

SEWER RULES AND REGULATIONS

IN

HINGHAM, MASSACHUSETTS

ADOPTED BY

**THE HINGHAM BOARD OF SEWER
COMMISSIONERS**

AMENDED AND RESTATED

Month day, 2021

TABLE OF CONTENTS

Introduction		4
--------------	--	---

Division I **Use and Installation of Sewers**

Section 1	Authority	5
Section 2	Definitions	5
Section 3	Use of Public Sewer System Required	9
Section 4	Private Wastewater Disposal	10
Section 5	Building Sewers and Connections	10
Section 6	Use of Public Sewer System	13
Section 7	Destruction of Property	17
Section 8	Powers and Authority of Inspectors	17
Section 9	Enforcement	18
Section 10	Penalties	18
Section 11	Sewers in New Subdivisions	19
Section 12	Private Sewer Collection Systems	19
Section 13	Sewer Connection Approval Criteria	21
Section 14	Inspection of Sewer Connection at Time of Transfer of Title	23
Section 15	Private Extensions within the Hingham Sewer District	23
Section 16	Sewers in Flood Prone Areas	24
Section 17	Validity	24
Section 18	Appeals	24
Section 19	Assessments	24
Section 20	Changes in these Rules and Regulations	24
Section 21	Regulations in Force	24

Division II **Sewer Betterments, Assessments, Sewer Fees and User Charges**

Section 1	Sewer Assessments and Sewer Privileges (Betterments, Privilege Fees and Sewer Connections)	26
Section 2	User Charges	31
Section 3	Fees	32
Section 4	Effective Date	32

Appendices

Appendix A	Standard Applications and Permits
Appendix B	Sewer Service Connection Specifications
Appendix C	Policy for On-Lot Individual Grinder Pump Unit Installation
Appendix D	Town of Hingham Regulation - Fats, Oil, & Grease (FOG) Pretreatment Systems
Appendix E	Rules and Specifications Governing Street Excavations
Appendix F	Private Sewer Extension Policy
Appendix G	Special Acts, Approvals and Agreements Related to the Hingham Sewer Districts
Appendix H	Explanation of Hingham Sewer District Infiltration and Inflow Sewer Fees
Appendix I	Explanation of Weir River Sewer District Infiltration and Inflow Sewer Fees
Appendix J	Fees Schedule
Appendix K	Sewer Connection Fee Examples
Appendix L	Hull Intermunicipal Agreement
Appendix M	Hingham Consolidation Agreement

COMMONWEALTH OF MASSACHUSETTS
TOWN OF HINGHAM
BOARD OF SEWER COMMISSIONERS

AMENDED AND RESTATED
SEWER RULES AND REGULATIONS

INTRODUCTION

In 1987 the Town of Hingham, acting through its Board of Sewer Commissioners, by authority of the Acts of 1946, Chapter 82, Section 13, adopted “Regulations Governing the Public Sanitary Sewer System in the North Sewer District of the Town of Hingham, Massachusetts” governing the construction, extension, maintenance, use, and operation of the sanitary sewerage system in the North Sewer District (since renamed to the Hingham Sewer District) of the Town of Hingham, including any subsequent alterations and extensions thereof, as part of the South Metropolitan Sewer District (now the Massachusetts Water Resources Authority – MWRA) referred to in Chapter 92 of the General Laws, and relative to control of connections to said sanitary sewerage system. Subsequently, the Town created additional sewer districts and adopted certain policies and regulations relative to the system and its various districts.

The Town of Hingham, acting through its Board of Sewer Commissioners hereby amends and restates said rules and regulations, for the purpose of 1) making the language consistent with current best practices as well as state and federal requirements, 2) modifying the approved methodology for establishing, calculating, and assessing sewer assessments and establishing related fees and charges, 3) incorporating the various sewer districts, and 4) formally incorporating amendments and policies adopted since said rules and regulations were adopted in 1987. All actions taken by the Board of Sewer Commissioners subsequent to the adoption of these amended and restated rules and regulations shall be based upon applicable law, these rules and regulations, and any policies adopted consistent herewith.

THEREFORE, all previously adopted rules and regulations governing the public sewer system are hereby amended and restated, as follows:

DIVISION I - USE AND INSTALLATION OF SEWERS

Section 1: AUTHORITY

The Hingham Board of Sewer Commissioners adopts the following Rules and Regulations pursuant to statutory and regulatory authorization which includes but is not limited to the Commonwealth of Massachusetts, Acts of 1946, chapter 82, section 13.

Section 2: DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in these Rules and Regulations shall be as follows:

“**Act**” shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq., and the regulations promulgated thereunder, as amended from time to time.

“**ASTM**” shall mean the American Standard Testing Method or American Society for Testing & Materials.

“**Bedroom**” shall mean a room providing privacy, intended primarily for sleeping and consisting of all of the following:

- a. floor space of no less than 70 square feet;
- b. 50% or more floor space being located above grade;
- c. an entrance doorway of less than 60 inches;
- d. for new construction, a ceiling height of no less than 7’3”;
- e. for existing houses and for mobile homes, a ceiling height of no less than 7’0”;
- f. an electrical service and ventilation; and
- g. at least one egress window.

Living rooms, dining rooms, kitchens, halls, bathrooms, unfinished cellars and unheated storage areas over garages are not considered Bedrooms. Single family dwellings shall be presumed to have at least three (3) Bedrooms. Where the total number of rooms for a single family dwelling exceeds eight (8), not including bathrooms, hallways, unfinished cellars and unheated storage areas, the presumed number of Bedrooms shall be calculated by dividing the total number of rooms by two then rounding down to the next largest whole number.

“**Biochemical Oxygen Demand**” (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 deg. C, expressed in milligrams per liter (mg/l).

“**Building Drain**” shall mean that part of the lowest piping of a drainage system which receives the discharge from waste and other drainage pipes insides the walls of the building and conveys it to the Building Sewer, ending five (5) feet outside the inner face of the building wall.

“**Building Sewer**” shall mean the extension from the Building Drain to the Public Sewer, also called “House Connection”.

“**Combined Sewer**” shall mean a Sewer intended to receive both wastewater and storm or surface water.

“**Commission**” shall mean the Board of Sewer Commissioners of the Town of Hingham, or any agent or officer duly authorized to act in its place from time to time, including the Superintendent and the Supervisor.

“**Compatible Pollutant**” shall mean Biochemical Oxygen Demand, Suspended Solids, pH, and fecal coliform bacteria.

“**Consolidation Agreement**” shall mean a duly executed agreement between the Hingham Sewer Commission and the Hingham Board of Selectmen regarding the consolidation of the day-to-day operations of the Hingham Sewer Department into the Hingham Department of Public Works as specifically described and attached hereto as Appendix M.

“**Developer**” shall mean any individual, group of individuals, trust, corporation or builder who improves the condition of a lot or lots and/or builds on them.

“**Drainlayer**” shall mean a Person who has an active license to install Building Sewers in the Town.

“**Easement**” shall mean the legal right for the specific use of land owned by others as evidenced by a recorded instrument setting forth such right.

“**Engineer**” shall mean the engineer or engineering firm duly authorized to act on behalf of the Commission.

“**Fats, Oil and Grease**” (“FOG”) shall mean a material either liquid or solid, composed primarily of fat, oil, including Floatable Oil, and/or grease from animal or vegetable sources. The terms "fats, oils, and grease, “oil and grease”, or “oil and grease substances” shall all be included within this definition.

“**Floatable Oil**” shall mean oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of Floatable Oil if it is properly pretreated and the wastewater does not interfere with the collection system.

“**FOG Regulations**” shall mean the Town of Hingham Regulation, “Fats, Oil, & Grease (FOG) Pretreatment System” attached hereto as Appendix D and incorporated into these Rules and Regulations.

“**Food Establishment**” shall mean any food service facility that prepares and/or packages food or beverages for sale or consumption, on or off site, with the exception of private residences. Food Establishments shall include, but are not limited to: food courts, food manufacturers, food packagers, restaurants, grocery stores, bakeries, lounges, hospitals, hotels, nursing homes, churches, schools and all other food service facilities not listed above.

“**Garbage**” shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food.

“**Garbage Disposal**” shall mean a device that shreds or grinds up food waste materials into smaller portions for discharge into the Public Sewer System.

“**Grease Trap**” shall mean a device located in a Food Establishment or under a sink designed to collect, contain, or remove food wastes and grease from the waste stream while allowing the balance of the liquid waste to discharge to the Public Sewer System by gravity.

“**Hingham Sewer District**” (formerly named and often referred to as the North Sewer District) shall mean the Sewer District first established by the provisions of Chapter 591 of the Acts of 1945, as amended as set forth in Appendix G attached hereto and incorporated by reference.

“**Illegal Discharge**” (also “Illegal Connection”) shall mean any connection of sump pumps, roof downspouts, foundation drains, areaway drains, subsurface drains, or other sources of surface runoff or groundwater to a Building Sewer or Building Drain which in turn is connected directly or indirectly to the Public Sewer.

“**Incompatible Pollutant**” shall mean any pollutant which is not a Compatible Pollutant.

“**Industrial/Office Park Sewer District**” shall mean that Sewer District created by Article 32 of the 2010 Annual Town Meeting.

“**Industrial Wastes**” shall mean the wastewater from industrial process, trade, or business as distinct from domestic or sanitary wastes.

“**Infiltration**” shall mean groundwater entering a Sanitary Sewer through such means as a defective Building Drain, Building Sewer and Sewer, pipe, pipe joints, connections or manhole walls.

“**Inflow**” shall mean the discharged water into a Sanitary Sewer from such sources as, but not limited to, roof drains, cellar drains, yard drains, area drains, foundation drains, sump pumps, cooling water, discharges, drains from springs and swamp areas, manhole covers, cross connections from Storm Drains, catch basins, surface stormwater runoff, or street wash water.

“**Interceptor**” shall mean a device located underground and outside of a Food Establishment designed to collect, contain, or remove food wastes, fats, oils, grease and or sand from the waste stream while allowing the balance of the liquid waste to discharge to the Public Sewer System by gravity.

“**Intermunicipal Agreement**” shall mean that certain agreement between the Town of Hingham and the Town of Hull governing service to the WRSD, and agreements related thereto as more particularly described in Appendix L.

“**Major Contributing Industry**” shall mean a user which discharges Industrial Wastes, which has:

- a. Flow of 50,000 gallons or more per average workday;
- b. Flow or pollutant loading greater than 10 percent of the flow or pollutant loading carried by the Wastewater Facilities;
- c. In its wastes a toxic pollutant in toxic amounts, as defined by standards issued under Section 307 (a) of the Act; or
- d. A significant impact, either singly or in combination with other contributing industries on the Wastewater Facilities.

The word “**may**” is permissive (see “shall”).

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

“**Natural Outlet**” shall mean any outlet, including Storm Sewers and Combined Sewer overflows, into a Watercourse, pond, ditch, lake, or other body of surface or groundwater.

“**North Sewer District**” – see Hingham Sewer District.

“**Person**” shall mean any individual, firm, company, association, society, corporation or group.

“**pH**” shall mean the reciprocal of the logarithm of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. (Neutral water, for example has a pH value of 7 and hydrogen-ion concentration of 10⁻⁷)

“**Private Sewer System**” shall mean a system of common Sanitary Sewers and Wastewater Facilities serving one or more private residence, multi-unit residence, non-residential facility or other entity located on private property that is not part of the Public Sewer System.

“**Properly Shredded**” shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the Public Sewer System, with no particle greater than ½ inch in any dimension.

“**Public Sewer**” shall mean a Sewer that is part of the Public Sewer System.

“**Public Sewer System**” shall mean the system of common Sanitary Sewers and Wastewater Facilities serving the Sewer Districts in the Town of Hingham.

“**Saddle**” shall mean a fitting used to tap into an existing Sewer.

“**Sanitary Sewer**” shall mean a Sewer that carries Sewage from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

“**Septage**” shall mean excrement and other waste materials contained in or removed from a septic tank.

“**Septage Handling Facility**” shall mean any portion of the Wastewater Facilities designated by the Commission to accept Septage.

“**Sewage**” shall mean sanitary waste comprised of liquid and water-carried wastes from residences, commercial buildings, industrial plants, institutions and other buildings.

“**Sewer**” shall mean a pipe or conduit that carries wastewater.

“**Sewer District(s)**” shall mean any one or more of the separately sewered areas of the Town of Hingham which collectively constitute the Public Sewer System.

The word “**shall**” is mandatory (see “may”).

“**Slug**” shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four hour concentration of flows during normal operation system and/or performance of the Wastewater Facilities.

“**South Hingham Sewer District**” or “**SHSD**” shall mean the Sewer District serving the area described in the Town Meeting votes of 2010 and 2012 known as the “Industrial/ Office Park Sewer District”.

“**Storm Drain**” (sometimes termed “Storm Sewer”) shall mean a conduit for conveying stormwater, groundwater, subsurface water, or Unpolluted Water from any source.

“**Superintendent**” shall mean the superintendent of the Hingham Department of Public Works acting on behalf of the Commission per the terms of a Consolidation Agreement to oversee the day to day operations of the Public Sewer System to the extent duly authorized by the Commission from time to time, or such other individual so authorized by the Commission to carry out such duties.

“**Supervisor**” shall mean the supervisor of the Public Sewer System acting on behalf of the Commission per the terms of a Consolidation Agreement to carry out the day to day operations of the Public Sewer System to the extent duly authorized by the Commission from time to time, or such other individual so authorized by the Commission to carry out such duties.

“**Suspended Solids**” shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater” and referred to as non-filterable residue.

“**Title**” shall mean the legal recorded history of a track of land or lot, which includes information on ownership; property lines; structures; easements; betterments; covenants; restrictions; rights; adverse possessions; and liens relative to the property.

“**Town**” shall mean the Town of Hingham, Massachusetts or any duly authorized officer, agent or representative of the Town of Hingham.

“**Unpolluted Water**” is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the Sanitary Sewers and Wastewater Facilities provided.

“**Wastewater**” shall mean the spent water of the Town. From the standpoint of source, it may be a combination of Sewage together with any groundwater, surface water, and stormwater that may be present.

“**Wastewater Facilities**” shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and Industrial Wastes and dispose of the effluent.

“**Watercourse**” shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

“**Weir River Sewer District**” or “WRSD” shall mean that Sewer District constructed in two phases [referred to as “Phase I” (including a Phase 1A) and Phase II”] serving the area described in the Town Meeting votes referenced in Appendix L hereto and governed by the Intermunicipal Agreement.

Section 3 USE OF PUBLIC SEWER SYSTEM REQUIRED

- (A) It shall be unlawful for any Person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Hingham, or in any area under the jurisdiction of said Town, any human or animal excrement or objectionable waste.

- (B) It shall be unlawful to discharge to any Natural Outlet within the Town of Hingham, or in any area under the jurisdiction of the Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of these Rules and Regulations and any other applicable local, state and federal laws and regulations.
- (C) Except as hereinafter provided, it shall be unlawful for a property owner whose lot has frontage on a way with a Public Sewer to construct or repair any privy, privy vault, cesspool or other facility intended or used for the disposal of wastewater. Pursuant to Section 15 of Chapter 82 of the Acts of 1946, the owner of a building upon land within the Hingham Sewer District abutting on any street, alley, or right-of-way in which there is a Sewer which is part of the Public Sewer System shall within a reasonable time after construction of such Sewer in such way connect such building therewith. A reasonable time shall be such time as (a) connection to the Public Sewer System is required pursuant to the provisions of Title 5 of the State Environmental Code or (b) connection is expressly ordered by the Hingham Board of Health pursuant to its authority under applicable Massachusetts law.

Section 4 PRIVATE WASTEWATER DISPOSAL

Where a Public Sewer is not available, the Building Sewer shall be connected to a private wastewater disposal system complying with the requirements of the Board of Health of the Town of Hingham and the Massachusetts Department of Environmental Protection (“MassDEP”).

Section 5 BUILDING SEWERS AND CONNECTIONS

- (A) No unauthorized Person(s) shall uncover (excavate), make any connections to or opening into, use, alter or disturb any Public Sewer or appurtenance thereof without first obtaining a Building Sewer Connection Permit (see Appendix A) from the Hingham Sewer Department. The permit shall not be issued unless the work is to be done by a Drainlayer licensed by the Commission. The permit shall at all times be available for inspection at the site of the work.
- (B) Plumbers and drainlayers of established reputation and experience will be licensed by the Commission (see application for licensure in Appendix A) as Drainlayers authorized to perform work, subject to compliance with the following requirements:
 - (1) All license applications, including renewals, must be filed with the Commission by June 30th of each year and, if approved, shall be valid through June 30th of the following year. Licenses are non-transferable. License applications will be approved or disapproved within thirty-one (31) days after filing of a complete application.
 - (2) Applicants for licenses are required to pay a Filing Fee (see Appendix A) payable to the Town, one-half of which will be refunded to the applicant if his application is rejected. The fee for license renewal (see Appendix A) shall be due and payable with the renewal application.
 - (3) Applicants are also required to pass the Hingham Sewer Department Drainlayer Test. Failure to pass will result in rejection of the application. Approved Drainlayers will be required to re-take the test every five years.

- (4) If approved by the Commission, applicants for licenses shall file with the Commission a proper and acceptable Performance and Guarantee Bond (see Appendix A), which shall remain in force and in effect for a period of one year from the date of the approval.
 - (5) Applicants for licenses, after approval by the Commission, shall file with the Commission, a Certificate of Insurance to cover Public Liability and a Certificate of Insurance covering Property Damage (see Appendix A). In addition, a Certificate of Insurance covering Workmen's Compensation shall be filed, all of which shall remain in full force and effect for a period of at least one year from the date of approval. Said Insurance shall indemnify the Commission and the Town of Hingham against any and all claims, liability or action for damages incurred in or in any way connected with the performance of work by a licensed Drainlayer, his agents, employees or contractors in the performance of the work.
 - (6) The Commission reserves the right to revoke any license if any provision of said license or these Rules and Regulations is violated.
 - (7) A one day license may be applied for once per year, at the same filing fee as a one year license, for one sewer connection. The drainlayer shall file with the Commission the same Certificate of Insurance as required for a one year license. Applicants for a one day license will be approved or disapproved by the Superintendent or the Supervisor within five (5) business days after a complete application is filed.
- (C) For a Building Sewer permit the owner(s) or his agent shall submit an application on the form furnished by the Commission (see Appendix A) at least seven (7) business days prior to the requested service connection work. The permit application shall be supplemented by any plans, specifications or other information in triplicate, considered pertinent in the judgment of the Commission. A Permit Fee (see Appendix A) shall be paid to the Town at the time the application is filed.
- (D) All plans shall show the proposed Building Sewer, location of utilities, gas and water lines and all buildings to be sewerred and be signed by a licensed Drainlayer. Any changes to the plan as submitted and approved by the Commission must be resubmitted in writing and approved by the Commission.
- (E) All costs and expenses incidental to the installation and connection of the Building Sewer shall be borne by the owner(s). The owner(s) shall indemnify and hold the Town harmless from any loss or damage that may directly or indirectly be occasioned by the installation of the Building Sewer.
- (F) A separate and independent Building Sewer shall be provided for every building with the following exceptions:
- (1) Where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the front Building Sewer may be extended to the rear building and the whole considered as one Building Sewer, and;
 - (2) Two or more buildings may use the same Building Sewer if the combination of buildings use the same driveway (common driveway) and the distance from the Public Sewer System to said buildings is great enough to create an unreasonable expense or hardship to the property owners as determined by the Commission in its reasonable discretion.

In each exception above, each building will have an individual "Permit to Connect to Sewer" on file prior to the installation of sewers and each building will incur, as applicable, its own sewer assessment, sewer fees, and sewer user charge as defined under Division II of these Rules and Regulations. In addition, the Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.

- (G) An existing Building Sewer may be used for reconnection to a new building on the same lot only when it is found, on examination and test by the Supervisor, to meet all requirements of these Rules and Regulations.
- (H) The connection of the Building Sewer into the Public Sewer System shall conform to the requirements of the Hingham Sewer Service Connection Specifications (including typical construction details) attached hereto as Appendix B, the Town Plumbing and Drainage Code, the Rules and Specifications Governing Street Excavations (attached hereto as Appendix E), and other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the ASTM and the Water Pollution Control Federation (WPCF) Manual of Practice No. 7. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Supervisor before installation.

In general, connections shall be made as follows:

- (1) Connections shall be made at the "Y" branch, if such branch is available at a suitable location.
- (2) If the Public Sewer is twelve (12) inches in diameter or less, and no properly located "Y" branch is available, the owner shall, at his expense, install a "Y" branch in the Public Sewer at the location specified by the Supervisor.
- (3) Where the Public Sewer is greater than twelve (12) inches in diameter, and no properly located "Y" branch is available, a neat hole may be cut into the Sewer to receive the Building Sewer, with entry in the downstream direction at an angle of forty-five (45) degrees, unless another angle is approved by the Supervisor.
- (4) A forty-five (45) degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the Public Sewer.
- (5) The invert of the Building Sewer at the point of the connection shall, where possible, be at least twelve (12) inches higher than the invert of the Public Sewer.
- (6) A smooth, neat joint shall be made, and the connection made secure and watertight by complete encasement in concrete.
- (7) Special fittings may be used for the connection only when approved by the Commission.
- (8) A minimum of one exterior cleanout shall be installed per service connection.
- (9) Cleanouts shall be installed at all bends or changes in direction and at intervals no greater than 100 feet.

- (10) Any Drainlayer that completes a connection and does not submit an as-built within 10 days of completion of the project will have their license revoked.
- (I) 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, wastewater carried by such Building Drain shall be pumped by an approved means and discharged to the Building Sewer (see Appendix C – Policy for On-Lot Individual Grinder Pump Unit Installation incorporated herein by reference).
- (J) No Person(s) shall make connection of sump pumps, roof downspouts, foundation drains, areaway drains, subsurface drains, or other sources of surface runoff or groundwater to a Building Sewer or Building Drain which in turn is connected directly or indirectly to the Public Sewer System. Such Illegal Connections shall be subject to a civil penalty as defined in Division I, Section 10 of these Rules and Regulations. Prior policy or regulations regarding “Illegal Connections” are superseded in their entirety by these Rules and Regulations.
- (K) Once a license is issued, the applicant for the Building Sewer permit shall notify the Commission at least two (2) business days prior to making the connection to the Public Sewer and before any portion of the work is covered. The connection shall be made during normal working hours, Monday through Friday. The connection and testing shall be made under the supervision of the Commission.
- (L) All excavations for Sewer installations shall be governed by the Rules and Specifications Governing Street Excavations (attached hereto as Appendix E), Trench Permit (see Appendix A), Street Opening Permit (see Appendix A), and any other applicable laws or regulations.
- (M) The requirements of the Town Plumbing and Drainage Code shall be observed with respect to piping and fixtures inside or within ten (10) feet of buildings and within the areas of jurisdiction of said Code. When it is necessary to relocate plumbing within a building in order to connect to the sewer, a permit must be obtained by a licensed plumber from the Town plumbing inspector prior to any sewer work being performed.

Section 6 USE OF PUBLIC SEWER SYSTEM

- (A) No Person(s) shall discharge or cause to be discharged by use of sump pumps or any other means, any unpolluted waters such as stormwater, groundwater, roof runoffs, subsurface drainage, or cooling water to any sanitary sewer. Any such Illegal Discharge shall be subject to a civil penalty as defined in Division I, Section 10 of these Rules and Regulations.
- (B) No Person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any Public Sewers:
- (1) Any gasoline, benzene, naphtha, paint, dye, oil or other flammable or explosive liquid, solid or gas.
 - (2) Any waters containing a toxic pollutant in toxic amounts as defined in standards or guidelines issued pursuant to Section 307 (a) of the Act.

- (3) Any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the Wastewater Facilities.
- (4) Any waters or wastes having a pH lower than 5.5 or higher than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the Wastewater Facilities.
- (5) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in Sewers, or other interference with the proper operation of the Wastewater Facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass rags, feathers, tar, plastics, wood, garbage not Properly Shredded, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by Garbage Disposals.
- (6) Any waters from a Major Contributing Industry containing an Incompatible Pollutant in excess of concentrations or amounts allowed under standards or guidelines issued pursuant to Sections 304, 306 and/or 307 of the Act.
- (7) Medical Wastes, except as specifically authorized in writing by the Commission.
- (8) Any substance containing pathogenic organisms in such quantities as determined by local, state, or federal law as hazardous to the public health of the environment, including but not limited to any "Infectious or Physically Dangerous Medical or Biological Waste", as defined and identified by the Massachusetts Department of Public Health (MDPH) in its regulations entitled "Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste, State Sanitary Code Chapter VIII," at 105 CMR 480.010.

In the case of any violation of this Section above, the Commission shall be notified immediately.

- (C) The following described substances, materials, waters or waste shall be limited in discharges to the Public Sewer System to concentrations or quantities which will not harm the Sewers or Wastewater Facilities, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Commission may set limitations lower than the limitations below if in its opinion much more severe limitations are necessary to meet the above objectives. In determining acceptable quantities, the Commission will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the Sewers, materials of construction of the Sewers, the wastewater treatment process employed, capacity of the Wastewater Facilities, degree of treatability of the waste by the Wastewater Facilities, and other pertinent factors.

The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the Sanitary Sewer which shall not be violated without approval of the Commission are as follows:

- (1) Wastewater having a temperature higher than 150 deg F.
- (2) Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product or mineral oil origin.

- (3) Industrial wastes containing Floatable Oils, fat, or grease.
 - (4) Any Garbage that has not been Properly Shredded. In general, Garbage is not allowed to be discharged to the Sanitary Sewer. Where approved by the Commission, Garbage Disposals may be connected to the Public Sewer System from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where Garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
 - (5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances exceeding limits which may be established by the Commission for such materials.
 - (6) Any waters or wastes containing odor producing substances exceeding limits which may be established by the Commission.
 - (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Commission in compliance with applicable State or Federal regulations.
 - (8) Quantities of flow, concentrations, or both which constitute a Slug.
 - (9) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amendable to treatment only to such degree that the resulting effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
 - (10) Any water or waste which, by interaction with other water or waste in the Public Sewer System, release obnoxious gases, form Suspended Solids which interface with the collection system, or create a condition deleterious to structures and treatment processes.
 - (11) Contents of septic tanks or equivalent facility, except at locations designated by the Commission. Applications for a permit to use a Septage Handling Facility for septic tank waste may be obtained at the Hingham Sewer Department. Each licensed septage hauler is required to record and submit any such data requested by the Supervisor.
- (D) Any Person substantially changing their discharge in terms of volume or character of pollutants shall notify the Commission in writing forty-five (45) days prior to such change.
- (E) All commercial and industrial establishments shall submit in writing to the Commission any information which the Commission may request concerning discharge to the Wastewater Facilities. This information shall be submitted to the Commission no later than thirty (30) days after so requested and every one hundred-eighty (180) days thereafter until otherwise directed.
- (F) If any waters or wastes are discharged or are proposed to be discharged to the Public Sewer System, which waters contain the substances or possess the characteristics enumerated in Section 6(B), and which in the judgment of the Commission may have a deleterious effect upon the Wastewater Facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Commission may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the Public Sewer System;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover added cost of handling and treating the wastes.

If the Commission permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Commission.

- (G) Interceptors shall be provided when, in the opinion of the Commission, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such Interceptors shall not be required for private living quarters or dwelling units. All Interceptors shall be of a type and capacity approved by the Commission, and shall be located as to be readily and easily accessible for cleaning and inspection. Interceptors shall have a minimum of two (2) inspection hatches on the top surface to facilitate inspection, cleaning and maintenance by a grease hauler. In the maintaining of these Interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Commission. Any removal and hauling of the collected materials not performed by owner(s)' personnel must be performed by currently licensed disposal firms. Without limiting the foregoing, all Food Establishments shall be subject to the FOG Regulations which are incorporated by reference into these Rules and Regulations.
- (H) Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.
- (I) When required by the Commission, the owner of any property serviced by a Building Sewer carrying Industrial Wastes shall install a suitable structure together with such necessary meters and other appurtenances in the Building Sewer to facilitate observation, sampling and measurement of the wastes. Such structures, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Commission. The structure shall be installed by the owner at the owner's expense and shall be maintained by the owner so as to be safe and accessible at all times.
- (J) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in these Rules and Regulations shall be determined in accordance with the procedures approved by United States Environmental Protection Agency (EPA) and specified in 40 CFR Part 136 and amendments thereto, unless otherwise specified in a Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods, subject to approval by the Commission. Records of all measurements, tests, and analyses shall be maintained by the owner and supplied to the Commission when requested.
- (K) Notwithstanding any provisions of this Article to the contrary, the Commission may enter into a special agreement or arrangement with the owner or operator of an industrial property whereby an

Industrial Waste of unusual strength of character may be accepted into the Public Sewer System, subject to payment therefore by the industrial concern, and subject to compliance with applicable Federal and/or State discharge standards and limitations.

Section 7 DESTRUCTION OF PROPERTY

No Person(s) shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Wastewater Facilities. Any Person(s) violating this provision shall be subject to arrest under charge of disorderly conduct and/or vandalism, as well as liable for financial restitution to the Town relative to any incurred damages.

Section 8 POWERS AND AUTHORITY OF INSPECTORS

- (A) The Superintendent, Supervisor and other Persons duly authorized by the Commission and bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the Public Sewer System in accordance with the provisions of these Rules and Regulations.
- (B) The Superintendent, Supervisor and other Persons duly authorized by the Commission are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the Public Sewer System. The industry may withhold information considered confidential, if the industry establishes that the revelation to the public of the information in question might result in an advantage to competitors.
- (C) The Superintendent Supervisor and other Persons duly authorized by the Commission, and bearing proper credentials and identification, shall be permitted to enter all private properties through which the Town holds an Easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the Wastewater Facilities lying within said Easement. All entry and subsequent work, if any, shall be done in full accordance with the terms of the Easement pertaining to the private property involved.
- (D) The Commission has the authority to:
 - (1) Inspect all public and private residences for violations of these Rules and Regulations;
 - (2) Inspect all public and private residences for condition of service connections;
 - (3) Require owners to repair or disconnect services which violate these Rules and Regulations;
 - (4) Require owners to pay for all work in connection with repairs or disconnections of their service connection; and
 - (5) Assess civil penalties if owners remain non-compliant with these Rules and Regulations.
- (E) No owner, occupant, or other Person shall refuse, impede, inhibit, interfere with, restrict or obstruct entry and free access to properties by Persons duly authorized by the Commission where inspection is sought in order to assure compliance with applicable ordinances, statutes, codes and/or regulations.

- (F) An owner's refusal to grant permission of access will be presumed to be a violation and will constitute a civil penalty, as outlined in Division I, Article IX of these Rules and Regulations.

Section 9 ENFORCEMENT

- (A) Each user shall provide protection from accidental discharge in violation of these Rules and Regulations.
- (B) Users shall notify the Commission immediately upon accidentally discharging wastes in violation of these Rules and Regulations. This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrence. Such notification will not relieve users of liability for any expense, loss or damage to the system, or for any fines imposed on the Town on account thereof.
- (C) These Rules and Regulations shall be made available to all employees of commercial or industrial users. A notice shall be furnished and permanently posted by the user in location visible to all employees advising employees whom to call in case of an accidental discharge in violation of these Rules and Regulations.
- (D) When the Commission finds that a discharge of wastes has been taking place, or threatens to take place, in violation of prohibitions or limitations of these Rules and Regulations, the Commission may issue an order to cease and desist, and direct that those Persons not complying with such prohibitions, limits, requirements, or provisions to:
 - (1) Comply forthwith;
 - (2) Comply in accordance with a time schedule set forth by the Commission, or
 - (3) Take appropriate or remedial preventative action in the event of a threatened violation.
- (E) When the Commission finds that a discharge of wastes has been taking place, or threatens to take place, in violation of prohibitions or limitations prescribed in these Rules and Regulations, the Commission may require the user to submit for approval with such modifications as it deems necessary, a detailed time schedule of specific actions that the user shall take in order to prevent or correct a violation of requirements.

Section 10 PENALTIES

- (A) Any Person found to be violating any provision of these Rules and Regulations, except Division I, Section 7 or as otherwise provided in these Rules and regulations, shall be served by the Commission with written notice stating the nature of the violation and providing a reasonable time limit, as determined by the Commission for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (B) Any Person who discharges wastes causing an obstruction, damage, or any other impairment to the Wastewater Facilities may be assessed a charge for the work required to repair the Wastewater Facilities.

- (C) Any Person who shall continue any violation beyond the time limit provided for in Section 10(A) above shall be subject to a Sewer Obstruction Penalty of \$100 per day for each violation. Each day in which any such violation shall continue shall be deemed as a separate offense.
- (D) Whenever a discharge of wastes is in violation of the provisions of these Rules and Regulations or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the Commission or the Town may also petition the Court for the issuance of a preliminary or permanent injunction or both, as may be appropriate in restraining the continuance of such discharge.
- (E) The Commission may terminate or cause to be terminated Public Sewer service to any Person if a violation of any provision of these Rules and Regulations is found to exist or if a discharge of wastes causes or threatens to cause a condition of contamination, pollution or nuisance.
- (F) Failure to disconnect or redirect Illegal Connections shall result in a Sewer Inflow Penalty of \$200 per user charge billing cycle until the Illegal Connection has been disconnected. If after four (4) consecutive billing cycles where the Illegal Connection continues to exist and a Sewer Inflow Penalty assessed, the penalty will be doubled, if so ordered by the Commission.

Section 11 SEWERS IN NEW SUBDIVISIONS

Any extension of the Public Sewer System to service a subdivision within a Sewer District shall require the review and approval of the Commission, which review and approval shall include, but not be limited to, the following items:

- (A) The point of discharge into the Public Sewer System will be determined.
- (B) Privately built Sewers must be constructed with every consideration given to future use by others and to abutters or nearby hookups. Lines passing other potentially connectable properties must leave a stub for such future connections.
- (C) The Developer will pay to have the Commission’s Engineer to inspect installation and ascertain that the Sewer construction is in accordance with the plans and specifications.
- (D) The installer is responsible for securing any municipal or state permits required for the connection.
- (E) A Sewer Fee for connection of new lots, as detailed in Division II of these Rules and Regulations, is required for all connections.
- (F) Such other policies and procedures consistent with these Rules and Regulations in effect from time to time.
- (G) In addition to compliance with these Rules and Regulations, Sewers in new subdivisions shall be installed in accordance with the provisions of the Town of Hingham Planning Board Rules and Regulations adopted under the Subdivision Control Law in effect from time to time.

Section 12 PRIVATE SEWER COLLECTION SYSTEMS

Any Private Sewer System connected to the Public Sewer System shall require the review and approval of the Commission and shall adhere to the following requirements.

(A) Design and Operation Standards:

- (1) A complete technical layout of the proposed Private Sewer System shall be provided to the Commission.
- (2) For a Private Sewer System connected to the Public Sewer System that was constructed prior to the adoption of this section of these Rules and Regulations, a set of as-built technical plans of the existing Private Sewer System shall be provided to the Commission upon request.
- (3) An Engineer shall review the proposed Sewer layout or the as-built technical plans for the Commission at the Private Sewer System owner's expense.
- (4) The Town shall inspect the Private Sewer System to determine that its construction is in accordance with the submitted plans and specifications.
- (5) A dedicated sewage flow meter shall be installed of at the connection between the Private Sewer System and the Public Sewer system. The final location and the specifications of the sewage flow meter shall be determined by the Commission.
- (6) In the event that multiple Private Sewer Systems share a combined common connection to the Public Sewer System, the Commission may require the installation of a sewage flow meter for each Private Sewer System connected to this common trunk line.
- (7) An Easement shall be provided to the Town for the purpose of providing the Commission with access to the sewage flow meter if the sewage flow meter is located on private property.
- (8) The owner of the Private Sewer System shall be responsible for maintenance and timely replacement of the sewage flow meter, as determined by the Commission.
- (9) The submission of a sewer inspection and maintenance plan, approved by the Commission, designed to prohibit Inflow and prevent Infiltration within the Private Sewer System.
- (10) The identification of a Drainlayer, Massachusetts registered plumber or a sewer system repair company, deemed acceptable to the Commission, duly contracted by the owner of the Private Sewer System to administer the sewer inspection and maintenance plan as well as respond to sewer related emergencies.
- (11) The payment of all applicable Sewer Fees as detailed in Division II of these Rules and Regulations.
- (12) Such other policies and procedures consistent with these Rules and Regulations in effect from time to time.

(B) Exclusions and Waivers:

- (1) A single-family residence or business serviced by a single, straight and contiguous Building Sewer is excluded from the sewage flow meter installation requirement (section (A)(5)) and

the Inflow/ Infiltration sewer inspection and maintenance plan requirements (section (A)(9) & (10)).

- (2) The owner of a Private Sewer System may petition the Commission to have the sewage flow meter installation requirement waived if the owner can demonstrate to the satisfaction of the Commission that the amount of Sewage entering into the Public Sewer System from the Private Sewer System can be accurately determined by other means. Providing documentation of convincing evidence shall be the responsibility of the Private Sewer System owner.
- (3) The Commission may rescind any waiver from the sewage flow meter installation requirement previously granted by the Commission if the Commission reasonably believes that the conditions which existed at the time the waiver was granted have materially changed, or, is otherwise determined by the Commission to be in the best interest of the Town.

Section 13 SEWER CONNECTION APPROVAL CRITERIA

All property owners seeking a sewer connection must first submit a Sewer Account Application and pay all applicable sewer fees. Once an account is open, the property owner must engage a licensed Drainlayer to complete a Sewer Connection Application (see Appendix A).

(A) Hingham Sewer District – The following requirements shall apply:

- (1) Verify that the property is in the Hingham Sewer District by means of a detailed survey acceptable to the Commission.
- (2) A property located within 200 feet to the boundary line of the Hingham Sewer District can be included in the Hingham Sewer District. When considering an application for a sewer connection to these border properties the Commission will also take into account:
 - (a) confirmation from the MWRA that the border property meets the requirement for inclusion in the Hingham Sewer District per the Acts of 1945, chapter 591, section 2;
 - (b) the accessibility of the proposed or existing dwelling or structure on the border property to the existing Public Sewer System infrastructure;
 - (c) the consequence the proposed connection would impart onto an abutting or neighboring property to the border property that is not eligible for inclusion in the Hingham Sewer District but would then have frontage to the Public Sewer System; and
 - (d) the construction and maintenance costs to the Town from the proposed connection,
- (3) The installer is responsible for securing any municipal permits or state permits required for the connection.
- (4) Choose a Drainlayer licensed by the Commission.
- (5) Application forms including the connection layout and fee must be filed with the Commission for authorization before construction or renovation of existing buildings can begin.

- (6) Easements for connection across private property will not be allowed unless there is absolutely no other connection alternative. In order to proceed with the connection, an Easement will be required for the intended route of the line. The Easement layout and form of Easement instrument must be approved in advance by the Commission.
 - (7) A sewer fee will be assessed as further defined in Division II of these Rules and Regulations.
 - (8) After the connection is made, the Drainlayer shall schedule an inspection of the connection by the Supervisor for compliance with these Rules and Regulations before back filling.
 - (9) Such other policies and procedures consistent with these Rules and Regulations in effect from time to time.
- (B) Weir River Sewer District (WRSD) – The criteria for considering additional property connections into the Weir River Sewer District not originally connected during the Phase I and II Projects is as follows:
- (1) Requests must be in writing and are considered in order of receipt.
 - (2) The extension must benefit an existing property with an occupied dwelling or structure in accordance with the Hull Intermunicipal Agreement, or serve a public good as determined by the Commission.
 - (3) Priority for connections will be given to properties that have failed onsite septic systems and cannot meet Title 5 regulations for onsite disposal.
 - (4) Unbuilt house lots are granted three (3) Bedrooms per sewer fee as set forth in Division II. Bedrooms are defined as those described in the Title 5 regulations. Additional Bedrooms are a sewer fee as set forth in Division II.
 - (5) Houses in existence as of the creation of the Sewer District are granted service connections as is, subject to the applicable sewer fee. Non-residential buildings may be granted service connections upon a determination by the Commission of sufficient capacity based on water usage averaged over the last 3-years or, if none, based on gallons per day for the proposed use as established by Mass DEP under Title 5.
 - (6) The applicant is responsible for the entire sewer fee at the time of grant by the Commission, to be paid in accordance with terms to be determined by the Commission.
 - (7) The applicant will be responsible for engaging a Drainlayer for the connection to the Sewer. The connection design must be approved by the Commission prior to it being constructed, and inspected by the Commission prior to becoming active.
 - (8) Sewer to be installed in a right of way by the applicant for making connection to the Public Sewer System must be adequately sized to serve other properties along the route to the WRSD, and these properties will be provided the ability to connect to this Sewer subject to the provisions of these Rules and Regulations.

- (9) The applicant will be responsible for any and all costs associated with their connection, including but not limited to engineering and legal fees.
- (10) The Commission will consider applications for connections only to the extent that available capacity exists under the Intermunicipal Agreement, as determined by the Commission.
- (11) Easements for connection across private property will not be allowed unless there is absolutely no other connection alternative. In order to proceed with the connection an Easement will be required for the intended route of the line. The Easement layout and form of Easement instrument must be approved in advance by the Commission.
- (12) Such other policies and procedures consistent with these Rules and Regulations in effect from time to time.

(C) South Hingham Sewer District (SHSD) *[RESERVED]*

The Commission is responsible for determining the admission of additional properties in accordance with the above criteria.

Section 14 INSPECTION OF SEWER CONNECTION AT TIME OF TRANSFER OF TITLE

Upon transfer of Title of any property within the Town having a structure connected to the Public Sewer System, the seller shall, at the execution of the purchase and sale agreement or within a reasonable time thereafter, but in no case in less than twenty four (24) hours prior to closing:

- (A) Disclose to the buyer in writing the complete report of an inspection made of the structure's connection to the Public Sewer System by a Drainlayer or a Massachusetts registered plumber. The inspection shall include the following:
 - (1) A visual inspection of the structure's Building Drain including the integrity of its connections;
 - (2) A detailed inspection for any point of Inflow from a sump pump, basement drain, roof drain or other Illegal Connection;
 - (3) A description of the structure's connection to the Public Sewer System including all components that comprise its Building Sewer and Private Sewer System;
 - (4) A video camera inspection of the Building Sewer and Private Sewer System to assess the degree of potential disrepair and Infiltration;
 - (5) The results of a State Title 5 residential room count (Bedroom count) or commercial sewage flow inspection/calculation conducted or verified by the Supervisor or an appropriate Town agent; and
 - (6) The "Grease Trap Maintenance Log" stipulated by the Town's FOG Regulations for structures that support a food service establishment.
- (B) Provide evidence to the Commission that this inspection has been properly completed at or within twelve (12) months prior to the transfer of Title and a copy of the inspection report.

Section 15 PRIVATE EXTENSIONS WITHIN THE HINGHAM SEWER DISTRICT

Any property owner within the Hingham Sewer District may apply to the Commission for approval to extend and connect to the Public Sewer System to serve the owner's property. The Commission has adopted a Private Sewer Extension Policy, which is attached hereto as Appendix F. This policy is intended to provide procedural guidelines for those interested property owners who are not currently connected to the Public Sewer System and want to investigate options for extending and connecting to the Public Sewer System.

Section 16 SEWERS IN FLOOD PRONE AREAS

New or replacement Sanitary Sewers within flood-prone areas shall be designed, located, elevated and constructed as to minimize or eliminate flood damage and to minimize or eliminate infiltration of flood water into the Public Sewers and discharge from the Public Sewers into flood waters. Such installations shall be subject to other applicable local, state and federal laws and regulations applicable to work in a floodplain.

Section 17 VALIDITY

All previous regulations of the Town of Hingham Board of Sewer Commissioners are hereby repealed.

The invalidity of any section, clause, sentence, or provisions of these Rules and Regulations shall not affect the validity of any other part of these Rules and Regulations which can be given effect without such invalid part or parts.

Section 18 APPEALS

- (A) Any person aggrieved by an order, decision or interpretation of these Rules and Regulations by the Commission (including employees or agents of said Commission) may appeal said order, decision or interpretation to the Commission. Said appeal shall be in writing and shall be filed with the Commission within thirty (30) days from the date of said order, decision or interpretation. The Commission shall have the authority to hear and decide said appeal. If the Commission fails to act upon said appeal within four months of the date of filing of said appeal, the appeal shall be deemed denied. Any such order, decision or interpretation shall remain in effect during such appeal period.

- (B) Any person (including a Drainlayer) who has been penalized or fined under these Rules and Regulations has ten (10) business days to file an appeal, in writing, with the Commission. The Commission shall have the authority to hear and decide said appeal. If the Commission fails to act upon said appeal within four months of the date of filing of said appeal, the appeal shall be deemed denied. Any penalties or fines shall be enforced following the conclusion of said appeal, or in the case of no appeal, on the eleventh (11th) business day after written notification of said penalty or fine.

Section 19 ASSESSMENTS

The Commission shall determine the method of assessment of the cost of use of the Public Sewer Systems to users (see Division II).

Section 20 CHANGES IN THESE RULES AND REGULATIONS

These Rules and Regulations may be rescinded or modified or added to by the Commission at any time where, in their opinion, such action is in the best interests of the Town of Hingham.

Section 21 REGULATIONS IN FORCE

These Rules and Regulations shall be in full force and effect from and after their passage, approval and publication as provided by law.

Use of the Public Sewer System shall be further subject to, as applicable, (a) the Massachusetts Water Resources Authority (MWRA) Enabling Act (Chapter 372 of the Acts of 1984 – Amended August, 2010) and the regulations promulgated thereunder, (b) the special acts applicable to the Hingham Sewer District, and (c) within the WRSD, the applicable requirements of the “Town of Hull Sewer Use Regulations.” In the event of a conflict between a provision of these Rules and Regulations and the foregoing referenced laws and regulations, it is the intent of the Commission that such provision shall be interpreted to be no less strict than that of the corresponding provision in such laws and regulations.

DIVISION II - SEWER BETTERMENTS, ASSESSMENTS, SEWER FEES, AND USER CHARGES

Section 1 SEWER ASSESSMENTS AND SEWER PRIVILEGES (BETTERMENTS, PRIVILEGE FEES, CONNECTION FEES & OTHER FEES)

(A) General Authority

- (1) The Commission shall assess the owners of land benefitted Public Sewer installed by the Town based upon the method of assessment voted by the Town and allowed by Massachusetts General Laws.
- (2) The authority to levy assessments, as well as the permitted methodologies for doing so, are described under Massachusetts General Laws Chapter 83 Sewers, Drains, and Sidewalks, Sections 14 through 24, Section 8 of Chapter 82 of the Acts of 1946, Section 2 of Chapter 455 of the Acts of 1955, Chapter 466 of the Acts of 1958, and Chapter 427 of the Acts of 2008.
- (3) If any provisions of these Rules and Regulations, or the application thereof to any Person or circumstance, are held invalid, such invalidity shall not affect other provisions or applications of these Rules and Regulations which can be given effect without such invalid provisions or applications.

(B) Unit Method of Sewer Assessments

- (1) When the Town of Hingham votes that assessments shall be made upon owners of land by a rate based upon a uniform unit method, the provisions of subsections (B) and (C) of this section shall govern such assessments. Sewer users shall be assessed by a rate proportional to the value assigned to the sewer unit at the time of the assessment or privilege fee. Said rate shall be determined by user class and shall apply to all lands developed and undeveloped abutting the Public Sewer. Sewer unit values are calculated by dividing the applicable local project costs by the total number of sewer units. The total assessments and privilege fees shall cover, and not exceed, 100% of the local share of the total sewer project cost which shall include total costs of engineering survey and design, construction, land acquisitions, construction engineering services, legal services, and all related costs less all state and federal aid received.

The Commission shall levy betterment assessments against all properties abutting a Public Sewer that is installed by the Town. In the Order of Assessment they shall designate the owner of each parcel as of the preceding January 1st as liable to assessment as stipulated under the provisions of the Massachusetts General Laws.

- (2) Time of Assessment

Final betterments for lands abutting the Public Sewer shall be assessed following project completion and when the final sewer project costs, including all phases, are known or can be determined with reasonable accuracy.

As provided in MGL Chapter 83, Section 15B, the Commission shall have the right to make partial or estimated assessments before the completion of construction and approval for use of the Public Sewer. Said estimated assessment shall be not more than one-half of the total anticipated project cost, as the Town's liability under all contracts it has entered into for the construction of such facilities.

(3) Sewer Unit Value Determination

Sewer unit values shall be equivalent to the local share of the sewer project costs less the amount reserved for assessment as privilege fees, as described under subsection (E) of this section (below), divided by the total number of sewer units designated within the Public Sewer System project area.

Sewer unit value determinations for Public Sewer projects shall be calculated on a project by project basis, unless otherwise enacted by the Commission.

(C) Sewer Unit Designation

(1) Sewer units shall be designated based upon the user class of those properties to be assessed. Said classes shall include residential and non-residential properties. The non-residential class shall include commercial, industrial, municipal and any or all other non-residential properties. Developed and undeveloped properties receiving direct benefit from the Public Sewer System shall be designated a number of sewer units in accordance with procedures described within this Section. Sewer unit designations are assigned to these properties based upon the user class defined at the time of assessment. Any future change in use within an assessed property may result in an increase in the number of sewer units allocable under these Rules and Regulations. To equitably reflect said change in use, the Commission may levy a compensatory sewer privilege fee as provided for under subsection (E) of this section (below).

(2) Sewer Unit Determinations

(a) Residential, Developed Properties

- (i) Single family dwellings shall comprise one sewer unit;
- (ii) Two-family dwellings shall comprise two sewer units;
- (iii) Three-family dwellings shall comprise three sewer units;
- (iv) Four-Family dwellings shall comprise four sewer units; and,
- (v) Multiple family dwellings (in excess of four dwelling units) shall comprise one sewer unit per dwelling unit.

Notwithstanding the provisions of this Section, the owner of land in zoning districts which allow single family dwellings as of right shall be assessed on the basis of the maximum number of single family dwellings which may be constructed on such land as of right under the zoning requirements then in effect,

without approval of the further subdivision of such land under the Subdivision Control Law.

(b) Non-Residential, Developed Properties [RESERVED]

(c) Residential, Undeveloped Properties

Undeveloped lots shall be converted into dwelling units on the basis of the maximum number of buildable residential lots using the applicable minimum frontage and area requirements as indicated within the Zoning By-Laws in effect at the time of assessment. Each potential dwelling unit shall then comprise one sewer unit.

(d) Non-Residential, Undeveloped Properties [RESERVED]

(e) Dual Use Properties

Properties having both residential and non-residential uses shall be assessed based on a total number of sewer units, as calculated under the provisions of subsection (C)(2)(a) (Residential, Developed Properties) and subsection (C)(2)(b) (Non- Residential, Developed Properties), respectively. If dual-use areas are not separately metered for water, a deduction shall be made for an estimated residential water use in determining non-residential water use for the calculation of non-residential sewer units. Dual use properties shall have a minimum assessment of two sewer units.

(D) Sewer Assessment Payments

(1) Except as herein provided, the provisions of the Massachusetts General Laws relative to the assessment, apportionment, division, re-assessment, abatement, and collection of sewer assessments, to liens therefore, and to interest thereon shall apply to assessments made under these Rules and Regulations, and the Tax Collector of the Town of Hingham shall have all of the powers conveyed by the Massachusetts General Laws.

(2) Lump Sum Assessment Payment

The lump sum assessment payment for an assessed property shall be equivalent to the product of the total number of sewer units designated upon said property and the appropriate dollar value for one sewer unit at the time of assessment. Said values shall be determined as described in subsection (B) (Method of Sewer Assessments) and subsection (C) (Sewer Unit Designation). Full payment shall be made within thirty (30) days upon written notice of assessment, otherwise payment shall default to the apportionment schedule described under subsection (D)(3) (Apportionment of Assessment Payment).

(3) Apportionment of Assessment Payment

Property owners shall have the option to finance assessment payments through apportionment, in which case, the assessments shall bear interest at the rate set by the Town in accordance with Massachusetts General Laws, Chapter 80, Section 13, and Section 2 of Chapter 427 of the Acts of 2008. The betterment assessment shall constitute a municipal lien on said property until the sewer assessment is paid in full. Any assessment may be paid in full at any time within the apportionment period.

(4) Assessment Deferral

At the Annual Town Meeting of the Town of Hingham held on April 27, 1998, pursuant to Article 17 of the Warrant, it was voted that the Town accept the provisions of Section 13B of Chapter 80 of the Massachusetts General Laws, as inserted by Chapter 42 of the Acts of 1998, so as to permit deferral of sewer assessments by eligible Persons in accordance with said statute. Therefore, any owner of a bettered property who is deemed eligible for an exemption under the provisions of Massachusetts General Laws, Chapter 59, Section 5, may, upon notice of sewer assessment, enter into a deferral and recovery agreement with the Town of Hingham. The limits and conditions of this agreement as they relate to the deferral of sewer assessments are further described in said Chapter 80, Section 13B of the Massachusetts General Laws.

(5) Assessment Payment for Vacant Lots

The Commission may, upon written request of the property owner, extend the time of payment of the sewer assessment for vacant lots in accordance with the provisions of Chapter 83, Section 19 of the Massachusetts General Laws. The request must be made to the Town of Hingham within six months of the notice of assessment. Upon approval, the payment shall be extended for 1) a maximum period of five years, or 2) within three months after the issuance of any Certificate of Occupancy for the lot, whichever occurs first. The assessment payment shall be made in full at the conclusion of the extension period. During the extension period the property owner shall pay annually at the interest rate provided for under applicable law.

(6) Sewers in Unaccepted Ways

If a property abuts a private or unaccepted way within which a Public Sewer has been installed as part of a municipal Sanitary Sewer project, or if a property lies within one hundred (100) feet of a Public Sewer within a private or unaccepted way (and, if applicable, within the connection area of the Hingham Sewer District), the Town shall assess a sewer privilege fee in lieu of a betterment assessment against said property. The sewer privilege fee shall be equivalent to the betterment assessment for said property as determined by the procedures outlined in this Section. The sewer privilege fee shall be levied at the time of connection to the Public Sewer System. All provisions governing the payment and method of payment related to betterment assessments as described in this Section shall apply.

(7) Abatements

The owner of any real estate upon which a betterment has been assessed may file with the Commission a petition and pay the appropriate fee, for an abatement thereof in accordance with the provisions of Massachusetts General Laws Chapter 80, Section 5.

(E) Sewer Privilege Fees [*RESERVED*]

(F) Sewer Fees

(1) Application Fee – An application fee shall be due and payable in connection with all applications required under these Rules and Regulations.

(2) Hingham Sewer District – These fees shall apply to connections approved under Division I, Section 12(A) of these Rules and Regulations. A description of the calculation of sewer

inflow fees for the Hingham Sewer District is attached hereto as Appendix H and a sewer fees schedule is attached as Appendix J.

(a) Residential

- (i) An existing residential structure not previously connected, that does not have a capped lateral (stub), will be charged a residential connection fee plus an inflow fee for each Bedroom over three.
- (ii) An existing residential structure not previously connected, that has a capped lateral (stub), will be charged an inflow fee for each Bedroom over three.
- (iii) For renovations to a residential structure previously connected will be charged an inflow fee for each Bedroom over three.
- (iv) For new construction, a residential structure will be charged a residential connection fee plus an inflow fee for each Bedroom.

(b) Commercial

- (i) For existing commercial properties, the inflow fee shall be determined based on the gallons per day for the proposed use consistent with gallons per day for such use established by Mass DEP under Title 5.
- (ii) New construction commercial properties shall be charged a commercial connection fee plus an inflow fee based on the gallons per day for the proposed use consistent with gallons per day for such use established by Mass DEP under Title 5.

- (3) Weir River Sewer District - These fees shall apply to connections approved under Division I, Section 12(B) of these Rules and Regulations. A description of the sewer inflow fees for the Weir River Sewer District is attached hereto as Appendix I and the sewer fees schedule is attached as Appendix J.

(a) Phase I - Residential

- (i) An existing residential structure connecting to Phase I that has not been assessed a betterment shall be charged a Phase I connection fee plus a Phase I residential inflow fee. An additional Phase I residential inflow fee shall be charged for each Bedroom over three.
- (ii) For renovations to a residential structure previously connected in Phase I will be charged a Phase I residential inflow fee for each Bedroom over three.

(b) Phase I - Commercial

- (i) For existing commercial properties in Phase I, the inflow fee shall be determined based on the gallons per day for the proposed use consistent with gallons per day for such use established by Mass DEP under Title 5.

- (ii) New construction of commercial properties in Phase I shall be charged a Phase I connection fee plus an inflow fee determined based on the gallons per day for the proposed use consistent with gallons per day for such use established by Mass DEP under Title 5.
- (c) Phase II - Residential
 - (i) An existing residential structure connecting to Phase II that has not been assessed a betterment shall be charged a Phase II connection fee plus a Phase II residential inflow fee. An additional Phase II residential inflow fee shall be charged for each Bedroom over three.
 - (ii) For renovations to a residential structure previously connected in Phase II will be charged a Phase II residential inflow fee for each Bedroom over three.
- (d) Phase II - Commercial
 - (i) For existing commercial properties in Phase II, the inflow fee shall be determined based on the gallons per day for the proposed use consistent with gallons per day for such use established by Mass DEP under Title 5.
 - (ii) New construction of commercial properties in Phase II shall be charged a Phase II commercial connection fee plus an inflow fee based on the gallons per day for the proposed use consistent with gallons per day for such use established by Mass DEP under Title 5
- (4) South Hingham Sewer District *[RESERVED]*

Section 2 USER CHARGES

- (A) At the Annual Town Meeting of the Town of Hingham held on April 30, 1990, pursuant to Article 56 of the Warrant, it was voted that the Town accept the provision of Section 16A through 16F of Chapter 83 of the Massachusetts General Laws, so as to permit the assessment and collection of sewer charges and fees in a manner similar to the assessment and collection of real estate taxes.
- (B) For all properties connected to the Public Sewer System, a user charge will be levied. The Commission is empowered to set this rate annually or as otherwise necessary to recover all costs of operation and maintenance of the Public Sewer System. The costs will be proportioned to all users on the basis of the annual volume of waste treated, which will be computed from the property owners' metered water billing. The user charge may be adjusted each year, as necessary to reflect the annual operation and maintenance costs of the Public Sewer System.
- (C) The Commission of is empowered to make appropriate adjustments in the user charge in cases where significant quantities of water do not reach the Public Sewer System.
- (D) The Commission is empowered to establish a flat rate that would be equitable with other similar users in cases where properties do not have metered water records available.

- (E) If any user discharges wastewater to the Public Sewer System in excess of normal strength domestic wastewater, the Commission is empowered to assess a surcharge for the additional costs for treating such wastewater.
- (F) Any marina, boat yard, shipyard, docking or mooring facilities or establishments that shall pump wastewater from any boat, cruiser, yacht or seagoing vessel must discharge this wastewater to the Public Sewer System and shall be required to obtain a permit from the Commission. At the time of approval, said permit will have a flat fee assessed against said owner governed by gallons of wastewater discharged to the Public Sewer System consistent with gallons per day for such use established by Mass DEP under Title 5. The granting of this permit does not relieve said owners of such establishments of their obligations to recognize and obey all rules and regulations of the Town, including all sections of Division I, Section 6.
- (G) User charges shall be payable by the property owner on a semi-annual basis, commencing from the time of connection to the Public Sewer System. This semi-annual billing shall be assessed against the property owner of record that was connected to the Public Sewer System on the last assessment date after April 5, 2016.

Section 3 FEES

The Commission shall determine all applicable sewer fees in connection with these Rules and Regulations. A sewer fees schedule is attached hereto as Appendix J.

Section 4 EFFECTIVE DATE

These Rules and Regulations were adopted by vote of the Town of Hingham Board of Sewer Commissioners on **month date**, 2021 and in full force and effect on and after **month date**, 2021.

A summary explanation of these Rules and Regulations shall be published in a newspaper of this town and a copy thereof shall be deposited in the Office of the Town Clerk.

HINGHAM SEWER COMMISSION

Stephen Harold, Chairman
Clark Fraizer, Member
Kirk Shilts, D.C., Member

(voted draft for posting 7-15-21)