to a Hydrant Permit obtained from the Superintendent. After issuance of the permit, a hydrant meter and a wrench for the proper operation of the hydrant shall be provided upon payment of a deposit in an amount established by the Commission. The permit must be attached to the meter or be readily available at all times during use. The failure to comply with the terms as set forth on the hydrant permit or the unauthorized use of water from a hydrant are violations of these Ordinances which can result in the imposition of a fine in accordance with §269-8 of these Ordinances.

5. **Private hydrants.** The owner of a private hydrant must obtain a hydrant permit and meter from the Superintendent unless the hydrant is master metered. All private hydrants must be equipped with a Superintendent approved hydrant security device unless the hydrant is master metered.

6. **Fire Flow Tests.** Only the City shall perform fire flow tests. If so requested, the City will conduct a fire flow test at the requesting person’s expense.

§269-3.11 **Reserved**
§269-3.12 Fountain and Irrigation Systems

1. **Decorative fountains** shall be equipped with a meter, a shut-off mechanism and an approved backflow prevention device.

2. **Irrigation Systems.** All irrigation systems shall be metered and equipped with an approved backflow prevention device. The City shall have the right of entry to any premises to inspect irrigation systems for cross connection conditions, backflow prevention, and any other condition that may affect the public water supply.

269-4.0 WATER SERVICE

To implement this chapter, the City Council hereby adopts the provisions of Massachusetts General Laws Chapter 165 Sections 1, 11A thru 11E inclusive.

1. **Entrance Fees and Assessments For Water Connections.** Fees and/or assessments shall be made upon the property owners within the territory of said Water treatment and distribution system by a rate determined by the Water-Sewer Commission.

2. **Rate of Assessment and Entrance Fees.** A. The rate of assessment and entrance fees shall be set by the Commission for each connection to the public water system on any street or way upon which water is constructed and upon application of entrance.

3. **The current fees are on file in the office of the City Clerk.**

4. **Rates** are subject to approval of the Water-Sewer Commission
   - a. See Chapter 16 of the Ordinances of the City of Chicopee.
   - b. **Superintendent to Estimate Betterment Fees.** Should the Commission, with the approval of the City Council, establish betterment fees, the Superintendent shall, immediately upon the completion of a water service in any street or way, have a water assessment bill sent to each and every owner of an estate on such street or way whose property can be serviced by the drinking water system. If buildings are already on the estate, the water connection shall be made and the assessment bill shall contain the total assessment prescribed.

5. **Betterment Charges** are subject to approval of the City Council.

6. **Billing of Entrance Fee and Assessments.** Upon application for water entrance by the property owner, the Commission shall, upon the completion of a water connection, render the property owner a bill for the amount of the water entrance fee.

7. **Special Assessment or Betterment Fees,** in the case of a special assessment the Commission shall, upon completion of public water improvements, render a bill as approved for said assessment to all applicable property owners.

8. **Water Use Charges; other Fees.** All water use charges and other fees are to be set by the Commission and kept on file with the City Clerk.
9. **Payments and late fees.** All charges or bills shall be due and payable 45 days after issue, and charges or bills remaining unpaid after such due date shall be charged interest thereon at a rate as provided in Massachusetts General Laws, Chapter 40, and Section 21E. If the last day of the forty day period after issuance of the bill falls on a Saturday, Sunday or legal holiday, the account may be paid on the next regular business day thereafter without payment of the late payment fee.

10. **Reserved**

11. **Water fund.** To implement this section of the chapter, the City Council hereby adopts the provisions of Chapter 83, Sections 16, 16A thru F inclusive, and Chapter 40 as most recently amended by Chapter 487 of the Acts of 1954 as amended, of the Massachusetts General Laws, for the specific purpose of establishing a separate water fund.

§269-4.1 Application for Water Service

1. **Application Procedure.** In order to obtain approval to construct or change the size or location of a water service pipe connecting to a public water main, the owner shall submit a General Service Application. General Service Application forms may be processed at the Superintendents’ office. A completed General Service Application includes verification by the applicant that the address listed is the correct premise address for the premises in question. A General Service Application shall be supplemented by permits, plans, specifications or such other information as the Superintendent may require, including but not limited to, building site plans approved by the Superintendent. Approval of a General Service Application shall be subject to the availability of capacity in the public water main as determined by the Superintendent. Any General Service Application issued shall be void and invalid unless the work authorized by it shall have been commenced within thirty days (30) after issuance; however for cause shown and upon written request by the owner, an extension may be granted by the Superintendent.

2. **Demolitions.** Before a building or structure is demolished, the owner shall notify the Superintendent, complete a Termination Verification Approval Form for Demolition, submit a General Service Application for removal or cutting and capping all water, sewer and fire pipes. At the Superintendent’s sole discretion, the owner may be required the to submit a site plan. The Superintendent shall inspect the work to ensure that the services are removed or properly cut and capped in accordance with City specifications prior to backfilling.

3. **Increase/Decrease in Size of Service.** When the size of a water service is either increased or decreased, the service to be discontinued must be removed, or if approved, cut and capped at the main in accordance with City specifications.

4. **Expense Borne by Owner.** All costs and expenses incident to submission of a General Service Application and work authorized pursuant to such application, including but not limited to design, legal, construction, connection, and inspection of a water service pipe shall be borne by the owner.

5. **Existing Users.** In the absence of a signed General Service Application, the provision of water service by the City and its use by the owner shall nonetheless be subject to all provisions of these Ordinances.

6. **Water Service Pipes Ownership.** The property owner shall own that portion of a water service pipe located on the owner’s property with the exception of City’s owned meters and couplings. Where a
building, foundation wall, retaining wall, stairs, area-way or other subterranean structure is located on the property line, such ownership shall continue to a distance of 18 inches beyond the property line.

7. **Design and Construction Standards.** Water service pipes within a public way or a private way open to public travel shall be constructed in accordance with the City’s Design Criteria. Water service pipes within private property shall be constructed in accordance with the latest version of the Massachusetts State Plumbing Code.

8. **Location of Water Service Pipe.** No water service pipe shall be laid in the same trench with any other public or private facilities, except a fire pipe, nor within ten feet of a sewer unless approved by the Superintendent. Any connection of a water service pipe to a public main shall be made in a public way, a City owned easement or in a private way open to public travel.

9. **Limitation on Tapping Mains.** Where there is more than one public water main in a street, the Superintendent shall determine which main the owner may tap for water service pipe connection. Water mains designated as transmission mains shall not be tapped for water service, except when approved by the Superintendent. All new taps shall be a minimum of one pipe size smaller than the main to be tapped; however, where the Superintendent deems this to be impractical, then a solid sleeve three-way branch shall be used to connect to the new main.

10. **Separate Services.** In general, the City requires a single water service pipe and a master meter for multiple unit premises. Otherwise, a separate service and meter shall be required for each premise of different address or ownership. The Superintendent shall determine the water service pipe connections for condominiums and/or row houses.

11. **Combined Service.** All provisions within this Article for water service pipes shall also apply to existing combined services. New combined services shall not be installed, unless the Superintendent determines that combined service is in the interest of efficiency and, with the concurrence of the City of Cincoppee’s Building Department, and approves such a service in writing.

12. **Restriction on Use of Fire Pipe.** No fire pipe shall be converted to a water service pipe.

13. **Installation of Water Service Pipe.** The owner shall be responsible, at its expense, for fulfilling all Superintendent requirements for licensing, bonding, permitting, submitting applications, installing the water service pipe and appurtenances, tapping and making connection to the public water main designated by the Superintendent, and cutting and capping any water service pipe and appurtenances to be discontinued. Only the Superintendent shall let on the water service. The service will not be let on until the installation has been inspected and a water meter has been installed in accordance with these Ordinances. The owner or owner’s contractor shall arrange at least 24 hours in advance for an inspection by the Superintendent before backfilling the installed water service pipe and appurtenances. The owner shall not backfill the installation until after receipt of a written inspection certificate from the Superintendent. The owner shall provide access to the property for the inspection by the Superintendent and shall not conceal the purpose for which water service is used or to be used.

14. **Second Source.** If continuous water service is necessary, the Superintendent may, at its discretion, require the owner to install a second metered service as a back-up water system. Such second source
shall be installed in accordance with City specifications and in accordance with these Ordinances. All costs and expenses incident to the installation of a second source shall be borne by the owner.

§269-4.2 Meters and Meter Testing

1. **Furnishing of Meters and Meter Size.** For residential and non-residential buildings, the City shall furnish at its expense meters and all automatic reading devices, up to and including two inches in size, along with the necessary bushings and couplings to attach to the plumbing. The owner shall furnish at its expense meters as specified by the Superintendent three inches in size or larger, except that the replacement of any such meter shall be at the City’s expense. The size of the meter required shall be subject to the approval of the Superintendent.

2. **Ownership.** All meters, once installed, become the property of the City, except that the City may refuse to take ownership of a meter which is improperly installed or which is the wrong type or size for the premises in question. Where a meter is improperly installed or is the wrong type or size, the owner shall be required to furnish a meter approved by the Superintendent prior to the commencement or let on of water service. The Superintendent has the right to change the size of the meter without charge to the owner. However, all costs and expenses associated with the installation of a meter outside of normal business hours shall be borne by the owner.

3. **Installation of Meters.** The City shall, at its expense, install all meters up to and including two inches in size. Prior to installation of the meter, the owner shall at its expense complete the plumbing so that the premises are ready for meter installation. If plumbing work is necessary to make the premises meter-ready, the Superintendent will provide plumbing specifications to enable the owner to prepare the premises for meter installation. The plumbing shall be completed in a manner that permits installation of the meter closest to the point of entry of the water service pipe. All meters three inches in size and larger and automatic reading devices shall originally be installed by the owner at its expense and inspected by the Superintendent. The City shall at its expense replace such meters and automatic reading devices. All meters and meter installations shall conform to the City’s Design Criteria and comply with these Ordinances. Meters three inches in size and larger shall be the turbine or compound type or as determined by the Superintendent and shall be installed with a strainer of the same manufacturer and with a 1-inch tap for meter testing by the Superintendent.

4. **Location of Meters.** All meters shall be installed within an owner’s building as close to the public water supply main as possible in an ample and suitable space free from exposure to freezing unless otherwise directed by the Superintendent. This space shall at all times be unobstructed and accessible to the Superintendent for reading, testing, inspection and maintenance purposes.

5. **Meter Pits.** The installation of a meter in a pit shall be at the sole discretion of the Superintendent.

6. **Outside Meter-Reading Devices or Automatic Reading Devices.** The City may install a device on the inside or outside of a building in a conveniently accessible location to enable routine meter readings without internal access to the owner’s building. A device on a two-inch or smaller water supply line shall be installed at the City’s expense. Devices installed on meters three inches or larger shall be approved by the Commission and installed by the owner at its expense. The City shall subsequently maintain and replace such devices at its expense.
7. **Right to Enter Premises.** In accordance with the provisions of this Ordinance and Massachusetts General Laws Chapter 165 Section 11 D, the Superintendent may enter premises to install, examine, calibrate, repair, test or remove meters and automatic reading devices.

8. **Meter Testing.** The Superintendent may subject all meters to periodic tests. The Superintendent may at any time test, repair or replace any meter at its option and expense. An owner may request that the Superintendent test his or her meter. Such tests shall be performed at the expense of the owner in accordance with the Commission’s Billing, Termination and Appeal Regulations and for the standard fee then in effect.

9. **Meter Tampering.** No person shall bypass, tamper with or prevent a meter from registering water consumption, and such acts shall be subject to the penalties stated in Massachusetts General Laws Chapter 165 Section 11 and to such other penalties as the Commission may adopt under Chapter 269-8 Enforcement.

10. **Master Meters.** The Superintendent, at its sole discretion, may require the master metering of more than one water service. In such case, the owner of the premises served shall be responsible for payment of all water charges, all costs and expenses incident to the installation of the master meter and the acceptance of all related notices.

11. **Meter Replacement or Repair.** The City maintains a meter installation and maintenance program. Upon notification that a meter is broken or missing, the Superintendent will install a new meter, provided that the premises are meter-ready. The replacement of a frozen meter or a meter that is lost in service shall be at the owner’s expense. If plumbing work is necessary to make the premises meter-ready, the Superintendent will provide plumbing specifications to enable the owner to prepare the premises for meter installation.

§269-4.3 Repairs, Maintenance and Thawing

1. **Repairs and Maintenance.** The portion of a water service pipe on private property, or the portion not owned by the City, shall at all times be kept by the owner in good repair, free of leaks and protected from frost and corrosion. If the Superintendent determines that any private piping does not conform to applicable state and federal law, codes and Ordinances, the Superintendent may require an owner, at its expense, to expose the piping for inspection by the Superintendent. The Superintendent may require the owner, at its expense, to replace or repair the piping in accordance with applicable Ordinances. In the case where the portion of the water service pipe owned by the City is damaged by neglect or carelessness of the owner of the premises served, or any plumber, contractor, occupant or other person acting on behalf of the owner of the premises, all necessary repairs shall be made by the City at the owner’s expense.

2. **Leak Up to Owner (LUTO).** If the Superintendent determines that there is a leak in the owner’s portion of the water service pipe, the Superintendent shall so notify the owner with a written LUTO Notice, and the owner shall be responsible for filing a General Service Application, having the leak repaired and the work inspected by the Superintendent to ensure compliance with these Ordinances. The Superintendent, in accordance with the provisions of §269-4 may shut off such a leaking water service pipe.
3. Thawing. The owner is responsible for thawing, at its expense, a frozen water service pipe on the owner’s portion of the water service pipe.

§269-4.4 Shut-Off, Termination, Let-On and Discontinuance

1. Shut-Off. The Superintendent may shut off water service without notice in order to perform work on a public water main or a water service pipe or pursuant to §269-4 hereof.

   a) The Superintendent may shut off water service with notice for reasons of termination pursuant to its Billing, Termination and Appeal Regulations.

   b) At the owner’s request, the Superintendent may shut off water service to a premise in order for the owner to make repairs, or for temporary vacancy.

   c) Water service may be terminated by the Superintendent for non-payment or for reasons other than non-payment, as specified in the Commission’s Billing, Termination and Appeal Regulations.

   d) The Superintendent may terminate the water service to customers located outside the City of Chicopee limits who have unpaid balances for sewer use and storm fees. Termination will be in accordance with the Water Department's written policy and regulations titled "Billing, Termination & Appeal Regulations."

2. Let-On. Only the Superintendent shall let on water service. The Superintendent may let on a water service without notice after performing work on a public water main or a water service pipe. If an owner requests the Superintendent to shut off water service, then the Superintendent will let on the water service only after a subsequent request by the owner and, where required, after compliance with these Ordinances. After inspection of a newly installed metered water service pipe, and upon request by the owner, the Superintendent shall let on the water service. The let-on of a water service by anyone other than the Superintendent is a violation of these Ordinances and can result in the imposition of fines in accordance with these Ordinances.

3. Let-On After Termination. When water service to any premises has been terminated for any reason, it will be let on by the Superintendent only after the conditions, circumstances or practices that caused the water service termination are corrected and upon payment in accordance with the Commission’s Billing, Termination and Appeal Ordinances. If water service has been off for one year, a General Service Application must be filed and shall be supplemented by building site plans approved by the Superintendent and any other such permits, plans, specifications and information as the Superintendent may require.

4. Discontinuance by the Owner. An owner may discontinue the owner’s water service to a building by notifying the Superintendent in writing at least three working days in advance of the date on which water service is to be discontinued. Upon notification that the service is to be discontinued, the Superintendent shall shut-off the water service. When water service has been discontinued for a period of one year or more, the Superintendent may, at its sole discretion require the owner to cut and cap, at the owner’s expense, the water service pipe(s) from the public water main.

5. Let-On After Discontinuance. If water service has been discontinued for less than one year, the service shall be let on only by the Superintendent at the request of the owner. Where water service has been
discontinued for one year, the water service will be let on only after the owner submits a General Service Application. The General Service Application shall be supplemented by building site plans approved by the Superintendent and any other such permits, plans, specifications and information as the Superintendent may require.

6. **Let-On Lead Service Pipe Prohibited.** If a lead water service pipe is discontinued, the water service shall not be let on until a new General Service Application is submitted by the owner and the lead water service pipe has been replaced with a new pipe of approved material in accordance with these Ordinances.

7. **Combined Services.** This section shall not apply to combined services (water & fire service). For combined services, termination and/or discontinuance can only occur in accordance with these Ordinances chapter 269 - 5, Private Fire Protection.

**§269-4.5 Water emergency.**

1. The Superintendent with approval from the Mayor shall have the authority to declare a public emergency due to inadequate water supplies. The Superintendent with the approval of the Mayor shall have the authority to impose a partial ban or total ban on outside water use which is deemed unnecessary. The announcement in the media and other means as determined by the Superintendent and the Mayor shall include a listing of prohibited activities. A total ban shall be approved by the MADEP. Any person, firm or corporation violating any provisions of this chapter shall be subject to the following penalties:

   (1) First offense: warning.

   (2) Second offense: fine of $25 and any court costs.

   (3) Third offense: fine of $50 and any court costs.

   (4) Fourth offense: fine of $100 and any court costs.

2. A separate offense shall be deemed committed on each day on which a violation occurs or continues. Violations beyond the fourth day will receive a fine of $150 per day plus any court costs. If a water emergency ban on outdoor use is terminated and another emergency declared later the same year, the first offense during the new emergency will be a warning.

3. The Police Department shall be the enforcing authority.

4. The Mayor shall designate the appeals officer and collector of violations of the Water Emergency and any other details.

**§269-4.6 Expense Borne by Owner**

All costs and expenses incident to submission of a General Service Application and work authorized pursuant to such application, including but not limited to, design, construction, connection and inspection of water service pipes, shall be borne by the owner.

**§269-4.7 Compliance with Ordinances**

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Violations of this section are subject to the imposition of fines and penalties as provided in §269-8 of these Ordinances.

§269-5.0 PRIVATE FIRE PROTECTION

§269-5.1 Application for Fire Protection/Suppression System Supply Line (Fire Pipe) Application Procedure.

In order to obtain approval to construct or change the size or location of a fire pipe connecting to a public water main, the owner shall submit a General Service Application. The application shall be supplemented by a building site plan approved by the Superintendent, by a permit issued pursuant to the City of Chicopee Fire Prevention Code, and by such other permits, plans, specifications, and information as the Superintendent may require. Approval of the application shall be subject to the availability of capacity in the public water main as determined by the Superintendent. Any General Service Application issued shall be void and invalid unless the work authorized by it shall have been commenced within thirty (30) days after issuance; however for cause shown and upon written request by the property owner, an extension may be granted by the Superintendent.

1. Expenses Borne by Owner. All costs and expenses incident to the completion of a General Service Application and the work authorized pursuant to such application, including but not limited to design, construction, connection, and inspection of a fire pipe shall be borne by the owner.

2. Existing Users. In the absence of a signed General Service Application, the provision of water service by the Superintendent and its use by the owner shall nonetheless be deemed subject to all provisions of these Ordinances.

§269-5.2 Fire Pipes Ownership.

The property owner shall own the entire fire pipe, extending from the property to the public water main including the control valve at the main.


2. Location of Fire Pipe. No fire pipe shall be laid in the same trench with any other public or private facilities, except a water service pipe, nor within ten feet of a sewer. Any connection of a fire pipe to a public main shall be made in a public way, a City-owned easement, whether recorded or by prescription or in a private way open to public travel. The Superintendent at its sole discretion shall determine the point of connection of the owner's fire pipe to the City's water main.

3. Limitations on Tapping Mains. Water mains designated as transmission mains shall not be tapped for a fire pipe, except when approved by the Superintendent. All new taps shall be a minimum of one pipe size smaller than the main to be tapped; however where the Superintendent deems this impractical, a solid sleeve three-way branch shall be used to connect to the new main.

4. Limitations on Water Use. Where there is more than one public water main in a street, the Superintendent shall determine which main the owner may tap for a fire pipe connection. Water supplied
through a fire pipe shall be for fire protection only, except for annual fire pump tests. Only prior written authorization from the Superintendent shall permit any other use of water from a fire pipe. No water used for fire protection/suppression systems shall be taken from a water service pipe.

5. Installation of Fire Pipe. The owner shall be responsible, at its expense, for installing the fire pipe and appurtenances, tapping and making connection to the public water main designated by the Superintendent and the cutting and capping of existing services and appurtenances to be discontinued. The owner or owner’s contractor shall arrange at least twenty four (24) hours in advance for an inspection by the Superintendent before backfilling the installed fire pipe and appurtenances. The owner or owner’s contractor shall not backfill the installation until after receipt of a written inspection certificate from the Superintendent. Only the Superintendent shall let-on water service after inspection and approval of the fire pipe installation. The owner shall provide access to the property for the inspection by the Superintendent and shall not conceal the purpose for which the fire pipe is used or to be used.

6. Installation of Backflow Device. All fire pipe supply lines shall be equipped with an approved backflow prevention device.

7. Fire Department Permit. An owner, in accordance with the Chicopee Fire Prevention Code, shall be responsible for obtaining the necessary permit from the Chicopee Fire Department when the fire pipe is shut off for maintenance purposes.

8. Second Source. If continuous water service is necessary, the Superintendent may, at its discretion, require the owner, to install a second service with backflow protection so that service will not be interrupted during fire pipe testing and maintenance operations. Such second source shall be installed in accordance with City specifications and in accordance with these Ordinances. All costs and expenses incident to the installation of a second source shall be borne by the owner.

§269-5.3 Metering

The Superintendent may require that an owner install a detector meter on a fire pipe for the purpose of monitoring leakage and water use. If metering is required, all expenses for furnishing and installation of the meter shall be borne by the owner. The provisions of Chapter 269-4.2, with respect to meter location, right to enter premises, meter testing, meter tampering, and meter replacement or repair shall apply to fire pipe meters.

§269-5.4 Annual Charge

The Commission includes within its rates an annual charge related to the provision of water capacity to serve a fire service pipe. Unless otherwise stated in the rate documentation, such annual charge shall not include or be used for maintenance or repair costs to the fire service pipe. Maintenance costs and repair costs are to be borne by the owner of the premises.

§269-5.5 Repairs, Maintenance and Thawing

Repairs and Maintenance. The fire pipe shall at all times be kept by the owner of the premises and at its expense in good repair, free of leaks and protected from frost and corrosion.
Repair of Leaks. The owner shall be responsible for having a leak in a fire pipe repaired at the owner’s expense. Such a leaking fire pipe may be shut off by the Superintendent in accordance with the provisions of these Ordinances.

Thawing. The owner is responsible, at its expense, for thawing a frozen fire pipe.

§269-5.6 Shut-Off, Termination, Abandonment, and Let-On

1. Shut-Off. No shut-offs of a fire pipe shall occur except in accordance with Massachusetts General Laws Chapter 148, Section 27A and with the City of Chicopee Fire Prevention Code. After compliance therewith, the Superintendent may shut off a fire pipe without notice in order to prevent the loss of water, to prevent or stop damage to property, or to perform work on a public water main. At the owner’s request, accompanied or followed by a written request from the City of Chicopee’s Building Department, the Superintendent may shut off water service to a premise in order for the owner to make repairs.

2. Discontinuance by the Owner. No discontinuance of a fire pipe shall occur except in accordance with Massachusetts General Law Chapter 148, Section 27A and with the City of Chicopee Fire Prevention Code. After compliance therewith, an owner may discontinue the owner’s fire pipe service to specific premises by notifying the Superintendent in writing at least three working days before the date on which the fire pipe is to be discontinued. Along with such written notice, the owner shall provide the Superintendent with a written request from the City of Chicopee’s Building Department as well as a permit in accordance with the City of Chicopee Fire Prevention Code authorizing the discontinuance. After compliance therewith, if a fire pipe has been discontinued for a period of one year or more, the Superintendent may, at its sole discretion, require the owner to cut and cap, at the owner’s expense, the fire pipe(s) from the public water main.

3. Let-On. Only the Superintendent shall let on a fire pipe. After inspection and approval of a newly installed fire pipe, and upon written request by both the owner and by the City of Chicopee’s Building Department, the Superintendent shall let on water service. If an owner requests the Superintendent to shut off water service, then the Superintendent will let on the water service only upon request by the owner and by the Building Department and, where required, only after the owner submits a General Service Application. The Superintendent may let on water service without notice to the owner after performing work on a public water main.

4. Let-On After Termination. When water service to the fire pipe of any premises has been terminated for any reason, it will be let on by the Superintendent only after the conditions, circumstances or practices that caused the water service termination are corrected and after receipt of a written request from the City of Chicopee’s Building Department.

5. Let-On After Discontinuance. If a fire pipe has been discontinued for one year or longer, the service will be let on by the Superintendent at the request of the owner only after the owner submits a General Service Application, accompanied or followed by a written request from the City of Chicopee’s Building Department. The General Service Application shall be supplemented by building site plans approved by the Superintendent and any other such permits, plans, specifications and information as the Superintendent may require.

§269-5.7 Compliance with Ordinances

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Violations of §269-5 are subject to the imposition of fines and penalties as provided in §269-8 these Ordinances.

§269-6.0 CROSS CONNECTIONS

§269-6.1 Backflow Prevention Required.

No person shall maintain a cross connection without an approved backflow prevention device. Backflow prevention devices shall comply with the provisions of the Massachusetts Department of Environmental Protection (MDEP) Drinking Water Regulations 310 CMR Section 22:22 Cross Connections.

1. **Plan Approval and Initial Inspection.** The Superintendent shall approve all plans for the installation of backflow prevention devices and, after installation, shall perform the initial inspection and test of the backflow prevention devices.

2. **Installation of Backflow Prevention.** The owner at its expense shall install backflow prevention devices and the installation shall be approved by the Superintendent. If continuous water service is necessary, two approved backflow prevention devices shall be installed in a parallel installation, so that water service will not be interrupted during testing and maintenance operations. Backflow prevention devices shall be installed in a horizontal position, three (3) to four (4) feet above the floor, twelve (12) inches from any wall, tightly closing shut off valves on either end, protected from freezing, flooding, mechanical damage, and vandalism and shall be easily accessible for testing, inspection and maintenance purposes. The Superintendent under certain circumstances shall allow vertical installation of a backflow prevention device. Installation of a backflow prevention device below grade in a pit or chamber is prohibited.

3. **Subsequent Testing.** The Superintendent shall conduct annual and semi-annual tests and inspections of all approved backflow prevention devices at the owner’s expense to insure proper operating condition. Any approved backflow prevention device failing a Superintendent test and inspection shall be repaired by a licensed plumber or licensed sprinkler fitter and shall be subsequently retested and re-inspected within fourteen (14) days of failure at the owner’s expense to insure proper operating condition.

4. **Removal of Backflow Prevention Devices.** Removal of approved backflow prevention device is prohibited without prior notification to the Superintendent by the property owner and subsequent approval by the Superintendent.

§269-6.2 Cross Connection Inspection

1. **Right to Enter.** The Superintendent may enter properties served by the City’s water distribution system at all reasonable times for the purpose of conducting routine, periodic surveys and investigations for cross connections and potential cross connections within the property. On request by the Superintendent, the owner shall furnish information on water use practices within the property. Properties having or suspected of having cross connections in violation of these Ordinances may be inspected regularly for backflow hazards.

2. **Notification.** Notwithstanding any other provision of these Ordinances, investigations and inspections for the purpose of locating possible cross connections in violation of these Ordinances may be performed by the Superintendent without prior notice to the owner.
§269-6.3 Cross Connection Elimination

1. **Prevention of Cross Connections.** The backflow of non-potable water, other fluids, gases or foreign materials into the City’s water distribution system or plumbing systems of properties served by the public water system is prohibited. Public and private water mains, plumbing systems and fire protection/suppression systems supplied by the City’s water distribution system shall be protected against cross connection and backflow from any plumbing fixture or other equipment or appliance capable of affecting the quality of the water supply. The Superintendent shall determine the type of backflow prevention device utilized to protect a cross connection.

2. **Shut-Off of Water Service.** The Superintendent shall have the right to shut off water service without prior notice to eliminate a cross connection or backflow condition where contaminants or pollutants are actually in the process of or are suspected of entering the City’s potable water distribution system, or where there is, in the Superintendent’s judgment, the reasonable possibility that such contamination or pollution will occur if the water service is not shut off. Under such conditions, the water service shall remain shut off until the cross connection or backflow connection is eliminated, or the condition is remedied, at the owner’s expense, and the remedial work has been approved by the Superintendent. For purposes of the Commission’s Billing, Termination and Appeal Regulations, a shut-off to eliminate a cross connection or backflow condition shall be treated as a customer plumbing emergency under these Ordinances.

§269-6.4 Owner’s Liability

The owner shall be liable to the City and shall reimburse the City for all penalties, fines and monetary judgments levied against or imposed upon the owner as a result of the owner’s violation of any provision of these Ordinances.

§269-6.5 Compliance with Ordinances

Violations of §269-5 and §269-6 are subject to the imposition of fines and penalties as provided in §269-8 of these Ordinances.

§269-7.0 PRIVATE WELLS

§269-7.1 Registration/Permit Requirements

All private wells within the City of Chicopee shall be registered with the Commission and the Chicopee Health Department Director and Board of Health. No person shall dig, drive or otherwise establish or install a private well without first securing a permit from the Superintendent, Chicopee Health Director and the Chicopee Health Department.

§269-7.2 Cross Connection Regulation

1. **Prevention of Cross Connection.** Water from a private well shall not be connected to any piping, equipment or system supplied by the City’s water distribution system at any time.

2. **Backflow Prevention Required.** All properties having a private well shall have an approved backflow prevention device installed on the water service pipe, in accordance with the provisions of these Ordinances, for the protection of the public water system. The approved backflow prevention device
shall be installed on the water service pipe directly after the water meter in accordance with City specifications.

§269-7.3 Notification

1. Approved Private Well for Human Consumption. A private well approved for human consumption by the Chicopee Health Department Director and Board of Health shall have the Chicopee Board of Health Water Supply Certificate filed with the Chicopee Water and Sewer Commission by the property owner.

2. Water Service Disconnection. Upon issuance of a water supply certificate for human consumption by the Chicopee Board of Health and after establishment of the private well, any existing water service line to the property shall be disconnected from the City’s water distribution system at the water main. This work is to be done in accordance with a General Service Application obtained from the Superintendent.

3. Costs. All costs and expenses incident to the disconnection of the water service line shall be borne by the owner.

§269-7.4 Decommission

When a private well is decommissioned, the decommissioning must be done in compliance with Chicopee Health Department, City Ordinances and MDEP Well Regulations. Notification of the decommissioning of a private well shall be filed with the Superintendent, Chicopee Health Department and MDEP within thirty (30) days after completion of the plugging procedure.

§269-7.5 Metering

Any water from a private well entering the City’s wastewater system shall be metered and shall be subject to Commission’s sewer charges

§269-8.0 ENFORCEMENT

§269-8.1 Inspection

1. Right of Access. Duly authorized representatives of the Superintendent shall have access to premises and properties, including those under construction, served by the public water system to ascertain compliance with these Ordinances. Owners or users of the public water system shall allow properly identified Superintendent representatives access to areas in which water service pipes, fire protection/suppressions system supply lines and all appurtenances are located within the premises to inspect, observe, measure, sample, and test:

a. Water use;
b. Buildings;c. Water quality;

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d. Meters;

e. Water service pipes;

f. Fire pipes;

g. Cross connections and backflow prevention devices; and

h. Other facilities that the Superintendent reasonably believes may be contributing to a violation of these Ordinances. Inspections conducted pursuant to routine periodic surveys or on a report of a complaint shall be performed at all reasonable times during normal business hours. When the Superintendent reasonably suspects that a violation of these Ordinances is or may be occurring or an emergency exists that requires immediate action on the part of the Superintendent, access shall be permitted at such other times as is necessary for the correction of said violation or abatement of such emergency.

2. Right of Entry. Duly authorized representatives of the Superintendent shall be permitted to enter all private property through which the City holds an easement, whether recorded or by prescription, for the purpose of inspection, observation, measurement, sampling, testing, maintenance, repair or reconstruction of any portion of a public water main lying within said easement. Inspections conducted pursuant to routine periodic surveys or on a report of a complaint shall be performed at all reasonable times during normal business hours. When the Superintendent reasonably suspects that a violation of these Ordinances is or may be occurring or an emergency exists that requires immediate action on the part of the Superintendent, access shall be permitted at such other times as is necessary for the correction of said violation or abatement of such emergency. All entry and subsequent work, if any, shall be done in full accordance with the terms of said easement.

3. Security Clearance. Where a user has security measures in force that would require clearance before entry to the premises, the user shall make necessary arrangements to permit Superintendent personnel to enter without undue delay for the purpose of carrying out their specific responsibilities.

4. Consequence of Denial of Entry or Access. The Superintendent may forthwith give written notice of its intent to terminate water service where an owner or user having received reasonable notice refuses to permit properly identified Superintendent personnel to enter or have access to premises in accordance with the terms of this section. Such notice shall be given in accordance with the Commission's Billing, Termination and Appeal Regulations, and termination under this Section shall be treated as a termination for refusal of access under said Ordinances. Notwithstanding any other course of action available to it, the Superintendent has the right in accordance with applicable Federal and State law to apply for entry to premises served by the public water system for the purposes as set forth in these Ordinances.

§269-8.2 Enforcement Actions-Multiple Alternatives.

When the Superintendent has determined that an owner or user has:

1. Violated, is violating or threatened to violate these Ordinances;

2. Violated, is violating or threatens to violate any permit issued pursuant to these Regulation;
3. Made a false representation in an application, record, or report to the Superintendent or failed to provide relevant information;

4. Manipulated, falsified, tampered with, or rendered inaccurate a meter, meter reading device or appurtenance thereto;

5. Failed to comply with an order or ruling issued by the Superintendent or a court after having reasonable opportunity to comply;

6. Failed to pay a penalty or fee due to the City; or

7. Caused or threatened damage to the City's water distribution system, the Superintendent may take any one or more of the following actions, in any sequence or simultaneously:

   a. The Superintendent may issue a request or an order to cease and desist any such violation or any actions that cause or threaten to cause violation, and/or an implementation schedule for undertaking specific actions or practices.

   b. The Superintendent may require the owner or user to submit a detailed time schedule setting forth specific actions to be taken and specific dates upon which such actions will be taken in order to prevent or correct a violation. The Superintendent may issue an implementation schedule containing or modifying such specific actions and time schedule, or requiring such other actions within such times as the Superintendent deems appropriate.

   c. The Superintendent may issue an order directing the owner or user to pay to the City penalties and costs as determined by the Commission and in accordance with these Ordinances.

   d. The Superintendent may revoke, modify, deny, suspend or refuse to renew a permit issued under these Ordinances.

   e. The Superintendent may take direct enforcement action by filing suit in any court of competent jurisdiction.

   f. The Superintendent may terminate water service as authorized in these Ordinances.

   g. The Superintendent may take any other action available under any applicable statute or regulation.

§269-8.3 Liability

1. No Direct or Consequential Damage as a Result of a Let-On or Shut-Off. The City and the Superintendent shall not be responsible for any damage resulting from the shut-off or subsequent let-on of water, including but not limited to bursting or collapse of boilers supplied by direct pressure; damage by debris in dirty water; the breaking of any pipes, fixtures, control valves or fire pipe gates; stoppage or interruption of water supply. The City and Superintendent shall also have no responsibility for any consequential damages (including, but not limited to, food or housing costs) incurred by an owner, customer or user as a result of the shut-off or subsequent let-on of water.
2. **Damage as a Result of Water Use or Leak.** No user shall utilize any apparatus or device or use water in such a way that could or does adversely affect a public water main, appurtenance or water service pipe. The user shall be liable for any damage to public water mains, appurtenances or water service pipes or property resulting from a violation of these Ordinances.

3. **Damage During Owner Repairs and Installations.** The owner shall indemnify the City from and shall reimburse the City for any loss or damage directly or indirectly caused to the Commission’s water and sewer facilities by the installation of any privately owned portion of a water service pipe, combined service, fire pipe or other plumbing.

4. **Damage as a Result of Backflow Prevention Device Testing.** The City shall not be responsible for any damage resulting from the shut-off of water or the subsequent let-on of water in conducting required tests and inspections of approved backflow prevention device installations.

5. **Damage as a Result of Meter Testing.** The City shall not be responsible for any damage resulting from the testing and inspection of water meters or automatic meter reading devices.

6. **Indemnification.** An owner or user shall indemnify and hold harmless the City for any damages or civil liabilities the City may sustain or be required to pay in consequence of an injury or property damage resulting from the owner’s or user’s violation of these Ordinances.

7. **Public Function.** In acting under these Ordinances, the City shall be deemed to be performing an essential public function. The City shall not be liable for any loss or damage as a result of the performance of such public function.

8. **Monetary Liability.** Any person who violates any provision of these Ordinances shall, upon issuance of a Superintendent order to that effect, forfeit and pay to the City the penalty established by applicable Massachusetts General Laws or by these Ordinances for each such violation. For purposes of this Section, each day that a violation continues shall be deemed to be separate violation.

9. **Reimbursement for Costs to City.** Failure to comply with any portion of these Ordinances, or with any permit or order issued thereunder, shall be sufficient cause for the Superintendent to levy on and collect from each violator any additional cost for any expense, loss or damage incurred by the City as a result of such violation.

### §269-8.4 Penalties

1. **Amounts.** Violations of these Ordinances shall be subject to civil monetary penalties established a) by applicable Massachusetts law, b) by applicable rules and regulations of the Department of Environmental Protection and the City and c) by such penalty schedules as may from time to time be adopted by the City and appended to these Ordinances.

2. **Continuing Violations.** For purposes of the computation of penalties, each day of a continuing violation of these Ordinances shall be deemed to be a separate violation. If a violation is intermittent, each occurrence shall be deemed to be a separate violation.

3. **No Court Limitation.** If the Superintendent elects to file an enforcement action in a court of competent jurisdiction, the damages then recoverable by the City shall not be limited to amounts recoverable under these Ordinances.
§269-9.0 APPELLATE PROCEDURES

§269-9.1 Appeals from Shut-Offs or Terminations

Appeals from shut-offs or terminations effected under these Ordinances shall be governed by the Commission’s Billing, Termination and Appeal Regulations.

§269-9.2 Appeals from Superintendent Actions Other than Shut-Offs or Terminations

Water/Sewer Commission as hearing board.

1. Any user who is aggrieved by the actions of the Superintendent may request a hearing before the Commission as defined in Chapter 16 of the City Ordinances.

2. The aggrieved person shall file a written request for such a hearing within seven (7) working days from the date the Superintendent’s order was served or given to the aggrieved person. The Commission shall set a time and place for such hearing and shall inform the aggrieved person in writing of the same.

3. The hearing shall be commenced not later than 30 days after the day on which the written request was filed and shall be concluded within an additional 30 days thereafter. If an aggrieved person filed a

Councilor Tillotson suggested deleting 269-1.5. Tom Hamel stated to replace it with 269-9.

As amended by Ordinance Committee

CITY OF CHICOPEE
WATER & SEWER COMMISSION
DRINKING WATER ORDINANCES

Chapter 269

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§269-1.0 IMPORT OF ORDINANCES, GENERAL PROVISIONS

§269-1.1 Reference to Ordinances

These Ordinances may be referred to as the Water Use Ordinances.

§269-1.2 Authority

Under the authority of Chapter 40 (Section 42, Sections 42A-42K, Sections 41A, Acts and Resolves of Massachusetts and in furtherance of the goals set forth therein, the City of Chicopee has established the following Ordinances governing the use of the public and private water facilities in the City of Chicopee.

§269-1.3 Repeal of City Ordinance

§269-1.4 Purpose

These Ordinances are intended to protect the public health, safety and welfare and to ensure proper and safe operation of the City's water distribution and treatment system and facilities.

§269-1.5. Severability

A. The provisions of this chapter, or any order or permit of the Superintendent are severable, and if any provision contained therein, or the application thereof, is held invalid, the application of such provision to other circumstances and the remainder of this chapter, order or permit shall not be affected thereby.

B. All codes or parts of codes in conflict herewith are hereby repealed.

§269-1.6. Applicable Ordinances

Every user of the public water system or private water mains that are connected to the public drinking water system shall be subject to these policies and the Ordinances of the City, as they apply, and to any charges, rates, fees and assessments which are or may be established by the Water/Sewer Commission or the City. Any user of the public water system or private water mains shall also be subject to applicable state and federal Regulations. In instances where various Ordinances contain conflicting requirements, the most stringent requirements shall be met. In addition to these Ordinances, the most recent editions of the following rules or guidelines shall be adhered to:

k) Commonwealth of Massachusetts, Department of Environmental Protection
310 CMR 22 Division of Water Supply: Guidelines and Policies for Public Water Systems, as amended;

m) Commonwealth of Massachusetts, Department of Public Health: State Sanitary Code, 105 CMR 400, Chapter I and Chapter II:

n) Commonwealth of Massachusetts, Department of Environmental Protection: Drinking Water Regulations: 310 CMR Section 22;

o) Commission: Billing, Termination and Appeal Regulations;

p) Commission: Site Plan Requirements;


r) City of Chicopee Health Department Commission Ordinances/Regulations.

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

t) Federal Safe Drinking Water Act of 1974, (Public Law 93-523)

§269-1.7 Right to Amend Ordinances

The City Council reserves the right to amend these Ordinances in any manner they deem necessary or appropriate.

§269-1.8 City Ordinances

No provision of these Ordinances shall be deemed to contravene or render ineffective any valid City regulation or Ordinance.

§269-1.9 Required Applications and Permits

Applications and permits required by these Ordinances are in addition to applications and permits that may be required by other Federal, State, City and local laws or Ordinances. The following applications and permits are required by these Ordinances:

c) General Service Application

d) Hydrant Permit

e) Termination Verification Approval Application

f) Application for Site Plans
6. The Superintendent of Public Works shall enforce, pursuant to §269-8 of these Ordinances, the terms and conditions of permits issued.

7. The Superintendent may modify a permit as deemed necessary or appropriate or as required by State or Federal Law.

8. A permittee may request reconsideration of the terms and conditions in an issuance, renewal, modification or denial of a permit by the Superintendent to the Water/Sewer Commission pursuant to §269-9 of these Ordinances.

9. A permit shall not be assigned or transferred without prior written approval of the Superintendent. After approval of a permit assignment or transfer, the permittee shall provide a copy of the permit to the assignee or transferee.

10. These Ordinances shall not be construed to require the Superintendent and/or the Commission to permit itself or those in its employ for activities done to carry out the Superintendent and/or Commission's responsibilities under any Federal or State Law, regulation or requirement.

§269-2.0 DEFINITIONS

Terms that are not defined herein shall be interpreted as defined in the most recent edition of the Glossary - Water and Wastewater Control Engineering, published by the Water Pollution Control Federation (WPCF) (now called the Water Environment Federation) (WEF), Washington, D.C.
Throughout these Ordinances, shall is mandatory, and may is permissive. Unless the content specifically indicates otherwise, the meaning of the terms used in these Ordinances shall be as follows:

**Air Gap Separation** The method of preventing backflow through the use of an unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood rim of the receptacle.

**Approved** Accepted by the reviewing authority as meeting an applicable specification stated or cited in this regulation or as suitable for the proposed use.

**Approved Backflow Prevention Device or Devices** A method to prevent backflow approved by MADEP for use in Massachusetts.

**Atmospheric Vacuum Breaker** An approved backflow device used to prevent back siphonage which is not designed for use under static line pressure and is approved by MADEP

**Applicant** shall mean any property owner or duly authorized owner's agent applying for water Service, or for a water main extension, alteration, replacement, or relocation.

**Automated Meter Reading Device** shall mean a device(s) used for reading a water meter without having to enter a premise.

**Auxiliary Water Supply** Any water supply of unknown or questionable quality on or available to the premises other than the supplier's approved public potable water supply.
Backflow shall mean the flow of water or other fluids, mixtures or substances into the distribution pipes of a potable supply of water from any source or sources other than its intended source of potable water.

Backflow Prevention Device shall mean an approved mechanical device designed to prevent backflow. As approved by MADEP

Backflow Preventer with Intermediate Atmospheric Vent A device approved by MADEP having two independently operating check valves separated by an intermediate chamber with a means for automatically venting it to the atmosphere, in which the check valves are force loaded to a normally closed position and the venting means is force loaded to a normally open position.

Back Pressure created by mechanical means or other means which causes water or other liquids or substances to flow or move in a direction opposite to that which is intended.

Back Siphonage A form of backflow due to reduced or sub-atmospheric pressure within a water system.

Barometric Loop A loop of pipe rising at least 35 feet, at its topmost point, above the highest fixture it supplies.

Betterment shall mean the advantage accruing to a property which for the first time may be connected to the City drinking water system due to the construction of the extension of the system.

Building shall mean any structure used for human occupancy, employment, recreation or other purposes.

City shall mean the City of Chicopee, Massachusetts.

Combined Service shall mean a service pipe that is used to provide both water service and private fire protection service.

Commission shall mean the Chicopee Water and Sewer Commission.

Commission Bonded Contractor shall mean a contractor having the appropriate bonding, insurance and drain layers license necessary to perform work on the City's water distribution system and/or connections to the City’s water distribution system.

Condominium shall mean an independently owned unit of a residential or commercial building.

Consumption shall mean the amount of water used, as measured by a meter or as estimated by the Commission in accordance with its Billing, Termination and Appeal Regulations.

Contaminant Any physical, chemical, biological or radiological substance or matter in the drinking water or distribution system, treatment facility, or storage tank.

Cross Connection shall mean any actual or potential connection between a distribution pipe of potable water supplied by the public water system and any waste pipe, soil pipe, sewer, drain or any other unapproved source including private water lines. Without limiting the generality of the foregoing, the term “cross connection” shall also include any bypass arrangement, jumper connection, removal section, swivel or changeover connection and any other temporary or permanent connection through which backflow can or may occur.

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Cross-Connection Violation Form A violation form designated by the Department, which is sent to the owner by the water supplier with copies sent to the MADEP, plumbing inspectors and Board of Health delineating cross-connection violations found on the owner’s premises and a procedure for corrective action.

Customer shall mean the legal title holder of the property responsible for payment of bills for charges for water and sewer service to a property whether or not the premises are occupied by the customer or the customer’s authorized representative.

Decorative Fountain shall mean an indoor or outdoor fountain that is designed and constructed for aesthetic purposes and is not intended for human contact, recreation or for providing drinking water.

Design Criteria shall mean standards for design used by the Superintendent for construction and rehabilitation of public water mains, water service pipes and fire pipes.

Discontinuance shall mean a temporary cessation of water service at the premise at the request of an owner or customer for reasons other than ordinary repair or maintenance.

Distribution System shall mean system of engineered hydrologic and hydraulic components which provide drinking water supply.

Double Check Valve Assembly A backflow prevention device which incorporates an assembly of check valves, with shutoff valves at each end and appurtenances for testing approved by MADEP.

Easement shall mean an acquired legal right for the specific use of land owned and maintained by others, whether recorded or by prescription.

Environmental Protection Agency or EPA The United States Environmental Protection Agency.

Fire Protection/Suppression System Supply Line shall mean the private water piping, control valve and appurtenances installed solely to furnish water for extinguishing fires. (also referred to as a Fire Pipe in these Ordinances.)

Fire Flow Test shall mean the measurement of flow from a hydrant performed by the Superintendent in accordance with generally accepted engineering practices.

General Service Application shall mean the form provided by the Superintendent and completed by the property owner or by an agent authorized by the owner and submitted to the Superintendent prior to construction, reconstruction, repair or modification of a water service pipe or a fire pipe from a public water main. A completed General Service Application includes verification that the premise address listed therein is correct.

Hydrant shall mean a device connected to a public water main for the purpose of extinguishing fires or other authorized purpose.

Hydrant Permit shall mean a written permit granted by the Superintendent for the temporary use of a City owned hydrant or a private hydrant that is not master metered.
In-Plant Protection The location of approved backflow prevention devices in a manner which provides simultaneous protection of the public water system and the potable water system within the premises.

Let On shall mean the opening of a control valve to initiate or restore water service.

Licensed Drain Layer shall mean a person authorized in writing by the Superintendent to install, maintain and repair water mains and water services within the City of Chicopee. (A Licensed Drain Layer is also authorized to install, maintain and repair sanitary sewers, combined sewers, storm drains, building sewers and building storm drains.)

LUTO, the acronym for Leak Up to Owner, shall mean a leak in the owner’s portion of a water service pipe, a leak on a fire pipe or a combined service.

LUTO Notice shall mean the Superintendent’s written notification to an owner or customer that a leak exists in the water service pipe on the owner’s property, and that the owner is responsible for repairing the leak.

Master Meter shall mean a water meter used for billing purposes serving a building or group of buildings, that may or may not be separately metered.

MADEP shall mean the Massachusetts Department of Environmental Protection.

Meter shall mean an instrument or device, including any appurtenances thereto, for measuring the flow of water.

Meter Pit shall mean an underground vault enclosing a meter.

Owner shall mean a person who alone or jointly or severally with others, has the legal title to any premises or has care, charge, custody or control of any premises as agent, executor, administrator, trustee, lessee or guardian of the estate of the holder of legal title.

Permit A document issued by the Department.

Person shall mean any agency of the federal government, the City of Chicopee, any agency or political subdivision of the Commonwealth, any state, public or private corporation or authority, individual, firm, joint stock company, partnership, association, or other entity, or any group thereof, and any officer, employee, or agent of such person, and any group of persons.

Pressure Vacuum Breaker An approved backflow prevention device designed to prevent only back siphonage and which is designed for use under static line pressure and which has necessary appurtenances for testing, and is approved by MADEP.

Plumber shall mean a person licensed as a plumber by the Commonwealth of Massachusetts.

Point-Of-Entry Treatment Device shall mean a device installed to treat water entering any building or portion of such building for the purpose of reducing contaminants in the water distributed through that building or portion of such building.

Potable Water shall mean water fit for human consumption in conformance with the Regulations of the Massachusetts Department of Environmental Protection.
**Premise/Property** shall mean a parcel of real estate or portion thereof, including any improvements thereon, which is determined by the Superintendent to be a user for purposes of receiving, using and paying for water service.

**Prescriptive Rights** Right or privilege or other easement form of way upon or over land of another when use is continued for 20 years.

**Private Fire Protection** shall mean private water mains, fire pipes and other appurtenances installed for the purpose of fire protection/suppression at a particular premise.

**Private Hydrant** shall mean a hydrant installed by an owner for the purpose of private fire protection/suppression at a particular premise.

**Private Water Main** shall mean a water main that is not owned by, the City or another city or town.

**Public Fire Protection** shall mean the public water mains, hydrants and appurtenances installed for the purpose of fire protection in a public way, City-owned easement, whether recorded or by prescription, or private way open to public travel.

**Public Water Main** shall mean the piping and associated valves, hydrants and appurtenances owned by the City, or another city or town installed in a public way, publicly-owned easements whether recorded or by prescription, or private way open to public travel, for the purpose of supplying water to one or more customers or for public fire protection.

**Public Water System** shall mean a system for the provision to the public of piped water for human consumption. The City is a public water system.

**Recreational Spray or Sprinkler Pool** shall mean an indoor or outdoor spray or sprinkler pool that is designed and constructed for the purpose of human contact recreation.

**Pressure Vacuum Breaker** An approved backflow prevention device designed to prevent only back siphonage and which is designed for use under static line pressure and which has necessary appurtenances for testing.

**Reduced Pressure Backflow Preventer** An approved backflow prevention device incorporating two or more check valves, an automatically operating differential relief valve located between the two checks, two shutoff valves and necessary appurtenances for testing.

**Residential Dual Check** An assembly of two spring-loaded, independently operating check valves without tightly closing shutoff valves and test cocks. Generally employed immediately downstream of the water meter to act as a containment device.

**Reviewing Authority** The Department, its designee or the local plumbing inspector, authorized by MGL c. 142 and licensed by the Board of State Examiners of Plumbers and Gas Fitters, whichever is responsible for the review and approval of the installation of an approved backflow prevention device.

**Release Agreement** shall mean a form prescribed by the Commission that transfers ownership of water facilities to the City and/or grants to the Commission an easement with respect to such facilities. The form shall be duly completed, accepted and signed by the City and filed with the Hampden County Registry of Deeds.
**Requirements for Site Plans** shall mean the document that describes the information that must be included in site plans submitted to the Superintendent. A Site Plan is required by the Commission for review and approval by the Superintendent of a proposed connection or reconstruction, repair or modification of a water service pipe or fire pipe which connects to the City’s water distribution system. (The document also includes requirements for connections to the City’s sanitary and combined sewers and storm drain systems.)

**Residential Meter** shall mean a meter two inches in size or smaller used to measure the flow of water to a predominantly residential property.

**Shut Off** shall mean the closing of a control valve to temporarily stop water service or to terminate water service.

**Superintendent** The person designated by the City of Chicopee to supervise the Department of Public Works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

Termination shall mean the cessation of water service pursuant to the Commission’s Billing, Termination and Appeal Regulations or for a violation of these Ordinances.

**Termination Verification Approval Application** shall mean the form completed and submitted to the Superintendent by the owner or by the owner’s agent prior to demolition of any building having water, sewer or storm drainage connections to the City’s water distribution or sewer or storm drainage systems. A copy of the completed form approved by the Superintendent must be submitted to the Chicopee Building Department before that Department may approve demolition.

**User** shall mean any person who obtains water service from a public water main or a private water main supplied from a public water main.

**Water Service** shall mean the readiness to supply or actual supplying of water to premises in which a water service pipe or fire pipe has been installed. Water service may also mean a water service pipe.

**Water Service Pipe** shall mean the connection, piping and associated valves and appurtenances that extend from a public water main to a building or property for the purpose of supplying water, other than for fire protection/suppression systems.

**Well** shall mean any dug, driven or drilled hole, with a depth greater than its largest surface diameter, developed to supply water intended and/or used for human consumption, irrigation, or industry and not subject to regulation by 310 CMR 22.00.

§269-3.0 USE OF WATER AND WATER FACILITIES

§269-3.1 Jurisdiction

All property situated within the City of Chicopee shall be eligible to receive water service from the City upon compliance with these Ordinances. The timing and methods for extending or providing service shall be at the Superintendent’s sole discretion. Eligibility for water service outside of the City shall be conditioned upon the Superintendent’s approval and compliance with these Ordinances.
§269-3.2 Authority

As provided in the Federal Safe Drinking Water Act of 1974, (Public Law 93-523), and the Commonwealth of Massachusetts Drinking Water Regulations, 310 CMR 22.22, the water purveyor has the primary responsibility for preventing water from unapproved sources or any other substances from entering the public potable water system.

The Superintendent shall, have charge of the construction, alteration and care of all water pipes and water fixtures owned by the City and may make all necessary repairs thereto and extension thereof; shall have general control and care of all buildings and structures used exclusively by the Water Department; and shall keep the same in repair.

The Superintendent shall, have the charge and care of all new construction or extension and of all repairs and management of the works of said Department. He shall have authority to dig up the streets and highways, so far as is necessary for the purpose of paving and repairing lines of water pipe or water mains; but in all such cases the streets, while so dug up, are to be suitably protected and guarded, and after the work is finished, the streets shall be left in a condition satisfactory to the Superintendent. All defects in highways or streets caused by leaks in water mains or pipes shall be repaired by the Superintendent. Upon receiving notice from the Chief of the Fire Department of any defective hydrant, said Superintendent shall cause the same to be repaired without delay. The Superintendent should issue news releases to the media as applicable notifying residents of any scheduled maintenance that would result in their water being shutoff.

§269-3.3 Superintendent to act as registrar.

The Superintendent shall act as registrar and shall keep all required records and books and shall make such reports to the Commission as detailed in Chapter 16 of the Ordinances of City of Chicopee. He shall file with the City Collector and City Auditor on the first day of each month a list of water commitments which are payable on those days, and on the first day of each month he shall file with the City Collector and City Auditor a statement of all water commitments and other claims which may have become due to the City during the preceding month in this Department. Whenever any bill is abated or changed by the Commissioner, a certificate of such abatement or change, signed by the Superintendent, shall be delivered to the City Collector and City Auditor and shall become his voucher for the amount therein stated.

§269-3.4 Ownership

The City owns all public water mains, transmission mains, hydrants, valves, and associated appurtenances located within public ways, City owned easements, whether recorded or by prescription and private ways open to public travel within the City unless otherwise specified in writing by the Superintendent (with a copy provided to the owner). The City also owns all water service pipes from public water mains located within public ways, all easements, whether recorded or by prescription and private ways open to public travel within the City to an owner’s property line, except where a building, foundation wall, retaining wall, stairs, areaways or other subterranean structures are located on the property line, in which case the City owns the water service pipe to a distance of 18 inches outside the property line.

§269-3.5 Public Water Mains

The Superintendent shall control the use of all public water mains in the City, except for certain water mains of adjacent communities that are interconnected with the City water system. No person shall, without prior written authorization from the Superintendent, uncover, make any connections with or opening into, alter, or disturb a
public water main. 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 City’s water distribution system.

§269-3.6 Private Water Mains

All private water mains in the City that convey water from public water mains owned by the City shall be controlled by the City, but shall be constructed, installed, repaired, operated and maintained by their owners at the owner’s expense. The Superintendent may direct the owner to repair or replace a private water main, if in the judgment of the Superintendent such action will reduce the quantity of water lost through leaks from that main or where such leaks may jeopardize the operation of the public water system. Repairs to private water mains shall be made by and at the expense of the owner. The Superintendent shall inspect and approve the connection of the private water main to the City’s public water main. Ownership of the curbstop shutoff valve and meter within and connected to a private water main is the property of the City and shall not be tampered with, removed, repaired, replaced, disturbed or manipulated in any way except by the City Water Department.

§269-3.7 Easements and Prescriptive Rights

4. The Superintendent shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the water treatment and distribution system lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

5. No length of possession or occupancy of land within the limits of a City easement shall invalidate or negate the City easement rights. Any fences, trees, pools, shrubs, buildings or any other objects encroaching upon a City easement shall, upon written notice by the Superintendent, be removed within 14 days by the owner, and if not so removed, the Superintendent may remove the same to such adjoining land or such encroaching objects, other than a building used for residential purposes. Said encroachment(s), may be removed by persons working under the direction of the Superintendent and shall be placed in the nearest maintenance area of the City. Notice by certified mail, return receipt requested, shall be given to the owner, stating where such encroachment object is located and further stating that, if not claimed within three weeks, said object may be destroyed. The City may seek cost recovery for all expenses incurred in the removal and relocating of objects in the easement of the City.

6. The City shall have prescriptive rights or privilege over land of another to perform maintenance, repair, and replacement, maintain access, inspection, observation, measurement, sampling, and repair of any portion of the water treatment and distribution system lying within said land.

§269-3.8 Water Conservation and Emergencies

4. Conservation by Users. No user shall knowingly allow water to leak or run to unnecessary waste.

5. Conservation Restrictions. The Superintendent may adopt conservation restrictions in accordance with the provisions of Massachusetts General Laws Chapter 21G upon its determination that conditions exist which limit the water supply and may endanger the public health, safety and welfare. Conservation restrictions shall remain in full force and effect until the Superintendent determines that the condition requiring their imposition no longer exists.
6. **Emergency Shut-Off.** The Superintendent may shut off water service to any premises during a drought, hurricane, conflagration or other disaster upon notification to the owner in accordance with Massachusetts General Laws Chapter 40, Section 41A.

§269-3.9 Water Main Extensions, Replacement and Relocations Procedure for Extensions.

An applicant may propose an extension, replacement or relocation of public water mains to serve new or rehabilitated buildings. All proposed extensions, replacements or relocations, including any tests, studies, investigations and inspections required for design, shall be designed and constructed in accordance with the City’s Design Criteria, and subject to the approval of the Superintendent. All expenses, including all engineering, legal, permitting, construction, and inspection expenses, involved in applying for and constructing an extension, replacement or relocation shall be borne by the applicant.

6. **Bonding and Approval of Contractors.** Contractors must post a bond in a form satisfactory to the City and in an amount and for a period of time that the Superintendent deems sufficient to guarantee construction quality and operating performance. Bonding is required before work commences on any public water main extension, replacement or relocation by contractors working for the City or an owner on City-owned property or easements.

7. **Release Agreement.** After approval of a proposed extension, replacement or relocation of a water main and after the attendant construction has been approved by the Superintendent, the applicant shall transfer ownership of the extended, replaced or relocated water main to the City through a Release Agreement in a form prescribed by the Superintendent. The Release Agreement shall be accompanied with as-built plans for the extended, replaced or relocated water main and any other information required by the Superintendent. Until such time as the Release Agreement is signed by the Superintendent, the extended, replaced or relocated water main shall be considered to be privately owned by the applicant and shall be subject to the requirements pertaining to private water mains contained in these Ordinances.

8. **Denial or Modification of Proposal.** The Superintendent may deny the request of an applicant to extend, replace or relocate a public water main if the Superintendent determines that the proposed work does not conform to the City’s Design Criteria or the Superintendent determines that the work will adversely affect its system or that of existing users. The Superintendent may condition approval of a request to extend, replace or relocate. Among other things, the Superintendent may require that an applicant who proposes to extend, replace or relocate a public water main make certain improvements or modifications to the existing system.

9. **Water Main Replacement.** If an applicant requests new water service pipe or fire pipe which, in the judgment of the Superintendent, will impose a demand in excess of the capacity of the existing main, it may be necessary to replace the existing main with one of appropriate size. The applicant shall pay the full cost thereof including any tests, studies, investigations and inspections required for design and construction.

10. **Major Development Project Reviews.** When the Superintendent must utilize outside professional engineering and legal reviews for major development projects, the applicant shall pay for such reviews.

§269-3.10 Hydrants
7. **Ownership.** All hydrants located in public ways, City-owned easements, whether recorded or by prescription, or private ways open to public travel shall be owned and maintained by the City unless the Superintendent expressly determines otherwise with respect to specific locations.

8. **Location.** Hydrants shall be placed at locations designated by the Superintendent to facilitate public fire protection or for City maintenance enhancement. As a condition of an approved new or extended water service, the Superintendent may require an owner to pay for the cost of hydrant installation if the Superintendent determines that such new extended water service creates fire protection requirements or enhanced City maintenance.

9. **Relocation.** An owner may request approval to relocate water facilities. The request shall include a plan of the relocation designed in accordance with the Design Criteria of the City. If the relocation is approved, the owner shall have the work performed at its expense by a contractor bonded and approved in accordance with §269-3.9 above.

10. **Permits for Use of a Hydrant.** Any use of water from an unmetered hydrant for purposes other than extinguishing fires shall only occur pursuant to a Hydrant Permit obtained from the Superintendent. After issuance of the permit, a hydrant meter and a wrench for the proper operation of the hydrant shall be provided upon payment of a deposit in an amount established by the Commission. The permit must be attached to the meter or be readily available at all times during use. The failure to comply with the terms as set forth on the hydrant permit or the unauthorized use of water from a hydrant are violations of these Ordinances which can result in the imposition of a fine in accordance with §269-8 of these Ordinances.

11. **Private hydrants.** The owner of a private hydrant must obtain a hydrant permit and meter from the Superintendent unless the hydrant is master metered. All private hydrants must be equipped with a Superintendent approved hydrant security device unless the hydrant is master metered.

12. **Fire Flow Tests.** Only the City shall perform fire flow tests. If so requested, the City will conduct a fire flow test at the requesting person’s expense.

§269-3.11 Reserved

§269-3.12 Fountain and Irrigation Systems

3. **Decorative fountains** shall be equipped with a meter, a shut-off mechanism and an approved backflow prevention device.

4. **Irrigation Systems.** All irrigation systems shall be metered and equipped with an approved backflow prevention device. The City shall have the right of entry to any premises to inspect irrigation systems for cross connection conditions, backflow prevention, and any other condition that may affect the public water supply.

**269-4.0 WATER SERVICE**

To implement this chapter, the City Council hereby adopts the provisions of Massachusetts General Laws Chapter 165 Sections 1, 11A thru 11E inclusive.
12. **Entrance Fees and Assessments For Water Connections.** Fees and/or assessments shall be made upon the property owners within the territory of said Water treatment and distribution system by a rate determined by the Water-Sewer Commission.

13. **Rate of Assessment and Entrance Fees.** A. The rate of assessment and entrance fees shall be set by the Commission for each connection to the public water system on any street or way upon which water is constructed and upon application of entrance.

14. **The current fees** are on file in the office of the City Clerk.

15. **Rates** are subject to approval of the Water-Sewer Commission

   a. See Chapter 16 of the Ordinances of the City of Chicopee..

   b. **Superintendent to Estimate Betterment Fees.** Should the Commission, with the approval of the City Council, establish betterment fees, the Superintendent shall, immediately upon the completion of a water service in any street or way, have a water assessment bill sent to each and every owner of an estate on such street or way whose property can be serviced by the drinking water system. If buildings are already on the estate, the water connection shall be made and the assessment bill shall contain the total assessment prescribed.

16. **Betterment Charges** are subject to approval of the City Council.

17. **Billing of Entrance Fee and Assessments.** Upon application for water entrance by the property owner, the Commission shall, upon the completion of a water connection, render the property owner a bill for the amount of the water entrance fee.

18. **Special Assessment or Betterment Fees.** In the case of a special assessment the Commission shall, upon completion of public water improvements, render a bill as approved for said assessment to all applicable property owners.

19. **Water Use Charges; other Fees.** All water use charges and other fees are to be set by the Commission and kept on file with the City Clerk.

20. **Payments and late fees.** All charges or bills shall be due and payable 45 days after issue, and charges or bills remaining unpaid after such due date shall be charged interest thereon at a rate as provided in Massachusetts General Laws, Chapter 40, and Section 21E. If the last day of the forty day period after issuance of the bill falls on a Saturday, Sunday or legal holiday, the account may be paid on the next regular business day thereafter without payment of the late payment fee.

21. **Reserved**

22. **Water fund.** To implement this section of the chapter, the City Council hereby adopts the provisions of Chapter 83, Sections 16, 16A thru F inclusive, and Chapter 40 as most recently amended by Chapter 487 of the Acts of 1954 as amended, of the Massachusetts General Laws, for the specific purpose of establishing a separate water fund.

§269-4.1 Application for Water Service
15. **Application Procedure.** In order to obtain approval to construct or change the size or location of a water service pipe connecting to a public water main, the owner shall submit a General Service Application. General Service Application forms may be processed at the Superintendent’s office. A completed General Service Application includes verification by the applicant that the address listed is the correct premise address for the premises in question. A General Service Application shall be supplemented by permits, plans, specifications or such other information as the Superintendent may require, including but not limited to, building site plans approved by the Superintendent. Approval of a General Service Application shall be subject to the availability of capacity in the public water main as determined by the Superintendent. Any General Service Application issued shall be void and invalid unless the work authorized by it shall have been commenced within thirty days (30) after issuance; however for cause shown and upon written request by the owner, an extension may be granted by the Superintendent.

16. **Demolitions.** Before a building or structure is demolished, the owner shall notify the Superintendent, complete a Termination Verification Approval Form for Demolition, submit a General Service Application for removal or cutting and capping all water, sewer and fire pipes. At the Superintendent’s sole discretion, the owner may be required the to submit a site plan. The Superintendent shall inspect the work to ensure that the services are removed or properly cut and capped in accordance with City specifications prior to backfilling.

17. **Increase/Decrease in Size of Service.** When the size of a water service is either increased or decreased, the service to be discontinued must be removed, or if approved, cut and capped at the main in accordance with City specifications.

18. **Expense Borne by Owner.** All costs and expenses incident to submission of a General Service Application and work authorized pursuant to such application, including but not limited to design, legal, construction, connection, and inspection of a water service pipe shall be borne by the owner.

19. **Existing Users.** In the absence of a signed General Service Application, the provision of water service by the City and its use by the owner shall nonetheless be subject to all provisions of these Ordinances.

20. **Water Service Pipes Ownership.** The property owner shall own that portion of a water service pipe located on the owner’s property with the exception of City’s owned meters and couplings. Where a building, foundation wall, retaining wall, stairs, areaway or other subterranean structure is located on the property line, such ownership shall continue to a distance of 18 inches beyond the property line.

21. **Design and Construction Standards.** Water service pipes within a public way or a private way open to public travel shall be constructed in accordance with the City’s Design Criteria. Water service pipes within private property shall be constructed in accordance with the latest version of the Massachusetts State Plumbing Code.

22. **Location of Water Service Pipe.** No water service pipe shall be laid in the same trench with any other public or private facilities, except a fire pipe, nor within ten feet of a sewer unless approved by the Superintendent. Any connection of a water service pipe to a public main shall be made in a public way, a City owned easement or in a private way open to public travel.

23. **Limitation on Tapping Mains.** Where there is more than one public water main in a street, the Superintendent shall determine which main the owner may tap for water service pipe connection. Water mains designated as transmission mains shall not be tapped for water service, except when approved by
the Superintendent. All new taps shall be a minimum of one pipe size smaller than the main to be tapped; however where the Superintendent deems this to be impractical then a solid sleeve three-way branch shall be used to connect to the new main.

24. Separate Services. In general, the City requires a single water service pipe and a master meter for multiple unit premises. Otherwise, a separate service and meter shall be required for each premise of different address or ownership. The Superintendent shall determine the water service pipe connections for condominiums and/or row houses.

25. Combined Service. All provisions within this Article for water service pipes shall also apply to existing combined services. New combined services shall not be installed, unless the Superintendent determines that combined service is in the interest of efficiency and, with the concurrence of the City of Chicopee’s Building Department, and approves such a service in writing.

26. Restriction on Use of Fire Pipe. No fire pipe shall be converted to a water service pipe.

27. Installation of Water Service Pipe. The owner shall be responsible, at its expense, for fulfilling all Superintendent requirements for licensing, bonding, permitting, submitting applications, installing the water service pipe and appurtenances, tapping and making connection to the public water main designated by the Superintendent, and cutting and capping any water service pipe and appurtenances to be discontinued. Only the Superintendent shall let on the water service. The service will not be let on until the installation has been inspected and a water meter has been installed in accordance with these Ordinances. The owner or owner’s contractor shall arrange at least 24 hours in advance for an inspection by the Superintendent before backfilling the installed water service pipe and appurtenances. The owner shall not backfill the installation until after receipt of a written inspection certificate from the Superintendent. The owner shall provide access to the property for the inspection by the Superintendent and shall not conceal the purpose for which water service is used or to be used.

28. Second Source. If continuous water service is necessary, the Superintendent may, at its discretion, require the owner to install a second metered service as a back-up water system. Such second source shall be installed in accordance with City specifications and in accordance with these Ordinances. All costs and expenses incidental to the installation of a second source shall be borne by the owner.

§269-4.2 Meters and Meter Testing

12. Furnishing of Meters and Meter Size. For residential and non-residential buildings, the City shall furnish at its expense meters and all automatic reading devices, up to and including two inches in size, along with the necessary bushings and couplings to attach to the plumbing. The owner shall furnish at its expense meters as specified by the Superintendent three inches in size or larger, except that the replacement of any such meter shall be at the City’s expense. The size of the meter required shall be subject to the approval of the Superintendent.

13. Ownership. All meters, once installed, become the property of the City, except that the City may refuse to take ownership of a meter which is improperly installed or which is the wrong type or size for the premises in question. Where a meter is improperly installed or is the wrong type or size, the owner shall be required to furnish a meter approved by the Superintendent prior to the commencement or let on of water service. The Superintendent has the right to change the size of the meter without change to the
owner. However, all costs and expenses associated with the installation of a meter outside of normal business hours shall be borne by the owner.

14. **Installation of Meters.** The City shall, at its expense, install all meters up to and including two inches in size. Prior to installation of the meter, the owner shall at its expense complete the plumbing so that the premises are ready for meter installation. If plumbing work is necessary to make the premises meter-ready, the Superintendent will provide plumbing specifications to enable the owner to prepare the premises for meter installation. The plumbing shall be completed in a manner that permits installation of the meter closest to the point of entry of the water service pipe. All meters three inches in size and larger and automatic reading devices shall originally be installed by the owner at its expense and inspected by the Superintendent. The City shall at its expense replace such meters and automatic reading devices. All meters and meter installations shall conform to the City’s Design Criteria and comply with these Ordinances. Meters three inches in size and larger shall be the turbine or compound type or as determined by the Superintendent and shall be installed with a strainer of the same manufacturer and with a 1-inch tap for meter testing by the Superintendent.

15. **Location of Meters.** All meters shall be installed within an owner’s building as close to the public water supply main as possible in an ample and suitable space free from exposure to freezing unless otherwise directed by the Superintendent. This space shall at all times be unobstructed and accessible to the Superintendent for reading, testing, inspection and maintenance purposes.

16. **Meter Pits.** The installation of a meter in a pit shall be at the sole discretion of the Superintendent.

17. **Outside Meter-Reading Devices or Automatic Reading Devices.** The City may install a device on the inside or outside of a building in a conveniently accessible location to enable routine meter readings without internal access to the owner’s building. A device on a two-inch or smaller water supply line shall be installed at the City’s expense. Devices installed on meters three inches or larger shall be approved by the Commission and installed by the owner at its expense. The City shall subsequently maintain and replace such devices at its expense.

18. **Right to Enter Premises.** In accordance with the provisions of this Ordinance and Massachusetts General Laws Chapter 165 Section 11 D, the Superintendent may enter premises to install, examine, calibrate, repair, test or remove meters and automatic reading devices.

19. **Meter Testing.** The Superintendent may subject all meters to periodic tests. The Superintendent may at any time test, repair or replace any meter at its option and expense. An owner may request that the Superintendent test his or her meter. Such tests shall be performed at the expense of the owner in accordance with the Commission’s Billing, Termination and Appeal Regulations and for the standard fee then in effect.

20. **Meter Tampering.** No person shall bypass, tamper with or prevent a meter from registering water consumption, and such acts shall be subject to the penalties stated in Massachusetts General Laws Chapter 165 Section 11 and to such other penalties as the Commission may adopt under Chapter 269-8 Enforcement.

21. **Master Meters.** The Superintendent, at its sole discretion, may require the master metering of more than one water service. In such case, the owner of the premises served shall be responsible for payment of all water charges, all costs and expenses incident to the installation of the master meter and the acceptance of all related notices.
22. **Meter Replacement or Repair.** The City maintains a meter installation and maintenance program. Upon notification that a meter is broken or missing, the Superintendent will install a new meter, provided that the premises are meter-ready. The replacement of a frozen meter or a meter that is lost in service shall be at the owner's expense. If plumbing work is necessary to make the premises meter-ready, the Superintendent will provide plumbing specifications to enable the owner to prepare the premises for meter installation.

§269-4.3 Repairs, Maintenance and Thawing

4. **Repairs and Maintenance.** The portion of a water service pipe on private property, or the portion not owned by the City, shall at all times be kept by the owner in good repair, free of leaks and protected from frost and corrosion. If the Superintendent determines that any private piping does not conform to applicable state and federal law, codes and Ordinances, the Superintendent may require an owner, at its expense, to expose the piping for inspection by the Superintendent. The Superintendent may require the owner, at its expense, to replace or repair the piping in accordance with applicable Ordinances. In the case where the portion of the water service pipe owned by the City is damaged by neglect or carelessness of the owner of the premises served, or any plumber, contractor, occupant or other person acting on behalf of the owner of the premises, all necessary repairs shall be made by the City at the owner's expense.

5. **Leak-Up to Owner (LUTO).** If the Superintendent determines that there is a leak in the owner's portion of the water service pipe, the Superintendent shall so notify the owner with a written LUTO Notice, and the owner shall be responsible for filing a General Service Application, having the leak repaired and the work inspected by the Superintendent to ensure compliance with these Ordinances. The Superintendent, in accordance with the provisions of §269-4 may shut off such a leaking water service pipe.

6. **Thawing.** The owner is responsible for thawing, at its expense, a frozen water service pipe on the owner's portion of the water service pipe.

§269-4.4 Shut-Off, Termination, Let-On and Discontinuance

8. **Shut-Off.** The Superintendent may shut off water service without notice in order to perform work on a public water main or a water service pipe or pursuant to §269-4 hereof.

  e) The Superintendent may shut off water service with notice for reasons of termination pursuant to its Billing, Termination and Appeal Regulations.

  f) At the owner's request, the Superintendent may shut off water service to a premise in order for the owner to make repairs, or for temporary vacancy.

  g) Water service may be terminated by the Superintendent for non-payment or for reasons other than non-payment, as specified in the Commission's Billing, Termination and Appeal Regulations.

  h) The Superintendent may terminate the water service to customers located outside the City of Chicopee limits who have unpaid balances for sewer use and storm fees. Termination will be in accordance with the Water Department's written policy and regulations titled "Billing, Termination & Appeal Regulations."
9. **Let-On.** Only the Superintendent shall let on water service. The Superintendent may let on a water service without notice after performing work on a public water main or a water service pipe. If an owner requests the Superintendent to shut off water service, then the Superintendent will let on the water service only after a subsequent request by the owner and, where required, after compliance with these Ordinances. After inspection of a newly installed metered water service pipe, and upon request by the owner, the Superintendent shall let on the water service. The let-on of a water service by anyone other than the Superintendent is a violation of these Ordinances and can result in the imposition of fines in accordance with these Ordinances.

10. **Let-On After Termination.** When water service to any premises has been terminated for any reason, it will be let on by the Superintendent only after the conditions, circumstances or practices that caused the water service termination are corrected and upon payment in accordance with the Commission’s Billing, Termination and Appeal Ordinances. If water service has been off for one year, a General Service Application must be filed and shall be supplemented by building site plans approved by the Superintendent and any other such permits, plans, specifications and information as the Superintendent may require.

11. **Discontinuance by the Owner.** An owner may discontinue the owner’s water service to a building by notifying the Superintendent in writing at least three working days in advance of the date on which water service is to be discontinued. Upon notification that the service is to be discontinued, the Superintendent shall shut-off the water service. When water service has been discontinued for a period of one year or more, the Superintendent may, at its sole discretion require the owner to cut and cap, at the owner’s expense, the water service pipe(s) from the public water main.

12. **Let-On After Discontinuance.** If water service has been discontinued for less than one year, the service shall be let on only by the Superintendent at the request of the owner. Where water service has been discontinued for one year, the water service will be let on only after the owner submits a General Service Application. The General Service Application shall be supplemented by building site plans approved by the Superintendent and any other such permits, plans, specifications and information as the Superintendent may require.

13. **Let-On Lead Service Pipe Prohibited.** If a lead water service pipe is discontinued, the water service shall not be let on until a new General Service Application is submitted by the owner and the lead water service pipe has been replaced with a new pipe of approved material in accordance with these Ordinances.

14. **Combined Services.** This section shall not apply to combined services (water & fire service). For combined services, termination and/or discontinuance can only occur in accordance with these Ordinances chapter 269 - 5, Private Fire Protection.

§269-4.5 Water emergency.

5. The Superintendent with approval from the Mayor shall have the authority to declare a public emergency due to inadequate water supplies. The Superintendent with the approval of the Mayor shall have the authority to impose a partial ban or total ban on outside water use which is deemed unnecessary. The announcement in the media and other means as determined by the Superintendent and the Mayor shall include a listing of prohibited activities. A total ban shall be approved by the MADEP.
Any person, firm or corporation violating any provisions of this chapter shall be subject to the following penalties:

(1) First offense: warning.

(2) Second offense: fine of $25 and any court costs.

(3) Third offense: fine of $50 and any court costs.

(4) Fourth offense: fine of $100 and any court costs.

6. A separate offense shall be deemed committed on each day on which a violation occurs or continues. Violations beyond the fourth day will receive a fine of $150 per day plus any court costs. If a water emergency ban on outdoor use is terminated and another emergency declared later the same year, the first offense during the new emergency will be a warning.

7. The Police Department shall be the enforcing authority.

8. The Mayor shall designate the appeals officer and collector of violations of the Water Emergency and any other details.

§269-4.6 Expense Borne by Owner

All costs and expenses incident to submission of a General Service Application and work authorized pursuant to such application, including but not limited to, design, construction, connection and inspection of water service pipes, shall be borne by the owner.

§269-4.7 Compliance with Ordinances

Violations of this section are subject to the imposition of fines and penalties as provided in §269-8 of these Ordinances.

§269-5.0 PRIVATE FIRE PROTECTION

§269-5.1 Application for Fire Protection/Suppression System Supply Line (Fire Pipe) Application Procedure.

In order to obtain approval to construct or change the size or location of a fire pipe connecting to a public water main, the owner shall submit a General Service Application. The application shall be supplemented by a building site plan approved by the Superintendent, by a permit issued pursuant to the City of Chicopee Fire Prevention Code, and by such other permits, plans, specifications, and information as the Superintendent may require. Approval of the application shall be subject to the availability of capacity in the public water main as determined by the Superintendent. Any General Service Application issued shall be void and invalid unless the work authorized by it shall have been commenced within thirty (30) days after issuance; however for cause shown and upon written request by the property owner, an extension may be granted by the Superintendent.

3. Expenses Borne by Owner. All costs and expenses incident to the completion of a General Service Application and the work authorized pursuant to such application, including but not limited to design, construction, connection, and inspection of a fire pipe shall be borne by the owner.
4. **Existing Users.** In the absence of a signed General Service Application, the provision of water service by the Superintendent and its use by the owner shall nonetheless be deemed subject to all provisions of these Ordinances.

§269-5.2 Fire Pipes Ownership.

The property owner shall own the entire fire pipe, extending from the property to the public water main including the control valve at the main.


10. **Location of Fire Pipe.** No fire pipe shall be laid in the same trench with any other public or private facilities, except a water service pipe, nor within ten feet of a sewer. Any connection of a fire pipe to a public main shall be made in a public way, a City-owned easement, whether recorded or by prescription or in a private way open to public travel. The Superintendent at its sole discretion shall determine the point of connection of the owner’s fire pipe to the City’s water main.

11. **Limitations on Tapping Mains.** Water mains designated as transmission mains shall not be tapped for a fire pipe, except when approved by the Superintendent. All new taps shall be a minimum of one pipe size smaller than the main to be tapped; however where the Superintendent deems this impractical, a solid sleeve three-way branch shall be used to connect to the new main.

12. **Limitations on Water Use.** Where there is more than one public water main in a street, the Superintendent shall determine which main the owner may tap for a fire pipe connection. Water supplied through a fire pipe shall be for fire protection only, except for annual fire pump tests. Only prior written authorization from the Superintendent shall permit any other use of water from a fire pipe. No water used for fire protection/suppression systems shall be taken from a water service pipe.

13. **Installation of Fire Pipe.** The owner shall be responsible, at its expense, for installing the fire pipe and appurtenances, tapping and making connection to the public water main designated by the Superintendent and the cutting and capping of existing services and appurtenances to be discontinued. The owner or owner’s contractor shall arrange at least twenty four (24) hours in advance for an inspection by the Superintendent before backfilling the installed fire pipe and appurtenances. The owner or owner’s contractor shall not backfill the installation until after receipt of a written inspection certificate from the Superintendent. Only the Superintendent shall let-on water service after inspection and approval of the fire pipe installation. The owner shall provide access to the property for the inspection by the Superintendent and shall not conceal the purpose for which the fire pipe is used or to be used.

14. **Installation of Backflow Device.** All fire pipe supply lines shall be equipped with an approved backflow prevention device.

15. **Fire Department Permit.** An owner, in accordance with the Chicopee Fire Prevention Code, shall be responsible for obtaining the necessary permit from the Chicopee Fire Department when the fire pipe is shut off for maintenance purposes.
16. **Second Source.** If continuous water service is necessary, the Superintendent may, at its discretion, require the owner, to install a second service with backflow protection so that service will not be interrupted during fire pipe testing and maintenance operations. Such second source shall be installed in accordance with City specifications and in accordance with these Ordinances. All costs and expenses incident to the installation of a second source shall be borne by the owner.

§269-5.3 Metering

The Superintendent may require that an owner install a detector meter on a fire pipe for the purpose of monitoring leakage and water use. If metering is required, all expenses for furnishing and installation of the meter shall be borne by the owner. The provisions of Chapter 269-4.2, with respect to meter location, right to enter premises, meter testing, meter tampering, and meter replacement or repair shall apply to fire pipe meters.

§269-5.4 Annual Charge

The Commission includes within its rates an annual charge related to the provision of water capacity to serve a fire service pipe. Unless otherwise stated in the rate documentation, such annual charge shall not include or be used for maintenance or repair costs to the fire service pipe.

Maintenance costs and repair costs are to be borne by the owner of the premises.

§269-5.5 Repairs, Maintenance and Thawing

**Repairs and Maintenance.** The fire pipe shall at all times be kept by the owner of the premises and at its expense in good repair, free of leaks and protected from frost and corrosion.

**Repair of Leaks.** The owner shall be responsible for having a leak in a fire pipe repaired at the owner’s expense. Such a leaking fire pipe may be shut off by the Superintendent in accordance with the provisions of these Ordinances.

**Thawing.** The owner is responsible, at its expense, for thawing a frozen fire pipe.

§269-5.6 Shut-Off, Termination, Abandonment, and Let-On

6. **Shut-Off.** No shut-offs of a fire pipe shall occur except in accordance with Massachusetts General Laws Chapter 148, Section 27A and with the City of Chicopee Fire Prevention Code. After compliance therewith, the Superintendent may shut off a fire pipe without notice in order to prevent the loss of water, to prevent or stop damage to property, or to perform work on a public water main. At the owner’s request, accompanied or followed by a written request from the City of Chicopee’s Building Department, the Superintendent may shut off water service to a premise in order for the owner to make repairs.

7. **Discontinuance by the Owner.** No discontinuance of a fire pipe shall occur except in accordance with Massachusetts General Law Chapter 148, Section 27A and with the City of Chicopee Fire Prevention Code. After compliance therewith, an owner may discontinue the owner’s fire pipe service to specific premises by notifying the Superintendent in writing at least three working days before the date on which the fire pipe is to be discontinued. Along with such written notice, the owner shall provide the Superintendent with a written request from the City of Chicopee’s Building Department as well as a permit in accordance with the City of Chicopee Fire Prevention Code authorizing the discontinuance. After compliance therewith, if a fire pipe has been discontinued for a period of one year or more, the
Superintendent may, at its sole discretion, require the owner to cut and cap, at the owner’s expense, the fire pipe(s) from the public water main.
8. Let-On. Only the Superintendent shall let on a fire pipe. After inspection and approval of a newly installed fire pipe, and upon written request by both the owner and by the City of Chicopee’s Building Department, the Superintendent shall let on water service. If an owner requests the Superintendent to shut off water service, then the Superintendent will let on the water service only upon request by the owner and by the Building Department and, where required, only after the owner submits a General Service Application. The Superintendent may let on water service without notice to the owner after performing work on a public water main.

9. Let-On After Termination. When water service to the fire pipe of any premises has been terminated for any reason, it will be let on by the Superintendent only after the conditions, circumstances or practices that caused the water service termination are corrected and after receipt of a written request from the City of Chicopee’s Building Department.

10. Let-On After Discontinuance. If a fire pipe has been discontinued for one year or longer, the service will be let on by the Superintendent at the request of the owner only after the owner submits a General Service Application, accompanied or followed by a written request from the City of Chicopee’s Building Department. The General Service Application shall be supplemented by building site plans approved by the Superintendent and any other such permits, plans, specifications and information as the Superintendent may require.

§269-5.7 Compliance with Ordinances

Violations of §269-5 are subject to the imposition of fines and penalties as provided in §269-8 these Ordinances.

§269-6.0 CROSS CONNECTIONS

§269-6.1 Backflow Prevention Required.

No person shall maintain a cross connection without an approved backflow prevention device. Backflow prevention devices shall comply with the provisions of the Massachusetts Department of Environmental Protection (MDEP) Drinking Water Regulations 310 CMR Section 22:22 Cross Connections.

5. Plan Approval and Initial Inspection. The Superintendent shall approve all plans for the installation of backflow prevention devices and, after installation, shall perform the initial inspection and test of the backflow prevention devices.

6. Installation of Backflow Prevention. The owner at its expense shall install backflow prevention devices and the installation shall be approved by the Superintendent. If continuous water service is necessary, two approved backflow prevention devices shall be installed in a parallel installation, so that water service will not be interrupted during testing and maintenance operations. Backflow prevention devices shall be installed in a horizontal position, three (3) to four (4) feet above the floor, twelve (12) inches from any wall, tightly closing shut off valves on either end, protected from freezing, flooding, mechanical damage, and vandalism and shall be easily accessible for testing, inspection and maintenance purposes. The Superintendent under certain circumstances shall allow vertical installation of a backflow prevention device. Installation of a backflow prevention device below grade in a pit or chamber is prohibited.
7. **Subsequent Testing.** The Superintendent shall conduct annual and semi-annual tests and inspections of all approved backflow prevention devices at the owner's expense, to insure proper operating condition. Any approved backflow prevention device failing a Superintendent test and inspection shall be repaired by a licensed plumber or licensed sprinkler fitter and shall be subsequently retested and re-inspected within fourteen (14) days of failure at the owner's expense to insure proper operating condition.

8. **Removal of Backflow Prevention Devices.** Removal of approved backflow prevention device is prohibited without prior notification to the Superintendent by the property owner and subsequent approval by the Superintendent.

§269-6.2 Cross Connection Inspection

3. **Right to Enter.** The Superintendent may enter properties served by the City's water distribution system at all reasonable times for the purpose of conducting routine, periodic surveys and investigations for cross connections and potential cross connections within the property. On request by the Superintendent, the owner shall furnish information on water use practices within the property. Properties having or suspected of having cross connections in violation of these Ordinances may be inspected regularly for backflow hazards.

4. **Notification.** Notwithstanding any other provision of these Ordinances, investigations and inspections for the purpose of locating possible cross connections in violation of these Ordinances may be performed by the Superintendent without prior notice to the owner.

§269-6.3 Cross Connection Elimination

3. **Prevention of Cross Connections.** The backflow of non-potable water, other fluids, gases or foreign materials into the City's water distribution system or plumbing systems of properties served by the public water system is prohibited. Public and private water mains, plumbing systems and fire protection/suppression systems supplied by the City's water distribution system shall be protected against cross connection and backflow from any plumbing fixture or other equipment or appliance capable of affecting the quality of the water supply. The Superintendent shall determine the type of backflow prevention device utilized to protect a cross connection.

4. **Shut-Off of Water Service.** The Superintendent shall have the right to shut off water service without prior notice to eliminate a cross connection or backflow condition where contaminants or pollutants are actually in the process of or are suspected of entering the City's potable water distribution system, or where there is, in the Superintendent's judgment, the reasonable possibility that such contamination or pollution will occur if the water service is not shut off. Under such conditions, the water service shall remain shut off until the cross connection or backflow connection is eliminated, or the condition is remedied, at the owner's expense, and the remedial work has been approved by the Superintendent. For purposes of the Commission's Billing, Termination and Appeal Regulations, a shut-off to eliminate a cross connection or backflow condition shall be treated as a customer plumbing emergency under these Ordinances.

§269-6.4 Owner's Liability
The owner shall be liable to the City and shall reimburse the City for all penalties, fines and monetary judgments levied against or imposed upon the owner as a result of the owner’s violation of any provision of these Ordinances.

§269-6.5 Compliance with Ordinances

Violations of §269-5 and §269-6 are subject to the imposition of fines and penalties as provided in §269-8 of these Ordinances.

§269-7.0 PRIVATE WELLS

§269-7.1 Registration/Permit Requirements

All private wells within the City of Chicopee shall be registered with the Commission and the Chicopee Health Department Director and Board of Health. No person shall dig, drive or otherwise establish or install a private well without first securing a permit from the Superintendent, Chicopee Health Director and the Chicopee Health Department.

§269-7.2 Cross Connection Regulation

3. **Prevention of Cross Connection.** Water from a private well shall not be connected to any piping, equipment or system supplied by the City’s water distribution system at any time.

4. **Backflow Prevention Required.** All properties having a private well shall have an approved backflow prevention device installed on the water service pipe, in accordance with the provisions of these Ordinances, for the protection of the public water system. The approved backflow prevention device shall be installed on the water service pipe directly after the water meter in accordance with City specifications.

§269-7.3 Notification

4. **Approved Private Well for Human Consumption.** A private well approved for human consumption by the Chicopee Health Department Director and Board of Health shall have the Chicopee Board of Health Water Supply Certificate filed with the Chicopee Water and Sewer Commission by the property owner.

5. **Water Service Disconnection.** Upon issuance of a water supply certificate for human consumption by the Chicopee Board of Health and after establishment of the private well, any existing water service line to the property shall be disconnected from the City’s water distribution system at the water main. This work is to be done in accordance with a General Service Application obtained from the Superintendent.

6. **Costs.** All costs and expenses incident to the disconnection of the water service line shall be borne by the owner.

§269-7.4 Decommission
When a private well is decommissioned, the decommissioning must be done in compliance with Chicopee Health Department, City Ordinances and MDEP Well Regulations. Notification of the decommissioning of a private well shall be filed with the Superintendent, Chicopee Health Department and MDEP within thirty (30) days after completion of the plugging procedure.

§269-7.5 Metering

Any water from a private well entering the City’s wastewater system shall be metered and shall be subject to Commission’s sewer charges.

§269-8.0 ENFORCEMENT

§269-8.1 Inspection

5. **Right of Access.** Duly authorized representatives of the Superintendent shall have access to premises and properties, including those under construction, served by the public water system to ascertain compliance with these Ordinances. Owners or users of the public water system shall allow properly identified Superintendent representatives access to areas in which water service pipes, fire protection/suppressions system supply lines and all appurtenances are located within the premises to inspect, observe, measure, sample, and test:

   a. Water use;
   b. Buildings;
   c. Water quality;
   d. Meters;
   e. Water service pipes;
   f. Fire pipes;
   g. Cross connections and backflow prevention devices; and
   h. Other facilities that the Superintendent reasonably believes may be contributing to a violation of these Ordinances. Inspections conducted pursuant to routine periodic surveys or on a report of a complaint shall be performed at all reasonable times during normal business hours. When the Superintendent reasonably suspects that a violation of these Ordinances is or may be occurring or an emergency exists that requires immediate action on the part of the Superintendent, access shall be permitted at such other times as is necessary for the correction of said violation or abatement of such emergency.

6. **Right of Entry.** Duly authorized representatives of the Superintendent shall be permitted to enter all private property through which the City holds an easement, whether recorded or by prescription, for the purpose of inspection, observation, measurement, sampling, testing, maintenance, repair or reconstruction of any portion of a public water main lying within said easement. Inspections conducted pursuant to routine periodic surveys or on a report of a complaint shall be performed at all reasonable
times during normal business hours. When the Superintendent reasonably suspects that a violation of
these Ordinances is or may be occurring or an emergency exists that requires immediate action on the
part of the Superintendent, access shall be permitted at such other times as is necessary for the correction
of said violation or atatement of such emergency. All entry and subsequent work, if any, shall be done
in full accordance with the terms of said easement.

7. Security Clearance. Where a user has security measures in force that would require clearance before
entry to the premises, the user shall make necessary arrangements to permit Superintendent personnel to
enter without undue delay for the purpose of carrying out their specific responsibilities.

8. Consequence of Denial of Entry or Access. The Superintendent may forthwith give written notice of
its intent to terminate water service where an owner or user having received reasonable notice refuses to
permit properly identified Superintendent personnel to enter or have access to premises in accordance
with the terms of this section. Such notice shall be given in accordance with the Commission’s Billing,
Termination and Appeal Regulations, and termination under this Section shall be treated as a
termination for refusal of access under said Ordinances. Notwithstanding any other course of action
available to it, the Superintendent has the right in accordance with applicable Federal and State law to
apply for entry to premises served by the public water system for the purposes as set forth in these
Ordinances.

§269-8.2 Enforcement Actions-Multiple Alternatives.

When the Superintendent has determined that an owner or user has:

8. Violated, is violating or threatened to violate these Ordinances;

9. Violated, is violating or threatens to violate any permit issued pursuant to these Regulation;

10. Made a false representation in an application, record, or report to the Superintendent or failed to
provide relevant information;

11. Manipulated, falsified, tampered with, or rendered inaccurate a meter, meter reading device or
appurtenance thereto;

12. Failed to comply with an order or ruling issued by the Superintendent or a court after having reasonable
opportunity to comply;

13. Failed to pay a penalty or fee due to the City; or

14. Caused or threatened damage to the City’s water distribution system, the Superintendent may take any
one or more of the following actions, in any sequence or simultaneously:

   h. The Superintendent may issue a request or an order to cease and desist any such violation or any
actions that cause or threaten to cause violation, and/or an implementation schedule for
undertaking specific actions or practices.

   i. The Superintendent may require the owner or user to submit a detailed time schedule setting
forth specific actions to be taken and specific dates upon which such actions will be taken in
order to prevent or correct a violation. The Superintendent may issue an implementation
schedule containing or modifying such specific actions and time schedule, or requiring such other actions within such times as the Superintendent deems appropriate.

j. The Superintendent may issue an order directing the owner or user to pay to the City penalties and costs as determined by the Commission and in accordance with these Ordinances.

k. The Superintendent may revoke, modify, deny, suspend or refuse to renew a permit issued under these Ordinances.

l. The Superintendent may take direct enforcement action by filing suit in any court of competent jurisdiction.

m. The Superintendent may terminate water service as authorized in these Ordinances.

n. The Superintendent may take any other action available under any applicable statute or regulation.

§269-8.3 Liability

10. No Direct or Consequential Damage as a Result of a Let-On or Shut-Off. The City and the Superintendent shall not be responsible for any damage resulting from the shut-off or subsequent let-on of water, including but not limited to bursting or collapse of boilers supplied by direct pressure, damage by debris in dirty water; the breaking of any pipes, fixtures, control valves or fire pipe gates; stccpage or interruption of water supply. The City and Superintendent shall also have no responsibility for any consequential damages (including, but not limited to, food or housing costs) incurred by an owner, customer or user as a result of the shut-off or subsequent let-on of water.

11. Damage as a Result of Water Use or Leak. No user shall utilize any apparatus or device or use water in such a way that could or does adversely affect a public water main, appurtenance or water service pipe. The user shall be liable for any damage to public water mains, appurtenances or water service pipes or property resulting from a violation of these Ordinances.

12. Damage During Owner Repairs and Installations. The owner shall indemnify the City from and shall reimburse the City for any loss or damage directly or indirectly caused to the Commission’s water and sewer facilities by the installation of any privately owned portion of a water service pipe, combined service, fire pipe or other plumbing.

13. Damage as a Result of Backflow Prevention Device Testing. The City shall not be responsible for any damage resulting from the shut-off of water or the subsequent let-on of water in conducting required tests and inspections of approved backflow prevention device installations.

14. Damage as a Result of Meter Testing. The City shall not be responsible for any damage resulting from the testing and inspection of water meters or automatic meter reading devices.

15. Indemnification. An owner or user shall indemnify and hold harmless the City for any damages or civil liabilities the City may sustain or be required to pay in consequence of an injury or property damage resulting from the owner’s or user’s violation of these Ordinances.
16. **Public Function.** In acting under these Ordinances, the City shall be deemed to be performing an essential public function. The City shall not be liable for any loss or damage as a result of the performance of such public function.

17. **Monetary Liability.** Any person who violates any provision of these Ordinances shall, upon issuance of a Superintendent order to that effect, forfeit and pay to the City the penalty established by applicable Massachusetts General Laws or by these Ordinances for each such violation. For purposes of this Section, each day that a violation continues shall be deemed to be separate violation.

18. **Reimbursement for Costs to City.** Failure to comply with any portion of these Ordinances, or with any permit or order issued thereunder, shall be sufficient cause for the Superintendent to levy on and collect from each violator any additional cost for any expense, loss or damage incurred by the City as a result of such violation.

**§269-8.4 Penalties**

4. **Amounts.** Violations of these Ordinances shall be subject to civil monetary penalties established a) by applicable Massachusetts law, b) by applicable rules and regulations of the Department of Environmental Protection and the City and c) by such penalty schedules as may from time to time be adopted by the City and appended to these Ordinances.

5. **Continuing Violations.** For purposes of the computation of penalties, each day of a continuing violation of these Ordinances shall be deemed to be a separate violation. If a violation is intermittent, each occurrence shall be deemed to be a separate violation.

6. **No Court Limitation.** If the Superintendent elects to file an enforcement action in a court of competent jurisdiction, the damages then recoverable by the City shall not be limited to amounts recoverable under these Ordinances.

**§269-9.0 APPELLATE PROCEDURES**

**§269-9.1 Appeals from Shut-Offs or Terminations**

Appeals from shut-offs or terminations effected under these Ordinances shall be governed by the Commission’s Billing, Termination and Appeal Regulations.

**§269-9.2 Appeals from Superintendent Actions Other than Shut-Offs or Terminations**

Water/Sewer Commission as hearing board.

4. Any user who is aggrieved by the actions of the Superintendent may request a hearing before the Commission as defined in Chapter 16 of the City Ordinances.

5. The aggrieved person shall file a written request for such a hearing within seven (7) working days from the date the Superintendent’s order was served or given to the aggrieved person. The Commission shall set a time and place for such hearing and shall inform the aggrieved person in writing of the same.

6. The hearing shall be commenced not later than 30 days after the day on which the written request was filed and shall be concluded within an additional 30 days thereafter. If an aggrieved person filed a
request for hearing regarding § 269-8, the Commission shall commence the hearing within seven (7) working days from the date on which the written request was filed.

7. At the hearing, the petitioner shall be given an opportunity to be heard and to show why the order or decision of the Superintendent should be modified or withdrawn.

8. After the hearing, the Commission shall sustain, modify or withdraw the order or decision of the Superintendent, and shall inform the petitioner and the Superintendent, in writing, of its decision within seven (7) working days after the conclusion of the hearing.

9. If a written letter for hearing is not filed in the office of the Commission within seven (7) working days after an order has been issued or if after a hearing the order has been sustained in any part, each day's failure to comply with the order as issued or modified shall constitute an additional offense.

Councilor Krampits motion to approve as amended – Councilor Tilloston 2\textsuperscript{nd} the motion – motion passed

Committee vote 4 – 0 favorable

**ITEM \#5**
Chapter 77
Delete 77-1 B
And insert in place thereof:
There shall be no more than seven (7) canine units within the Police Department.

**Councilor Laflamme** stated that it would be no more than seven dogs without changing the ordinance.
**Councilor Tilloston** answered yes and we would have to fund it.

Councilor Laflamme motion to approve – Councilor Krampits 2\textsuperscript{nd} the motion – motion passed

Committee vote 4 – 0 favorable

**ITEM \#6**
BE IT ORDERED THAT the PVTA come in before the Ordinance Committee to discuss bus top locations.

Melissa Rowe Assistant Director of Operation and Price Armstrong, AICP Manager of Planning and Analysis were present.
**Councilor Laflamme** stated that he is finding Bus Stop Signs that are right on the corner of a street and they are blocking streets, where there is another sixty feet where you can put that Bus Stop.
**Councilor Laflamme** stated that he is mainly concerned about station #5. He stated that there is a “Parking Prohibited” sign between Elizabeth and Grattan Streets and fire trucks are having a hard time getting in and out of there. He stated that for safety reasons we need it removed. He stated that we are seeing removable PVTA signs.
**Melissa Rowe** stated that the removable PVTA signs on rims; the City Council is evaluating to make permanent decisions for this spring, so those will be resolved. She stated they will come before the City Council when they want the permanent location. She stated the stops will be placed at their permanent ordinance location
wherever the number is allocated to, that’s where we are going to have a dig safe evaluation done and have the stop permanently installed.

**Price Armstrong** stated that they want to be working off the most recent ordinance, where there are inconsistencies we want to get them in order. He stated we were looking at the Bus Stop spacing, that way no one is traveling or walking an eighth of a mile to get to the bus stop. He stated it’s problematic to have bus stop too close together because you get in a situation where you stop every single block and it takes a long time to get where you’re going.

**Councilor Tillotson** stated that we need the location numbers of the bus stops that you are going to add and delete so we can keep our ordinance book up to date.

**Councilor Tillotson** asked to submit us the list of numbers; Chicopee and Grattan north bound and we will take care of this at our next meeting.

**Councilor Laflamme** asked if we could get the approval of removing the bus stop sign at the Fire Station.

**Attorney Garvey** stated that it is an ordinance change and it has to be in the proper form. He stated we can do it at our next meeting.

**Melissa Rowe** stated if it will allay any of your fears, what we can do is remove the bus stop sign on Chicopee and Grattan Street and at a later date have it officially removed from the ordinance. She stated that we can put up a notice on the sign for customers and operators and it will be removed within two weeks of this meeting.

**Price Armstrong** stated that as he understands the process you need is; stop Id’s for the bus stops we are proposing to remove and that will get included into an ordinance that has to come back to this committee.

**Councilor Tillotson** answered yes.

**Melissa Rowe** stated that we will work closely with Elizabette Botelho to determine where these new locations might go.

**Price Armstrong** stated that we are going to put a temporary stop at Chicopee and Walter pending the approval of this change.

**Councilor Tillotson** stated yes. He stated that if it’s a hazard that he’s indicating, it makes sense to do something temporarily.

Councilor Krampits motion to place on file – Councilor Tillotson 2nd the motion – motion passed

Committee vote 4 – 0 favorable

**ITEM #7**

BE IT ORDERED THAT business size dumpsters cannot be emptied or placed on residential property more than four times per year.

**Councilor Dobosz** stated that he has several complaints from the neighbors about 106 Taylor Street. It is a two family home and they have a dumpster on their property. He stated that the owner owns a roofing business as well as other businesses and he’s having trucks come and throw construction waste in this dumpster, which gets emptied every week. He stated that he has a company that comes and picks up waste from his business. He also rents out party rental and construction equipment. He stated it’s a very narrow street.

**Councilor Dobosz** stated that he also owns 34 Frontenac Street and he keeps a lot of his seamless gutter equipment there as well. He stated that he has received several complaints on this location.

**Councilor Labrie** stated that: if they are having other trucks dumping trash in the dumpster, they’re running a business.
Carl Dietz stated that he has been out there multiple times, clearly there's some equipment in the back and it's been there for a couple of years now. He stated that there is a truck way in the back and there is a dumpster there. He stated that 169 of the Ordinance only permits a dumpster for five or more dwelling units. He stated under 169-5D 3 that talks about temporary dumpsters should only be allowed on residential property for a total of eight weeks and can only be used for household, demolition or construction debris. He stated if you wanted to make an ordinance change you can add that the construction debris must be generated at the property the dumpster is located.

Carl Dietz stated that we have the ability to order the dumpster removed just based on 169-5 D1 which is the requirement for a five family unit.

Councilor Laflamme suggested we have them pull a permit through the Building Department and you can monitor it. He stated that he does not think eight weeks is long enough for contractors. He stated that he thinks this should be under the control of the Building Department.

Councilor Labrie stated he doesn't think someone should pay for a building permit and a dumpster permit. He stated that the charges just keep going up.

Carl Dietz stated that we might already have a code that regulates the dumpsters. He stated that he will do some research and he will get back to the Council with the information.

Councilor Tillotson stated what we want to come out of this discussion is a new ordinance. He stated that there should not be any kind of an oversized dumpster in any residential neighborhood permanently.

Councilor Laflamme stated that it could be part of a building permit.

Attorney Garvey stated that the Councils' thought is for a permit in a residential zone, allowed by permit only, the permit would be good for eight weeks and any additional requested time will be granted by the Department of Health.

Councilor Laflamme wanted more than eight weeks.

Carl Dietz stated you can request an extension.

Councilor Dobosz agreed with this.

Councilor Tillotson stated that this happens all over the city. He stated that once we get something clarified, it will be for the whole city.

Informational in preparation of new ordinance

Councilor Laflamme motion: to prepare new ordinance – Councilor Tillotson 2nd the motion – motion passed

Committee vote 4 – 0 favorable

ITEM #8
CABOT STREET – In front of 63 Cabot Street – 30 MINUTE PARKING – TIME LIMIT PARKING

Councilor Laflamme motion: to approve – Councilor Krampits 2nd the motion – motion passed

Committee vote 4 – 0 favorable

ITEM#9
SERGEANT AVENUE – Entire length on the odd side – PARKING PROHIBITED
Elizabette Botelho stated that she recommends parking on the odd side and a Parking Prohibited sign be on the even side of the road. She stated that there is a sidewalk and a curb on the odd side. She stated parking on the even side with no berm; they will be parking on the tree belt creating weak points in the pavement. Councilor Dobosz stated that he filed the even side first because there is a parking lot on the even side. He stated he switched based on the recommendation of the Sheridan Circle Board of Directors. He stated that they wanted this for plowing reasons.

Councilor Dobosz stated he rather go on the recommendation of the Sheridan Circle Board of Directors, they are very influential in that neighborhood.

Councilor Krampits stated that Denise Noble and Elizabette Botelho should talk about this.

Councilor Krampits motion to postpone to the call of the chair – Councilor Tillotson 2nd the motion — motion passed

Committee vote 4 – 0 favorable

ITEM #10
Councilor Labrie motion to accept the minutes of February 26, 2019 – Councilor Tillotson 2nd the motion — motion passed

Meeting adjourned at 8:08 PM
Meeting adjourned at
Good morning Agnes,

Please accept this correspondence as agreement from the board of directors of Sheridan Circle Housing Coop for the no parking on the odd side of Sergeant Ave. The sidewalks are on the odd so we believe this will help with the congestion on the street and also avoid people parking on the sidewalks. Thank you for your attention to this matter.

Sincerely,

Denise Noble, president