

**ATTLEBORO MUNICIPAL COUNCIL  
DOCKET  
APRIL 21, 2020**

APPROVAL OF THE RECORDS: March 3, April 3 and April 7, 2020. Executive Sessions June 6, 2017, June 27, 2017, April 10, 2018 and March 12, 2019.

**TRANSPORTATION AND TRAFFIC**

**Cathleen DeSimone, Chairperson**

**CAPITAL IMPROVEMENTS AND CITY DEVELOPMENT**

**Richard Conti,**

**Chairperson**

The Mayor respectfully submits a communication from Director of Council on Aging Madeleine McNielly regarding the need for funds to cover the masonry costs for repairs to the chimney and roof at the Rev. Larson Senior Center. Therefore, the Mayor hereby requests Your Honorable Body transfer \$9,740.00 from Account 11241000-578380 (City Wide – Reserve Fund for Capital) to Account 15411000-582513 (Council on Aging – Building Improvements).

The Mayor respectfully submits a communication from Economic Development Director Catherine Feerick regarding the receipt of an Urban Agenda Grant from the Department of Housing and Community Development (DHCD) toward the launch of the Downtown Business Revitalization Project in the amount of \$50,000. The match for these funds involves in-kind contributions to participants businesses from partnering organizations and staff administrative time. In accordance with Chapter 1, Section 12 of the Revised Ordinances of the City of Attleboro, the Mayor hereby requests Your Honorable Body approve expending of such funds and any future grant amendments. (Copies in your packets)

The Mayor respectfully requests Your Honorable Body to waive the following inspection and permit fees related to the five businesses selected through the Business Revitalization projects associated with the Urban Agenda Grant:

Certificate of Inspection Fees: up to \$100

Electrical, Gas or Plumbing Inspection Fees: up to 35% of Inspection Fees as Required\*  
(\*65% of plumbing, electrical, and gas fees cannot be waived as these fees go directly to contracted inspectors as payment for services rendered)

Fire Inspection and Plan Review Fees: \$100

If additional inspection and permit fees need to be waived, a request will be sent to Your Honorable Body at a later date. (Copies in your packets)

The Mayor respectfully submits a communication from Economic Development Director Catherine Feerick regarding the need for funds towards promotional funds in relations to the Downtown Business Revitalization Program. Therefore, the Mayor hereby requests Your Honorable Body transfer \$1,130.00 from Account 11241000-578300 (City Wide - Reserve Fund for Transfer) to Account 11211000 - 534030 (Mayor – On-Line Services). Upon approval, the available balance in Reserve Fund for Transfer will be \$122,525.54.

### **PERSONNEL AND HUMAN SERVICES**

**Ty Waterman, Chairperson**

For Your Information: I regret to inform Your Honorable Body that we have received the resignation of Scott Jones from the Planning Board and the Waste Advisory Committee. Please join me in thanking Mr. Jones for his service to the City.

For Your Information: The Historical Commission has appointed Victor Bonneville, as an Alternate Member, to fill an unexpired term. Term to expire February 2021. Council confirmation is not needed for this appointment.

For Your Information: Historical Commission Alternate Member William Lewis has moved to a Historical Commission Member position. Term to expire February 2022. Council confirmation is not needed for this appointment.

The Mayor respectfully submits for confirmation by Your Honorable Body the appointment of J. Stephen DuPlessie, 47 Patterson Street, Attleboro, to fill the unexpired term on the Attleboro Housing Authority. Term to expire February 2023. (Copies in your packets)

The Mayor respectfully submits for confirmation by Your Honorable Body the appointment of Narvy Kes-DesLauriers, 60 Dewey Avenue, Attleboro, to fill the expired term on the Attleboro Housing Authority as Labor Representative. Term to expire February 2025.

### **PUBLIC WORKS**

**Kate Jackson, Chairperson**

The Mayor respectfully submits a communication from City Auditor Deborah Gould regarding authorized unissued debt for Fund 3219 Wastewater Projects. On November 22, 2016, Your Honorable Body authorized \$7,400,000 of debt to be issued for the purpose of multiple wastewater projects. The City Treasurer issued long-term debt on this authorization of May of 2018. In addition, in fiscal 2018 the Wastewater Enterprise Fund

made a payment of \$650,000 towards the project, paying down the amount needed to be issued. Therefore, the Mayor hereby requests Your Honorable Body that \$650,000 of the debt authorized for wastewater projects on November 22, 2016 be rescinded. (Copies in your packets)

The Mayor respectfully submits a communication from City Auditor Deborah Gould regarding authorized unissued debt for Fund 3537 FY16 DPW Facility. On April 21, 2015, Your Honorable Body authorized \$9,900,000 of debt to be issued for the purpose of constructing the DPW facility. The City Treasurer issued long-term debt related to this authorization in June of 2016 in the amount of \$9,888,841. The amount of debt never issued in form related to this authorization is \$11,159. Therefore, the Mayor hereby requests Your Honorable Body that \$11,159 of the debt authorized for the purpose of constructing the DPW facility be rescinded. (Copies in your packets)

The Mayor respectfully submits a communication from City Auditor Deborah Gould regarding Fund 2313 Dodgeville Pond Dam Rehab. The Director of Planning and Development notified the office of the City Auditor that Phase 1A Construction of the Dodgeville Pond Dam Renovations Project is complete. Funding for the project was a State grant and a required City match of funds as well as additional contingency funds contributed from the general fund. The unexpended balance in the fund is \$18,865. Therefore, the Mayor hereby requests Your Honorable Body transfer \$18,865.00 from 2313-599000 (Fund 2313 Dodgeville Pond Dam Rehab – Other Financing Uses) to 10004-499000 (General Fund – Other Financing Sources).

The Mayor respectfully submits a communication from Legal Secretary Alison Wood regarding vehicles that the Water Department would like to declare as surplus. Therefore, the Mayor hereby requests Your Honorable Body to declare the following as surplus and available for disposition: (Copies in your packets)

Year	Make/Model	VIN #	Miles	Condition
2003	Ford F350 Utility	1FDWX37F93EB14888	172,000	Poor
2007	Ford F150 Pickup	1FTRF14W27NA04624	246,000	Poor

The Mayor respectfully submits a communication from Legal Secretary Alison Wood regarding surplus items that the Water Department would like to declare as surplus. Therefore, the Mayor hereby requests Your Honorable Body to declare the following as surplus and available for disposition: (Copies in your packets)

DESCRIPTION	CONDITION
Gould's high lift pump	Removed from service
Used Furnace Burner	Removed from service
6" Water Meter	Removed from service

The Mayor respectfully requests Your Honorable Body rescind the March 3, 2020, item #7, request to purchase a new F150 pick-up truck for the Water Department.

The Mayor respectfully submits a communication from Superintendent of Water Kourtney Wunschel regarding the need to purchase a new Ford F250 pick-up truck. This vehicle is currently listed in the 2021-2025 Capital Improvement Program. This purchase will include a plow package, strobes, radio and lettering. This vehicle will replace a 2007 Ford F150, which no longer runs and is in need of a new engine and transmission. Therefore, the Mayor hereby requests Your Honorable Body appropriate \$41,877.00 from Account 6100-359000 (Water Enterprise Fund – Retained Earnings) to Account 6100-587044 (Water Enterprise Fund – Replacement Truck).

**BUDGET AND APPROPRIATIONS**

**Jay DiLisio, Chairperson**

The Mayor respectfully submits a communication from City Auditor Deborah Gould regarding authorized unissued debt for Fund 3542 FY16 Equipment Authorization. On April 5, 2016, Your Honorable Body authorized \$1,204,000 of debt to be issued for the purpose of purchasing and equipping police and fire equipment. The City Treasurer issued short-term debt related to this authorization, which has been paid down over the course of succeeding fiscal years. The amount of debt never issued in any form related to this authorization is \$11,296. Therefore, the Mayor hereby requests Your Honorable Body that \$11,296 of the debt authorized on April 5, 2016 for the purpose of purchasing and equipping police and fire equipment be rescinded.

**CITY PROPERTY & CLAIMS**

**Sara Lynn Reynolds, Chairperson**

The Mayor respectfully submits a communication from Superintendent of Schools David Sawyer regarding the donation of four copies of the resource book: India Unveiled to the high school and three middle schools with an estimated value of \$260.00 from Mr. and Mrs. Gupta of Carlisle, MA. In accordance with Section 1-12 of the Revised Ordinances of the City of Attleboro, the Mayor hereby requests Your Honorable Body to accept this generous donation to the City of Attleboro.

The Mayor respectfully submits a communication from Legal Secretary Alison Wood regarding a vehicle that the Fire Department would like to declare as surplus. Therefore, the Mayor hereby requests Your Honorable Body to declare the following as surplus and available for disposition: (Copies in your packets)

Year	Make/Model	VIN #	Miles	Condition
2005	Ford Crown Vic	2FAFP71W55X107562	125,000	Poor

The Mayor respectfully submits a communication from Legal Secretary Alison Wood regarding a surplus item that the Fire Department would like to declare as surplus.

Therefore, the Mayor hereby requests Your Honorable Body to declare the following as surplus and available for disposition: (Copies in your packets)

DESCRIPTION

Lifepak 15 Monitor/Defibrillator V15-2-000051, Serial Number 38158075

The Mayor respectfully submits a communication from Legal Secretary Alison Wood regarding vehicles that the Police Department would like to declare as surplus. Therefore, the Mayor hereby requests Your Honorable Body to declare the following as surplus and available for disposition: (Copies in your packets)

Year	Make/Model	VIN #	Miles	Condition
2007	Ford F250 Pickup	1FTSW21527EA51204	24,724	Poor
2011	Ford Crown Vic	2FABP7BV1BX176314	88,851	Poor

The Mayor respectfully submits a communication from Legal Secretary Alison Wood regarding a copier that the Park and Forestry Department would like to declare as surplus. Therefore, the Mayor hereby requests Your Honorable Body to declare the following as surplus and available for disposition: (Copies in your packets)

QUANTITY	DESCRIPTION	MODEL	SERIAL NO.	CONDITION
1	Ricoh Aficio Color Copier	MP C2050V	2294907071	Very Poor

**ORDINANCES, ELECTIONS AND LEGISLATIVE MATTERS**

**Diana Holmes, Chairperson**

The Mayor respectfully submits a communication from Superintendent of Water Kourtney Wunschel regarding the need for ordinance changes and to increase fees charged by the Water Department. City Solicitor Cynthia Amara reviewed the changes to the Revised Ordinances of the City of Attleboro and approved them as to form.

Therefore, the Mayor hereby requests the following amendments to Sections 16-10 through 16-14 of the revised ordinances:

- 1.) Delete the title of Section 16-10 “Water Main Installation” and replace it with “New Water Main and Service Installation.”
- 2.) Delete Section 16-10.2 in its entirety and replace with the following:

16-10.2 If approval is granted, the applicant shall, at his expense, contract for all labor and material necessary for installing the water main extension or new water service. There shall be a street opening permit as provided in section 16-6.7, a connection permit with a

fee according to the schedule below, which shall include the inspection of said water main or service. The fee shall be paid to the City of Attleboro at the time of application. A new permit subject to the fees below shall be required for each water main extension or service connection to the City's water mains:

- a. Water main extension- \$2000.00 plus \$4.00 per linear foot of water main installed.
- b. New service installation- \$1000.00 per inch of diameter of installed service.
- c. Main extension or service installation permits requiring application to MassDot will be charged an additional \$300.00.
- d. Water main extension permits and new service installation permits will be charged an additional 25% of the total permit cost as a Capital Improvement fee to the City. This fee does not apply to private water main extensions.
- e. A fee for a renewal permit in accordance with section 16-10.9 shall be fifty (\$50.00) dollars.

- 3.) Delete Section 16-10.3 in its entirety and replace with the following:

16-10.3 The Superintendent of Water shall determine the size of all water mains, and the placing of valves, in conjunction with the Fire Chief, to become the property and responsibility of the City of Attleboro. The installing contractor shall conform to City specifications and be responsible for leaks, defective material, trench settlement and trench pavement patching for a period of one (1) year from the date water is permanently turned on in the main.

- 4.) Delete Section 16-10.5 in its entirety and replace with the following:

16-10.5 Before commencement of any installation, the installing contractor shall notify the Superintendent of Water as to when the installation is to commence. No work involving any part of the present or proposed water system shall be done except in the presence of the Department of Water Superintendent or designee.

- 5.) Delete Section 16-10.6 in its entirety.

- 6.) Delete Section 16-10.8 in its entirety and replace with the following:

16-10.8 General No person shall connect to any water line, main or make any service connections unless a permit to do so has been granted by the Superintendent of Water. This ordinance shall not apply to employees of the City of Attleboro acting under the direction of the Superintendent. Whoever is found installing a water service connection or water main extension before applying for and obtaining a signed permit shall be punished by a fine of not more than double the cost of the required permit, as well as an additional fine in the same amount for any subsequent offense. Until said amount is paid in full, said person will not be allowed to apply for any additional water or sewer permits in the City of Attleboro.

- 7.) Delete Section 16-10.9 in its entirety and replace with the following:

16-10.9 Application for said permit shall be made to the Superintendent in such form as he may determine. The Superintendent shall grant the permit in accordance with the provisions of this ordinance on such conditions, as he deems appropriate. The permit shall expire in sixty (60) days from the date of its issuance, unless it is sooner revoked as provided for herein. The permit may be renewed by the Superintendent for an additional thirty (30) days upon written application thereof by the permit holder. Permit fees will be charged to the applicant according to the fee schedule in 16-10.2.

8.) Delete Section 16-10.14 in its entirety.

9.) Delete Section 16-10.15 in its entirety.

10.) Delete Section 16-10.16e in its entirety and replace with the following:

e. Upon connection of any new water line located in a public or private way to the municipal water system, such line shall be deemed under the jurisdiction of the City, and all sections of this ordinance shall apply.

11.) Delete Section 16-10.19 in its entirety and replace with the following:

16-10.19 In conjunction with the installation of a water main to a subdivision, an analysis for Total Coliform and HPC will be conducted. The Water Department will supply the contractor with the appropriate sample bottles. All sampling must be performed or witnessed by an employee of the Water Department. The sample shall be analyzed by the Water Department laboratory or by a state certified laboratory that has been approved by the Department of Water.

12.) Delete Section 16-10.20 in its entirety and replace with the following:

16-10.20 The Water Department laboratory is certified by the Commonwealth of Massachusetts to conduct bacteria testing. The fee for this testing service shall be \$30.00 per sample.

13.) Delete Section 16-11.2 in its entirety and replace with the following:

16-11.2 For each meter set there shall be a minimum charge of twenty-three dollars and twenty-five cents (\$23.25) for each three months. This minimum charge shall cover 500 cubic feet of water used at each connection; Excess over 500 cubic feet shall be charged at a rate of four dollars and sixty-five cents (\$4.65) per 100 cubic feet, effective July 1, 2016.

14.) Revise the title of Section 16-1 “Regulations of Water Use and Connections” to “Regulations of Water Use and Existing Connections.”

15.) Delete Section 16-12.1 in its entirety and replace with the following:

16-12.1 No person shall uncover, make any connection with or opening into, use, alter, repair, or disturb any public water main or appurtenances thereof without first obtaining a written permit from the Superintendent of Water. Whoever is found installing water service connection or water main extension before applying for and obtaining a signed permit shall be punished by a fine of not more than double the cost of the required permit, as well as an additional fine in the same amount for any subsequent offense. Until said amount is paid in full, said person will not be allowed to apply for any additional water or sewer permits in the City of Attleboro.

16.) Delete Section 16-12.2 in its entirety and replace with the following:

16-12.2 Application to said permit of 16-12.1 shall be on a form furnished by the Superintendent of Water and shall be supplemented by plans, specifications or other information considered pertinent in the judgment of the Superintendent of Water. There shall be a street opening permit as provided in 16-6.7 and a fee of three hundred (\$300.00) dollars for an inspection of alterations or replacements of existing services. All fees shall be paid to the City of Attleboro at the time of application.

17.) Delete Section 16-12.3 in its entirety and replace with the following:

16-12.3 The installation, alteration, or repair of any water service line from a water main to any premises shall be done at the expense of the property owner, except as noted elsewhere in this subsection. All such work shall be done in accordance with standards set by the Superintendent of Water. Contractors hired to do such work shall be bonded and shall have a minimum of three (3) years' experience in such installations. Such work shall be inspected by an authorized representative of the Department of Water during said work and prior to the back filling or covering of such work.

Installations requiring the operation of distribution system valves by Water Department personnel will be charged a fee of two hundred and fifty dollars (\$250.00).

After a water service line is in place, tested and accepted by the City of Attleboro, the portion of said line extending from the water main to and including the curb stop shall become the property and responsibility of the City, except that the property owner shall be responsible for leaks, defective materials, trench settlement and trench pavement patching for a period of one (1) year from the date of acceptance.

18.) Delete Section 16-12.4 in its entirety and replace with the following:

16-12.4 After a service has been laid to any premises, the Department of Water, in furnishing water, or material, or performing labor for said service, shall deal only with the owner of said premises. Such owner shall keep the Department of Water advised of the address to which bills, notices, and other communications to him may be delivered. The owner of the premises shall be held responsible for all rates and charges. Water having been shut off for non-payment shall not be turned on so long as there is an unpaid charge



against the premises. A fee of twenty-five dollars (\$25.00) will be charged for all final readings and inspections related to sale or transfer of property.

19.) Delete Section 16-12.5 in its entirety and replace with the following:

16-12.5 All persons receiving water shall keep the fixtures, valves and service pipe within the owner's property in good repair and fully protected from frost and shall prevent all unnecessary waste of water. Water shall not be left running for the purpose of preventing the freezing of pipes, faucets, fixtures or hydrants, unless the same is ordered or permitted by the Superintendent of Water. The City shall not be liable for leakage of hydrants, faucets, pipes, fixtures, or valves upon the premises of the water users nor any obstructions therein by frost or otherwise, nor for any damage resulting from any of the foregoing causes.

a.) All new construction of buildings regardless of use, are required to install water saving devices and low flow appliances, if said building is supplied with water.

b.) All substantial renovations or alterations to existing buildings regardless of the building's use are required to install water saving devices and low flow appliances if said building is supplied with water.

c.) For the purposes of this section the term "substantial renovation or alteration" shall mean work, which cost more than (20%) of the assessed value of the building before the renovations or alterations.

d.) Any change of use of an existing building shall be required to install water saving devices and low flow appliances where the change in use is deemed to be an intensification of the previous use as determined by the Building Inspector.

e.) The Water Department, at the discretion of the Superintendent, may charge a fee of four hundred and fifty dollars (\$450.00) for assistance related to the repeated freezing of private plumbing or the water service.

20.) Delete Section 16-12.6 in its entirety.

21.) Delete Section 16-12.7 in its entirety and replace with the following:

16-12.7 No water shall be supplied to any user except through a meter owned by the City. Any water user requiring a meter larger than the standard five eights (5/8) inch shall purchase the meter from the City vendor that is under contract.

Title and access to the meter shall remain with the City and all present rules and regulations of the Department of Water shall apply thereto.

(a) The Superintendent of Water or his designee shall have the authority to access any water meter for the purpose of visually inspecting the meter and record the reading. In cases where unusual readings or activities have taken place or suspected of taking place, the Water Superintendent or his designee can make random inspections of the water meter.

(b) Once a meter has been installed and inspected by the Water Department, any alterations to the water meter and/or meter connections including the piping cannot be made without written permission from the Water Superintendent.

(c) If a water meter, meter connections, or piping appears to have been altered, a fine of \$300.00 shall be levied against the owner or person occupying the premises.

22.) Delete Section 16-12.9 in its entirety and replace with the following:

16-12.9 No alteration shall be made in any of the pipes or fixtures under the jurisdiction of the City and no meter shall be removed without the permission in writing of the Superintendent of Water. All persons, firms, or corporations wishing to install air conditioning or cooling units, regardless of size, requiring the use of city water shall notify the Superintendent of Water in writing, and enclose the manufacturer's catalog description of the unit.

23.) Delete Section 16-12.11 in its entirety and replace with the following:

16-12.11 If for any reason the owner of any premises wishes the water shut off or the meter removed and the charges stopped, he must give notice to the Superintendent of Water. A charge of twenty-five (\$25.00) dollars shall be made for shutting off the water and/or removing the meter. When the meter is reset and/or the water turned on, another charge of twenty-five (\$25.00) dollars shall be made. The Superintendent of Water or his designee may enter premises of any water user for any purpose connected with the discharge of his duties and may remove or replace any meter that is not working properly, or may make any repairs necessary.

24.) Delete Section 16-12.12c in its entirety and replace with the following:

c. If it appears that the meter has registered with substantial accuracy, the expense of the examination and test shall be paid by the person applying therefore. The expense for each examination and test shall be eleven (\$11.00) dollars. If it appears that the meter has not registered within two percent of accuracy, the expense of the examination and test shall be borne by the City. If the person requests the meter to be tested by an independent vendor, that person shall pay the cost of the test.

25.) Delete Section 16-12.16 in its entirety and replace with the following:

16-12.16 The minimum rates shall be due in advance, with billing schedules to be established by the Superintendent of Water. Interest at the rate of twelve (12%) percent per annum from the date of the bill to the date payment shall be collected for water bills not paid within thirty (30) days of the date of the bill. All charges for specific supplies or supplies for fractional parts of the year shall be payable in advance and before the water is turned on. Water shall not be supplied to any premises until connection fees have been paid in full. This fee is to include all materials necessary for meter installation at the current cost to the City as well as the cost of 500 cubic feet of water at the current rate set by the City, and the cost of 450 cubic feet of sewer at the current rate set by the City if there is a

sewer connection to the property. Any unpaid water bill, sewer use charge, or pipe and labor charge, together with the interest due, shall constitute a lien on the property, and shall be added to the real estate tax bill in accordance with state statutes. A penalty fee of \$12.00 shall be added to each unpaid balance, and shall become a part of said lien. This ordinance to be effective May 5, 2005, with the Council giving permission to the Collector to enclose a separate notice highlighting the change.

26.) Delete Section 16-12.17 in its entirety and replace with the following:

16-12.17 For non-payment of any of the charges for original installation of piping connection, any subsequent charges for labor, repairs, service and materials, or for the non-payment of water rates, (or sewer) for sixty (60) days after the same are due, the Superintendent of Water, with concurrence of the Health Officer, may shut off the water or sewer provided that the City Collector has first notified the owner or agent responsible for the property management by a personal receipt registered letter with receipt card returned, of the Collector's intention to direct the Superintendent of Water, with concurrence of the Health Officer, to shut off the water. Any mailing expense shall be figured and charged as service expense. The sum of twenty-five dollars (\$25.00) shall be charged for turning on the water.

27.) Delete Section 16-12.19 in its entirety and replace with the following:

16-12.19 No person shall by means of a tree, lumber, brick, or building material of any kind, or other article or hindrance, obstruct the access to any hydrants, valves, curb stops, or covers connected with any water pipe within any street, alley, or public place.

28.) Delete Section 16-12.25 in its entirety and replace with the following:

#### 16-12.25 Irrigation Systems

(1) Irrigation systems connected to the municipal water supply must be equipped with moisture sensors or similar climate control technology. These devices are to be approved by the Plumbing Inspector and Superintendent of Water. It is the responsibility of the property owner to ensure these sensors are maintained in working order annually.

a. Installation: A property owner that has an irrigation system and is connected to the municipal sewer system may install an irrigation meter. It is the responsibility of the property owner to purchase the meter, obtain all permits, and ensure that such meter and its associated components are installed by a licensed plumber in accordance with the Water Department's irrigation meter installation procedural guidelines. There shall be an application fee of fifty dollars (\$50.00), which also includes the cost of inspection of the new meter by Water Department staff. No reductions in the sewer bill will be made until the meter has been inspected and approved.

b. Maintenance: The property owner is responsible for the maintenance and any testing of the irrigation meter and its associated components. The cost to test the irrigation

meter system shall be borne by the property owner. Whenever an irrigation meter is found to be out of order, it shall be repaired at the owner's expense.

c. Billing: For purposes of billing, 100% of the irrigation meter reading shall be subtracted from the water meter reading and the sewer use shall be charged at 100% of the difference.

d. Enforcement: A property owner who fails to install the irrigation meter system in accordance with the provisions of the this ordinance shall be liable to a fine of One Hundred Dollars (\$100.00), said penalty to be assessed in accordance with the provisions for the non-criminal disposition of violations in General Laws, Chapter 40, Section 21D as amended.

A property owner who has water use on an irrigation meter during a water emergency situation as declared by the Mayor shall be liable to penalties in accordance with the provisions of Section 16-12.24, Water Emergency.

29.) Delete Section 16-12.26 in its entirety and replace with the following:

Section 16-12.26 Hydrant Use

If for any reason a contractor wishes to use a hydrant, a fee of two hundred (\$200.00) will be paid and an application form filled out. The Department will designate the hydrant to be used and an employee from the city will turn the hydrant on and off. It will be the contractors' responsibility to provide the valve, meter and backflow preventer for the hydrant (hydrant setup) or to rent the proper equipment from the Water Department. The rental fee shall be \$300.00 per week or \$1000.00 per 30 days, with an additional deposit of \$1500.00, which will be returned to the renter upon return of the hydrant setup to the Water Department. Should the rented equipment be damaged or not returned to the Water Department, the above deposit will remain the property of the Water Department.

The backflow preventer shall be tested and certified in the last twelve months or be tested by the City before used. If the contractor damages the hydrant because of improper use, he will be charged the cost of repair or replacement of the hydrant. The water used will be billed at the current rate set by the City.

30.) Delete Section 16-12.27 in its entirety and replace with the following:

Section 16-12.27 Any water user requiring a meter larger than 5/8 inch will be required to purchase the meter. The meter shall be the type required by the Department. It will be the owners' responsibility to have the meter tested annually and to maintain the meter in proper working order. Access to the meter shall remain with the City and all present rules and regulation of the Department shall apply.

31.) Add new Section 16-12.28 with the following:

Section 16-12.28 Any person who fails to be present for a scheduled appointment without prior notification to the Water Department may be charged a twenty-five dollar (\$25.00) missed appointment fee at the discretion of the Superintendent.

32.) Add new Section 16-12.29 with the following:

Section 16-12.29 Any person, business, company, or other entity requesting a hydrant flow test shall be charged an application fee of one hundred dollars (\$100.00). If the flow test is requested to be performed after the regular hours of the Water Department distribution crew or on a weekend or holiday, the entity requesting the flow test will be required to pay in advance the 4-hour callback rate of the Water Department staff that are on site for the flow test.

33.) Delete Section 16-13.4.2 in its entirety and replace with the following:

16-13.4.2 Any new building proposed to be connected to the City's water system is required to have a backflow prevention device located immediately after the water meter. The Water Department has sole responsibility to determine the type of backflow preventer required based on the degree of hazard. The property owner will be responsible for the cost of the device and associated installation cost. The backflow preventer must be maintained according to Massachusetts Department of Environmental Protection regulations 310CMR22.22.

34.) Delete Section 16-13.6 in its entirety and replace with the following:

#### 16-13.6 Fees

The Department shall charge the following fees in connection with the administration of the Cross Connection and Backflow Prevention Program:

Cross Connection Survey	\$85 per unit per day
Cross Connection Survey after Initial Non-Compliant Survey	\$50.00
Test of Backflow Prevention Device by City	\$65 per device
Administrative Fee for Test of Backflow Prevention Device by an Approved Alternate Tester.	\$25 per device
Permit for Back Flow Prevention Device	\$50 per device
Permit for Hydrant Connection	\$200 per connection

35.) Delete Section 16-14 in its entirety and replace with the following:

#### Section 16-14 Private Hydrants and Sprinklers

16-14.1 All persons, firms or corporations wishing to have private hydrants or sprinkler system service lines connected with the City water supply or to alter or repair such installations, shall make application to the Superintendent of Water. For the purposes of this ordinance, the term "sprinkler system service line" shall include all piping from the water main to and including the base of the sprinkler riser. All such applications and plans

for installation, alteration, or repair of private hydrants or sprinkler system service lines shall be submitted in duplicate and shall be subject to the inspection and approval of the Superintendent of Water. Water shall not be turned on unless authorized by the Superintendent. The Superintendent may inspect the hydrants or sprinkler system service lines as often as he deems necessary. Permit and inspection fees will be charged according to 16-10.2. All such fees shall be paid to the City of Attleboro at the time the application is filed.

16-14.2 The installation, alteration or repair of private hydrants and sprinkler system service lines shall be done at the expense of the property owner. All such work shall be done in accordance with the standards set by the Superintendent of Water. Contractors hired to do such work shall be bonded and shall also have the proper indemnification and liability insurance as required under section 16-6.5 and shall have a minimum of three (3) years' experience in such installations. Such work shall be inspected by an authorized representative of the Department during said work and prior to the backfilling or covering of such work. Permit and inspection fees will be charged according to 16-12.2. All such fees shall be paid to the City of Attleboro at the time the application is filed.

All materials used in the installation, alteration or repair of a private hydrant or sprinkler service shall conform to American Water Works Standards (A.W.W.A.) standards and those of the National Board of Fire Underwriters and shall be of the current make and model specified by the City. Sprinklers systems and valves shall be provided with tamper-proof protection as directed by the Fire Chief or under the discretion of his assistants. Devices designed to detect tampering shall be tied to the municipal fire alarm system.

16-14.3 The water supplied through sprinklers and hydrants shall not be used for any purpose except extinguishing fires without permission from the Superintendent of Water.

Relative to the proposed fee increases, the attached spreadsheet shows the fees that the Water Department currently charges for its services, as well as the proposed increase to each fee, if any increase is needed. The spreadsheet shows what is charged for similar services in the three other cities in Bristol County (Fall River, New Bedford, and Taunton), the three communities with which Attleboro currently has emergency water connections (Seekonk, North Attleborough, and Norton), as well as one community where Attleboro has direct water customers (Mansfield).

There are several services to which no increase is needed. I will not discuss those services in this memo, except to state that there is no increase needed because the fees currently charged per the ordinance cover all Water Department costs related to those particular services.

This ordinance update will become effective on 7/1/2020.

**The Mayor** respectfully submits a communication from Superintendent of Wastewater Thomas Hayes regarding the need for ordinance changes and to increase fees charged by the Wastewater Department. City Solicitor Cynthia Amara reviewed the changes to the Revised Ordinances of the City of Attleboro and approved them as to form.

Therefore, the Mayor hereby requests the following amendments of the revised ordinances.

1.) Delete section 16-15.6 “Building Sewers and Connections” in its entirety and replace with the following:

16-15.6 Building Sewers and Connections (amended 10/16/07, 4/5/16)

a. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Superintendent. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Superintendent at least forty-five (45) days prior to the proposed change or connection.

b. There shall be three (3) classes of building sewer permits: for residential and commercial service. There shall be a street opening fee as indicated in Section 16-6.7 of the Ordinance, and a five hundred (\$500.00) dollar fee for each sewer connection inspection to a single residence and a six hundred fifty (\$650.00) dollar fee for each sewer connection to a multi-unit, condominium, or commercial building. Each residential unit shall be considered as a single residence and will require an individual sewer service to the main. The permit shall expire in sixty (60) days from the date of its issuance, unless it is sooner revoked as provided from herein. The permit may be renewed by the Superintendent for an additional thirty (30) days upon written application thereof by the permit holder. The fee for a renewal permit shall be fifty (\$50.00) dollars. All fees shall be paid to the City of Attleboro at the time the permit is issued. A dig safe certificate number and a sidewalk-opening permit will be required before any sewer connection permits are issued.

**SERVICE FEE**

Installation single-family residential sewer connection	\$500.00
Installation multi-unit, condominium sewer connection	\$650.00
Installation commercial sewer connection	\$650.00

For the alteration, or repair of any residential or commercial building sewer from a sewer main to any premises, there shall be a fee of three hundred dollar (\$300.00). All fees shall be paid to the City of Attleboro at the time the permit is issued. A dig safe certificate number and a sidewalk-opening permit shall be obtained before any sewer connection permit shall be issued.

**SERVICE FEE**

Alteration or Repair single-family residential sewer connection \$300.00  
Alteration or Repair multi-unit, condominium sewer connection \$300.00  
Alteration or Repair commercial sewer connection \$300.00

There shall be a fee of six hundred fifty (\$650.00) dollars for each commercial grease interceptor (trap) installed. All fees shall be paid to the City of Attleboro at the time the permit is issued. A dig safe certificate number and a sidewalk-opening permit shall be obtained before any sewer connection permits are issued.

SERVICE FEE  
Installation of a commercial grease interceptor (trap) \$650.00

For the alteration, or repair of any commercial grease interceptor (trap), there shall be a fee of three hundred dollar (\$300.00). All fees shall be paid to the City of Attleboro at the time the permit is issued. A dig safe certificate number and a sidewalk-opening permit shall be obtained before any sewer connection permits are issued.

SERVICE FEE  
Alteration or Repair commercial grease interceptor (trap) \$300.00

A Street opening permit as described in Section 16-6.7 and a sewer connection inspection fee of six hundred fifty (\$650.00) dollars shall be required of any establishment producing industrial wastes. All fees shall be paid to the City of Attleboro at the time the permit is issued. Further regulations and penalties shall apply in accordance with M.G.L. c. 83, § 8.

The owner or his agent shall complete a permit application furnished by the Department of Wastewater. The permit shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent.

SERVICE FEE  
Installation industrial sewer connection \$650.00

c. All costs and expenses incident to the installation and connecting of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.

d. A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one building.



e. Old building sewers may be used in connection with new buildings only if the Superintendent determines that such old sewers comply with all requirements of this ordinance.

f. The size, slope alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code and other applicable ordinances of the City. In the absence of code provisions, or in amplification thereof, the materials and procedures set forth in the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

g. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharge to the building sewer. All clean-outs to say connections shall be installed a minimum of eighteen (18) inches from the floor. In addition, a clean out is required within four (4) feet outside of the building foundation.

h. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water including sump pumps, swimming pools or to basement drains to a building sewer, which in turn is connected directly or indirectly to a public sanitary sewer.

i. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code and other applicable ordinances of the City, and the procedures set forth in appropriate specification of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

j. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative. Upon connection of any sewer line located in any land or way, public or private, opened or proposed to be opened for public travel to the municipal wastewater system, such line shall be a "public sewer" as defined in Section 16-15.3 (i).

k. All excavations for building sewer installation shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

l. The installation, alteration, or repair of any building sewer from a sewer main to any premises shall be done at the expense of the property owner. All such work shall be done in accordance with standards set by the Superintendent. Contractors hired to do such work shall be bonded and shall have a minimum of three (3) years' experience in

such installations. An authorized representative of the Department shall inspect such work during said work and prior to the backfilling or covering of such work.

m. Whoever is found installing or repairing a sewer connection or extension before applying and obtaining a signed proper permit shall be punished by a fine of not more than one hundred dollars (\$100.00) for the first offense and two hundred dollars (\$200.00) for any subsequent offense. Until said amount is paid in full, said person will not be allowed to apply for any additional water or sewer permits in the City of Attleboro. All permits issued herein shall be physically present at the job site. If any person is found to be installing or repairing a sewer connection or extension without a permit at the job site, a fifty (\$100.00) dollar fine will be assessed to said person. (Amended 4/5/16)

n. If a contractor covers or backfills any work on a sewer or sewer connection before an inspection has been completed by the Superintendent or his designee, a \$100.00 fine will be assessed to said contractor. In addition, the contractor will be required to reopen the trench to the inspector's satisfaction exposing the work in order for the inspection to be completed.

2.) Delete section 16-15.11 "Wastewater Discharge Permit Application" in its entirety and replace with the following:

#### 16-15.11 Wastewater Discharge Permit Application

##### 1. Wastewater Analysis

When requested by the Superintendent, a user must submit information on the nature and characteristics of its wastewater within 30 days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require users to update this information.

##### 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 Superintendent, except that a significant industrial user that has filed a timely application pursuant to 16-15.11 (3) of this ordinance may continue to discharge for the time period specified.

b. The Superintendent may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.

c. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Section 16-15.22 and 16-15.2 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.

d. An Industrial User Permit fee is hereby established for each industry that participates in the Industrial Pretreatment Program. The fee for said permit shall be ten thousand dollars (10,000.00) for a CLASS I permit and two thousand dollars (\$2,000.00) for a CLASS II Closed Loop permit. All such permits shall be renewed every five years.

SERVICE FEE NOTE

Industrial User Permit

CLASS I \$10,000.00 Renewable every 5 years

Industrial User Permit Closed Loop

CLASS II \$2,000.00 Renewable every 5 years

3. Wastewater Discharge Permitting: Existing Connections

a. Existing Conditions

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall within 90 days after said date, apply to the Superintendent for a wastewater discharge permit in accordance with 16-15.11 (4) of this ordinance, and shall not cause or allow discharges to the POTW to continue after 30 days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the Superintendent.

b. New Conditions

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with 16-15.11 (4) of this ordinance, must be filed at least 30 days prior to the date upon which any discharge shall begin or recommence.

4. Wastewater Discharge Permit Application Contents

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

a. All information required by 16-15.13 (5b) of this ordinance;

- b. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally, be discharged to the POTW;
- c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- d. Each product produced by type, amount, process or processes, and rate of production;
- e. Type and amount of raw materials processed (average and maximum per day);
- f. Site plans, flow 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;
- g. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
- h. Requirements to control Sludge Discharge, if determined by the Superintendent to be necessary;
- i. Time and duration of discharges; and
- j. Any other information as maybe deemed necessary by the Superintendent to evaluate the wastewater discharge permit application. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

## 5. Application Signatories and Certification

All wastewater discharge permit application and user reports shall be signed by an authorized representative of the user and contain the following certification:

“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.”

## 6. Wastewater Discharge Permit Decisions

The Superintendent shall evaluate the data furnished by the user and may require additional information. Within 30 days of receipt of a complete wastewater discharge permit application, the Superintendent shall determine whether to issue a wastewater discharge permit. The Superintendent may deny any application for a wastewater discharge permit.

3.) Delete section 16-15.12 “Wastewater Discharge Permit Issuance Process” in its entirety and replace with the following:

#### 16-15.12 Wastewater Discharge Permit Issuance Process

##### 1. Wastewater Discharge Permit Duration

a. A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Superintendent. Each wastewater discharge permit shall indicate a specific expiration date.

##### 2. Wastewater Discharge Permit Classes:

a. Wastewater Discharge Permit Class I – To be determined by the Superintendent or approval authority to be a Significant Industrial User and/or a Categorical Industrial User and discharges to the sewer system with a potential of pass through or interference;

b. Wastewater Discharge Permit Class II – To be determined by the Superintendent or approval authority to be a Significant Industrial User and/or a Categorical Industrial User and uses a closed loop system with a potential of pass through or interference;

##### 3. Wastewater Discharge Permit Contents

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

##### 4. Wastewater discharge permits shall contain:

a. A statement that indicates the duration of the wastewater discharge permit shall not exceed five years;

b. A statement that the wastewater discharge permit is nontransferable without prior notification to the City of Attleboro in accordance with the permit requirements, and

provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

c. Effluent limitations based on applicable pretreatment standards, including categorical standards, local limits, or other discharge prohibitions;

d. 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;

e. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule shall not extend the time for compliance beyond that required by applicable Federal, State, or local law.

#### 5. Waste Discharge Permit Modification

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

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

b. To address significant alternations or additions to the user's operations, 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 to the facility ownership or operation to a new owner or operator.

## 6. Wastewater Discharge Permit Revocation

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

a. Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge;

b. Failure to provide prior notification to the Superintendent of changed conditions pursuant to Section 16-15.14 (3) 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 Superintendent timely access to the facility, premises or 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 business ownership of a permitted facility; or

m. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance. 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 the current user.

## 7. Wastewater Discharge Permit Appeals

The Superintendent shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Superintendent to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice of its issuance.

a. Failure to submit a timely petition for view 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 Superintendent fails to act within ten (10) 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.

e. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with a court of competent jurisdiction.

4.) Delete section 16-15.13 “Reporting Requirements” in its entirety and replace with the following:

#### 16-15.13 REPORTING REQUIREMENTS

##### 1. Baseline Monitoring Reports

a. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6 9a) (4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Superintendent a report which contains the information listed in 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 submit to the Superintendent a report which contains the information listed in paragraph b, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

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



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

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

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

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

(5) Measurement 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 Superintendent, 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 16-15.14 (7).

(c) Sampling must be performed in accordance with procedures set out in 16-15.14 (8) of this ordinance.

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

(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 must be adhered to. 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 16-15.14 of this ordinance.

(8) Signature and Certification: All baseline monitoring reports must be signed and certified in accordance with Section 16-15.11(5) of this ordinance.

- 5.) Delete section 16-15.15 in its entirety and replace with the following:

16-15.15 POWERS AND AUTHORITY OF INSPECTORS

The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties within the City of Attleboro with the consent of the owner or lessee for the purpose of inspection and observation, taking of measurements and samples, and testing in accordance with the provisions of this ordinance, including the ability to inspect and copy records thereon. While performing the necessary work in private properties, the Superintendent, or duly authorized employees of the City, shall follow fundamental safety precautions while on the premises, and the property owner shall be held harmless for injury or death to the City employees, and the City shall indemnify the property owner against liability claims and demands for personal injury or property damage asserted against the property owner while on the premises except as such may be caused by negligence or failure of the property owner to maintain safe conditions.

- 6.) Delete section 16-16.2 in its entirety and replace with the following:

16-16.2 If approval is granted and prior to any main extension, the contractor must obtain a permit from the office of the Superintendent of Wastewater to perform the work. A fee of one thousand (\$1000.00) dollars plus four dollars (\$4.00) per linear foot and a maintenance fee of 25% of the total permit fee shall be paid prior to issuing a permit. The permit shall expire in sixty (60) days from the date of its issuance, unless it is sooner revoked as provided from herein. The permit may be renewed by the Superintendent for an additional thirty (30) days upon written application thereof by the permit holder. The fee for a renewal permit shall be fifty (\$50.00) dollars. All fees shall be paid to the City of Attleboro at the time the permit is issued.

SERVICE	FEE	NOTE
Sewer Main Extension	\$1,000.00	plus a \$4 per linear foot and a 25% maintenance fee

- 7.) Delete section 16-18.9 in its entirety and replace with the following:

16-18.9 (amended 9/16/14) No Significant Commercial User shall discharge wastewater into the POTW without first obtaining a Commercial User Permit from the Superintendent of Wastewater. A permit fee of two hundred fifty (\$250.00) dollars shall be paid prior to issuing the Commercial User Permit. A Commercial User Permit cannot be transferred to another person or entity and shall be renewed every two years.

SERVICE	FEE	NOTE
Commercial User Permit	\$250.00	Renewable every 2 years

8.) Delete section 16-19.7 in its entirety and replace with the following:

16-19.7 The charge to process septage shall be \$7.00 per 100 gallons. This charge shall be based on the full, registered capacity of the truck.

SERVICE FEE NOTE

Disposal of Septic Tank Waste Fee \$7.00 per 100 gallons based on the full, registered capacity of the truck

9.) The City of Attleboro Department of Wastewater administers an Industrial Pretreatment Program, which monitors the wastewater discharges of industrial and commercial users in the City. The Department has been delegated as the Control Authority by the U.S. Environmental Protection Agency, and is required to monitor the compliance of, dental dischargers in regards to 40 CFR 441 through a Dental Permitting Program. Therefore, I propose the following new ordinance:

16-22 DENTAL AMALGAM PROGRAM

16-22.1 APPLICABILITY

(a) Except as provided in paragraphs (c), (d), and (e) of this section, this ordinance applies to dental dischargers.

(b) Unless otherwise designated by the Control Authority, dental dischargers subject to this ordinance are not Significant Industrial Users as defined in 40 CFR part 403, and are not “Categorical Industrial Users” or “industrial users subject to categorical pretreatment standards” as those terms and variations are used in 40 CFR part 403, as a result of applicability of this rule.

(c) This ordinance does not apply to dental dischargers that exclusively practice one or more of the following dental specialties: Oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, periodontics, or prosthodontics.

(d) This ordinance does not apply to wastewater discharges from a mobile unit operated by a dental discharger.

(e) This ordinance does not apply to dental dischargers that do not discharge any amalgam process wastewater to a POTW, such as dental dischargers that collect all dental amalgam process wastewater for transfer to a Centralized Waste Treatment facility as defined in 40 CFR part 437.

(f) Dental Dischargers that do not place dental amalgam, and do not remove amalgam except in limited emergency or unplanned, unanticipated circumstances, and that certify such to the Control Authority as required in 16-22.5 are exempt from any further requirements of this ordinance.

## 16-22.2 GENERAL DEFINITIONS

(a) “Amalgam Process Wastewater” means any wastewater generated and discharged by a dental discharger through the practice of dentistry that may contain dental amalgam.

(b) “Amalgam Separator” means a collection device designed to capture and remove dental amalgam from the amalgam process wastewater of a dental facility.

(c) “Control Authority” means the City of Attleboro Department of Wastewater.

(d) “Dental Amalgam” means an alloy of elemental mercury and other metal(s) that is used in the practice of dentistry.

(e) “Dental Discharger” means a facility where the practice of dentistry is performed, including, but not limited to, institutions, permanent or temporary offices, clinics, home offices, and facilities owned and operated by Federal, state or local governments, that discharges wastewater to a publicly owned treatment works (POTW).

(f) “Duly Authorized Representative” as defined in 16-15.4.a.

(g) “Existing Sources” means a dental discharger that is not a new source.

(h) “Mobile Unit” means a specialized mobile self-contained van, trailer, or equipment used in providing dentistry services at multiple locations.

(i) “New Sources” means a dental discharger whose first discharge to a POTW occurs after July 14, 2017.

(j) “Publicly Owned Treatment Works”, as defined in 16-15.4.u, means 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.”

## 16-22.3 PRETREATMENT STANDARDS FOR EXISTING SOURCES (PSES)

No later than July 14, 2020, any existing source subject to this ordinance must achieve the following pretreatment standards:

(a) Removal of dental amalgam solids from all amalgam process wastewater by one of the following methods:

(1) Installation, operation, and maintenance of one or more amalgam separators that meet the following requirements:

(i) Compliant with either the American National Standards Institute (ANSI) American National Standard/American Dental Association (ADA) Specification 108

for Amalgam Separators (2009) with Technical Addendum (2011) or the International Organization for Standardization (ISO) 11143 Standard (2008) or subsequent versions so long as that version requires amalgam separators to achieve at least a 95% removal efficiency. Compliance must be assessed by an accredited testing laboratory under ANSI's accreditation program for product certification or a testing laboratory that is a signatory to the International Laboratory Accreditation Cooperation's Mutual Recognition Arrangement. The testing laboratory's scope of accreditation must include ANSI/ADA 108-2009 or ISO 11143.

(ii) The amalgam separator(s) must be sized to accommodate the maximum discharge rate of amalgam process wastewater.

(iii) A dental discharger subject to this ordinance that operates an amalgam separator that was installed at a dental facility prior to June 14, 2017, satisfies the requirements of paragraphs (a) (1) (i) and (ii) of this section until the existing separator is replaced as described in paragraph (a) (1) (v) of this section or until June 14, 2027, whichever is sooner.

(iv) The amalgam separator(s) must be inspected in accordance with the manufacturer's operating manual to ensure proper operation and maintenance of the separator(s) and to confirm that all amalgam process wastewater is flowing through the amalgam-retaining portion of the amalgam separator(s).

(v) In the event that an amalgam separator is not functioning properly, the amalgam separator must be repaired consistent with manufacturer instructions or replaced with a unit that meets the requirements of paragraphs (a) (i) and (ii) of this section as soon as possible, but no later than 10 business days after the malfunction is discovered by the dental discharger, or an agent or representative of the dental discharger.

(vi) The amalgam retaining units must be replaced in accordance with the manufacturer's schedule as specified in the manufacturer's operating manual or when the amalgam-retaining unit has reached the maximum level, as specified by the manufacturer in the operating manual, at which the amalgam separator can perform to the specified efficiency, whichever comes first.

(2) Installation, operation, and maintenance of one or more amalgam removal device(s) other than an amalgam separator. The amalgam removal device must meet the following requirements:

(i) Removal efficiency of at least 95 percent of the mass of solids from all amalgam process wastewater. The removal efficiency must be calculated in grams recorded to three decimal places, on a dry weight basis. The removal efficiency must be demonstrated at the maximum water flow rate through the device as established by the device manufacturer's instructions for use.

(ii) The removal efficiency must be determined using the average performance of three samples. The removal efficiency must be demonstrated using a test sample of dental amalgam that meets the following particle size distribution specifications: 60 percent by mass of particles that pass through a 3150  $\mu\text{m}$  sieve but which do not pass through a 500  $\mu\text{m}$  sieve, 10 percent by mass of particles that pass through a 500  $\mu\text{m}$  sieve but which do not pass through a 100  $\mu\text{m}$  sieve, and 30 percent by mass of particles that pass through a 100  $\mu\text{m}$  sieve. Each of these three specified particle size distributions must contain a representative distribution of particle sizes.

(iii) The device(s) must be sized to accommodate the maximum discharge rate of amalgam process wastewater.

(iv) The device(s) must be accompanied by the manufacturer's manual providing instructions for use including the frequency for inspection and collecting container replacement such that the unit is replaced once it has reached the maximum filling level at which the device can perform to the specified efficiency.

(v) The device(s) must be inspected in accordance with the manufacturer's operation manual to ensure proper operation and maintenance; including confirmation, that amalgam process wastewater is flowing through the amalgam-separating portion of the device(s).

(vi) In the event that a device is not functioning properly, it must be repaired consistent with manufacturer instructions or replaced with a unit that meets the requirements of paragraphs (a) (2) (i) through (iii) of this section as soon as possible, but no later than 10 business days after the malfunction is discovered by the dental discharger, or an agent or representative of the dental discharger.

(vii) The amalgam retaining unit(s) of the device(s) must be replaced as specified in the manufacturer's operating manual, or when the collecting container has reached the maximum filling level, as specified by the manufacturer in the operating manual, at which the amalgam separator can perform to the specified efficiency, whichever comes first.

(viii) The demonstration of the device(s) under paragraphs (a) (2) (i) through (iii) of this section must be documented in the One-Time Compliance Report.

(b) Implementation of the following Best Management Practices (BMPs):

(1) Eliminate all use of bulk elemental mercury (also referred to as liquid or raw mercury).

(2) Use only pre-capsulated dental amalgam in the smallest appropriate size.

(3) Waste amalgam including, but not limited to, dental amalgam from chair-side traps, screens, vacuum pump filters, dental tools, cuspidors, or collection devices, must not be discharged to a POTW.

(4) Change or empty chair-side traps frequently and store the trap and its contents with amalgam waste in amalgam waste containers.

(5) Never rinse traps in the sink.

(6) Dental unit water lines, chair-side traps, and vacuum lines that discharge amalgam process wastewater to a POTW must not be cleaned with oxidizing or acidic cleaners, including but not limited to bleach, chlorine, iodine and peroxide that have a pH lower than 6 or greater than 8.

(7) Change vacuum pump filters and screens as needed or as directed by the manufacturer and store them with amalgam waste.

(8) For dry vacuum turbine units, have a qualified maintenance technician, amalgam recycler, or hazardous waste disposal service pump out and clean the air-water separator tank.

(9) Have a licensed recycling contractor, mail-in service, or hazardous waste hauler remove your amalgam waste.

(10) Maintain written or computerized logs onsite of amalgam waste generated and of amalgam waste removed from the vacuum system or plumbing. Store all amalgam in airtight containers. Never pour fixer solution down the drain.

(11) Train staff in proper handling, management, and disposal of mercury-containing material and fixer solutions. Maintain a training log.

(c) All material is available for inspection at EPA's Water Docket, EPA West, 1301 Constitution Avenue NW., Room 3334, Washington, DC 20004, Telephone: 202-566-2426, and is available from the sources listed below.

(1) The following standards are available from the American Dental Association (ADA), 211 East Chicago Ave., Chicago IL 60611-2678, Telephone 312-440-2500, <http://www.ada.org>.

(i) ANSI/ADA Specification No. 108:2009, American National Standard/American Dental Association Specification No. 108 Amalgam Separators. February 2009.

(ii) ANSI/ADA Specification No. 108:2009 Addendum, American National Standard/American Dental Association Specification No. 108 Amalgam Separators, Addendum. November 2011.

(2) The following standards are available from the American National Standards Institute (ANSI), 25 West 43rd Street, 4th Floor, New York, NY 10036, Telephone 212-642-4900, <http://webstore.ansi.org>.

(i) International Standard ISO 11143:2008, Dentistry—Amalgam Separators. Second edition, July 1, 2008.

#### 16-22.4 PRETREATMENT STANDARDS FOR NEW SOURCES (PSNS)

As of July 14, 2017, any new source subject to this ordinance must comply with the requirements of 16-22.3 (a) and (b) and the reporting and recordkeeping requirements of 16-22.5.

#### 16-22.5 REPORTING AND RECORDKEEPING REQUIREMENTS

(a) Dental Dischargers subject to this ordinance must comply with the following reporting requirements in lieu of the otherwise applicable requirements in 40 CFR 403.12(b), (d), (e), and (g).

(1) One-Time Compliance Report deadlines. For existing sources, a One-Time Compliance Report must be submitted to the Control Authority no later than October 12, 2020, or 90 days after a transfer of ownership. For new sources, a One-Time Compliance Report must be submitted to the Control Authority no later than 90 days following the introduction of wastewater into a POTW.

(2) Signature and certification. The One-Time Compliance Report must be signed and certified by a responsible corporate officer, a general partner or proprietor if the dental discharger is a partnership or sole proprietorship, or a duly authorized representative in accordance with the requirements of 40 CFR 403.12(l).

(3) Contents.

(i) The One-Time Compliance Report for dental dischargers subject to this ordinance that do not place or remove dental amalgam as described at 16-22.1 (f) must include the: facility name, physical address, mailing address, contact information, name of the operator(s) and owner(s); and a certification statement that the dental discharger does not place dental amalgam and does not remove amalgam except in limited circumstances.

(ii) The One-Time Compliance Report for dental dischargers subject to the standards of this ordinance must include:

(A) The facility name, physical address, mailing address, and contact information.

(B) Name(s) of the operator(s) and owner(s).

(C) A description of the operation at the dental facility including: The total number of chairs, the total number of chairs at which dental amalgam may be present in the resulting wastewater, and a description of any existing amalgam separator(s) or equivalent device(s) currently operated to include, at a minimum, the make, model, year of installation

(D) Certification that the amalgam separator(s) or equivalent device is designed and will be operated and maintained to meet the requirements specified in 16-22.3 or 16-22.4.

(E) Certification that the dental discharger is implementing BMPs specified in 16-22.3 (b) or 16-22.4 (b) and will continue to do so.

(F) Annual recertification attesting to the content of (D) and (E) above.

(G) The name of the third-party service provider that maintains the amalgam separator(s) or equivalent device(s) operated at the dental office, if applicable. Otherwise, a brief description of the practices employed by the facility to ensure proper operation and maintenance in accordance with 16-22.3 or 16-22.4.

(H) 24 hour notification given to the Department of Wastewater in the event of an amalgam separator equipment failure.

(iii) All compliance reports, certifications and documents provided to the Department of Wastewater will include a certification statement. The certification statement will read as follows:

“I am a responsible corporate officer, a general partner or proprietor (if the facility is a partnership or sole proprietorship), or a duly authorized representative in accordance with the requirements of § 403.12(l) of the above named dental facility, and 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.”

(4) Transfer of ownership notification. If a dental discharger transfers ownership of the facility, the new owner must submit a new One-Time Compliance Report to the Control Authority no later than 90 days after the transfer.

(5) Retention period. As long as a Dental Discharger subject to this ordinance is in operation, or until ownership is transferred, the Dental Discharger or an agent or representative of the dental discharger must maintain the One-Time Compliance Report required at paragraph (a) of this section and make it available for inspection in either physical or electronic form.



(b) Dental Dischargers or an agent or representative of the dental discharger must maintain and make available for inspection in either physical or electronic form, for a minimum of three years:

(1) Documentation of the date, person(s) conducting the inspection, and results of each inspection of the amalgam separator(s) or equivalent device(s), and a summary of follow-up actions, if needed.

(2) Documentation of amalgam retaining container or equivalent container replacement (including the date, as applicable).

(3) Documentation of all dates that collected dental amalgam is picked up or shipped for proper disposal in accordance with 40 CFR 261.5(g)(3), and the name of the permitted or licensed treatment, storage or disposal facility receiving the amalgam retaining containers.

(4) Documentation of any repair or replacement of an amalgam separator or equivalent device, including the date, person(s) making the repair or replacement, and a description of the repair or replacement (including make and model).

(5) Dischargers or an agent or representative of the dental discharger must maintain and make available for inspection in either physical or electronic form the manufacturers operating manual for the current device.

#### 16-22.6 DENTAL DISCHARGE PERMIT REQUIREMENTS

(a) No dental discharger shall discharge amalgam process wastewater into the POTW without first obtaining a dental discharge permit from the Superintendent.

(b) Any violation of the terms and conditions of a dental discharge permit shall be deemed a violation of this ordinance and subjects the dental discharge permittee to the sanctions set out in Section 16-21.1 and 16-21.2 of this ordinance. Obtaining a dental discharge permit does not relieve a permittee of its obligation to comply with all Federal and State requirements or with any other requirements of Federal, State, and local law.

(c) A Dental Discharge Permit fee is hereby established for each dental discharger that participates in the Dental Amalgam Program. The fee for said permit shall be two thousand dollars (\$2,000.00) and shall be renewed every five years.

SERVICE	FEE	NOTE
---------	-----	------

Dental Amalgam Discharge Permit	\$2,000.00	Renewable every 5 years
---------------------------------	------------	-------------------------

#### 16-22.7 DENTAL DISCHARGE PERMIT ISSUANCE PROCESS

(a) Dental Discharge Permit Duration

(1) A dental discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. Each dental discharge permit will indicate a specific date upon which it will expire.

(b) Dental Discharge Permit Contents

A dental discharge permit must contain:

(1) A statement that indicates dental discharge permit duration, which in no event shall exceed more than five years;

(2) A statement that dental discharge permits are nontransferable;

- (3) A list of Best Management Practices to adhere to;
- (4) A list of recordkeeping requirements and monitoring requirements;
- (c) Dental Discharge Permit Modification

The Superintendent may modify a dental discharge permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- (2) To address significant alternations or additions to the user's operations since the time of dental discharge permit issuance;
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;
- (5) Violation of any terms or conditions of the dental discharge permit;
- (6) Misrepresentations or failure to fully disclose all relevant facts in the dental discharge permit application or in any required reporting;
- (7) To correct typographical or other errors in the wastewater discharge permit.

- (d) Dental Discharge Permit Revocation

The Superintendent may revoke a dental discharge permit for good cause including but not limited to, the following reasons:

- (1) Failure to maintain amalgam separator device(s) according to manufacturer's recommendations;
- (2) Failure to adhere to Best Management Practices as described in the Dental Discharge Permit;
- (3) Misrepresentation or failure to fully disclose all relevant facts in the dental discharge permit application;
- (4) Falsifying self-monitoring reports;
- (5) Tampering with amalgam separator equipment;
- (6) Refusing to allow the Superintendent timely access to the facility premises and records;
- (7) Failure to pay fines;
- (8) Failure to pay sewer charges;
- (9) Failure to meet compliance schedules;
- (10) Failure to complete a dental discharge permit renewal application;
- (11) Violation of any pretreatment standard or requirement, or any terms of the dental discharge permit or this ordinance. Dental discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All dental discharge permits issued to a particular user are void upon the issuance of a new dental discharge permit to that user.

- (e) Dental Discharge Permit Appeals

The Superintendent shall provide public notice of the issuance of a dental discharge permit. Any person, including the user, may petition the Superintendent to reconsider the terms of a dental discharge permit within thirty (30) days of notice of its issuance.

- (1) Failure to submit a timely petition for view shall be deemed to be a waiver of the administrative appeal.

(2) In its petition, the appealing party must indicate the dental discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the dental discharge permit.

(3) The effectiveness of the dental discharge permit shall not be stayed pending the appeal.

(4) If the Superintendent fails to act within ten (10) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a dental discharge permit, not to issue a dental discharge permit, or not to modify a dental discharge permit, shall be considered final administrative actions for purposes of judicial review.

(5) Aggrieved parties seeking judicial review of the final administrative dental discharge permit decision must do so by filing a complaint with a court of competent jurisdiction.

## 16-22.8 COMPLIANCE MONITORING

### (a) Compliance Samples

The terms of the Dental Discharge Permit require adhering to Best Management Practices as referenced in 16-22.3 Pretreatment Standards for Existing Sources (PSES) as well as to reporting and recordkeeping requirements as referenced in 16-22.5 Reporting and Recordkeeping Requirements. If, in the opinion of the superintendent, the standards and requirements as referenced in 16-22.3 and 16-22.5 are not being met by the dental discharger, the dental discharger may, at the sole discretion of the superintendent, be required to sample their dental discharge, at the expense of the dental discharger, for any and all parameters deemed necessary follows:

(1) All samples will be a Grab type sample;

(2) All samples will be collected from the discharge side of the amalgam separator/equivalent device;

(3) All samples will be properly preserved and analyzed by a certified laboratory using an approved method according to 40CFR Part 136.

### (b) Compliance Sample Reporting

(1) A copy of the analysis report must be submitted to the Department of Wastewater within five (5) business days of its receipt by the dental discharger;

(2) The analysis report must include a Chain-of-Custody containing the name and signature of any person(s) who handle the samples in the field and laboratory.

## 16-22.9 POWERS AND AUTHORITY OF INSPECTORS

The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties within the City of Attleboro with the consent of the owner or lessee for the purpose of inspection and observation, taking of measurements and samples, and testing in accordance with the provisions of this ordinance, including the ability to inspect and copy records thereon. While performing the necessary work in private properties, the Superintendent, or duly authorized employees of the City, shall follow fundamental safety precautions while on the premises, and the property owner shall be held harmless for injury or death to the City employees, and the City shall indemnify the property owner against liability claims and

demands for personal injury or property damage asserted against the property owner while on the premises except as such may be caused by negligence or failure of the property owner to maintain safe conditions.

#### 16-22.10 PROTECTION FROM DAMAGE

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment, which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

#### 16-22.11 ACCIDENTAL DISCHARGES/ ACCIDENTAL BY-PASS OF THE AMALGAM SEPARATOR OR EQUIVALENT DEVICE

(a) It is the responsibility of the dental discharger to ensure that all amalgam process wastewater is being properly discharged to an amalgam separator/equivalent device as referenced in 16-22.3 Pretreatment Standards for Existing Sources (PSES).

(b) Further, it is also the responsibility of the dental discharger to ensure that no amalgam separator/equivalent device is operating in by-pass mode.

(c) If either of the deficient conditions referenced in 16-22.11. (a) and 16-22.11. (b) above are discovered to exist, the following action must be taken by the dental discharger:

- (1) Immediately cease any amalgam process wastewater discharges;
- (2) Correct the deficient condition(s);
- (3) Restore the amalgam process wastewater discharge;
- (4) Attempt to determine the duration of the deficient condition;
- (5) Notify the superintendent within 24 hours of discovering the deficient condition.

#### 16-22.12 SEARCH WARRANTS

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

#### 16-22.13 CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, surveys, dental discharge permit applications, dental discharge permits, and monitoring programs, and from the Superintendent 's 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 Superintendent, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of

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

This ordinance update will become effective on 7/1/2020.