



## AGENDA – JANUARY 11, 2011

### INVOCATION ROLL CALL RECORDS

**HEARING:**            *Continued Hearing:* On the petition submitted by Sam Schofield, Douglas A. King Builders, 115 Main Street, Suite 1D, North Easton and others for the acceptance of Paul Revere Terrace and Colonial Drive as a public ways in the City of Taunton.

- Information submitted by Douglas King

### COMMUNICATIONS FROM THE MAYOR

### APPOINTMENTS

### COMMUNICATIONS FROM CITY OFFICERS

- Pg. 1-38            Com. from City Solicitor – Submitting a draft copy of Ordinance Chapter 19, Sewers and Drains
- Pg. 39-41          Com. from Building Commissioner – Submitting the Building Permit Record for December 2010
- Pg. 42              Com. from Michael Horrigan, General Manager, TMLP – Submitting a report of action
- Pg. 43-45          Com. from Fire Chief – Requesting a transfer of funds

### PETITIONS

#### The following are renewals for Class II Licenses

1. Northeast Auto Exchange Inc. located at 577 Winthrop St., Taunton
2. Patriot Auto Sales & Service LLC located at 420 Broadway, Taunton
3. Amaro Auto Sales located at 515 Middleboro Ave., East Taunton

#### Hours of Operation

1. McDonald's Restaurant – 282 Winthrop St., Taunton

**Constable License**

Application submitted by Steven Coughlin, Sr., 42 Scadding St., Taunton submitting a **RENEWAL** of his Constable License desiring to serve Civil Process.

**Miscellaneous**

Departmental Site Plan Review submitted by Rev. John Perry, St. Jude the Apostle Church, 249 Whittenton Street, Taunton to allow a parking lot expansion at 249 Whittenton Street and 470 Bay Street, which is located in the Business District. **(Informational Only)**

Departmental Site Plan Review submitted by William Shamon, Myles Standish Medical Facility, LLC, 125 Constitution Boulevard, Franklin, MA to allow the re-review of a site plan for lot 14-1 Industrial Park Road for a medical office building, which is located in the Business District. **(Informational Only)**

**Claim**

Claim submitted by Joseph deMello, 71 Main Street, Taunton on behalf of Nancy Gero, and all others regarding violations of Americans with Disabilities Act and Civil Rights.

**COMMITTEE REPORTS**

**UNFINISHED BUSINESS**

- **Executive Session** – Meet to discuss the Star Theater litigation and an update on Operation Cleanup

**ORDERS, ORDINANCES AND ENROLLED BILLS**

**NEW BUSINESS**

**Respectfully submitted,**



**Rose Marie Blackwell**

**City Clerk**

United States Department of Agriculture



Natural Resources Conservation Service  
15 Cranberry Highway  
West Wareham, MA 02576

508-295-5151  
fax 508-291-2368  
www.ma.nrcs.usda.gov

January 3, 2011

Mr. Douglas A. King  
115 Main Street, suite 1D  
North Easton, MA 02356

Program: Wetland Reserve Program

Dear Mr. King,

I am enclosing a copy of the Warranty Easement Deed in Perpetuity for your information. I expect that we will be making a purchase offer for the Raynham parcel early in the coming year barring any unforeseen events. If you accept the purchase offer, NRCS will move forward on the easement acquisition process by ordering a legal boundary survey and hiring a local closing attorney to represent NRCS. Please be aware that it can take up to 12 months to close after we have a fully executed purchase offer.

As with the Raynham easement application, if you are interested in submitting a WRP easement application for the Taunton parcel, you will be required to provide NRCS written recorded access from a public right-of-way to the easement area for restoration, management, maintenance, monitoring and enforcement purposes. I note that access to the Taunton parcel is via Paul Revere Terrace and/or Colonial Way. It is not clear whether these roads are considered to be "public right of ways". According to the town of Taunton they are not. This issue must be resolved before we can move forward on processing an application for the Taunton parcel.

Having these two parcels in a permanent conservation easement will be a great move not only for the two communities involved but for the state of Massachusetts by enhancing the wild and scenic nature of this portion of the Taunton River.

If I may be of any assistance please feel free to call.

Sincerely,

Gregory Cironi  
NRCS Soil Conservationist  
508-295-5151 x 119

Enclosures (1)

The Associated Press: Mass. hopes tax break will spur land conservation

Associated Press



## Mass. hopes tax break will spur land conservation

By STEVE LeBLANC — Jan 19, 2009

BOSTON (AP) — The 72-acre parcel owned by Bette and Bernard Holmes was a developer's dream, with more than 1,500 feet of pond front and room for 26 homes.

But after the cranberry-growing Plymouth couple sat down with their children in 2003 to discuss out what to do with the property, Bette, 73, and Bernard, 83, decided to let the land's original inhabitants — including rare flowers and an endangered red-bellied frog — stay put by selling the parcel, then assessed at \$1.25 million, to the Nature Conservancy.

"This has always been virgin land out here and we like the idea of keeping it that way," Bette Holmes said. "We're not against development, but does every inch of town have to be developed?"

A new law signed by Gov. Deval Patrick is designed to encourage others to follow the Holmes' lead by creating a state income tax credit for landowners who voluntarily donate property to their local community, the state or a nonprofit conservation group.

The land must meet certain criteria, from protecting drinking water or providing a habitat for wildlife to offering scenic vistas or helping support tourism and agriculture.

The landowners must agree to permanently protect the land from development in exchange for the tax credit valued at half the appraised value of the land.

Individual credits are capped at \$50,000. If the credit exceeds a donor's total state income tax for a single year, it can be spread out up to 10 years.

Conservationists hailed the new law, saying it will help protect Massachusetts' rapidly dwindling open lands, which are being gobbled up at an estimated rate of 44 acres a day.

Jennifer Ryan of Mass Audubon said conservation groups have been pushing for the tax break for years. She said similar efforts have worked in states like North Carolina and Colorado.

"We have had people who have been holding out for years waiting for a tax credit," she said.

She also said the tax credit isn't limited just to wildlife habitats, but will also help preserve farmland that otherwise might be turned into strip malls or suburban subdivisions.

Backers of the initiative say it won't stop development, but will create another tool for those trying to preserve the state's natural heritage. That's particularly important, they say, to lure property owners who are "land rich but cash poor."

"Often landowners are looking for an option to conserve land permanently, they want to preserve it for future generations," said Stephen Long of the Nature Conservancy. "This bill allows a lot of flexibility."

Long said the new law will also help conservation groups. If a piece of land is assessed at \$200,000 and a local land trust can only come up with \$150,000, the new law allows the landowner to donate the remaining \$50,000 for a state tax credit.

Massachusetts Environmental Affairs Secretary Ian Bowles said the new law complements the administration's efforts to preserve more open spaces. The governor has vowed to invest at least \$50 million annually over the next five years in land conservation.

During the 2008 fiscal year that ended June 30, Massachusetts protected 24,104 acres of land — almost twice the amount of the previous fiscal year. The state spent \$55 million on grants, to buy land outright, or to pay landowners not to develop their property. Private groups and municipalities spent another \$32 million.

Officials say the total amount of protected land in Massachusetts is on track to break 1.2 million acres by the end of the current fiscal year on June 30.

Bowles said the new law will help guarantee that the trend continues.

"This incentive is an important new tool for private landowners who are partnering with us to

The Associated Press: Mass. hopes tax break will spur land conservation

preserve the forests, fields, coastlines, and mountaintops that define the Massachusetts landscape," Bowles said.

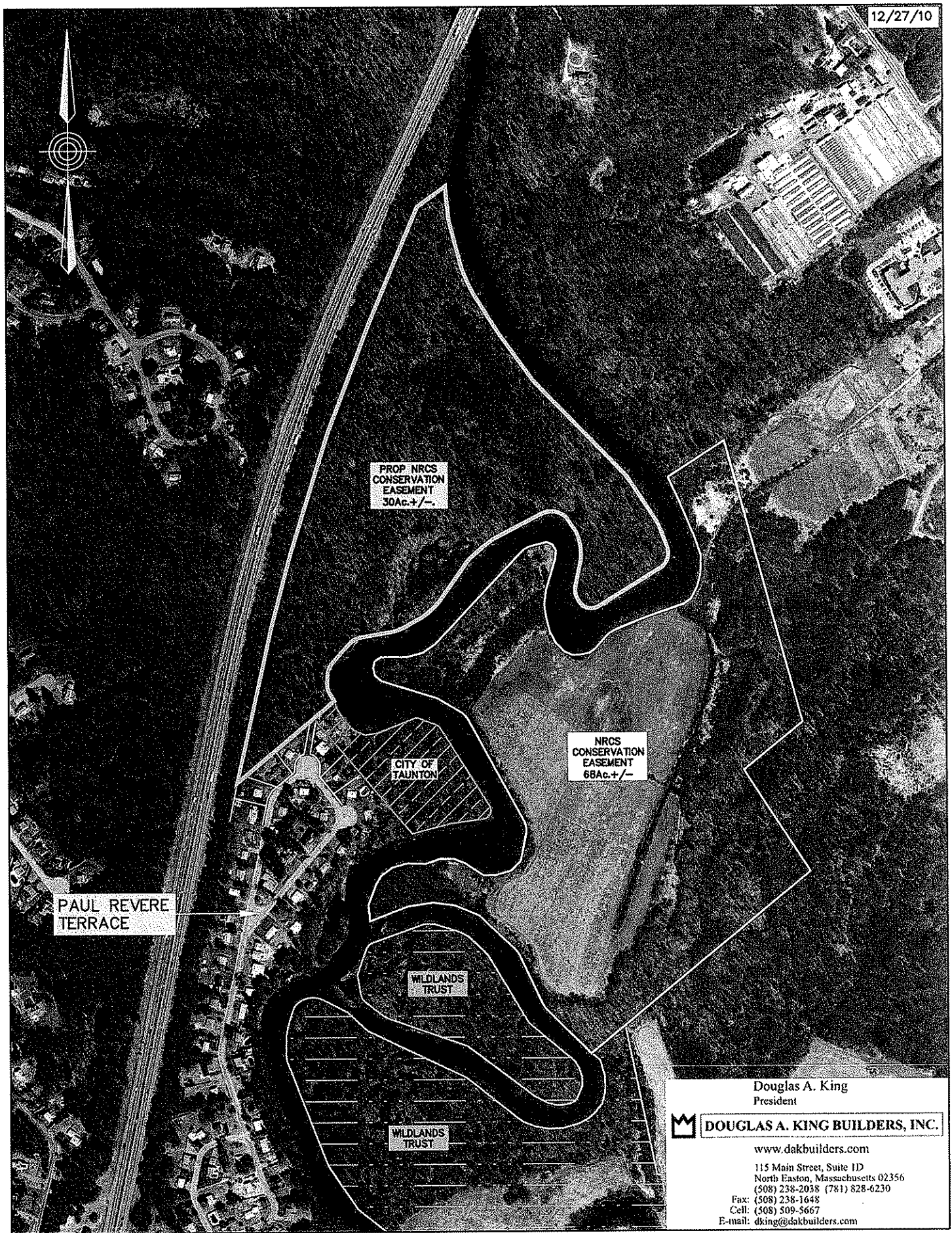
The state is able to protect more land by paying owners to agree to restrict development rather than by purchasing parcels outright.

The state spent an average of \$1,900 per acre on restrictions compared to \$3,600 per acre on purchases. Restrictions not only make more economic sense, allowing the state to protect more land with the same amount of money, but also lets the land remain in private hands, subject to taxes and in some cases to be used for farming or forestry.

Whatever the cost, Bette Holmes said she hopes the law will inspire other landowners.

"People always say we are going to preserve the land, but they don't always do it," she said.

12/27/10



PROP. NRCS  
CONSERVATION  
EASEMENT  
30Ac. +/-

NRCS  
CONSERVATION  
EASEMENT  
68Ac. +/-

CITY OF  
TAUNTON

PAUL REVERE  
TERRACE

WILDLANDS  
TRUST

WILDLANDS  
TRUST

Douglas A. King  
President

 DOUGLAS A. KING BUILDERS, INC.

www.dakbuilders.com  
115 Main Street, Suite 1D  
North Easton, Massachusetts 02356  
(508) 238-2038 (781) 828-6230  
Fax: (508) 238-1648  
Cell: (508) 509-5667  
E-mail: dking@dakbuilders.com



GRAVEL PARKING  
AREA PROVIDING  
(5) PARKING  
SPACES

PAUL REVERE  
TERRACE

PROP. NRCS  
CONSERVATION  
EASEMENT  
30Ac +/-

NRCS  
CONSERVATION  
EASEMENT  
88Ac +/-

CITY OF  
TAUNTON

**DOUGLAS A. KING BUILDERS, INC.**  
Douglas A. King  
President

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12/27/10



# The Taunton Wild and Scenic River

## Corridor Description

The Taunton River Wild and Scenic River study was authorized by congress in October, 2000. This legislation included 22 miles of the upper Taunton River from Bridgewater to Taunton. In September 2002, the study area was expanded to include the lower Taunton River extending to the Braga Bridge in Fall River. The primary focus area of the study and the proposed Wild and Scenic designation include a one half mile corridor along the 44 miles of the Taunton River mainstem beginning at the confluence of the Town and Matfield Rivers and including the communities of Bridgewater, Halifax, Middleborough, Raynham, Taunton, Berkley, Freetown, Dighton, Somerset and Fall River.

In addition, eight tributaries to the river were included in study efforts, but were not included in the congressional designation. These tributaries include the Matfield, Town, Winnetuxet, Nemasket, Forge, Three Mile, Segreganset, and Assonet Rivers.

## Outstandingly Remarkable Values of the Taunton River

The outstandingly remarkable values of the Taunton River which were identified during the study include:

- Agriculture
- Ecology and Biological Diversity
- Estuary
- Fisheries
- History and Archaeology
- Recreation

## Background

In 1968, the United States Congress established a National Wild and Scenic Rivers system to protect outstanding rivers from the harmful effects of new federal projects such as dams, hydroelectric facilities, bank stabilization and bridges. To be considered "Wild and Scenic" a river must have at least one "outstandingly remarkable" natural, cultural or recreational value pursuant to federal law (Wild and Scenic Rivers Act, 16 U.S.C. 1271-1287).

As part of the study process, the Study Committee developed a Taunton River Stewardship Plan which focuses on management and protection of the six outstandingly remarkable characteristics of the Taunton River. The plan was developed through a public process facilitated by the Study Committee which consisted of volunteers appointed by their respective Select Boards or Mayors and representatives from the National Park Service, the Massachusetts Riverways Program, the Wildlands Trust of Southeastern Massachusetts, Save the Bay, The Nature Conservancy, the Taunton River Watershed Alliance, the Natural Resources Trust of Bridgewater and the Southeastern Regional Planning and Economic Development District. Several Stream Teams were also started in conjunction with the Massachusetts Adopt-A-Stream Program on tributary rivers, and dozens of volunteers helped to assess outstandingly remarkable characteristics throughout the watershed during the study.

Each town in the study corridor brought the Stewardship Plan to vote in their communities during the Fall and Spring of 2004/2005. After the last town vote in July, 2005, legislation was written to ask congress to include the Taunton River in the National Wild and Scenic Rivers program.

Some of the outstanding attributes of the Taunton River corridor include:

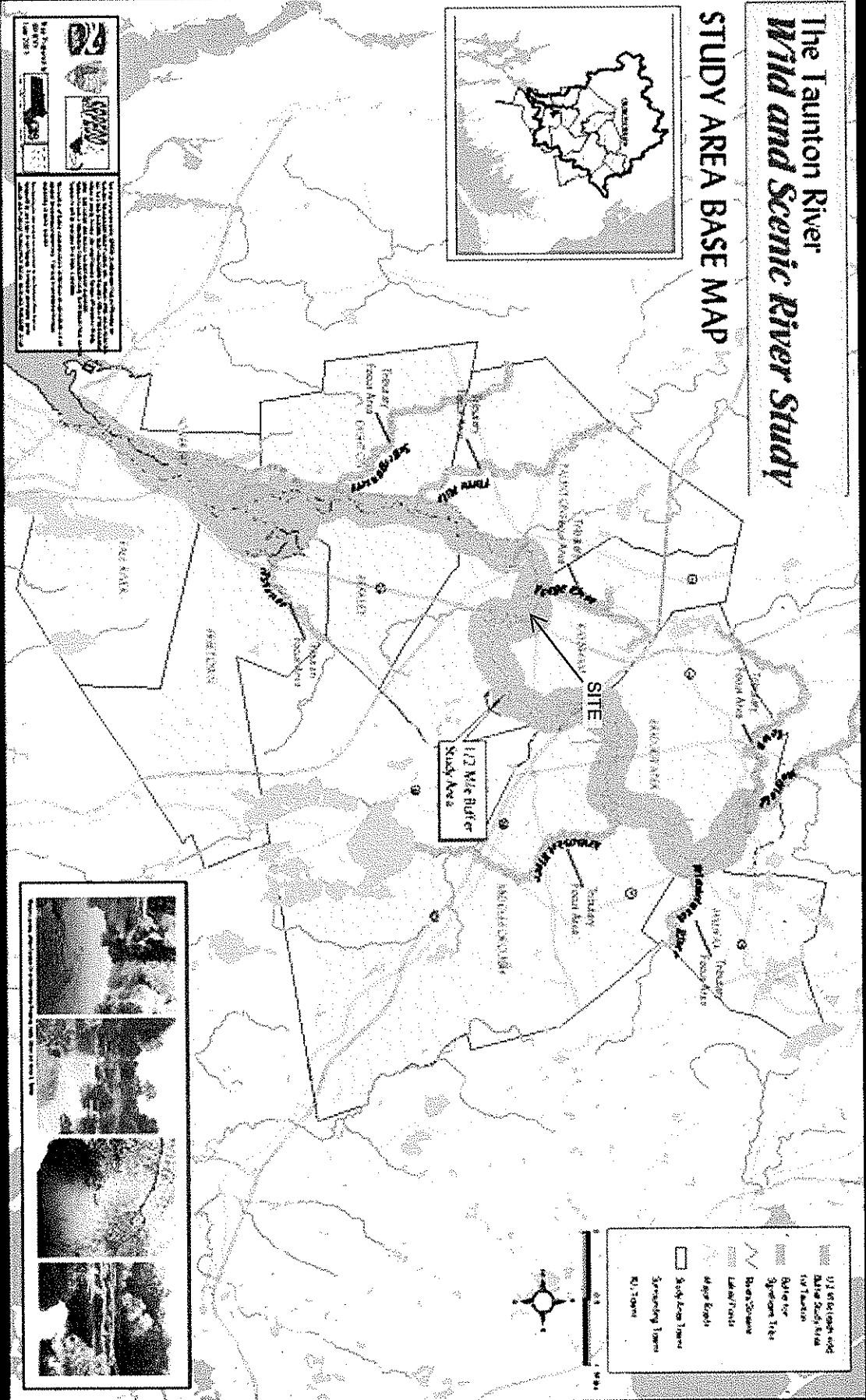
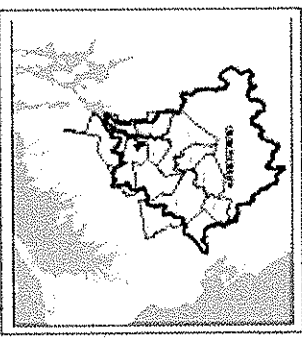
- the longest undammed coastal river in New England
- over 154 species of birds and 45 species of fish, including the bald eagle and the globally rare endangered Atlantic sturgeon



- more than 360 identified plant species, including 3 globally rare species, Long's bittercress, Long's bulrush and Eaton's beggar ticks
- globally rare freshwater and brackish tidal marsh habitats
- economically important agricultural products including cranberries, blueberries, strawberries, pumpkins, Christmas trees, corn, and nursery products
- the largest alewife run in the state including the Nemasket River with headwaters at the Assawompset Ponds, the largest natural lakes in Massachusetts
- habitat for the globally rare bridle shiner and rainbow smelt; recently listed by NOAA as a species of concern
- the state designated Wampanoag Commemorative Canoe Passage, the ancient Native American waterway from Massachusetts Bay in the east, to Mount Hope and Buzzards Bays in the south
- Wampanucket, located at the Assawompset Ponds in Middleborough; the location of one of the most significant Paleoindian depositions known in New England. This site contains evidence of dwellings dating from 12,000 – 8,000 years before present day
- the first four, five and six masted schooners were designed and/or registered in Taunton; the only seven-masted schooner to exist was also captained by a Tauntonian
- the first iron forge was set up on the Forge River in Raynham in 1652. This forge became the longest operating one of its kind in the country after more than 230 years in operation.
- iron fittings for the USS Monitor were forged in Bridgewater during the Civil War.
- historically important recreational activities including pleasure crafts, canoe launches and yacht clubs; resorts including amusement rides, dance pavilions and clambakes.
- current recreational activities including swimming, canoeing, sailing, motor boating, and fishing.

# The Taunton River Wild and Scenic River Study

## STUDY AREA BASE MAP



**Map Symbols**

- 1/2 mile buffer study area
- Study area boundary
- Secondary town boundary
- 100-foot local area boundary
- 100-foot local area boundary
- 100-foot local area boundary



**Legend**

- 1/2 mile buffer study area
- Study area boundary
- Secondary town boundary
- 100-foot local area boundary
- 100-foot local area boundary
- 100-foot local area boundary





City of Taunton  
LAW DEPARTMENT



CHARLES CROWLEY  
MAYOR

15 Summer Street  
Taunton, Massachusetts 02780  
Phone 508-821-1036 Facsimile 508-821-1064  
*cotlawdept@tmlp.net*

JANE E. ESTEY  
CITY SOLICITOR

JORDAN H. F. FIORE  
ASSISTANT CITY SOLICITOR

January 4, 2011

Councilor Sherry Costa-Hanlon, Chairman and  
Members of the Committee on Ordinances and Enrolled Bills  
City of Taunton  
City Hall  
Taunton, MA 02780

Re: Ordinance Chapter 19 – Sewers and Drains

Dear Chairman Costa-Hanlon and Committee Members:

Attached please find "draft" copy of Ordinance Chapter 19 Sewers and Drains with suggested changes from Darlene Domingoes of Veolia Water. These changes were made to conform to Environmental Protection Agency requirements.

If you have any questions please do not hesitate to call.

Sincerely,

Jane E. Estey  
City Solicitor

m

Attachment

2.



**CITY OF TAUNTON**

In the year two thousand and eleven

**AN ORDINANCE**

**DRAFT**

**Chapter 19**

**SEWERS AND DRAINS**

**Section 19.1 Committee on department of public works  
to have charge of main drains and common sewers;  
hearing on laying common sewers; notices of hearing**

***Be it ordained by the Municipal Council of the City of Taunton as follows:***

That Section 19.1 of the Revised Ordinances of the City of Taunton, as amended, be and hereby are further amended by adding thereto the following:

See Attached - Draft

All ordinances or parts thereof inconsistent herewith are hereby repealed. This Ordinance shall become effective immediately upon passage.

City of Taunton

Presented to the Mayor and Approved:

In Municipal Council

First Reading:

\_\_\_\_\_  
Charles Crowley, Mayor

Second Reading:

Passed to be Ordained:

Approved as to Form and Character:

\_\_\_\_\_  
Rose Marie Blackwell, City Clerk

\_\_\_\_\_  
Jane E. Estey, City Solicitor

**Chapter 19**

**SEWERS AND DRAINS\***

**Sec. 19-1. Committee on department of public works to have charge of main drains and common sewers; hearing on laying common sewers; notices of hearing.**

The committee on the department of public works shall permit or make and maintain all such main drains and common sewers as they adjudge to be necessary for the public convenience or the public health, through the public streets or through the lands of any person and may repair the same whenever it is necessary. All such drains and sewers shall be the property of the city, but no common sewer shall be laid until each person whose property abuts on such sewer, or on the street in which the same is to be laid, has had an opportunity to be heard in relation thereto, and the department of public works commissioners shall notify and hear all owners of land abutting upon such sewer or streets. Written notices, giving the time and place for meeting and hearing all parties interested, shall be delivered upon such owners at least seven (7) days before the hearing, by leaving the same at the last and usual place of abode of the several owners, unless delivered to such owners in hand or to their tenants or authorized agents; and if any such owners have no such abode in the city, and no tenant or authorized agent therein known to the committee, or if, being a resident of the city, he/she is not known as such to the committee, such notice shall be posted up in some public place in the city seven (7) days at least before such hearing or, if such main drain or common sewer be in a public street or highway, such notice of the time and place of such hearing may be given by publishing such notice two (2) times in some newspaper published in the city, the last publication to be at least seven (7) days before the date of such hearing. (Rev. Ords. 1964, sec

17-1; Ord of 8-8-2000)

+Cross references-City engineer to have custody of plans pertaining to sewers, sec 2-101; buildings and building regulations, Ch. 4; planning, Ch. 14; streets and sidewalks, Ch. 20; water, Ch. 22.  
State law references-Sewers, drains and sidewalks, M.G.L.A., c. 83; selection of sewer commissioners, M.G.L.A., c. 41, sec 63; powers of sewer commissioners, M.G.L.A., c. 41, sec 65.

**Sec 19-1.1 Definitions**

Common sewer- any sewer line or service that services more than one owner (Ord of 8-8-2000)

**Sec. 19-2. Supervisor of sewers.**

- (a) There shall be a supervisor of sewers who shall be under the direct control of the commissioner of public works and shall report to him/her. The supervisor shall have administrative control and be the operational head of the sewer division.
- (b) The supervisor shall be appointed and removed pursuant to section 19.1(d) of the city charter. (Ord of 8-8-2000)

**Sec. 19-3. Procedure at hearings for laying common sewers; measurement of damage.**

At the time and place appointed and notified as aforesaid the committee on the department of public works shall meet and hear all parties interested, and if requested shall view the premises.

If the committee on the department of public works shall adjudge that the public convenience or the public health require that such sewer be constructed, they shall proceed to lay out the same, and if land is taken for the same shall flu the boundaries and measurements thereof, and the damages, if any, sustained by any person in his/her property. (Rev. Ords. 1964, sec 17-2; Ord of 8-8-2000)

**Sec. 19-4. Regulation of private drains or sewers.**

No person shall construct, alter or repair any private drain or sewer or sewer connection in any public street or way, unless authorized so to do by the supervisor of sewer division. (Rev. Ords. 1964, sec 17-3; Ord of 8-8-2000)

**Sec. 19-5. Commissioner of public works to be notified of street openings.**

Before entering upon and digging up any street or way for the purpose of constructing, altering or repairing any drain or sewer or making any sewer connection therein, in accordance with the provisions and requirements of sections 20-67 through 20-73 or person so entering upon such street or way shall give notice in writing to the commissioner of public works. (Rev. Ords. 1964, sec17-4; Ord of 8-8-2000)

**Sec. 19-6. Connection with main drains.**

No person shall enter his/her drain directly or indirectly into a common sewer. Also, no person shall enter his particular drain directly or indirectly into any main drain. This prohibition shall not be waived unless the committee on department of public works finds that such connection is necessary to public convenience and /or public health. The application for such entry shall be in writing and in such form as the committee on the department of public works may prescribe. No person shall make any new connection of fixtures, pipes or other conductors with any drain emptying into a drain in any other manner than that provided in the permit. (Rev. Ords. 1964, sec 17-5; Ord of 8-8-2000)

Cross reference-Ordinance regulating the use of public sewers, sec 19-21.  
State law reference-Connection with sewers, M.G.L.A., c. 83, sec 11.

**Sec. 19-7. Connection to sanitary sewer line, responsibility; charges.**

(a) All connections of sewer facilities to the public sewer system shall be built, repaired, installed and maintained by the owner of the land that the facilities shall service. In the event of a pluggedup or backed-up sewer line, any work required between the public sewer line acid the building shall be the responsibility of the owner of the building or property. The property owner shall contact a licensed installer (as hereinafter set forth) for such repairs, installations, maintenance and clean up.

(b) The supervisor of the sewer division shall assess the following charges to owners of property for initial sewer service connection to such property:

- (1) Existing Dwelling house, per unit..... \$500.00
- (2) Existing Condominium property, per unit..... \$500.00
- (3) Existing Industrial/ Commercial/ institutional property . \$1,000.00
- (4) New construction tie-in fees ..... \$2,500.00

City of Taunton Revised Ordinances  
Revision #2 4/9/2009 Chapter 19 305

(d) Dedication of receipts- All fees generated and collected under this section shall be dedicated to a sewer improvements and shall be deposited in a capital improvement fund dedicated for that purpose (Ord. of 12-29-81; Ord. of 7-1-86, sec 2; Ord. of 10-21-86; Ord of 8-8-2000; Ord of 8-5-2003)

**Sec. 19-7.1. Specification for private sewers; grade; approval of material.**

All private sewers connecting with common sewers shall be installed in conformance with the sewer rules and regulations on file in the sewer division. They shall be laid to a uniform grade, to be approved by the city engineer; and the materials used shall be approved by the supervisor of the sewer division. (Rev. Ords. 1964, sec17-6; Ord of 8-8-2000)

**Sec. 19-8. Connection of steam exhausts regulated.**

No exhaust from steam engines or blow off from boilers shall be allowed to enter or be connected

with any main drain or common sewer without permission in writing from the committee on the department of public works. (Rev. Ords. 1964, sec17-7)

**Sec. 19-9. Interference with main drains and common sewers by other utility lines regulated.**

Whenever any street shall be opened for laying or repairing of water and/or gas pipes, or for other purposes, the work shall be executed so as not to obstruct the course, capacity or construction of an existing or proposed main drain or common sewer; and whenever such pipes, or any other work of construction, shall be found to exist in such location as to interfere with a main drain or common sewer, the person having charge of the same shall, on notice, at once remove, change or alter such pipes or work of construction in a manner satisfactory to the committee on the department of public works; and if such person refuses or neglects so to do the committee on the department of public works may make or cause to be made such removal, change or alteration at the expense of such person. (Rev. Ords. 1964, sec 17-8; Ord of 8-8-2000)

**Sec. 19-10. Catch basins.**

The building, cleaning, repairing and maintenance of catch basins shall be under the supervision of the committee on the department of public works and shall be chargeable to the appropriation for that purpose. The building and maintenance of the pipe from catch basins to a public drain or common sewer, and trapping the same, shall be under the supervision of the committee on the department of public works and shall be chargeable to the appropriation for sewer maintenance. The location of all new catch basins shall be under the direction of the city engineer. No person shall place or deposit in any catch basin any liquid, animal, vegetable or solid matter. (Rev. Ords. 1964, sec 17-9)

City of Taunton Revised Ordinances  
Revision #2 4/9/2009 Chapter 19 306

**Sec. 19-11. Assessments.**

The committee on the department of public works may make and establish such rates of assessment and annual charges or rents for the construction, entering, maintenance and operation of the system of sewerage as they shall deem just and proper, in conformity with the general and special laws of



6

the commonwealth. They shall, at the time of delivering to the city treasurer/ collector for collection any list of sewer assessments or rental charges, give to the city auditor a written statement of the total amount thereof; and they shall forthwith give to the city treasurer and the city

auditor a written statement in detail of all abatements or cancellations made by them. All assessments for construction of the sewers shall be held to the credit of the sewer loan sinking funds. (Rev. Ords. 1964, sec 17-10; Ord of 1-14-2003)

**Sec. 19-12. Records and accounts.**

Deleted. (Rev. Ords. 1964, sec 17-11; Ord of 8-8-2000)

State law reference-Assessment for sewer construction, M.G.L.A., c. 83, sec 14.

**Sec. 19-13. Limitation in dumping of septic waste; evidence of prepayment required; charge**

**for dumping; penalty for violation.**

(a) There shall be no dumping of trucked septic waste at the Taunton Wastewater Treatment Plant other than of septic waste collected within the City of Taunton, the Town of Raynham or the Town of Dighton.

(b) No sewage or effluent shall be accepted from any septic haulers except upon evidence of prepayment. evidence of prepayment shall be in such form as may be designed and approved by the commissioner of public works from time to time. The charge for the dumping of trucked septic waste shall be established and changed from time to time by the committee on the department of public works.

(Rev. Ords. 1964, sec 17-12; Ord. of 4-3-79; Ord. of 12-11-90; Ord of 8-8-2000)

**Sec. 19-14. Licensed installers; defined, application fee, approval.**

All new sewers, connections and repairs of all existing sewers or connections shall be made only by installers licensed to perform such work in the city. Application forms and qualification requirements for installers shall be set forth by the municipal council DPW committee. An application fee of one hundred fifty (\$150.00) shall be paid by each installer at the time of filing his

application. Applications shall be renewed every year. (Ord. of 12-29-81; Ord of 8-8-2000)

**Sec. 19-15. Emergency work; authorization, charge.**

In an emergency, if a property owner is unable to contact a licensed installer, the city, within its limited capabilities, may, but shall not be compelled to, perform the necessary work for which the

city shall be reimbursed in full. The labor-cost reimbursement shall be based on the actual cost to the city. (Ord. of 12-29-81; Ord. of 8-21-84)

City of Taunton Revised Ordinances

Revision #2 4/9/2009 Chapter 19 307

**Sec. 19-16. Repair work; limit of responsibility.**

Should the city perform services as referred to in Section 19-15, such as the installation of new sewer pipe or the repair of old sewer pipe on private property, the City of Taunton shall not be responsible for the replacing of grass, shrubs, damaged driveways or walks. (Ord. of 12-29-81)

**Sec. 19-17. Sewer caps; available location.**

Sewer cleanout caps in all buildings shall not be covered up by concrete, debris or otherwise concealed and must be accessible at all times. The city shall not be responsible for replacement of

paneling that obstructs access to a cleanout cap. No caps of the so called "fit-all" type shall be installed as a permanent cap. It shall be the responsibility of the property owner to remove, at

his/her expense, any illegal trap which currently exists on the sewer line in the basement of his/her house. (Ord. of 12-29-81)

**Sec. 19-18. Inspection rights; authorization for.**

The DPW commissioner, DPW sewer superintendent, city engineer and other duly authorized city employee, bearing proper credentials and/or identification, shall be permitted to enter all private properties for the purpose of inspection, observation, testing and/or repair and maintenance of any sewer line. Aforementioned duly authorized city employees shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and/or maintenance of any portion of the sewage works lying within said easement. (Ord. of 12-29-81; Ord of 8-8-2000)

**Sec. 19-19. Sewer Rates/ Sewer user charges; late penalty.**

(a) In the event that charges for sewer service are not paid within thirty (30) days after rendition of

the bill for such service, such charges shall be deemed and are hereby declared to be delinquent.

(b) To all such delinquent charges there shall be added an additional sum as a late charge to be computed as follows: The sum of fifteen (15) percent per annum compounded monthly on the unpaid balance computed as of the date due; or, the flat rate of five dollars (\$5.00) for each and every thirty-day period or part thereof that the bill remains unpaid computed as of the date due; whichever amount is greater

(c) Sewer Rates shall be set as follows and shall be effective as of July 1, 2003;

1. Residential Sewer rate shall be \$214.00 per year

2. Industrial Sewer rates shall be \$1.33 per 100 cubic feet

(Ord. of 4-13-82, sec 19-14; Ord. of 7-113-82, sec 19-143; Ord of 8-5-2003)

Editor's note-An ordinance of April 13, 1982, amended the Code by adding a new sec 19-14. Inasmuch as the Code already contains a sec 19-14, the editor has redesignated the provisions of said ordinance as sec 19-19.

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**Sec. 19-20. Jurisdiction over property of the Taunton Housing Authority.**

For purposes of these ordinances, all main drains, common sewers, and catch basins erected and maintained on property under the ownership and control of the Taunton Housing Authority shall be

deemed part of the Taunton Sewer System and shall, upon due acceptance by the municipal council, come under the jurisdiction of the committee on the department of public works, the department of public works commissioner, and the department of public works sewer superintendent as public drains and sewers. All building systems and connectors on such Taunton

Housing Authority property shall be deemed private property for purposes of these ordinances. (Ord. of 12-28-82, sec 1)

Editor's note-an ordinance of Dec. 28, 1982, sec 1, amended he Code by adding a new sec 19-19. Inasmuch as the code already contains a sec 19-19, the editor has redesignated the provisions in sec 1 of said ordinance as sec 19-20.

**Sec. 19-21. Regulation of use of public sewers.**

The purpose of the ordinance enacted May 31, 1994, regulating the use of public sewers and drains

is to provide for the use of the publicly owned sewerage facilities by industries served by the city without damage to the physical facilities, without impairment of their normal function of collecting, treating and discharging domestic wastewaters from the area served by the city, and

without the discharge by the publicly owned treatment works of pollutants which would be in violation of its permitted discharge under the applicable rules and regulations of state and federal regulatory agencies. (Ord. of 5-31-94; Ord of 3-4-1997; Ord of 8-8-2000)

**19.22 - General Provisions**

**19.22.1 Purpose and Policy**

This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works

(POTW) for the City of Taunton and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 USC 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this ordinance are:

- A. To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
- B. To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- C. To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
- D. To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- E. To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
- F. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and
- G. To enable the City to comply with its NPDES permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

This ordinance shall apply to all users of the POTW. The ordinance authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

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**19.22.2 Administration**

Except as otherwise provided herein, the Commissioner of the Department of Public Works shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Commissioner may be delegated by the Commissioner to other authorized personnel.

**19.22.3 Definitions**

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

A. (Act or "the Act") The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

B. Approval Authority. The EPA Regional Administrator is the Approval Authority as cited in 40 CFR 403.3(c).

C. Authorized Representative of the User.

(1) If the user is a corporation:

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

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment

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recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit [or general permit {optional}] requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

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

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

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

D. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (milligrams per liter (mg/l))

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

F. City. The City of Taunton and its duly authorized representatives.

G. Color. The optical density at the visual wave length of maximum absorption, relative to distilled water. One- hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

H. Commissioner. Commissioner of the Department of Public Works. The person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance, or a duly authorized representative.

I. Composite Sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

J. Daily Average Limit. The highest allowable concentration for any pollutant in a wastestream discharged during any one day by a User based upon a Composite Sample, or in the case of a Batch Discharge, based upon a Crab Sample.

K. Environmental Protection Agency (EPA). The U. S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

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

M. Grab sample. A sample which is taken from a wastestream on a one-time basis without regard to the flow in the wastestream and without consideration of time.

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

O. Industrial Waste or Wastewater. 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.

P. Interference. A discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with City of Taunton Revised Ordinances

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any of the following statutory/ regulatory provisions 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 commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; (and the Marine Protection, Research, and Sanctuaries Act).

Q. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

R. New Source.

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) 04 the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

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

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

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (C) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has;

(a) Begun, or caused to begin as part of a continuous onsite construction program

(i) Any placement, assembly, or installation of facilities or

equipment; or

(ii) Significant site preparation including clearing, excavation, or removal of existing buildings, structures or facilities which is

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necessary for placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility.

Engineering, and design studies do not constitute a contractual obligation under this paragraph.

S. Non Contact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

T. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit (including an increase in the magnitude or duration of a violation).

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

V. pH. A measure of the acidity or alkalinity of a substance, expressed in standard units.

W. Pollutant. Any dredged spoil, solid waste, residue, sewage, garbage, sewage sludge, munition, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes and the characteristics of the wastewater (ie. pH, temperature, TSS, turbidity, color, BOD, Chemical Oxygen Demand (COD), toxicity, or odor)

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

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

Z. Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

AA. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 19.23.1 of this ordinance.

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BB. Publicly Owned Treatment Works (POTW). A "treatment works," as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by (the City). This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. The term also means the City.

CC. Septic Tank Waste or Septage. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

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

EE. Significant Industrial User.

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

(2) A user that:

(a) Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or

(b) Contributes a process wastestream which makes up five (5) percent or more of the average dry hydraulic or organic capacity of the POTW treatment plant; or

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

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

FF. Slug Load. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 19.23.1 of this ordinance or any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge.

GG. Standard Industrial Classification SIC Code. classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management, and Budget.

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

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

JJ. Toxic Pollutant. One of 126 pollutants, or combination of those pollutants listed as toxic in regulations promulgated by EPA under Section 307 (33 U.S.C. 1317) of the Act.

KK. Treatment Plant Effluent. The discharge from the POTW into waters of the United States.

LL. User or Industrial User. A source of indirect discharge. An industrial discharger to the POTW.

MM. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

NN. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

**19.22.4 Abbreviations**

The following abbreviations shall have the designated meanings:

BOD Biochemical Oxygen Demand

CFR Code of Federal Regulations



COD Chemical Oxygen Demand  
 EPA U.S. Environmental Protection Agency  
 Gpd gallons per day  
 L Liter  
 Mg Milligrams  
 mg/l milligrams per liter  
 NPDES National Pollutant Discharge Elimination  
 System  
 O&M Operation and Maintenance  
 POTW Publicly Owned Treatment Works  
 RCRA Resource Conservation and Recovery Act  
 SIC Standard Industrial Classifications  
 SWDA Solid Waste Disposal Act (42 U.S.C. 6901, et  
 seq.)  
 TSS Total Suspended Solids  
 USC United States Code  
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## **19.23 – General Sewer Use Requirements**

### **19.23.1 Prohibited Discharge Standards**

A. General prohibitions: No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to users of the POTW whether or not they are subject to categorical pretreatment standards or

any other National, State, or local pretreatment standards or requirements.

B. Specific Prohibitions: No user shall introduce or cause to be introduced into the POTW the following pollutants substances, or wastewater:

- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
- (2) Wastewater having a pH less than 5.5 or otherwise causing corrosive structural damage to the POTW or equipment. If a continuous pH chart recorder is being used, any occurrence of pH over 9.5 but under 10.5 for a period of thirty minutes or more per day is prohibited. Any occurrence of pH between 10.5 and 11.0 for more than fifteen minutes per day is prohibited. Any pH occurrence over 11.0 is prohibited. If a continuous pH chart recorder is not being used, any occurrence of pH over 9.5 is prohibited. At no time shall any discharge cause the pH of the influent at the POTW head works to go above 9.5.
- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference (but in no case solids greater than 1/2 inch(es) 1 1/2") or (3.39 centimeter(s) (0.39 cm)) in any dimension;
- (4) Pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
- (5) Wastewater having a temperature greater than (150 degrees F or 65 degrees C) or which will inhibit biological activity in the treatment plant resulting in interference but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
- (6) Petroleum, oil, nonbiodegradable cutting oil, products of mineral oil origin, or any other oil, in excess of 5 mg/l or in amounts that will cause interference or pass through;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(8) Trucked or hauled pollutants, except at discharge points designated by the City in accordance with section 19.24.4;

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

(10) Wastewater which impart a Color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life;

(11) Wastewater containing any radioactive wastes or isotopes except as specifically approved by the Commissioner in compliance with applicable State or Federal regulations;

(12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorize by the Commissioner;

(13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

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

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

(16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

(17) Hazardous Waste or Wastewater resulting from treatment of hazardous or Toxic wastes, as designated under State and Federal law, and discharged to the POTW by dedicated pipe, truck

(18) Septage or septage byproducts from haulers or other dischargers except as specifically approved by the Commissioner.

(19) Waters or wastes containing fats, wax, grease or oils, not specifically prohibited in Section 19.23.1(B)(6), in excess of 100 mg/l or containing other substances which may solidify or become viscous between 32 degrees Fahrenheit or 0 degrees Centigrade, and 150 degrees Fahrenheit or 65 degrees Centigrade. Waters or wastes containing such substances, excluding normal household wastes, shall exclude all visible floating oils, fats and greases. The use of chemical or physical means to bypass or release fats, oils and greases into the POTW is prohibited.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in

such a manner that they could be discharged to the POTW.

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**19.23.2 Federal Categorical Pretreatment Standards**

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

In accordance with the 2005 Pretreatment Streamlining Rule, Categorical Industrial Users subject to the pretreatment standards of 40 CFR 414, Organic Chemicals, Plastics, and Synthetic Fibers (OCPSF), may have flow-based limits replaced with equivalent concentration-based limits. The decision to use equivalent concentration-based limits for flow-based limits is at the discretion of the City and not the CIU. Applicable CIU's may submit an application to the City

requesting replacement of their flow-based mass limits with the equivalent concentration-based limits.

**19.23.3 State Requirements**

State pretreatment standards located at 314 CMR 7.00, 12.00, and 12.08 are hereby incorporated.

**19.23.4 Local Limits**

The following pollutant limits are established to protect against pass through and interference.

No

person shall discharge into the POTW any waters or wastes containing concentrations of the following materials in excess of the following Daily Average Limits:

1.21 mg/l Arsenic

922 mg/l BOD's

2000 mg/l COD

0.098 mg/l Cadmium

1.0 mg/l Chromium

0.58 mg/l Copper

0.37 mg/l Cyanide

1.0 mg/l Lead

0.0005 mg/l Mercury

1.0 mg/l Nickel

0.041 mg/l Silver

5000 mg/l Total solids

660 mg/l Total suspended solids

2.80 mg/l Zinc

100 mg/l Oil and grease (animal or vegetable origin)

All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Commissioner may impose mass limitations in addition to (or in place of) the concentration-based

limitations above.

**19.23.5 City's Right of Revision**

The City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

**19.26.6 Special Agreement**

The City reserves the right to enter into special agreements with users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from the Approval Authority. Such a

request will be approved only if the user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that categorical pretreatment standard. A user requesting a fundamentally different factor variance must comply

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with the procedural and substantive provisions in 40 CFR 403.13.

**19.23.7 Dilution**

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as

a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement.

The

Commissioner may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

**19.24- Pretreatment of Wastewater**

**19.24.1 Pretreatment Facilities**

Users shall provide necessary wastewater treatment as required to comply with this ordinance and

shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 19.23.1 of this ordinance within the time limitations specified by the EPA, the State, or the Commissioner, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at

the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the City under the provisions of this ordinance.

**19.24.2 Additional Pretreatment Measures**

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

B. A wastewater discharge permit may be issued solely for flow equalization.

C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Commissioner they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Commissioner and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at his expense.

D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

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E. At no time shall two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, be more than ten percent (10%) nor any single reading over ten percent; (10 %) of the Lower Explosive Limit (LEL) of the meter.

**19.24.3 Accidental Discharge/Slug Control Plans**

The Commissioner may require any user to develop and implement an accidental discharge/slug control

plan. ~~At least once every two (2) years~~ one time the Commissioner shall evaluate whether each significant

industrial user needs such a plan and install requirements in the SIU permit to allow the Commissioner the flexibility to review the need for a slug control plan or action as necessary on a continuing basis. Any user required to develop and implement an accidental

discharge/control slug plan shall submit a plan which addresses, at a minimum, the following

- A. Description of discharge practices, including nonroutine batch discharges;
- B. Description of stored chemicals;

C. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in Section 19.23.1 of this ordinance; and

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

E. Procedures for immediately notifying the POTW of any changes at their facilities, not already addressed in their slug control plan or other slug requirements, affecting slug discharge potential.

**19.24.4 Hauled Wastewater**

A. Septic tank waste and hauled industrial waste, treated or otherwise, may be introduced into the POTW only at designated receiving structures designated by the Commissioner, and at such times

as are established by the Commissioner. Such wastes shall not violate Section 19.23 of this ordinance or any, other requirements established or adopted by the City. Wastewater discharge permits for individual vehicles to use such facilities shall be issued by the Commissioner.

B. The Commissioner shall issue wastewater discharge permits to original sources of hauled industrial waste. The Commissioner shall also have authority to prohibit the disposal of hauled industrial or septage wastes or their byproducts.

C. Waste haulers shall only discharge loads at locations specifically designated by the Commissioner. No load may be discharged without prior consent of the Commissioner. The Commissioner may collect samples of each hauled load to ensure compliance with applicable standards. The Commissioner may require the hauler to add chemicals to any load prior to discharge and provide a waste analysis of any load prior to discharge.

D. Waste haulers must complete a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, sources

of waste, and volume and characteristics of waste. In addition, for hauled industrial waste, the form shall identify the type of industry, known or suspected waste constituents, and whether any

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wastes are RCRA hazardous wastes. The waste hauler shall sign a certification statement

indicating the wastes are non-hazardous.

E. No septage originating outside of Taunton, Raynham or Dighton may be discharged at the City

of Taunton Wastewater Treatment Plant, except with the written approval of the City Council.

F. No person shall discharge or cause or allow to be discharged, directly or indirectly, into the POTW any septage, septage byproducts, commercial or industrial wastes which originates

outside the limits of the POTW's jurisdiction, except with the specific written approval of the Commissioner.

G. No person shall discharge or cause or allow to be discharged, directly or indirectly, into the POTW any septage which includes any Industrial Waste.

H. Fees for dumping hauled wastes will be established as part of the user fee system as; authorized

in Section 19.36 of this ordinance.

**19.24.5 Vandalism**

No person shall willfully or negligently break, damage, destroy, uncover, deface, tamper with, or

prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in Sections 19.31 through 19.33 of this ordinance.

## **19.25 - Wastewater Discharge Permit Eligibility**

### **19.25.1 Wastewater Survey**

When requested by the Commissioner all users must submit information on the nature and characteristics of their wastewater completing a wastewater survey prior to commencing their discharge. The Commissioner is authorized to prepare a form for this purpose and may periodically require users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the user and shall be considered a violation of the ordinance.

### **19.25.2 Wastewater Discharge Permit Requirement**

A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Commissioner. Any violations of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 19.31 through 19.33 of this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

B. The Commissioner may require other users, including liquid waste haulers, to obtain wastewater discharge permits (as necessary) to carry out the purposes of this ordinance.

### **19.25.3 Wastewater Discharge Permitting; Existing Conditions**

Any user required to obtain a wastewater discharge permit that was discharging wastewater into the POTW prior to the effective date of this ordinance and that wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the City for a wastewater discharge permit in accordance with Section 19.25.6 of this ordinance, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the Commissioner.

### **19.25.4 Wastewater Discharge Permitting; New Connections**

Any user required to obtain a wastewater discharge permit that proposes to begin (or recommence) discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit must be filed at least ninety (90) days prior to the date upon which any discharge will begin. All proposed new connections to the POTW must comply with the Massachusetts Sewer System Extension and Connection Permit Program regulations cited in 314 CMR 7.00

### **19.25.5 Wastewater Discharge Permitting; Extrajurisdictional Users**

Any existing user located beyond the City limits required to obtain a wastewater discharge permit shall submit a wastewater discharge permit application, in accordance with Section 19.25.6 of this ordinance, within ninety (90) days of the effective date of this ordinance. New users located beyond the City limits required to obtain a wastewater discharge permit shall submit such applications to the Commissioner ninety (90) days prior to any proposed discharge into the POTW.

**19.25.6 Wastewater Discharge Permit Application Contents**

All users required to obtain a wastewater discharge permit must submit the information required by

Section 19.27.l(B) of this ordinance. The Commissioner shall approve a form to be used as a permit application. In addition, the following information may be requested:

- A. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could be accidentally or intentionally be, discharged to the POTW
- B. Number and type of employees, hours of personnel and proposed or actual hours of operation of the POTW;
- C. Each product produced by type, amount, process or processes, and rate of production;
- D. Type and amount of raw materials processed (average and maximum per day);
- E. Site Plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge
- F. Time and duration of the discharge; and
- G. Any other information as may be deemed necessary by the Commissioner to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

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**19.25.7 Applications Signatories and Certification**

All wastewater discharge permit applications, and user reports must be signed by an authorized representative of the user, someone who has general management authority and responsibilities and has the authority to make capital investment decisions and assure long term environmental compliance, and contain the following certification statement:

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

**19.25.8 Wastewater Discharge Permit Decisions**

The Commissioner will evaluate the data furnished by the user and may require additional information. Within a specified time from the receipt of a complete wastewater discharge permit application, the Commissioner will determine whether or not to issue a wastewater discharge permit. The Commissioner may deny any application for a wastewater discharge permit.

**19.26 - Wastewater Discharge Permit Issuance Process**

**19.26.1 Wastewater Discharge Permit Duration**

Wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Commissioner. Each wastewater discharge permit will indicate a specific date upon which it will expire.

**19.26.2 Wastewater Discharge Permit Contents**

Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Commissioner to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.



A Wastewater discharge permits must contain the following conditions:

- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
  - (2) A statement that the wastewater discharge permit is nontransferable without prior notification to (and approval from the City), and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
  - (3) Pretreatment standards and effluent limits based on the general and specific prohibited discharge standards, categorical pretreatment standards local limits; and State and local law;
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- (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
  - (5) A statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Limits on the instantaneous, daily and monthly average, and/or maximum concentration, mass or other measure of identified wastewater pollutants or properties;
- (3) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (4) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges;
- (5) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (6) The unit charge or schedule of user charges and fees for the management of the wastewater discharges to the POTW
- (7) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (8) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- (9) Other conditions as deemed appropriate by the Commissioner to ensure compliance with this ordinance, and state and federal laws, rules, and regulations

#### **19.26.3 Wastewater Discharge Permit Appeals**

Any person, including the user, may petition the City to reconsider the terms of a wastewater discharge permit within thirty (30) days of its issuance.

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A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it

seeks to place in the wastewater discharge permit.

C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

D. If the City fails to act within ninety (90) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative actions for purposes of judicial review.

**19.26.4 Wastewater Discharge Permit Modification**

The Commissioner may modify the wastewater discharge permit for good cause including, but not

limited to, the following:

A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;

B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

D. Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;

E. Violation of any terms or conditions of the wastewater discharge Permit;

F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

H. To correct typographical or other errors in the wastewater discharge permit; or

I. To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

**19.26.5 Wastewater Discharge Permit Transfer**

Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives least ninety (90) days advance notice to the Commissioner and the City of Taunton Revised Ordinances

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Commissioner approves the wastewater transfer. The notice to the Commissioner must include a written certification by the new owner and/or operator Commissioner and discharge permit which:

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

B. Identifies the specific date on which the transfer is to occur; and

C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable as

of the date of facility transfer.

**19.26.6 Wastewater Discharge Permit Revocation**

Wastewater discharge permits may be revoked for, but not limited to, the following reasons:

A. Failure to notify the City of significant changes to the wastewater prior to the changed discharge;

B. Failure to provide prior notification to the City of changed condition pursuant to section 19.27.5 of this ordinance;

C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

D. Falsifying self-monitoring reports;

- E. Tampering with monitoring equipment;
- F. Refusing to allow the City timely access to premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of a permitted facility; or
- M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

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Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

**19.26.7 Wastewater Discharge Permit Reissuance**

A user, required to have a wastewater discharge permit, shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application, in accordance with Section 19.25.6 of this ordinance, a minimum of ninety (90) days prior to the expiration of the user 's existing wastewater discharge permit.

**19.26.8 Regulation of Wastes Received from Other Jurisdictions**

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

B. Prior to entering into an agreement required by paragraph A, above, the Commissioner shall request the following information from the municipality:

- (1) A description of the quality and volume of the wastewater discharged to the POTW by the contributing municipality;
  - (2) An inventory of all users located within the contributing municipality that are discharging to the POTW; and
  - (3) Such other information as may be required by the Commissioner
- (c) An intermunicipal agreement, as required by paragraph A, above, shall contain the following conditions:
- (1) A requirement for the municipal user to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits which are at least as stringent as those set out in Section 19.23.4 of this ordinance. The requirement shall specify that such ordinance and limits be revised as necessary to reflect changes made to the City's sewer use ordinance and/or local limits;
  - (2) A requirement for the municipal user to submit revised user inventory on at least an annual basis;
  - (3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and enforcement will be conducted by the contributing municipality; which of these activities will be conducted by the Commissioner; and which of these activities will be conducted jointly by the contributing municipality and the Commissioner,
  - (4) A requirement for the municipal user to provide the City with access to all information

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that the municipal user obtains as part of its pretreatment activities;

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

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

(7) A provision insuring the Commissioner access to the facilities of users located in the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Commissioner.

(8) A provision specifying remedies available for breach of terms of the inter-municipal agreement.

**19.27 Reporting Requirements**

**19.27.1 Baseline Monitoring Reports**

Within either one hundred and eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403, 6(a)(4) (whichever is later) existing categorical users currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the City a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to

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

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

(1) Identifying Information. The name and address of the facility, including the name of the operator and owner.

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

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

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

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(5) Measurement of pollutants.

(a) The categorical pretreatment standards applicable to each regulated process.

(b) The results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the City) of regulated pollutants in the discharge from each regulated process.

Instantaneous, daily maximum, and long term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set

out in Section 19.27.10 of this ordinance. A day is 24-hour period that may or may not be a calendar day. The Commissioner may request a specific sampling period.

(C) Sampling must be performed in accordance with procedures set out in Section 19.27.11 of this ordinance.

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

(7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 19.27.2 of this ordinance.

(8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 19.25.7 of this ordinance.

**19.27.2 Compliance Schedule Progress Report**

The following conditions shall apply to the schedule required by 19.27.1(B)(7) of this ordinance:

(a) the schedule shall contain progress increments in the form of dates for the commencement and

completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation); (b) no increment referred to above shall exceed nine (9) months; (c) the user shall submit a progress report to the Commissioner no later than fourteen (14) days following each date

in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and, (d) in no event shall more than nine (9) months elapse between such progress reports to the Commissioner.

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**19.27.3 Report on Compliance with Categorical Pretreatment Standard Deadline**

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the City a report containing the information described in Section 19.27.1(B)(4-6) of this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6 (c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 19.25.7 of this ordinance.

**19.27.4 Periodic Compliance Reports**

A. All significant industrial user(s) shall, at a frequency determined by the Commissioner but in no

case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic

compliance reports must be signed and certified in accordance with Section 19.25.7 of this ordinance.

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

C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in Section 19.27.11 of this ordinance, the results of this monitoring shall be included in the report.

**19.27.5 Report of Changed Conditions**

Each user must notify the Commissioner of any planned significant changes to the user's operations

or system which might alter the nature, quality or volume of its wastewater at least thirty (30) days before the change.

A. The Commissioner may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 19.25.6 of this ordinance.

B. The Commissioner may issue a wastewater discharge permit under Section 19.25.8 of this ordinance or modify an existing wastewater discharge permit under section 19.26.4 of this ordinance in response to changed conditions or anticipated changed conditions.

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C. No user shall implement the planned changed conditions(s) until and unless the commissioner has responded to the user's notice

D. For purposes of this requirement, significant changes include, but are not limited to, flow increases of percent (10%) or greater, and the discharge of previously unreported pollutants.

**19.27.6 Reports of Potential Problems**

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW (including a violation of the prohibited discharge standards in Section 19.23.1 of this ordinance), the user shall immediately telephone and notify the City of Taunton Wastewater Treatment Plant and the Sewer Department of the incident. This notification

shall include the location of the discharge, type of waste, concentration and volume (if known) and corrective actions taken by the user.

B. Within five (5) days following such discharge, the user shall, unless waived by the Commissioner, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of

damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed pursuant to this ordinance.

C. Failure to notify the City of potential problem discharges shall be deemed a violation of this ordinance

D. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph A, above.

Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

**19.27.7 Reports from Unpermitted Users**

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the City as the Commissioner may require.

**19.27.8 Notice of Violation/Repeat Sampling and Reporting**

If sampling performed by a user indicates a violation, the user must notify the City within twenty four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within thirty (30) days after becoming aware of the violation. The user is not required to resample if the POTW monitors at the user's facility at least once a month, or if the POTW samples between the user's initial sampling and when the user receives the results of this sampling.

**19.27.9 Notification of the Discharge of Hazardous Waste**

The discharge of hazardous waste to the POTW is prohibited.

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**19.27.10 Analytical Requirements**

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

**19.27.11 Sample Collection**

A. Except as indicated in Section B, below, the user must collect wastewater samples using flow proportional composite collection techniques. ~~In the event flow proportional sampling is infeasible,~~ the Commissioner may authorize the use of time proportional sampling or a minimum

of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

B. Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.

**19.27.12 Determination of Noncompliance**

The Commissioner will use appropriate sampling to determine noncompliance with pretreatment standards.

**19.27.13 Timing**

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

**19.27.14 Record Keeping**

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the samples the dates analyses were performed; who performed the analyses; the analytical

techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the

duration of any litigation concerning the user or POTW, or where the user has been specifically notified of a longer retention period by the Commissioner,

**19.28 Compliance Monitoring**

**19.28.1 Inspection and Sampling**

The Commissioner shall have the right to enter the facilities of any user to ascertain whether the purpose of this ordinance, or any permit or order issued hereunder, is being met and whether the user is complying with all requirements thereof. Users shall allow the Commissioner ready access

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to all, parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

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

B. The Commissioner shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations,

C. The Commissioner may require the user to install monitoring equipment shall be maintained, necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated as required to ensure their accuracy.

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

E. Unreasonable delays in allowing the commissioner access to the user's premises shall be a violation of this ordinance.

**19.28.2 Search Warrants**

If the Commissioner has been refused access to a building, structure or property, or any part thereof, and is able to demonstrate that there is probable cause to believe that there is a violation of

this ordinance; or that there is a need to inspect such a building, structure or property as part of a routine inspection program of the City designed to verify compliance with this ordinance, or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Commissioner may seek issuance of a warrant from the Superior Court authorizing search of such building, structure or property for the suspected violation and/or access

thereto to perform such inspections.

**19.29 - Confidential Information**

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



protection as trade secrets under applicable State law. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a City of Taunton Revised Ordinances Revision #2 4/9/2009 Chapter 19 333 report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized is confidential information and will be available to the public without restriction.



**19.30 – Publication Of Users In Significant Noncompliance**

The City shall publish annually, in a newspaper of general circulation that provides meaningful public notice with in the jurisdiction served by the POTW.

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The term Significant Non-Compliance shall be applicable to all Significant Industrial Users (or any other non-domestic users if they cause Pass Through, Interference, cause the POTW to exercise its emergency authority to halt or prevent a discharge, cause imminent endangerment to human health, welfare or the environment, or adversely affect the pretreatment program) that at any time during the preceding 12 months,

were in significant non-compliance with applicable pretreatment standards or requirements of one or more of the following criteria:

( 1 ) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all measurements taken during a 6 month period exceed ( by any magnitude) a numeric Pretreatment standard or requirement including instantaneous limits as defined by 40 CFR 403.3(1).

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(2) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements for each pollutant parameter taken during the 6 month period equal or exceed the product of a numeric Pretreatment standard or requirement including instantaneous limits as defined by 40 CFR 403.3(1); Multiplied-multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).

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( 3 ) Any other violation of the pretreatment standard or requirement defined by 40 CFR 403.3(1). Daily maximum, long term average, instantaneous limit or narrative standards that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of the POTW personnel or the general public);

- ( 4 ) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the commissioner's exercise of its emergency authority to halt or prevent such a discharge; Formatted: Font color: Auto, Not Highlight
- ( 5 ) Failure to meet, with in 90 days after the schedule date, a compliance milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- ( 6 ) Failure to provide in 45 days after the due date, required reports such as baseline monitoring reports, 90 day compliance reports, periodic self-monitoring reports on compliance schedules; Formatted: Font color: Auto, Not Highlight
- ( 7 ) Failure to accurately report noncompliance; Formatted: Font color: Auto, Not Highlight
- ( 8 ) Any other violations or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program. Formatted: Font color: Auto

~~The City shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:~~

- ~~A. Chronic violations of wastewater discharge limits, defined here as those in which sixtysix percent (66%) or more of wastewater measurements taken during a six (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;~~
- ~~B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%), or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals, or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);~~
- ~~C. Any other discharge violation that the City believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of City personnel or the general public);~~
- ~~D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge;~~
- ~~E. Failure to meet, within ninety (90) days of the date, a compliance schedule milestone~~



~~contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;~~  
~~F. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;~~  
~~G. Failure to accurately report noncompliance; or~~  
~~H. Any other violation(s) which the City determines will adversely affect the operation or implementation of the local pretreatment program.~~



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**19.31 - Administrative Enforcement Remedies**

**19.31.1 Notification of Violation**

When the Commissioner finds that a user has violated (or continues to violate) any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Commissioner may serve upon that user a Notice of Violation. This Notice of Violation may be verbal or in written form. If so required, within fourteen (14) days of the receipt of this notice, or by the response date cited on this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Commissioner. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

**19.31.2 Consent Orders**

The Commissioner may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 19.31.4 and 19.31.5 of this ordinance and shall be judicially enforceable.

**19.31.3 Show Cause Hearing**

The Commissioner may order a user which has violated or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Commissioner and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least three (3) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

**19.31.4 Compliance Orders**

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

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any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

**19.31.5 Cease and Desist Orders**

When the Commissioner finds that a user has violated (or continues to violate) any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's post violations are likely to recur, the Commissioner may issue an order to the user directing it to erase and desist all such violations and directing the user to:

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

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

**19.31.6 Administrative Fines**

A. When the Commissioner finds that a user has violated or continues to violate any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Commissioner may fine such user in an amount not to exceed five thousand (\$5000.00) dollars per day. Fines shall be assessed on a per violation, per day basis. In the case of monthly or other long discharge limits, fines shall be assessed for each day during the period of violation.

B. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten percent (10 %) of the unpaid balance, and interest shall accrue thereafter at A rate of fifteen percent (15 %) per year, compounded monthly on the unpaid balance, computed as of the due date. A lien against the user's property will be brought for unpaid charges, fines, and penalties.

C. Users desiring to dispute such fines must file a written request for the Commissioner to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the Commissioner shall convene a hearing on the matter within thirty (30) days of receiving the request from the user. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be

returned to the user. The City may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for taking any other action against the user.

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**19.31.7 Emergency Suspensions**

The Commissioner may immediately suspend a user's discharge (after informal notice to the user)

whenever such suspension is necessary to stop an actual or threatened discharge which reasonably

appears to present or cause an imminent or substantial endangerment to the health or welfare of

persons. The Commissioner may also immediately suspend a user's discharge (after notice and

opportunity to respond) that threatens to interfere with the operation of the POTW, or which

presents or may present an endangerment to the environment.

A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its

contribution. In the event of a user's failure to immediately comply voluntarily with the suspension

order, the Commissioner shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its

receiving stream, or endangerment to any individuals. The Commissioner shall allow the user to recommence

its discharge when the user has demonstrated to the satisfaction of the City that the period of

endangerment has passed, unless the termination proceedings in Section 19.31.8 of this ordinance are initiated against the user.

B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the

harmful contribution and the measures taken to prevent any future occurrence, to the Commissioner prior to

the date of any show cause or termination hearing under Sections 19.31.3 and 19.31.8 of this

ordinance.

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

**19.31.8 Termination of Discharge**

In addition to the provisions in Section 19.26.6 of this ordinance, any user that violates the

following conditions is subject to discharge termination:

- A. Violation of wastewater discharge permit condition;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling; or
- E. Violation of the pretreatment standards in Section 19.23 of this ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under section 19.31.3 of this ordinance why the proposed action should

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not be taken. Exercise of this option by the City shall not be a bar to, or a prerequisite for, taking

any other action against the user.

**19.32 Judicial Enforcement Remedies**

**19.32.1 Injunctive Relief**

When the Commissioner finds that a user has violated (or continues to violate) any provision of this ordinance, wastewater discharge permit, or order issued hereunder, or any other pretreatment

standard or requirement, the Commissioner may petition the Superior Court or the Supreme

Judicial Court through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater

discharge permit, order, or other requirement imposed by this ordinance on activities of the user.

The City may also seek such other action as is appropriate for legal and/or equitable relief,

including requirement for the user to conduct environmental remediation. A petition for injunctive

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

**19.32.2 Civil Penalties**

A. A user which has violated or continues to violate any provision of this ordinance, wastewater

discharge permit, or order issued hereunder, any other pretreatment Standard or requirement shall

be liable to the City for a maximum civil penalty of five thousand (\$5000.) dollars per violation,

per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue

for each day during the period of the violation.

B. The Commissioner may recover reasonable attorneys' fees, court costs, and other expenses

associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

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

**19.32.3 Criminal Prosecution**

A. A user which has willfully or negligently violated any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than five thousand (5000) dollars per violation, per day.

B. A user which has willfully or negligently introduced any substance into the POTW which causes personal injury or property damage shall, upon conviction, be subject to the maximum allowable penalty under State law and/or be subject to imprisonment. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

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C. A user which knowingly made any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit, or order issued hereunder, or who falsified, tampered with, or knowingly rendered inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than five thousand (5000) dollars per violation per day.

**19.32.4 Remedies Nonexclusive**

The provisions in Sections 19.30 through 19.33 of this ordinance are not exclusive remedies. The



City reserves the right to take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City reserves the right to take other action against any user when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently.

**19.33 Supplemental Enforcement Action**

**19.33.1 Performance Bonds**

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

**19.33.2 Liability Insurance**

The Commissioner may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this ordinance, a previous wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge,

**19.33.3 Water Supply Severance**

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

**19.33.4 Public Nuisances**

A violation of any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the Commissioner. Any person(s) creating

a public nuisance shall be subject to the provisions of the City Code governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

**19.33.5 Informant Rewards**

RESERVED

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**19.33.6 Contractor Listing**

Users which have not achieved compliance with applicable pretreatment standards and requirements may be declared not eligible to receive a contractual award for the sale of goods or services to the City. Existing contracts far the sale of goods or services to the City held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the City.

**19.34 - Affirmative Defenses To Discharge Violations**

RESERVED

**19.35 – Wastewater Treatment Rates**

RESERVED

**19.36 – Miscellaneous Provisions**

**19.36.1 Pretreatment Fees and Pollutant Surcharges**

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City' s Pretreatment program. The City may also adopt and establish pollutant (including flow) surcharge limits and rates. The pretreatment fee and pollutant surcharge program established and controlled by the City Council may include but is not limited to:

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

Fee Schedule:

Industrial Discharge Application \$25.00

State Sewer Permit Review \$25.00  
Pretreatment Inspection \$25.00  
Compliance Sampling \$25.00  
Appeal Filing \$25.00  
Annual industrial Discharge Permit Fee \$25.00  
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Surcharge Rates:  
Biochemical Oxygen Demand 0.10 per pound over 400 mg/l  
Total Suspended Solids 0.15 per pound over 400 mg/l

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

**19.36.3 Conflicts**  
All other ordinances and parts of ether ordinances inconsistent or conflicting with any part of this ordinance, are hereby repealed to the extent of the inconsistency or conflict.

**19.37 – Effective Date**  
This ordinance shall be in full force and effect immediately following its passage, approval and publication, as provided by law

BUILDING PERMIT RECORD DECEMBER, 2010					
No.	Application for Permit to	Use of Building	Location	Owner	Contractor
578	INSTALL	PELLET STOVE	270 PLAIN ST.	WILLIAM & MARY BERNIER	WILLIAM & MARY BERNIER
579	ALTER	1-FAMILY DWELLING (ADD DORMER & BATH)	208 COHANNET ST.	RACHEL BUTLER	ROBERT H. BURT JR.
580	INSTALL	OFFICE TRAILER	90 INGELL ST.	CITY OF TAUNTON	WAYNE WALKDEN
581	REPAIR	1-FAMILY DWELLING (WINDOWS, SIDING)	47 CAROLINE DR.	RONALD NASTRI	PAUL N. FERRIS
582	REPAIR	2-FAMILY DWELLING (ROOF)	23 MAPLE ST.	CHRISTOPHER SOUSA	CHRISTOPHER SOUSA
583	REPAIR	1-FAMILY DWELLING (LIVING ROOM REMODEL)	59 TYNAN AVE.	TIMOTHY DANIELS	ROB COSTA
584	REPAIR	1-FAMILY DWELLING (ROOF)	12 DANFORTH ST.	JEFFREY RULLO	PETER FORTIN
585	REPAIR	2-FAMILY DWELLING (ROOF)	15 O'CONNOR ST.	DAVID HANSON	PETER FORTIN
586	REPAIR	2-FAMILY DWELLING (DUPLEX)	23A INDIAN MEADOW DRIVE	CARLA CORREIA	BRIAN BLANCHARD
587	REPAIR	1-FAMILY DWELLING (INSULATION & WEATHERSTRIPPING)	24 GREYLOCK AVE.	JOAN WINDERS	BRIAN BLANCHARD
588	REPAIR	1-FAMILY DWELLING (INSULATION & WEATHERSTRIPPING)	263 LONGMEADOW RD.	ANNE PATRICK	BRIAN BLANCHARD
589	REPAIR	1-FAMILY DWELLING (DOORS, INSULATION, WEATHERSTRIPPING)	3 WINTER ST.	GEORGE NUNES	BRIAN BLANCHARD
590	REPAIR	1-FAMILY DWELLING (WINDOWS)	26 MEADOWBROOK LANE	GERRY DEVER	PAUL NEE
591	REPAIR	1-FAMILY DWELLING (WINDOWS)	95 THRASHER ST.	CHRISTOPHER CYR	PAUL NEE
592	ERECT	1-FAMILY DWELLING	17 THIRD AVE.	HAWTHORNE DEVELOPMENT	JOHN GARANITO
593	REPAIR	1-FAMILY DWELLING (INSULATION & WEATHERSTRIPPING)	291 POWDERHORN DR.	CLEMMIE MARTIN	BRIAN BLANCHARD
594	INSTALL	PELLET STOVE	395 SEEKELL ST.	STEPHEN & APRILE O'REILLY	NATHAN J. HINDERMITH
595	INSTALL	PELLET STOVE	10 POCASSET PLACE	CRAIG KELLEY	CRAIG KELLEY
596	DEMO (INTERIOR COMMERCIAL BLDG. ONLY)	(WALLS & CEILINGS FOR OFFICE RENOVATION)	800 JOHN QUINCY ADAMS RD.	CRP 2 MYLES STANDISH LLC	JOHN BENNETT
597	REPAIR	1-FAMILY DWELLING (ROOF)	40 EDGEWATER LANE	DONALD SHEERIN	BRIAN SULLIVAN
598	REPAIR	1-FAMILY DWELLING (WINDOWS)	208 SCADDING ST.	ROBERT CRANE	JAMES MOON
599	REPAIR	2-FAMILY DWELLING (SIDING, INSULATION, GUTTERS)	36 PINE ST.	LENA TRAVIS	KENNETH B. ROSE
600	REPAIR	AUTO REPAIR SHOP (TRIM & VINYL SIDING)	265 BAY ST.	EDWARD LEONARD	GREGORY LOGAN

BUILDING PERMIT RECORD DECEMBER, 2010					
No.	Application for Permit to	Use of Building	Location	Owner	Contractor
601	REPAIR	CONDOMINIUM (WINDOWS)	125 HIGHLAND ST. (UNIT 312)	THE COMMONS BOARD OF TRUSTEES/ PHIL FUTRILL	DOUGLAS ROSS
602	REPAIR	1-FAMILY DWELLING (WINDOW, DOOR)	155 ICE HOUSE RD.	BRUCE CALVIN	BRUCE CALVIN
603	REPAIR	1-FAMILY DWELLING (ROOF)	35 INDIAN TRAIL	JULES COLEMAN	JOSEPH MCKEON
604	INSTALL	WOOD STOVE	975 MIDDLEBORO AVE.	JAMES P. WATKINS	NATHAN HINDEMITH
605	INSTALL	WOOD STOVE	30 PROSPECT ST.	PAUL BOCHMAN	PAUL BOCHMAN
606	REPAIR	1-FAMILY DWELLING (ROOF, WALL, DOOR, SHEETROCK, GUTTERS)	86 SCADDING ST.	CHILES HOLDINGS LTD.	GILBERT J. BONOAN
607	REPAIR	3-FAMILY DWELLING (PORCH, DECKING, DOOR & RAILINGS)	151 BROADWAY	HONORATO SANTOS	MARIA O. COSTA
608	REPAIR	1-FAMILY DWELLING (WINDOWS)	35 WEST WEIR ST.	ALFRED BAPTISTA	THOMAS PEACOCK
609	REPAIR	2-FAMILY DWELLING (WINDOWS)	816 COUNTY ST. #22	COUNTRY VILLAGE ESTATES/ MARGUERITE A. ELOMA	MARY MCNEILL
610	ERECT	SIGN	84 INDEPENDENCE DR.	ARGOS CUSTOM EXTRUSION	SIGN DESIGN INC.
611	REPAIR	COMMERCIAL BLDG. (SIDING)	66 SOUTH ST.	HARODITE INDUSTRIES	JOHN LOPES
612	REPAIR	1-FAMILY DWELLING (WINDOWS)	34 GRACE MEADOWS DR.	BRIDGETTE GILL	KENNETH KENDALL
613	REPAIR	1-FAMILY DWELLING (ROOF)	144 WINTHROP ST.	SCOTT BOUSQUET	DEREK DECHAIINE
614	INSTALL	PELLET STOVE	33 NORMAN AVE.	HAROLD T. LINCOLN JR. & MICHELLE LINCOLN	HAROLD T. LINCOLN JR.
615	ALTER	SCHOOL (INTERIOR REMODEL)	215 HARRIS ST.	CITY OF TAUNTON	STEVEN ST. MARTIN
616	ADD TO	PROFESSIONAL CENTER (CANOPY)	1 WASHINGTON ST.	MILL RIVER PROFESSIONAL CENTER	JOSEPH M. BARTUCCA
617	REPAIR	1-FAMILY DWELLING (INTERIOR, SLIDING DOOR & WINDOWS)	503 BURT ST.	JAMES BUFFINGTON	NORMAN T. BILODEAU
618	REPAIR	2-FAMILY DWELLING DUPLEX (ROOF)	62 GRACE MEADOWS DRIVE	PRISCILLA HILL & BILL WEIDMAN	MB CONSTRUCTION
619	INSTALL	WOOD STOVE	750 BURT ST.	MARK SASS	MARK SASS
620	REPAIR	2-FAMILY DWELLING (ROOF- LEFT SIDE ONLY)	11 STANLEY AVE.	GLENN TITUS	PETER FORTIN
621	REPAIR	MOBILE HOME (WINDOWS)	9 PURITAN RD.	COLONIAL ESTATES, INC./ ANNE ANDREWS	JONATHAN R. LABONTE
622	REPAIR	1-FAMILY DWELLING (ERECT A DECK)	48 LAKEVIEW PLACE	LLOYD MENDES	DAVID M. SMITH
623	REPAIR	1-FAMILY DWELLING (SIDING, PARTIAL ROOF, ETC.)	140 FREMONT ST.	GREGORY PEMENTA	ROBERT H. BURT JR.
624	INSTALL	PELLET STOVE	76 CYPRESS RD.	OAK HILL ASSOCIATES, LLC	NATHAN HINDENITH

BUILDING PERMIT RECORD DECEMBER, 2010

No.	Application for Permit to	Use of Building	Location	Owner	Contractor
625	REPAIR	COMMERCIAL BLDG. (OFFICE RENOVATION)	701 WEST WATER ST.	JUDY FLYNN	LASSEY & SONS, INC.
626	ALTER	APARTMENT BLDG. (HANDICAP RAMP)	56 E. WALNUT ST.	DAVIS DESANTIS	STEVEN ROY
627	INSTALL	INSTALL WOOD BURNING INSERT	91 FOREST HILL DR.	AARON PASTERIS	ROBERT CABRAL
628	ALTER	COMMERCIAL BLDG. (TENANT FIT UP)	800 JOHN QUINCY ADAMS RD.	CRP 2 MYLES STANDISH LLC	JOHN BENNETT
629	ADD TO	CENTRAL GARDEN & PET 1-FAMILY DWELLING (BUMP OUT)	111 TANIA DRIVE	JORGE VELOSO	JORGE VELOSO
630	ERECT	TEMPORARY MODULAR CLASSROOMS W/ HANDICAP RAMP & STEPS)	16 MONROE ST.	CITY OF TAUNTON	HUBERT HARTLEY
631	REPAIR	1-FAMILY DWELLING (ROOF & SIDING)	47 PLAIN ST.	FRANCES DAVENPORT	DAVID KAMEESE
632	REPAIR	1-FAMILY DWELLING (DOORS, INSULATION, WEATHERSTRIPPING)	73 ARLINGTON ST.	WILLIAM KING	BRIAN BLANCHARD
633	REPAIR	1-FAMILY DWELLING (DOOR, INSULATION, WEATHERSTRIPPING)	155 FIELD ST.	PATRICIA HATHAWAY	BRIAN BLANCHARD
634	REPAIR	MOBILE HOME (INSULATION, WEATHER- STRIPPING)	22 SOUTHWAY	RADANTE ESTATES/ CAROL SOUZA	BRIAN BLANCHARD
635	ALTER	DOG GROOMING FACILITY TO DOG GROOMING/ BARBERSHOP	181 BROADWAY	175 BROADWAY LLC	ROB COSTA
636	ALTER	WAREHOUSE (BUILD 2 OFFICES IN EXISTING MEZZANINE)	350 MYLES STANDISH BLVD. (CAROLINA LOGICS)	BELRIDGE CORP	JULIO V. LEITAO
637	REPAIR	1-FAMILY DWELLING (WINDOWS)	95 MEAGHAN CIRCLE	JOHN & CHRISTINE BOTELHO	ALBERT R. GAMACHE
638	ALTER	WAREHOUSE (MOVE & ADD MORE STORAGE RACKING)	800 JOHN QUINCY ADAMS RD.	NEW ENGLAND POTTERY LLC	GEORGE PANTAZOPOULOS
639	REPAIR	MULTI-FAMILY DWELLING (4-8)	52 TREMONT ST.	CHRIS CAMPEAU	CHRISTOPHER P. SHEEDY
640	ERECT	1-FAMILY DWELLING	39 SYDNEY'S WAY	PLAIN STREET DEVELOPMENT/ CANDACE GORDON	GREG MARONEY
641	ALTER	MOBILE HOME (ENCLOSE 3 SEASON ROOM)	50 HIGHLAND ST. #67	HOMETOWN AMERICA/ JOHN PELLEGRINI	JOHN PELLEGRINI
642	ALTER	1-FAMILY DWELLING (PANTRY TO 1/2 BATH)	4 COUCH ST.	CONCEICAO M. PEREIRA	CONCEICAO M. PEREIRA

*Robert P. Pirozzi*

Robert P. Pirozzi / Building Commissioner-Chief of Inspections

5



Serving a Public Power Community

42

January 6, 2011

Rose Marie Blackwell  
City Clerk  
City Hall  
Taunton, Mass 02780


By vote of the Municipal Light Commission on, December 20, 2010, the following is a report of action taken on street- lights.

**WELLESLEY CIRCLE**  
Taunton, Mass

1. Recommend to-install a 70-watt high-pressure sodium street light on pole # 7 Wellesley Circle, which is located in a cul-de-sac. There is a light on pole # 6, which is 160' away from the customer who requested the light. They live at the back of the area. There are woods surrounding the cul-de-sac, and its very dark. Per customer request.
  - Estimate cost is \$5.29 per month.
  - Does not include fuel adjustment credit.

It is requested that this street lighting report be presented to the Municipal Council, for approval of the energy services.

Very truly yours,  
MUNICIPAL LIGHT COMMISSION

  
MICHAEL J. HARRIGAN  
General Manager

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# CITY OF TAUNTON FIRE DEPARTMENT

50 School Street  
Taunton, MA 02780  
Tel. (508) 821-1452 • Fax (508) 821-1495

TIMOTHY J. BRADSHAW  
*Chief of Department*

KATE GOVER  
*Administrative Assistant*

January 6, 2011

Rose Marie Blackwell  
City Clerk  
Taunton City Hall  
141 Oak Street  
Taunton, Ma. 02780

Dear Ms. Blackwell;

I am formally requesting the City Council transfer available funds from my Salaries & Wage Account in the amount of **One Hundred Forty Six Thousand Nine Hundred Seventy Five Dollars and Sixty Cents (\$146,975.60)** be transferred into various accounts in the Department's Fixed Account.

Attached find the backup documentation detailing the cost itemizations for this request.

Thank you for your assistance in this matter.

Respectfully,

Timothy J. Bradshaw  
Chief of Department

cc: Mayor Charles Crowley  
Clerk of Council Committee  
City Auditor



**COUNCIL ORDER TRANSFER REQUEST**

DATE: 1/6/2011

DEPARTMENT REQUESTING: FIRE

AMOUNT REQUESTING: \$76,975.60

REASON FOR REQUEST: TRANSFER MONIES SALARIES & WAGES TO MACHINE REPAIR AND STATION FACILITIES ACCOUNT

Please list bellow the account number/name for the requested transfer.

If requesting monies from AVAILABLE FUNDS check here: X

TRANSFER FROM: 1-220-201-5119 TRANSFER TO: 1-220-201-5254

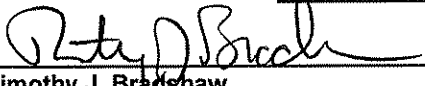
Name: SALARIES & WAGES Name: MACHINE REPAIRS

Amount \$: \$60,000.00 Amount \$: \$ 60,000.00

TRANSFER FROM: 1-220-201-5119 TRANSFER TO: 1-220-201-5442

Name: SALARIES & WAGES Name: STATION FACILITIES

Amount \$: \$16,975.60 Amount \$: \$16,975.60

DEPARTMENT HEAD SIGNATURE: 

Timothy J. Bradshaw  
Chief of Department

TITLE: \_\_\_\_\_

TO BE COMPLETED BY CLERK OF COUNCIL COMMITTEE:

DATE REFERRED TO COMMITTEE ON FINANCE AND SALARY: \_\_\_\_\_

The above request is hereby: \_\_\_\_\_ Approved \_\_\_\_\_ DENIED

DATE APPROVED: \_\_\_\_\_

AVAILABLE FUNDS TO BE USED (IF REQUESTED): \_\_\_\_\_

IF DENIED, REASON FOR DENIAL: \_\_\_\_\_

COUNCIL ORDER NUMBER ASSIGNED: \_\_\_\_\_

**FOR COUNCIL ORDER TRANSFERS PLEASE FILL OUT THIS FORM, WITH A FORMAL COVER LETTER REQUESTING THE TRANSFER AND SEND A COPY OF BOTH THE LETTER AND THIS FORM TO THE FOLLOWING:**

- City Clerk-Original*
- Mayor's Office*
- Clerk of Council Committee*
- City Auditor*

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**COUNCIL ORDER TRANSFER REQUEST**

DATE: 1/6/2011

DEPARTMENT REQUESTING: FIRE

AMOUNT REQUESTING: \$70,000.00

REASON FOR REQUEST: TRANSFER MONIES SALARIES & WAGES TO MEDICAL AND EDUCATION ACCOUNTS

Please list below the account number/name for the requested transfer.

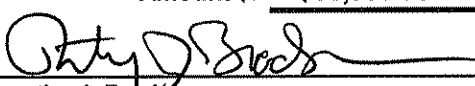
If requesting monies from AVAILABLE FUNDS check here: X

TRANSFER FROM: 1-220-201-5119 TRANSFER TO: 1-220-201-5301

Name: SALARIES & WAGES Name: MEDICAL  
Amount \$: \$40,000.00 Amount \$: \$40,000.00

TRANSFER FROM: 1-220-201-5119 TRANSFER TO: 1-220-201-5588

Name: SALARIES & WAGES Name: EDUCATION  
Amount \$: \$30,000.00 Amount \$: \$30,000.00

DEPARTMENT HEAD SIGNATURE:   
TITLE: Timothy J. Bradshaw  
Chief of Department

TO BE COMPLETED BY CLERK OF COUNCIL COMMITTEE:

DATE REFERRED TO COMMITTEE ON FINANCE AND SALARY: \_\_\_\_\_

The above request is hereby: \_\_\_\_\_ Approved \_\_\_\_\_ DENIED

DATE APPROVED: \_\_\_\_\_

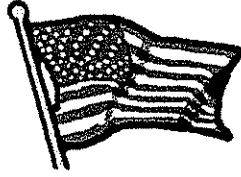
AVAILABLE FUNDS TO BE USED (IF REQUESTED): \_\_\_\_\_

IF DENIED, REASON FOR DENIAL: \_\_\_\_\_

COUNCIL ORDER NUMBER ASSIGNED: \_\_\_\_\_

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JANUARY 11, 2011

HONORABLE CHARLES CROWLEY, MAYOR  
COUNCIL PRESIDENT SHERRY COSTA-HANLON  
AND MEMBERS OF THE MUNICIPAL COUNCIL

**PLEASE NOTE:**

THE FOLLOWING COMMITTEE MEETINGS HAVE BEEN SCHEDULED FOR **TUESDAY, JANUARY 11, 2011 AT 5:30 P.M. IN THE NEW ELIZABETH POLE SCHOOL, 215 HARRIS STREET, TAUNTON, MA**

**5:30 P.M.**

**THE COMMITTEE ON FINANCE AND SALARIES**

1. MEET TO REVIEW THE WEEKLY VOUCHERS & PAYROLLS FOR CITY DEPARTMENTS
2. MEET TO REVIEW REQUESTS FOR FUNDING
3. MEET TO REVIEW MATTERS IN FILE

**THE COMMITTEE ON THE NEEDS OF THE AIRPORT**

1. MEET IN EXECUTIVE SESSION FOR AN UPDATE ON PENDING LAWSUIT
2. MEET TO REVIEW MATTERS IN FILE

**THE COMMITTEE OF THE COUNCIL AS A WHOLE**

1. MEET WITH THE CITY SOLICITOR, C.O.T.M.A. REPRESENTATIVE, HUMAN RESOURCE DIRECTOR TO DISCUSS THE PROPOSED C.O.T.M.A. CONTRACT.
2. MEET TO REVIEW MATTERS IN FILE

RESPECTFULLY,

COLLEEN M. ELLIS  
CLERK OF COUNCIL COMMITTEES