"November 2019 Amendments to "Chapter 18, Sewer Systems" of the Municipal Code of Ordinances of Eliot, Maine

Town of Eliot, Maine

Date of Enactment: November 5, 2019

ENACTMENT BE THE LEGISLATIVE BODY

Date of the vote to enact/amend this Ordinance:
November 5, 2019

Per the Charter of the Town of Eliot, Article 2(11) this Ordinance shall become effective on November 5, 2019.

Certified by the Town Clerk: _____

On the 6th day of November, 2019.

"November 2019 Amendments to "Chapter 18, Sewer Systems" of the Municipal Code of Ordinances of Eliot, Maine

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APPENDIX 1 – TOWN OF ELIOT SEWER POLICIES AND PROCEDURES

APPENDIX 2 – SEWER STANDARDS

ARTICLE I. IN GENERAL.

Sec. 18-1. Purpose.

The purpose of this chapter is to protect the health, safety and welfare of the public and personnel by:

(a) Ensuring the proper removal and disposal of wastewater within the Town of Eliot;
(b) Establishing administrative review procedures and authorizing the issuance of building sewer connection permits, sewer capacity allocations, monitoring, compliance and enforcement activities;
(c) Regulating the construction, connection, use, repair, alteration, and discontinuance or abandonment of sewers, drains, and appurtenances based on current industry standards;
(d) Ensuring the proper operation and maintenance of public sewers, drains, and all elements of the wastewater collection system;
(e) Complying with the provisions of Title 13, Chapter 13.1, "Sewer System Service", Articles I and II of the Kittery Town Code and the inter-municipal agreement currently in effect

between the Town of Kittery and the Town of Eliot for the reception, treatment, and disposal of Eliot's wastewater;

(f) Maintaining ordinances related to the amounts, nature or timing of Eliot's wastewater flow that are at least as stringent as those of the Town of Kittery, as required by the provisions of the aforementioned inter-municipal agreement;

(g) Prohibiting any activity that would adversely affect the operation or maintenance of the Town of Kittery wastewater pollution control facility;

(h) Controlling the introduction of pollutants into the public sewer and storm drainage system in order to comply with requirements of the Federal Clean Water Act and State law;

(i) Establishing procedures for billing and payment of fees and proportionately distributing the cost of operating and maintaining the public sewer among the users and generate sufficient revenue to pay the Town's share of the operation and maintenance costs of the Town of Kittery Wastewater Treatment Facility.

Sec. 18-2. Definitions.

See Section 1-2.

Sec. 18-3. Applicability.

This chapter shall apply to all users of the Town of Eliot public sewer, whether directly or indirectly contributing, users of private subsurface wastewater disposal systems, owners of property required to connect to the public sewer, as well as any person who uncovers, makes connections with or openings into, alters, or disturbs any portion of the Town of Eliot wastewater collection system or appurtenance thereof.

Sec. 18-4. Repeal of prior ordinances.

The enactment of this ordinance repeals the following ordinances:

- "Sewer Use Ordinance Rules and Regulations of the Town of Eliot, ME" adopted November 7, 2006;
- "Technical Development Guidelines for Connections to the Municipal Sewer System of the Town of Eliot" adopted June 16, 2007;
- "Eliot, Maine User Charge Ordinance for the Sewer System by Meter", adopted March 21, 1992; and
- "Town of Eliot Betterment Rules and Regulations Ordinance", adopted March 21, 1992.

The enactment of this chapter shall not affect or prevent any pending or future prosecution of, or action to abate, any violation of the ordinances repealed.

Sec. 18-5. Inter-municipal agreement with the Town of Kittery.

There is in force an inter-municipal agreement between the Town of Kittery and the Town of Eliot for the reception, treatment and disposal of wastewater generated by users of the public sewer, executed July 1, 2013. This agreement defines the relationship between Eliot and Kittery with respect to the treatment of Eliot's wastewater at the Town of Kittery Wastewater Treatment Facility and the method of payment. This agreement is acknowledged as part of this chapter.

Sec. 18-6. Conflicts with other ordinances and inter-municipal agreement.

(a) *Conflicts with ordinances.* Whenever a provision of this ordinance are at variance or conflict with the provisions of any other adopted rules, regulations, ordinances, or statutes, the most restrictive or that imposing the highest standards shall govern.

(b) *Conflicts with inter-municipal agreement.* Whenever a provision of Article III of this ordinance are at variance or conflict with the provisions of the inter-municipal agreement or the requirements of the Town of Kittery NPDES permit, the most restrictive or that imposing the highest standards shall govern.

Sec. 18-7. Validity and severability.

(a) *Validity.* This chapter has been prepared in accordance with the provisions of 30-A M.R.S.A., §3001 (Ordinance Power) and 30-A M.R.S.A., Chapter 161 (Sewers and Drains), 38 M.R.S.A. § 413 (Wastewater Discharge Law), 33 U.S.C. § 1251 et seq. (Clean Water Act), and 40 CFR Part 122 (U.S. Environmental Protection Agency's regulations governing the National Pollutant Discharge Elimination System ("NPDES")), and with the provisions set forth in the current inter-municipal agreement for the reception, treatment, and disposal of wastewater disposal service contract between the Town of Kittery and the Town of Eliot.

(b) *Severability.* If any portion of this chapter or the application thereof to any person, establishment, or circumstances is deemed unconstitutional or invalid by a court of competent jurisdiction, such invalidity shall not affect the other provisions, clauses, sentences, or paragraphs or application of this chapter.

Sec. 18-8. Amendments.

This ordinance shall only be amended by a majority vote of the legislative body in accordance with the provisions of Sec. 45-8 of the Town of Eliot Municipal Code of Ordinances or except otherwise provided herein. The ~~Board of Selectmen~~Select Board is authorized to amend as necessary, by majority vote, all fees, charges, rates and policies associated with this chapter and contained within Appendix 1: Sewer Utility Policies and Procedures and all connection and construction guidelines contained within Appendix 2: Sewer Connection and Construction Guidelines.

Sec. 18-9. Administration; interpretation of provisions; waiver of certain requirements; basis of decisions of Superintendent; availability of sewer capacity.

(a) *Administration.* Except as otherwise provided herein, the Superintendent shall have control and general supervision of all public sewers and service connections and shall be responsible for administering, implementing and enforcing the provisions of this ordinance in all areas beginning ~~ten (10)~~ five (5) feet outside the building footprint.

(b) *Interpretation.* The terms, phrases, and provisions of this chapter shall be interpreted solely by the Sewer Superintendent unless otherwise provided herein. An advisory opinion shall not be subject to appeal.

(c) *Basis of decisions.* In making decisions authorized pursuant to the terms of this chapter, the Superintendent shall consider the effect of any proposed action or inaction upon the public health, safety or welfare and the effects of such proposed action or inaction upon the wastewater pollution control facility or any portion of the Town of Kittery or Town of Eliot wastewater collection system.

(d) *Superintendent's authority to waive requirements.* Notwithstanding any other provisions of this chapter or applicable Federal, State or local laws, where the Superintendent finds that certain construction and design requirements contained within article V and Appendix 2 of this chapter are not requisite in the interest of public health, safety, and general welfare, or are otherwise inappropriate due to other special circumstances, he or she may waive such requirements subject to appropriate conditions. The Superintendent shall keep a written record of any such waivers granted under this article.

(e) *Availability of sewer capacity*. The requirements set forth in this chapter shall be subject to the availability of sewer capacity as determined by the Superintendent or ~~Board of Selectmen~~Select Board and in accordance with article IV of this chapter.

~~(e)~~(f) *Operation, maintenance, and replacement responsibilities:* The Town of Eliot shall be responsible for the operation, maintenance, and repair of the Public Sewers in the Town of Eliot. All required operation, maintenance, repair, replacement of building drains, building sewers, lateral lines, private wastewater collection systems, private force mains or other non-public sewers shall be the responsibility of the owner. Notwithstanding, the owners of all non-public sewers connected to the public sewer must install, operate, maintain, and repair their private sewers to the standards defined by this this ordinance and the TOE wastewater collection system operation and maintenance plan to prevent adverse impacts to the public sewers.

Sec. 18-10. Authority to enter properties and easements; liability for injuries and damages.

(a) *Authority to enter properties; easements.* The United States Environmental Protection Agency, Maine Department of Environmental Protection (EPA), Town of Kittery Wastewater Treatment Facility, and the Superintendent or other duly authorized representatives of the Town of Eliot having proper credentials and identification, shall be permitted to:

(1) Enter all properties using the public sewer or suspected of using the public sewer at all reasonable times and upon reasonable notice for the purposes of inspection, observation, measurement, sampling, and testing in accordance with this chapter;

(2) Enter all properties through which the Town holds a duly negotiated easement for the purposes of inspection, observation, measurement, sampling, testing, repair, and maintenance of any portion of the wastewater pollution control facility lying within said easement in accordance with the terms of the duly negotiated easement;

(3) Inquire into any process including metallurgical, chemical, oil refining, ceramic, paper, plating, textile, painting, laundry, or other industrial activity that contributes waters or

wastes to the public sewer system, but shall not order or demand information concerning any patented process or trade secret beyond that necessary to determine the kind, source, and amount of wastewater discharged into the public sewer system;

(4) 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 user shall bear the costs of such setup or installation and maintenance thereof.

(5) Require the user to install monitoring equipment, as the Superintendent deems necessary. The user's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition at the user's own expense.

(b) Where a user has security measures in force that require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security personnel so that, upon presentation of suitable identification, the Superintendent and any other party named in subsection (a) above will be permitted to enter without delay for the purposes of performing specific responsibilities, such as compliance monitoring.

(c) *Administrative inspection warrants.* If the Superintendent has been refused access to any building, structure or property, or any part thereof, for the purpose of inspecting, sampling or otherwise monitoring compliance with this chapter, the Superintendent shall seek to secure an administrative inspection warrant pursuant to Maine Rules of Civil Procedure 80E. The warrant, if issued by the District Court, shall be executed pursuant to Maine Rules of Civil Procedure 80E, and the Superintendent shall be accompanied by a uniformed Town of Eliot police officer during said execution.

(d) *Liability for injury; damages.* While performing the necessary work on private properties the Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the owner or tenant. The owner or tenant shall be held harmless for injury or death of Town employees, and the Town shall indemnify the owner or tenant against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the owner or tenant and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner or tenant to maintain safe conditions as required.

ARTICLE II. CONNECTION TO PUBLIC SEWERS.

Sec. 18-21. Voluntary connection to public sewer.

(a) Except as provided in Sec. 18-22, the owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes requiring the disposal of wastewater situated within the Town and abutting on any street, road, alley or right-of-way in which there is located a public sewer of the Town, may at his/her expense, connect such facilities directly to the public sewer in accordance with the provisions of this chapter.

(b) Connection to any portion of the public sewer owned by the Town of Eliot located outside the boundaries of the Town shall not be permitted without written permission from the Town of Kittery per the provisions of the inter-municipal agreement currently in effect.

(c) Connection to the public sewer is voluntary provided the existing subsurface wastewater disposal system or other private system is in good working condition. Properties located within two hundred and fifty (250) feet of the public sewer, as measured from the closest legal boundary of the property, shall be required to provide the Superintendent, at their own expense, a written statement from a site evaluator, licensed in the State of Maine regarding the condition of the existing system and whether or not the system is in compliance with current Maine Subsurface Wastewater Disposal Rules or other applicable State plumbing codes within ninety (90) days after receiving official notice from the Town that the public sewer has become available. The Superintendent may require, at the owner's expense, re-inspection by a site evaluator of any existing system biannually or whenever failure or misuse is suspected.

(d) Installations of properly permitted, private wastewater disposal systems under construction on the effective date of this chapter or at the time official notice from the Town that the public sewer has become available is received may complete construction under the applicable prior rules if they can provide proof acceptable to the Superintendent that a substantial start of construction has been made (see Sec. 1-2 for "substantial start" definition). Upon completion of the private system, the owner or user shall be subject to the provisions of this chapter.

(e) Any owner who chooses not to connect to the public sewer after receiving official notice from the Town that the public sewer has become available, and whose property is located within two hundred and fifty (250) feet of the public sewer, as measured from the closest legal boundary of the property, shall be assessed per unit (including accessory dwelling units):
(1) A one-time ~~Betterment fee~~ System Development Charge (SDC) in the amount established in Appendix 1 and;
(2) A quarterly Access-only fee in the amount established in Appendix 1.

Note: See Appendix 1: Sewer Utility Policies and Procedures for an explanation of all fees associated with this chapter.

Sec. 18-22. Voluntary connection to public sewer – exceptions.

(a) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes requiring the disposal of wastewater situated within the Town and located within two hundred and fifty (250) feet of the public sewer line, as measured from the closest legal boundary of the property, shall be required to connect, at his/her own expense, to the public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so when any of the following occur:

(1) The existing private wastewater disposal system is not in good working condition and/or does not meet current State standards for private septic systems as determined by the Superintendent. In making this determination the Superintendent may require the property owner to provide, at their own expense, a written statement from a site

evaluator, licensed in the State of Maine regarding the condition of the existing system and whether or not the system is in compliance with current Maine Subsurface Wastewater Disposal Rules;

(2) The existing private wastewater disposal system was installed illegally or is otherwise in violation of State or local plumbing codes as determined by the Local Plumbing Inspector or Code Enforcement Officer. Notwithstanding any other provisions of this chapter, existing violations of any provision of the Municipal Code of Ordinances of the Town of Eliot outside this chapter shall not be cause to mandate connection to the public sewer;

(3) The existing private wastewater disposal system, regardless of its condition, utilizes a holding tank;

(4) Any change in deeded ownership of a property, without exception, shall be cause to connect to the public sewer within ninety (90) days of the date the change was recorded at the Registry of Deeds;

(5) The expansion of a residential dwelling unit occurs by the addition of one or more bedrooms (excluding expansions of structures such as porches, living rooms or sun rooms, which do not increase the design flow);

(6) The addition or change of use that results in an increase of design flow of 10% or more.

Sec. 18-23. Private wastewater disposal systems.

(a) Prior to discharging to the public sewer, any septic tank, holding tank, cesspool, lagoon, or similar private wastewater disposal systems shall be abandoned, cleaned of sludge and filled with clean, backrun gravel or dirt as per applicable Federal, State and/or local plumbing requirements and/or codes, or shall be completely removed unless such system is to be used for pretreatment or control of wastewater. The Superintendent may require the property owner to provide, at their own expense, a written statement from a site evaluator, licensed in the State of Maine that the private wastewater disposal system has been properly cleaned and filled.

(b) When connection to the public sewer is prohibited by the provisions of this ordinance or when the Superintendent determines that connection to the public sewer is not feasible or when a public sewer is not available under the provisions of this ordinance, the building sewer shall be connected to a residential or non-residential private wastewater disposal system complying with the provisions of the State of Maine Subsurface Wastewater Disposal Rules and all other applicable Federal, State and local requirements. Private wastewater disposal systems are permitted by the Town of Eliot Code Enforcement Officer/Local Plumbing Inspector.

Sec. 18-24. Abandoned connections.

(a) When any building or other structure previously served by a connection to the public sewer or drain is demolished, destroyed, abandoned, or altered so that any building sewer or

portion of an abandoned plumbing system that is directly or indirectly connected to any public sewer or drain is no longer used and is no longer connected to the drainage system of the building or structure, the open end of such building connection or drain that discharges, directly or indirectly, into a public sewer or drain shall be immediately closed and sealed to the satisfaction of the Superintendent.

(b) Notification shall be provided to the Superintendent at least forty-eight (48) hours prior to sealing the connection. The Superintendent shall be afforded the opportunity to see such work performed.

(c) It shall be the responsibility of the person or party who demolishes a building or structure or who alters the drainage of the premises to close and seal the connection or drain. In the event of failure of such person to do so, said work shall be the responsibility of the property owner without expense to the Town of Eliot.

Sec. 18-25. Sewer user charges.

(a) All users of the public sewer shall be subject to the following sewer user charges, which shall be billed quarterly (see Appendix 1 for actual rates):
   (1) Tiered flat fee based on meter size;
   (2) Consumption charge per 100 cubic feet of water usage.

(b) Each commercial unit or residential dwelling unit, including multifamily dwelling units, accessory dwelling units, and elderly housing units shall each be assessed a tiered flat fee regardless of the number of meters.

(c) *Abatements.* The process for requesting abatements of sewer user charges is explained in Appendix 1 of this chapter.

ARTICLE III. USE OF PUBLIC SEWERS.

Sec. 18-30. General requirements applicable to all domestic and non-domestic users.

(a) Unless otherwise prohibited or exempted by other provisions of this chapter and its appendices, any person who constructs or develops a property or structure that will produce any wastewater that must be disposed of, shall discharge such wastewater in compliance with this chapter and applicable local, State and Federal regulations.

(b) Any user of the public sewer shall be subject to all applicable user fees, charges, assessments, and policies established in Appendix 1 of this chapter.

(c) No person shall discharge or cause to be discharged to any natural outlet in any area under the jurisdiction of the Town any wastewater or other polluted water, except where suitable treatment is provided in accordance with this chapter and/or any other applicable laws, rules or regulations.

(d) Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants discharged into the system shall notify the Superintendent at least ninety (90) days prior to the proposed change or connection.

(e) Any person owning or occupying a premise who has knowledge that a discharge, prohibited by this chapter, has entered or will enter the wastewater collection system, shall immediately take all reasonable action to contain and abate the discharge and notify the Superintendent.

Sec. 18-31. Prohibited activities applicable to all domestic and non-domestic users.

(a) No person shall access, discharge, uncover, connect, open, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining the appropriate permits as required by this chapter and applicable local, State and Federal regulations.

(b) No person shall make connection of swimming pools, hot tubs, sump pumps, roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain connected directly or indirectly to a public sewer.

(c) No person shall construct or use any privy, privy vault, septic tank, holding tank, cesspool or other facility intended for the disposal of wastewater, if at the time such person is required by the provisions of this chapter to connect to the public sewer.

(d) No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is a part of the wastewater collection system. Any person violating this provision may also be charged with a criminal offense.

(e) No person shall create conditions within the Town of Kittery or Town of Eliot wastewater collection systems that endanger the health and safety of any person.

Sec. 18-32. Discharge of unpolluted drainage applicable to all domestic and non-domestic users.

(a) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool/hot tub drainage, condensate, deionized water, noncontact cooling water, or unpolluted industrial wastes to any sanitary sewer.

(b) Stormwater and allowed non-stormwater discharges shall be discharged to the municipal storm drainage system in accordance with the provisions of Chapter 31 (Non-stormwater discharges) of the Town of Eliot Municipal Code of Ordinances. See section 31-6 for a complete list of allowed non-stormwater discharges.

Sec. 18-33. Unmetered flows.

The Superintendent may, at the discharger's expense, install or require a discharger to install an outflow metering device if he or she has reason to believe that a user is discharging unmetered flows into the public sewer from any source described in Sec. 18-32 and that the volume of such flows exceeds the town-wide average for such flows. The Superintendent may require the discharger to pay the Town of Eliot's portion of the costs for treatment of such flows which, imposed, shall be collected in the same manner as other sewer fees and charges provided in Appendix 1 of this chapter.

Sec. 18-34. Temporary discharges.

(a) Temporary discharges that do not require a separate permanent connection and do not require a building sewer connection permit shall only be discharged to the public sewer subject to the following conditions:
   (1) Discharge must be approved by the Superintendent in writing. The Superintendent may require a fee
   (2) Discharge must be to an appropriate plumbing fixture, utility sink or private cleanout;
   (3) Discharge must not adversely impact flow of the sewer collection system; otherwise, the temporary discharge must be immediately disconnected;
   (4) Discharge must not be from a waste hauler or contain septage.

Sec. 18-35. Prohibited discharges applicable to all domestic and non-domestic users.

(a) In accordance with the provisions of the inter-municipal agreement between the Town of Eliot and Town of Kittery, no discharger of domestic or non-domestic wastewater shall introduce or cause to be introduced into the public sewer the following pollutants or substances:

   (1) Flows exceeding the Town's allocated capacity for wastewater reception, unusual flow rate or concentration of wastes concentrating slugs except as permitted;

   (2) Any wastewater containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred-fifty (150) degrees F (0 and 65°C);

   (3) Any solids, liquids, or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause a fire or an explosion or be injurious, in any way, to the wastewater collection system, or to the operation of the wastewater collection system. At no time shall both of two successive readings on a flame type explosion hazard meter, at the point of discharge into the system (or at any other point in the system) be more than 25 % nor any single reading be more than 40 % of the lower explosive limit (LEL) of the meter. Unless explicitly allowable by a written permit, prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, carbides, hydrides, and sulfides, and any other substance which the Town of Eliot, Town of Kittery, State, or the EPA has determined to be a fire hazard, or hazard to the wastewater collection system;

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants (including heat), that interfere with or damage any portion of the wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect on the receiving waters of the Town of Kittery wastewater pollution control facility, or exceed the limitations set forth in a Categorical Pretreatment Standard;

(5) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit;

(6) Cementitious materials;

(7) Medical wastes;

(8) Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin;

(9) Solid or viscous substances that may obstruct the flow or otherwise interfere with the operation of the wastewater collection system unless explicitly allowable by written permit. Such substances include, but are not limited to, grease, garbage with particles greater than one-half (1/4) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing fuel or lubricating oil, mud, or glass or stone grinding or polishing wastes;

(10) Septage. The Town of Eliot is not permitted to accept or discharge septage wastes to the Town of Kittery Wastewater Pollution Control Facility as dictated by the Inter-municipal agreement between the Town of Eliot and Town of Kittery currently in effect.

Sec. 18-36. Prohibited discharges applicable to all non-domestic users.

(a) In addition to the discharges prohibited in Sec. 18-35, no discharger of non-domestic wastes, whether subject to Federal, State, or local pretreatment requirements or not, shall introduce or cause to be introduced into the public sewer any of the following pollutants or substances unless permitted by the Superintendent and the Kittery Wastewater Pollution Control Facility:

(1) Pollutants or wastewater which causes pass-through or interference;

(2) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the wastewater collection system;

(3) Any wastewater having a pH less than 5.5 or greater than 9.5;

(4) Any wastewater with objectionable color which is not removed in the treatment process, such as, but not limited to, dye wastes, and vegetable tanning solutions;

(5) Any waters or pollutants containing phenols or other taste or odor producing substances, in such concentrations exceeding the limits which may be established by the Superintendent and/or Town of Kittery as necessary, after treatment of the composite wastewater to meet the requirements of the State, Federal, or other public agencies or jurisdiction for such discharge to the receiving waters;

(6) Any waters or wastes containing strong acid iron pickling pollutants, or concentrated plating solutions whether neutralized or not, or chlorine requirements to such quantities as to constitute a significant load on the wastewater pollution control facility;

(7) Any waters or wastes containing iron, chromium, copper, zinc, and similar toxic substances, unusual COD, or pollutants exerting an excessive chlorine requirement, to such degree that any such material received in the composite wastewater at the wastewater pollution control facility exceeds the limits established by the Superintendent and/or Town of Kittery for such materials;

(8) Any wastes having a BOD higher than 300 mg/1.

(9) Any wastes having or exhibiting TSS above 300 mg/1.

(10) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations;

(11) Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residue) or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate;

(12) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Sec. 18-37. Superintendent and/or Town of Kittery authority regarding acceptance of harmful wastes.

(a) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which contain the substances or possess the characteristics enumerated in this article and which, in the judgment of the Superintendent and/or Town of Kittery, may have a deleterious effect upon the wastewater pollution control facility, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent and/or Town of Kittery may:

(1) Reject the wastes;
(2) Require pretreatment to an acceptable condition for discharge to the public sewers;

(3) Require control over the quantities and rates of discharge;
(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this chapter.

(b) If the Superintendent and/or Town of Kittery allow the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and/or Town of Kittery, and subject to the requirements of all applicable codes, regulations, ordinances, laws, and municipal waste discharge permit (NPDES).

(c) The Superintendent and/or Town of Kittery may require a user of the public sewer to provide information needed to determine compliance with this chapter. These requirements include:
(1) Wastewater discharge peak rate and volume over a specific time period;
(2) Chemical analysis of the wastewater;
(3) Information on raw materials, processes, and products affecting wastewater volume and quality;
(4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control;
(5) A plot plan of the user's property showing sewers and pretreatment facility locations;
(6) Details of systems to prevent and control losses of materials through spills to the municipal sewer.

(c) *Special agreements.* No statement contained in this article shall be construed as preventing any special agreement or arrangements between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment by the industrial user.

Sec. 18-38. Control manholes.

(a) When required by the Superintendent and/or Town of Kittery, the owner of any property with commercial, institutional or industrial wastes shall install a suitable structure, such as a control manhole, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes.

(1) *Permit; fee required.* A permit from the Superintendent shall be required to construct any such structure. A fee in the amount established by Appendix 1 of this chapter shall be submitted with any such permit.

(b) Control manholes and similar structures shall be maintained at the owner's expense in accordance with plans approved by the Superintendent and/or Town of Kittery and shall be kept safe and accessible at all times.

Sec. 18-39. Industrial wastes and pretreatment.

(a) In accordance with the provisions of the inter-municipal agreement between the Town of Eliot and Town of Kittery, in all instances where a pollutant is introduced to the Town of

Kittery wastewater collection system is an industrial waste, the Town of Kittery reserves the right to develop and enforce specific requirements and effluent limits for the industrial user(s) and all other users as appropriate to ensure compliance with the Town of Kittery's NPDES permit and/or sludge use or disposal practices.

(b) The Town of Kittery shall perform all reporting, monitoring, permitting, inspection and other administrative functions related to industrial users necessary to implement industrial pretreatment programs.

(c) The Town of Eliot Sewer Superintendent shall carry out any necessary enforcement actions on behalf of the Town of Kittery.

(d) The Town of Kittery may halt actual or threatened discharges that may cause imminent endangerment to the public health and welfare, the environment and/or wastewater collection system or wastewater pollution control facility and to seek civil, criminal, or injunctive relief necessary for the enforcement of any pretreatment programs in Eliot.

Sec. 18-40. Maintenance of pretreatment and flow-equalizing facilities.
Where pretreatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

Sec. 18-41. Wastewater sampling.

(a) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the manhole or similar structure provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be the nearest manhole in the public sewer downstream from the point at which the building sewer is connected.

(b) Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the wastewater pollution control facility and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken). Normally, but not always, BOD and suspended solids (TSS) analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.

(c) The Town of Kittery is hereby granted the same authority as the Town of Eliot to carry out all wastewater sampling in accordance with the inter-municipal agreement currently in effect.

Sec. 18-42. Grease, oil and sand interceptors.

(a) Grease, oil, and sand interceptors shall be installed when, in the opinion of the Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease, sand, or oil; except that such interceptors shall not be required for residential dwelling units.

(b) *Removal and disposal of material.*

(1) The owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal, which are subject to review by the Superintendent and Code Enforcement Officer/Local Plumbing Inspector.

(2) Removal and hauling of collected materials shall only be performed by licensed waste disposal firms.

(c) *Plumbing permit required.*

(1) The installation of any grease, oil or sand interceptor shall require a plumbing permit from the Code Enforcement Officer/Local Plumbing Inspector and shall comply with the requirements of the State of Maine Plumbing Code.

(2) All interceptors shall be of a type and capacity approved by the Superintendent

(3) The Code Enforcement Officer/Local Plumbing Inspector shall provide the Superintendent with copies of all plumbing permit issued for interceptors.

(d) *Maintenance.* Interceptors shall be properly maintained at the owner's expense and located so as to be readily and easily accessible for cleaning and inspection.

ARTICLE IV. SEWER CAPACITY ALLOCATIONS.

Sec. 18-43. Authority to allocate sewer capacity.

The ~~Board of Selectmen~~Select Board is authorized to allocate capacity for the municipally owned public sewer.

Sec. 18-44. Sewer capacity allocation required.

The Town of Kittery provides the transmission and treatment of wastewater received from the Town of Eliot. Capacities for the Town of Eliot are limited to the maximum values established by the inter-municipal agreement described in Sec. 18-5 of this chapter. Connection to the public sewer shall not be permitted without first obtaining an allocation in accordance with the provisions of this article.

Sec. 18-45. Procedure requesting new sewer capacity allocations.

(a) *Application required.*

(1) All requests for new sewer capacity allocations shall be made by application and submitted to the Superintendent. Applications shall be provided by the Superintendent.

(2) *Affidavit of ownership.* Applications shall be accompanied by an affidavit of ownership or valid option of at least ninety (90) days. The affidavit shall include the acquisition date of the property, book and page number of the recorded conveyance, legal and contract owners or the property and if any corporations are involved, a complete list of all directors, officers and stockholders owning more five percent of any class of stock in the corporation.

(b) *Review by Superintendent.* The Superintendent shall review all applications and refer it to the ~~Sewer Committee~~Select Board chairperson with or without recommendations within ~~seven (7)~~Thirty (30) days of receiving the application. Incomplete or inaccurate applications will not be reviewed.

~~(c) *Review by Sewer Committee.*~~

(1) The ~~Sewer Committee~~Superintendent shall review the application based on the type of project, flow volumes anticipated from the nature of the project based on Sec. 18-46 of this chapter, and the total remaining municipal allocation from the Town of Kittery.

~~(2) The Sewer Committee chairperson shall then refer the application to the Board of Selectmen with or without written recommendations within thirty (30) days of the date the application was submitted to the Sewer Committee by the Superintendent.~~

~~(d)~~(c) *Sewer consultant.*

(1) The ~~Sewer Committee~~Superintendent may request through the ~~Board of Selectmen~~Select Board that the applicant pay a technical consultant fee ~~of up to~~ $1,000.00 ~~to~~ to be used by the ~~Board of Selectmen~~Select Board and/or ~~Sewer Committee~~Superintendent to retain an independent, third-party sewer consultant to review the application. If the balance is drawn down by 75% the ~~Board of Selectmen~~Select Board shall notify the applicant and require ~~an~~ additional ~~$500~~fees be deposited by the applicant. The ~~Board of Selectmen~~Select Board shall continue to notify the applicant and require an additional ~~$500~~fees be deposited as necessary whenever the balance is drawn down by 75% of the original balance. Any funds remaining after a decision on the allocation application shall be returned to the applicant. After review of the request and consultant's report (if applicable) by the ~~Sewer Committee~~Superintendent, the ~~Committee~~ Superintendent will provide a recommendation to the ~~Board of Selectmen~~Select Board.

(2) The ~~Sewer Committee~~Superintendent review shall be extended an additional thirty (30) days to review the request if a sewer consultant is employed.

~~(e)~~(d) *Decisions of the ~~Board of Selectmen~~Select Board.*

(1) *Basis of decisions.* The ~~Board of Selectmen~~Select Board will provide user allocations on a first come-first served basis, however, priority will be given to existing dwelling units and unimproved lots of record located within two hundred and fifty (250) feet of the public sewer line, as measured from the closest legal boundary of the property. In addition, if the Selectmen determine that a public facility, governmental building or use, schools, assembly place, church, essential service, hospitals, institutional building or use, and public utility facility are essential for the public health, safety, and welfare of the Town of Eliot, those facilities may be considered for allocations ahead of those private entities requested in the same time frame. Private sites which are determined to pose a health risk threat to the Town may also be considered for allocations in advance of other properties.

(2) The ~~Board of Selectmen~~Select Board shall act upon allocation requests via majority vote within thirty (30) days of the date the application was submitted to the ~~Board of Selectmen~~Select Board by the ~~Sewer Committee~~Superintendent. Final action on an initial allocation request may be: denial (with reasons), approval (with reduction or increase of requested allocation), flow approval (with conditions), or approval as applied for.

(3) *Standard condition of approval.* The ~~Board of Selectmen~~Select Board shall attach the following condition of approval to all approved sewer capacity allocations:

The holder of an approved sewer capacity allocation shall not apply for a building sewer connection permit from the Superintendent without first obtaining the necessary land use approvals, if necessary, from the Code Enforcement Officer and/or Planning Board in accordance with Chapter 45 (Zoning) of the Town of Eliot Municipal Code of Ordinances.

(4) *Failure to act.* Failure of the ~~Board of Selectmen~~Select Board to take action within ninety (90) days shall constitute denial of the application however, the ~~Board of Selectmen~~Select Board may, with agreement from the applicant, extend this period by an additional thirty (30) days depending on the nature and complexity of the request.

(5) *Appeals.* Approvals and denials of sewer capacity allocation requests are considered final actions of the ~~Board of Selectmen~~Select Board and are not appealable by any party under the provisions of this or any other chapter.

~~(f)~~(e) *Validity*

(1) Only allocations approved in writing by the ~~Board of Selectmen~~Select Board are valid.

(2) Any approved allocation constitutes a binding commitment of capacity to the project contingent on compliance with any conditions attached to the approval.

~~(g)~~(f) *Revocation of allocation.* The ~~Board of Selectmen~~Select Board may revoke any approved allocation upon finding that the applicant submitted false information or failed to meet any of the conditions attached to the approval.

~~(h)~~(g) *Reapplication.* If a request for allocation is denied the property owner shall not reapply for a period of twelve (12) months from the date of denial unless the applicant can supply new information.

Sec. 18-46. Computation of allocations.

(a) *Residential User Allocations.* Initial allocation of sewer capacity for residential uses shall be computed on a per-acre basis (see Table 18.1).

Table 18.1

(Source: NEIWPCC TR-16 Guides for the Design of Wastewater Treatment Works)

Use	Reference Unit Flow ADF (gpd)	Per-Acre* Maximum Allowed Flow (gpd)
Single family dwellings	220	250
Duplex units	200	300
Multifamily dwellings (3+ units); Accessory dwelling units (ADU)	125	500
Elderly housing units	100	500
Manufactured housing units	120	200

*(*Allocation table shall exclude lands that contain slopes in excess of 25%, wetlands, and all lands dedicated to private or public rights-of-way.)*

(b) *Retail, service, community facilities, industrial and agricultural user allocations.* Allocation of sewer for retail, service, community facilities, industrial, and agricultural uses shall be computed on a per-acre basis (see Table 18.2). Available flow shall be based on the actual estimated usage developed from existing or similar uses.

Table 18.2

(Source: NEIWPCC TR-16 Guides for the Design of Wastewater Treatment Works)

Use	Per-Acre* Maximum Allowed Flow (gpd)
Community Facilities	500
Agricultural Uses	250
Retail and Service Uses (eating and drinking establishments, hotel/motel and laundry facilities)	2,000
General Retail and Service Uses	500
General Industrial Uses (domestic wastewater only)	500
Industrial Uses (with industrial flow)	2,000

*(*Allocation table shall exclude lands that contain slopes in excess of 25%, wetlands, and all lands dedicated to private or public rights-of-way.)*

(c) *Unique uses not categorized.* Uses not categorized under the listed uses above will be initially evaluated based upon documented flows from three (3) similar uses in the region. If similar flows are not available, equipment vendors must be contacted to acquire professional advice regarding anticipated flow rates from specific equipment. If no technical information is available related to the proposed use, the applicant's licensed professional engineer will provide documentation regarding a calculated flow estimate.

Sec. 18-47. Ownership of allocation.

Applicants who are granted sewer capacity allocations do not own the allocation and may not transfer, trade, or sell them. The ~~Board of Selectmen~~Select Board will not reasonably withhold approval to transfer allocations to a proposed buyer of a site if the use of the property is consistent with the allocation. A request for such transfer must be made in writing to the ~~Board of Selectmen~~Select Board with substantial details of the transaction as they pertain to the allocation.

Sec. 18-48. Waiting list.

In the event there is no remaining sewer capacity to allocate, the ~~Board of Selectmen~~Select Board shall place applications for capacity on a waiting list. At such time capacity becomes available, the ~~Board of Selectmen~~Select Board shall consider applications on the list in the order in which they were received. An application shall remain on the waiting list until such time final action is taken on the application or it is voluntarily withdrawn by the applicant.

Sec. 18-49. Expiration of allocations; extensions.

(a) *Expiration.* All sewer capacity allocations issued by the ~~Board of Selectmen~~Select Board pursuant to this article shall expire 180 days after the date of issuance if connection to the public sewer is not made.

(b) *Extensions.* The ~~Board of Selectmen~~Select Board may extend this period up to 12 months from the original date of approval upon a showing of good cause. If connection to the public sewer is not made by the expiration date, the allocation shall be rescinded and the property owner shall be required to apply for a new allocation.

(1) Any application for extension must be made in writing and submitted to the ~~Board of Selectmen~~Select Board at least ten (10) days prior to the expiration of the approved allocation. The ~~Board of Selectmen~~Select Board shall act upon requests for extensions via majority vote within thirty (30) days of the date the application was submitted (See Sec. 1-2 for 'Computation of time.')
(2) The Board is authorized to consult with the ~~Sewer Committee~~Superintendent ~~and Superintendent~~ when considering applications for extensions.
(3) If an extension is approved, the owner of the property shall be assessed a quarterly access-only fee in the amount established by Appendix 1 of this chapter until such time connection to the public sewer is complete.

(4) Failure to pay quarterly access-only fees by the due date shall result in the immediate revocation of an approved sewer capacity allocation and the applicant shall be required to submit a new application.

Sec. 18-50. Periodic review of allocations.

(a) In order to ensure the best use of the allowed daily volumes of wastewater capacity contracted from the Town of Kittery by the Town of Eliot, the ~~Board of Selectmen~~Select Board, ~~Sewer Committee~~ and/or Superintendent reserve the right to review the actual usage pattern or total gallonage by any user or group of users to determine if the actual usage is consistent with expected or allotted or assigned usage amounts, and, after notice to the users and affording the users a hearing in public, to change or adjust the permitted allocation to agree with the user's actual needs.

(b) Flows from retail, service, community facilities, industrial and agricultural uses, and uses not categorized will be verified during the first year of occupancy by the Superintendent.

Sec. 18-51. Authorization to issue building sewer connection permit.

By approving the allocation request, the ~~Board of Selectmen~~Select Board authorizes the Superintendent to issue a building sewer connection permit, which allows the applicant to construct the necessary facilities and connect to the Town's sewers. The Superintendent shall issue a connection permit only upon finding that the proposed connection complies with the provisions of this chapter and that all conditions of approval associated with the approved allocation have been met.

Sec. 18-52. Prior allocations.

Adoption of this chapter and any amendment thereto shall not modify or invalidate any sewer capacity allocation previously approved, however any such valid allocation shall become subject to the provisions and procedures established by this article on the effective date of adoption of this chapter.

Sec. 18-53. Fees.

Except as provided in Sec. 18-45(c~~d~~) of this chapter, there shall be no fee to request a new or amended sewer capacity allocation, an extension to or transfer of a previously approved allocation.

ARTICLE V. BUILDING SEWERS AND CONNECTIONS.

Sec. 18-60. Installation costs and indemnification.

All costs and expenses incidental to the installation, connection, examination, and testing of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss

or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 18-61. Initiation of billing.
Once a "tee" or "wye" ~~saddle~~ has been connected to the sewer main for the intent of a building sewer and has been inspected by the Superintendent, billing to the property owner shall begin. Sewer user rates shall be determined by the ~~Board of Selectmen~~Select Board and are provided in Appendix 1 of this chapter.

Sec. 18-62. General design standards.
(a) A separate and independent building sewer shall be provided for every new building unless otherwise permitted by the Superintendent.

(b) Pre-existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this chapter.

(c) The minimum size for commercial services shall be six (6) inches regardless of the condition of the existing service. Commercial services shall only be reused if they are cast iron, ductile iron or PVC and found to be in good shape, alignment and of proper size. Other types of pipe shall only be reused if they are slip-lined with an approved material and are found to be in good shape, alignment and of property size.

(d) Sewer systems shall be designed and constructed to achieve total containment of sanitary wastes and maximum exclusion of infiltration and inflow.

(e) Combined sewers are prohibited.

(f) In order to acquire sanitary sewer service from the Town of Eliot, the property proposed for development must abut a Town-owned sewer main located within the right-of-way or a Town owned easement. The existing sewer main must have adequate capacity to handle the anticipated flow from the Developer's project and any other projects of municipal facilities plan reasonably foreseen to be connected to or adjacent to the proposed development.

(g) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(h) The connection of the building sewer to the public sewer shall conform to the requirements of the State of Maine Plumbing Code and Appendix 2 of this chapter and shall be made gas and watertight. In the absence of specific provisions, the provisions of the ASTM and WPCF Manual of Practice No. 9 shall apply as determined by the Superintendent.

(i) 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.

(j) Except in case of emergency, no construction or connections shall be made during winter conditions unless otherwise approved by the Superintendent.

(k) *Deviation from standards.* Any waiver or deviation from the prescribed procedures and materials of this chapter and its appendices shall be approved by the Superintendent before work may begin. The Superintendent shall keep a written record of any allowed waivers and deviations.

Sec. 18-63. Water meters required.

(a) All water sources entering the sewer system shall be metered regardless of their origin. Privately owned wells used to supply buildings connected to the sewer system shall be metered with a water meter that meets or exceeds the standards of the American Water Works Association (AWWA). Meters on privately owned water systems (wells) shall be installed, maintained and serviced at the owner's expense. Any person, firm, corporation or other legal entity that wishes to install or has installed a privately owned water systems (wells) shall be installed, maintained and serviced at the owner's expense. Any person, firm, corporation or other legal entity who wishes to install or has installed a privately owned water system that discharges into the Town sewer shall make written notification to the Superintendent, date of installation and estimated daily flow shall be referenced in the letter.

(b) The owner of a private water system that discharges into the public sewer shall ~~supply to the Superintendent, accurate meter readings when requested to do so. The Town will calculate the sewer bill using these readings. The owner shall provide to the Town written~~meter water usage using a Kittery Water District meter for sewer billing purposes. Meters shall be installed at the Owner's expense and the Owner shall coordinate installation and maintenance of the meter with the Kittery Water District. The Owner shall provide the Town written authorization allowing the Superintendent, or his agent to enter onto the premises for any inspections deemed necessary by the Board, or their agent.

Sec. 18-64. Permits; fees required.

(a) *Building sewer connection permits.* Any person or entity proposing to uncover, make connection(s) with or opening into, use, alter, or disturb any portion of the wastewater collection system or appurtenance thereof shall obtain a written building sewer connection permit from the Superintendent in accordance with the provisions of this article.

(b) *Permit fees.*

(1) *Application fees.* A nonrefundable application fee in the amounts established in Appendix 1 of this chapter shall be paid to the Town Clerk and a receipt submitted with the permit application.

(2) *Inspection fees.* A fee in the amount established by Appendix 1 of this chapter shall be paid for each inspection performed by the Superintendent.

(3) ~~*Betterment fees*~~*System Development Charge (SDC).* A ~~betterment fee~~one time fee that requires new users to 'buy-in' to the existing sewer system based on how much sewer system capacity the new user is expected to use in the amount established by Appendix 1 of this chapter and shall be paid with any new building sewer connection application, change of property use, or for properties within jurisdictional proximity and choose not to connect to the sewer in accordance with Article 18-21 (e).

(4) *Third-Party Sewer Consultant Fees.* The Superintendent may request through the Select Board that the applicant pay a technical consultant fee to be used by the Select Board and/or Superintendent to retain an independent, third-party sewer consultant to review plans and/or perform field inspections of the sewer work. Any funds remaining after completion and Town acceptance of the sewer work shall be returned to the applicant. ~~(3)~~

(c) *Other permits required, if applicable.*

(1) *Plumbing permit.* A separate internal plumbing permit from the Local Plumbing Inspector/Code Enforcement Officer may be required by the State Plumbing Code to install or replace a building sewer or water meter and, if required, shall be provided to the Superintendent by the permit holder.

(2) *Industrial wastewater discharge permit.* Any person or entity producing industrial wastes shall be required to obtain the proper discharge permits from the Town of Kittery as required by applicable local, State and Federal laws and regulations. Copies of approved permits shall be provided to the Superintendent by the permit holder.

Sec. 18-65. Procedure for issuing building sewer connection permits.

(a) Application forms shall be furnished by the Superintendent.

(b) Applications for building sewer connections shall be submitted to the Superintendent with ten (10) copies of a sewer construction plan containing the following information:

(1) *Location map.* Location map drawn at a scale of 500 feet to the inch, showing the relation of the proposed project to adjacent properties and the general surrounding area and all areas within 2,000 feet of the project boundaries.

(2) *Affidavit of ownership.* Affidavit of ownership or valid option of at least ninety (90) days. The affidavit shall include the acquisition date of the property, book and page number of the recorded conveyance, legal and contract owners or the property and if any corporations are involved, a complete list of all directors, officers and stockholders owning more five percent of any class of stock in the corporation. The developer shall also provide the name, address and telephone number of any agent authorized to represent him or her, as well as written permission stating so.

(3) *Project description.* A project description identifying the number and type of units proposed to be connected to the Town of Eliot public sewer.

(4) *Sewer construction plan.* Sewer construction plans prepared as follows:

i. Plans shall be prepared on 24" x 36" sheets.

ii. The maximum scale shall be:
   a. 40 feet = 1 inch or 50 feet = 1 inch for horizontal profile and plan;
   b. 4 feet = 1 inch or 5 feet = 1 inch for the vertical profile;
   c. ¼ inch = 1 foot or ½ inch = 1 foot for details.

iii. Map and lot numbers for adjacent and affected properties.

iv. Date, scale, and north arrow.

v. Plan legend.

vi. Project benchmark, tied to a NGS (or USGS) labeled datum.

vii. Temporary benchmark tied to nearest existing sanitary sewer manhole cover and/or invert.

viii. Elevations based on NAD83 (North American Datum of 1983).

ix. The locations of all existing on-site water services and wells.

x. The locations of all adjacent water services and wells that fall within influence zones of proposed water and/or sanitary sewer services.

xi. Locations of existing on-site boring hole locations or test pits.

xii. The locations of all existing utilities serving the site.

xiii. The location of all structures within the vicinity of the proposed project and their associated finished floor elevations.

xiv. The name of all streets within the project limits.

xv. Profile sheet showing existing and proposed ground elevations at a 50-foot interval (or at another interval which provides additional or more useful information). Existing and proposed grade may be shown at a tenth of a foot accuracy. Responsive action related to deviations in field conditions should be clearly noted for proposed manhole rim elevations which do not correlate with existing field conditions.

xvi. All proposed utility crossings. (Notations shall be included clearly identifying minimum separation requirements based on Table 18.3 as follows:

Table 18.3

Utility	Recommended Horizontal Clearance from sanitary sewer (feet)	Recommended Vertical Clearance from sanitary sewer (inches)
Cable TV	5	18
Gas	5	18
Power	10	18
Drainage	5	18
Telephone	10	18
Water	10	18

Actual clearances must be verified with the affected utility.

xvii. Plan stationing beginning at the lowest downstream manhole.
xviii. Service lateral tie sheets including the following information:
  a. Locations (horizontal and vertical) of all house service connections, encountered and/or newly installed and the locations of capped or plugged ends of these same house service lines.
  b. Ties to permanent structures (a minimum of three ties shall be provided).
  c. Length and depth of the service lateral.
xix. Size, slope, alignment, and materials of construction of a building sewer and methods used in excavating, placing of the pipe, jointing, testing and backfilling of the trench shall conform to the requirements of the Building and Plumbing codes or other applicable rules and regulations of the Town or State.
xx. All manhole rim and invert elevations.
xxi. Detailed general notes including the following:
  a. Dig Safe notification requirement;
  b. Town notification requirement;
  c. Class of backfill, including bedding material, initial backfill material, and general backfill.
  d. Gradation, limits, and compaction criteria for all bedding and backfill.
  e. A note requiring the source of the data (such as field survey by Company X, on Date Y).
  f. The Town shall be granted the opportunity to witness all testing and connections.
  g. Manhole rims within public right-of-way shall be adjusted to final grade immediately prior to paving.
  h. The Contractor is responsible for providing protection to prevent construction debris from entering the existing sanitary sewer system.
xxii. Design engineer's name, address, professional seal, and signature.
xxiii. Owner and developer's name and address.
xxiv. Other requirements the Superintendent deems necessary for a complete understanding of the proposed facilities.

(5) *Calculations.* The following calculations must be submitted with the plan:
i. Total flow from project and water/sewer shed area, including calculated inflow and infiltration volumes.
ii. Capacity evaluation of the downstream public system receiving the flow.
iii. Force main TDH and velocities.
iv. Pump curve data.
v. Pump specification, including product literature brochure.
vi. Wet well size and design calculations.
vii. Holding times.
viii. Septicity evaluation.
ix. Electrical specifications including evidence the utility is or will be able to provide adequate power to the site.
x. Pump
xi. operation evaluation for opening day "initial flows" through maximum anticipated build-out.
xii. Buoyancy calculations.

xiii. Geotechnical information regarding stability of soil.
xiv. Hydrogen sulfide suppression evaluation.

(c) Applications for new building sewer connection permits will not be accepted without an approved sewer capacity allocation from the ~~Board of Selectmen~~Select Board.

(d) The Superintendent shall have up to thirty (30) days from the date the application was received to review the permit application, request additional information, or ~~and~~ issue a final decision.

(e) One copy of the approved permit shall be available for inspection at the site at all times.

Sec. 18-66. Notification; inspection.

(a) The holder of an approved building sewer connection permit shall notify the Superintendent at least forty-eight (48) hours prior to beginning work.

(b) The holder of an approved building sewer connection permit shall notify the Superintendent at least forty-eight (48) hours prior to connection to the public sewer for inspection. The connection shall be made under the supervision of the Superintendent or his representative.

(c) Notification of completion of work with certification that all conditions have been complied with shall be filed in writing to the Superintendent within forty-eight (48) hours after completion of the work.

Sec. 18-67. Expiration of permit; extension.

(a) *Expiration.* Permits issued by the Superintendent under the provisions of this article shall expire 180 days from the date of issuance unless a substantial start of construction has been made, as defined in Sec. 1-2

(b) *Extension.* The holder of an approved permit may request an extension of the permit duration. Requests for extensions shall be submitted, in writing, to the Superintendent at least ten (10) days prior to the permit expiration date. The Superintendent may grant an extension upon a showing of good cause.

(1) Fees. A fee in the amount established by Appendix 1 of this chapter shall be submitted with any request for extension.

ARTICLE VI. SEWER LINE CONSTRUCTION & EXTENSION.

Sec. 18-69. Private improvements to public sewer.

(a) Upon request by an existing or potential sewer user, the ~~Board of Selectmen~~Select Board will consider proposals for making capital improvements to part or all of the wastewater collection system to improve the inflow/infiltration problems. Such proposals shall be in the form of detailed engineering designs and drawings, at the sole cost of the requester, describing the construction of such improvements. Any such improvements shall be

designed in accordance with the specifications for sewer line construction contained in Appendix 2 of this chapter. In the absence of specific provisions, the provisions of the ASTM and WPCF Manual of Practice No. 9 shall apply as determined by the Superintendent.

(b) After review and consultation with the ~~Sewer Committee~~Superintendent and the Town's sewer consultant, all of whose expenses are paid by the requester, the ~~Board of Selectmen~~Select Board may, in its sole discretion, approve specific projects wholly funded and undertaken by the requester. The ~~Board of Selectmen~~Select Board, upon a determination that the size and scope of the improvement broadly benefits the sewer system, may agree to allocate a portion of the costs to all the sewer users benefitted.

(c) Upon completion of those improvements, the ~~Board of Selectmen~~Select Board are authorized to allocate to the project requester such portion of any recovered sewer capacity as may be mutually agreed to between the ~~Board of Selectmen~~Select Board and the project requester, so long as the amount of recovered sewer capacity is demonstrated to exist according to reasonable engineering principles as confirmed by measurement by the ~~Sewer Committee~~Superintendent and the Sewer Consultant.

Sec. 18-70. Private Wastewater Collection Systems

(a) No new private wastewater collection systems shall be constructed in the Town of Eliot. All new wastewater collection systems shall be within public rights of way or within easements acceptable to the Town, shall be consistent with the Town's long-term sewer planning goals, and shall become public sewers in accordance with the process described in this ordinance.

(b) Existing private wastewater collection systems shall conform to all the requirements of this ordinance, *TR-16 Guides for the Design of Wastewater Treatment Works (latest edition),* and the Town's Sewer Standards.

(c) Existing private wastewater collection systems shall identify the owner of the system. The owner shall be ultimately responsible for all operation, maintenance, regulatory reporting, regulatory action, and fines associated with the private wastewater collection system. Any regulatory action taken against the Town due to the action or inaction of the owner of the private wastewater collection system shall become the responsibility of the owner of the private system.

(d) All existing private wastewater collection systems in Town shall be operated and maintained in accordance with industry standards and to the same standard as the Town's sewers as described in the most recent version of the Town's *Wastewater Collection System Preventative Maintenance Plan.* Owners of private wastewater collection systems shall appropriate reserve funds to implement required operation and maintenance activities and provide documentation of operational activities to the Town on an annual basis. Failure to meet these requirements shall be subject

to penalties pursuant to Article VIII of this Ordinance. Key collection system operational elements include but are not limited to:

1. Maintenance Staff

Owners of private wastewater collection systems shall provide an adequate staff to carry out the operation, maintenance, repair, and testing functions required for operating their wastewater collection system.

2. Preventative Maintenance Program

Owners of private wastewater collections systems shall maintain an ongoing preventative maintenance program to prevent overflows and bypasses caused by malfunctions or failures of the sewer system infrastructure. The program shall include an inspection program designed to identify all potential and actual unauthorized discharges.

3. Infiltration and Inflow (I/I) Control

Owners of private wastewater collections systems shall control infiltration and inflow (I/I) into the sewer system as necessary to prevent extraneous flows from discharging to the public sewer.

4. Collection System Mapping

Owners of private wastewater collection systems shall each prepare a map of the sewer collection system it owns. The map shall be on a street map of the community, with sufficient detail and at a scale to allow easy interpretation. The collection system information shown on the map shall be based on current conditions and shall be kept up to date. Such map(s) shall include, but not be limited to the following:

a. All sanitary sewer lines and related manholes;

b. All combined sewer lines, related manholes, and catch basins;

c. All outfalls,

d. All pumping stations and force mains;

e. All surface waters (if applicable);

f. Other major appurtenances such as inverted siphons and air release valves;

g. A numbering system which uniquely identifies manholes, catch basins, overflow points, regulators and outfalls;

h. The scale and a north arrow; and

i. The pipe diameter, date of installation, type of material, distance between manholes, and the direction of flow.

5. Collection System Operation and Maintenance Plan

Owners of private wastewater collection systems shall each develop and implement a Collection System Operation and Maintenance Plan. Please refer to the Town's *Wastewater Collection System Preventative Maintenance Plan* for an example of what is included in such a plan including, but not limited to:

a. A description of the collection system staffing and legal authorities;

b. A description of the overall condition of the collection system;

c. A description of the funding source(s) used for operating and maintaining the system;

d. Identification of known and suspected overflows and back-ups;

e. A description of the programs for preventing I/I and all unauthorized discharges of wastewater. The program shall include an infiltration and inflow identification and control program that focuses on the disconnection and redirection of illegal sump pumps and roof down spouts.

6. Annual Reporting Requirement

Owners of private wastewater collection systems shall submit to the Town a summary report of activities related to the implementation of its Collection System O & M Plan during the previous calendar year.

(e) A list of existing private wastewater collection systems that are subject to the requirements pursuant to this section is maintained by the Superintendent. The Superintendent retains the right to waive any or all of the requirements of this section for special circumstances, for example, where two existing residential homes have existing separate building drains that combine into an existing shared lateral line. All requests for waiver shall be made to the Superintendent in writing.

Sec. 18-71. Petition for Town Acceptance of Existing Private Wastewater Collection System

(a) The owner of an existing private wastewater collection system may petition the Town to accept ownership of the private system.

(b) The owner of the private wastewater collection system shall be responsible for all costs associated with the petition, review fees and conditions for Town acceptance.

(c) As part of the petition process, the owner shall provide the Town with a Condition Assessment Report written and stamped by a ME Professional Engineer that

includes, but is not limited to the following information in a form acceptable to the Town:

i. Gravity sewer closed circuit television (CCTV) inspection, testing and assessment
ii. Manhole inspection, testing and assessment
iii. Pumping station inspection, testing and assessment
iv. Force main inspection, testing and assessment
v. Evaluation of private sewer connections
vi. Date of installation, age of equipment, and
vii. Maintenance records, and
viii. Infiltration and Inflow (I/I) potential and estimates

(d) The Condition Assessment Report shall be used by the Town to determine the conditions under which the Town would consider acceptance of the private wastewater collection system including required system improvements, upgrades, repairs, and replacements.

(e) The owner of the private wastewater collection system shall provide the Town with all necessary easements.

(f) Until ownership of the private wastewater collection system is officially transferred to the Town, the Town is under no obligation to accept the sewers and reserves the right to refuse acceptance at any time for any reason.

(g) The Town may assess a special sewer user fees and surcharges subject to penalties associated with other sewer bill non-payment, as required.

ARTICLE VII. MASTER DRAIN LAYERS LICENSES.

Sec. 18-720. Drain layer's license required.

(a) Only those contractors and plumbers who are licensed by the Superintendent as Master Drain Layers are authorized to perform work on the public sewer, subject to compliance with the following requirements:

(1) Applicants for a Master Drain Layers license may be required to submit a Statement Qualifications. This statement shall include the applicant's work history, qualifications and references. For those applicants with limited work history and references an oral or written examination may be required at the discretion of the Superintendent.

(2) If approved by the Superintendent, the licensee shall file with the Town of Eliot a proper and acceptable Performance and Guarantee Bond for $1,000.00, which shall remain in full force and effect for a period of one year from the date of application.

(3) Licensees shall file with the Superintendent a certificate of insurance for commercial general liability with bodily injury liability limits of no less than $1,000,000/$2,000,000 and property damage liability limit of no less than $100,000; worker's compensation

showing that coverage applies in the State of Maine; and auto liability with limits no less than $1,000,000 on an "any auto" basis. All coverage must remain in full force and effect for a period of at least one year from the date of license approval. The towns of Eliot and Kittery are to be additional insureds as respects any work done for them by contractor. The certificate must provide for a minimum 30 day notice of cancellation or material change. The certificate must be received and approved by the towns of Eliot and Kittery before any work commences. Said insurance shall indemnify the Town of Eliot and Town of Kittery against any and all damages, incurred in or any way connected with the performance of the work by a master Drain Layer, and for or by reason of any acts or omissions of said Master Drain Layer in the performance of his or her work.

(4) Applicants for licenses will be approved or disapproved within thirty (30) days after filing the application.

(5) The licensing will be waived in the case of Master Plumbers upon proof of insurance as specified in paragraphs (2) and (3) of this article.

Sec. 18-732. Expiration of license.
All Master Drain layer licenses expire one year from the date of issuance. The license is not transferable.

Sec. 18-743. Fees.
(a) An application fee shall be required in the amount established by Appendix 1 of this chapter.
(b) A renewal fee in the amount established by Appendix 1 of this chapter shall be due and payable on or before the anniversary date of issue.

ARTICLE VIII. VIOLATIONS, PENALTIES AND ENFORCEMENT.

Sec. 18-80. Violations.

Any person found to be violating any provision of this chapter shall be served by the Superintendent with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, with in the period of time stated in such notice, permanently cease all violations.

Sec. 18-81. Penalties.

Any person who continues to violate beyond the time limit provided to make a correction as required in the written notice, may be subject to court action, shall be guilty of a civil violation and upon conviction shall pay a penalty of not less than $100.00 nor more than $2,500.00 or such other relief as the court finds appropriate under M.R.S.A. Title 30-A Section 4452. Each day in which such violation shall continue will be deemed a separate violation.

Sec. 18-82. Liability.

Any person violating any provisions of this chapter shall become liable to the Town of Eliot and/or Town of Kittery for any expense, loss, or damage occasioned to the Town of Eliot and/or Town of Kittery by reason of such offense.

Sec. 18-83. Litigation.

Notwithstanding any of the foregoing provisions of this chapter, the Superintendent may institute any appropriate action including injunction or other proceedings to prevent, restrain, or abate violations hereof. The ~~Board of Selectmen~~Select Board shall make the final determination to institute litigation.

ARTICLE IX. APPEALS.

Sec. 18-90. Appeals.

(a) Except as herein provided, any person aggrieved by a decision of the Superintendent involving the interpretation and/or application of the provisions of this chapter may appeal that decision directly to the ~~Board of Selectmen~~Select Board by following the appeal procedure set forth below:

(1) All appeals must be made on appropriate appeal application forms provided by the Superintendent. The appeal shall set forth the date and nature of the decision appealed and a concise statement of the basis for the appeal together with any other relevant information as required on the appeal application form.

(2) Appeals must be filed within 30 days of the date of the written decision of the Superintendent. An appeal is commenced by filing an application form with the Town Clerk who shall deliver copies of the application to the Selectmen and Superintendent within five (5) days. At the time of filing the appeal with the Town Clerk, the appellant shall pay the costs for public notice as provided in Appendix 1 of this chapter.

(3) No later than fourteen days (14) after the Town Clerk has delivered copies of the appeal to the Selectmen under subparagraph (2) above, the Selectmen shall set a date for a hearing on the appeal and shall give written notification to the appealing party and the Superintendent of the date, time and place of the hearing. The Selectmen shall also cause public notice of the hearing date to be published by the Town Clerk in at least one local newspaper at least seven (7) working days prior to the scheduled hearing.

(4) The hearing before the ~~Board of Selectmen~~Select Board shall be informal and the strict rules of evidence shall not apply. Both parties to the appeal shall be given an opportunity to present whatever testimony appears relevant to the issues appealed. The Chairman shall serve as the presiding officer and shall make all decisions regarding the relevancy and admissibility of testimony. The appealing party shall have the right to examine and cross-examine any individual testifying. The Board may make any

inquiries of witnesses as it deems necessary and helpful to a proper resolution of the appeal. The appealing party shall bear the burden of proving that the decision of the Superintendent being appealed was illegal, arbitrary or unsupported by the provisions of this chapter. Members of the public shall be given an opportunity to present testimony that directly bears on the issues raised by the appeal. The Selectmen shall have the right to adopt additional rules of procedure to facilitate the appeal hearing process.

(5) After the conclusion of the public hearing, the ~~Board of Selectmen~~Select Board shall decide the appeal at the same or a subsequent meeting. The Board may affirm, reverse or modify the decision of the Superintendent or may remand the matter to the Superintendent for further action. The decision of the Superintendent may be reversed, modified, or remanded only by the affirmative vote of a majority of the entire Board; otherwise, the appeal is denied and the decision of the Superintendent is deemed affirmed. Within ten (10) days after its vote on the appeal, the ~~Board of Selectmen~~Select Board shall prepare a written decision containing a statement of facts and conclusions sufficient to show the rationale for the decision and shall mail a copy of that decision to the appealing party at the address set forth in the application form with a copy to the Superintendent. The decision of the ~~Board of Selectmen~~Select Board may be appealed to the York County Superior Court as provided in Rule 80 (B) of the Maine Rules of Civil Procedure.

ADD THE FOLLOWING NEW DEFINITIONS TO SEC. 1-2.
Sec. 1-2. Definitions.

Allocation (or Sewer capacity allocation) means the commitment of a specified amount of wastewater treatment capacity (measured in gallons per day or GPD) as approved by the Eliot ~~Sewer Committee and/or Board of Selectmen~~Select Board) for a specified development or land use.

ASCE means the American Society of Civil Engineers.

Average daily flow (ADF) means the total annual flow divided by the number of days in the calendar year, expressed as gallons per day (GPD).

BOD (Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter or as prescribed in the current edition of Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association.

Building drain means 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 five (5) feet (1.5 meters) outside the inner face of the building wall.

Building sewer means the extension from the building drain to and including the connection to the public sewer or other place of disposal.

Cementitious means having the property of or acting like cement.

COD (Chemical Oxygen Demand) means a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

Combined sewer means a sewer receiving both surface water runoff and wastewater.

Contractor means any entity that agrees to furnish goods, materials, equipment, personnel, and/or services that meet or exceed stated requirements or specifications, at a mutually agreed upon price and within a specified timeframe to another independent entity, principal, or project owner. The term shall include the Contractor's agents, employees, and/or subcontractors. Contractor may also mean "owner" if the work is to be performed by the owner.

Domestic wastewater means wastewater essentially free of industrial wastes or toxic materials and which originates from domestic conveniences such as toilets, urinals, sinks, showers, drinking fountains, home laundries, kitchens, school cafeterias, and floor drains, and similar sources as approved under the Maine State Plumbing Codes.

Excessive (Chapter 18) means amounts or concentrations of any constituent of a wastewater which, in the judgment of the Superintendent or Town of Kittery Wastewater Treatment Department, will cause damage to any portion of the wastewater collection system; will be harmful to a wastewater treatment process; cannot be removed in the wastewater treatment process to the degree required to meet the Town of Kittery or Town of Eliot discharge permit; will otherwise endanger life, limb, or public property.

Force main means a line without access from individual properties providing access from pumping station to trunk and sewer main.

Garbage (Chapter 18) means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Holding tank means a closed, watertight structure designed and used to receive and store wastewater or septic tank effluent. A holding tank does not discharge wastewater or septic tank effluent to surface or groundwater or onto the surface of the ground. Holding tanks are designed and constructed to facilitate ultimate disposal of wastewater at another site.

Indirect discharge means the introduction of pollutants into the Town of Kittery or Town of Eliot wastewater collection systems from any non-domestic, non-governmental source regulated under section 307(b), (c), or (d) of the Federal Water Pollution Control Act (also known as the Clean Water Act).

Industrial user (Chapter 18) means any non-governmental source of indirect discharge or any source that discharges industrial wastes to the Town of Kittery Wastewater Treatment Facility.

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

Interference means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(1) Inhibits or disrupts the wastewater pollution control facility, its treatment processes or operations, or its sludge processes, use or disposal; and

(2) Therefore is a cause of a violation of any requirement of the Town of Kittery or Town of Eliot's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Lateral line (Chapter 18) means the sewer conduit from a house to a street.

Medical waste means isolation wastes, infectious agents; human blood and blood products, pathological wastes; sharps and lancets, body parts, contaminated bedding, surgical wastes and potentially contaminated laboratory wastes; and dialysis wastes.

Natural outlet means any outlet (other than a manmade outlet) into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

NEIWPCC means New England Interstate Wastewater Pollution Control Commission.

Noncontact cooling water means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

Pass-through means a discharge that exits the Town of Kittery wastewater pollution control facility into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Town of Kittery or Town of Eliot's NPDES permit (including an increase in the magnitude or duration of a violation).

Peak rate or flow means the maximum instantaneous rate of flow recorded during any calendar year measured in gallons per day.

pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a public sewer. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by Title 40, Chapter 1, Part 403 of the final rules of the United States Environmental Protection Agency.

Private Wastewater Collection System means a service connection that collects wastewater from more than one building drain and may include gravity sewers, manholes, pumping stations, force

mains, and other infrastructure that collects and conveys wastewater to the public sewer. In addition, commercial, industrial or multi-unit residential service connections that include significant infrastructure (manholes, pumping stations, force mains, etc.), even if they include only one building drain, shall be considered private wastewater collection systems.

Private wastewater disposal system means any sewage disposal system not constructed, installed, maintained, operated, or owned by the Town of Eliot.

Public sewer means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

PVC - Poly Vinyl Chloride

Sanitary sewer means a sewer which carries wastewater and to which storm, surface, and groundwater are not intentionally admitted.

Sanitary wastewater means the wastewater which is essentially free of industrial wastes or toxic materials and which discharges from sanitary conveniences such as toilets, urinals, sinks, showers, drinking fountains, home laundries, and from kitchens, school cafeterias, and floor drains, as approved under the Maine State Plumbing Code.

SDR - Standard Dimension Ratio

Septage means the wastes from holding tanks such as vessels, chemical or portable toilets, campers, recreational vehicles or trailer wastes from septic tanks of private systems and cesspools, including trucked or hauled wastes.

Sewage. See Wastewater.

Sewer means a pipe or conduit for carrying wastewater.

Sewer capacity allocation. See Allocation.

Sewer main means the line serving as a conduit for sanitary wastewater from the lateral lines from each individual property.

Sewer Superintendent ("Superintendent") means the head of the Eliot Sewer Department and shall be appointed by the Eliot ~~Board of Selectmen~~Select Board or his/her authorized deputy, agent, or representative, as appointed by the ~~Board of Selectmen~~Select Board.

Service Connection means the location where the building sewer or private wastewater collection system enters the public sewer and delineates the boundary between public and non-public sewers.

Shall and *Will* are mandatory; *May* is permissive.

Sludge (or Biosolids) means waste containing varying amounts of contaminants removed from water, sanitary sewage, wastewater, or industrial wastes by physical, chemical, or biological treatment.

Slug means any discharge of water, wastewater, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

TDH – Total Dynamic Head

TSS (Total suspended solids) means the total of all settleable and nonsettleable solids in a sample of wastewater, measured in milligrams per liter by weight.

Town of Kittery (Chapter 18) means Town of Kittery Wastewater Pollution Control Facility.

Unpolluted drainage means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

VFD – Variable Frequency Drive

Wastewater (or Sewage) means the spent water of a community, which may be a combination of the liquid and water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with any groundwater, surface water or stormwater that may be present.

Wastewater collection system means the structures, pipes, pumping stations and other facilities and appurtenances owned by the Town of Kittery and/or Town of Eliot required to convey sanitary wastewater and/*or* industrial wastes-to the Kittery Wastewater Treatment Facility.

Wastewater pollution control facility means all facilities owned by the Town of Kittery for the collection, treatment, and disposal of sanitary wastewater, industrial waste, and septage. The wastewater pollution control facility is comprised of the wastewater collection system and the wastewater treatment facility.

Wastewater treatment facility means the central plant facility owned by the Town of Kittery for the treatment and disposal of sanitary wastewater, industrial waste, and septage.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

AMEND THE FOLLOWING DEFINITIONS IN SEC. 1-2.
Sec. 1-2. Definitions.
(New text underlined in bold italics)

Engineer ***(or P.E.)*** means a ~~civil~~ ***registered professional*** engineer licensed by the state ***of Maine***.

Pollutants (Chapters ***18,*** *31 and 35)* means dredged spoil, solid waste, junk, incinerator residue, wastewater, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or by-products, heat, wrecked or discarded

equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

Storm drainage system ~~*(chapters 31 and 35)*~~ means the municipality's regulated small MS4 and any of the unregulated small MS4.

Municipal Officers' Certification of Official Text of a Proposed Ordinance

To Wendy Rawski, Town Clerk of the Town of Eliot, Maine:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance entitled:

"November 2019 Amendments to "Chapter 18, Sewer Systems" of the Municipal Code of Ordinances of Eliot, Maine", which is to be presented to the voters for their consideration on November 5, 2019.

Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Given under our hands this 22nd day of August, 2019.

Richard Donhauser, Chairman

Alexandros Orestis, Vice Chairman

John Murphy, Secretary

Philip Lytle, Selectman

Robert McPherson, Selectman

Select Board
Town of Eliot, Maine