

TOPSHAM SEWER DISTRICT

TOPSHAM, MAINE

**RULES AND REGULATIONS
OF SEWER USE**

Revised:

June 2024

November 1994

November 1988

December 1982

November 1977

Topsham Sewer District
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TOPSHAM SEWER DISTRICT

A meeting of the Topsham Sewer District by and through in Board of Trustees having been had thereon, on motion duly seconded, it was unanimously voted that Rules and Regulations proposed under date of November 5, 1975 be adopted, established, and promulgated, the effective date thereof to be January 15, 1976 and that this vote and said Rules and Regulations be published once in the Times Record (Brunswick) at least 30 days prior to said effective date.

NOW THEREFORE, said Rules and Regulations be as follows:

RULES AND REGULATIONS FOR THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS. THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM(S): AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE TOWN OF TOPSHAM, COUNTY OF SAGadahoc, STATE OF MAINE.

ARTICLE 1

Definitions

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

SECTION 1. Biochemical oxygen demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation or organic matter under standard laboratory procedure in five (5) days of 20°C, expressed in milligrams per liter.

SECTION 2. “Building drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

SECTION 3. “Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

SECTION 4. “Combined Sewer” shall mean a sewer intended to receive both wastewater and storm or surface water.

SECTION 5. “Easement” shall mean an acquired legal right for the specific use of land owned by others.

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SECTION 6. “Floating oil” is 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 fat if it is properly pretreated and the wastewater does not interfere with the collection system.

SECTION 7. “Garbage” shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

SECTION 8. “Industrial wastes” shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

SECTION 9. “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.

SECTION 10. “May” is permissive (see “Shall”, section 18).

SECTION 11. “Person” shall mean any individual, firm, company, association, society, corporation, or group.

SECTION 12. “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 a hydrogen-ion concentration of 10^{-7} .

SECTION 13. “Properly shredded garbage” shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than $\frac{1}{2}$ inch (1.27 centimeters) in any dimension.

SECTION 14. “Public sewer” shall mean a common sewer controlled by a governmental agency or public utility.

SECTION 15. “Sanitary sewer” shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

SECTION 16. “Sewage” is the spent water of a community. The preferred term is “wastewater.” See Section 24.

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SECTION 17. “Sewer” shall mean a pipe or conduit that carries wastewater or drainage water.

SECTION 18. Shall” is mandatory (see “May,” section 10).

SECTION 19. “Slug” shall mean any discharge of water or wastewater which is concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

SECTION 20. “Storm drain” (sometimes termed “storm sewer”) shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

SECTION 21. “Superintendent” shall mean the Superintendent of the Topsham Sewer District or his authorized deputy, agent, or representative.

SECTION 22. “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 nonfilterable residue.

SECTION 23. “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 treatment facilities provided.

SECTION 24. “Wastewater” shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be presented.

SECTION 25. “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.

SECTION 26. “Wastewater treatment works” shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with “waste treatment plant” or “wastewater treatment plant” or “water pollution control plant.”

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SECTION 27. “Watercourse” shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

SECTION 28. “Living Unit” shall include but not be limited to the following:

- A. Single-family residential home
- B. Duplex residential home
- C. Residential apartment house or apartment building
- D. Dormitory
- E. Commercial or industrial establishment
- F. Motel or hotel
- G. School
- H. An unoccupied building lot fronting on a street. Right-of-way, or easement serviced by a sewer
- I. Others to be established by the Topsham Sewer District on an individual basis

SECTION 29. “District” shall be the Topsham Sewer District.

ARTICLE II

Building Sewers and Connection

SECTION 1. No authorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the district.

SECTION 2. The owner(s) or his agent shall make out a sewer entrance application furnished by the Topsham Sewer District. The sewer entrance application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the district. A sewer entrance application fee shall be paid to the district at the time the application is filed. The current schedule of fees and sewer user charges is published separately and shall be considered an “integral part of this Rules and Regulations of Sewer Use.”

SECTION 3. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The service line from the sewer main to the residential, commercial, or industrial building(s) is the property of the owner(s) and the owner(s) shall pay for all costs including the cost of labor and materials within the public way including gravel and hot-top.

SECTION 4. 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

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alley, court, yard, or driveway, the front building may be extended to the rear building and the whole considered as one building sewer, but the Topsham Sewer District does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

SECTION 5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the district, to meet all requirements of the ordinance.

SECTION 6. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Topsham Sewer District, and the Town of Topsham, Maine. In the absence of code provisions or in amplification thereof, the materials and procedures set fourth in appropriate specifications of the ASTM and WPCF manual of practice No. 9 shall apply.

SECTION 7. 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 discharged to the building sewer.

SECTION 8. No person(s) shall make connection of roof down spouts, foundation drains, areaway drains, or other sources of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the district for the purpose of disposal of polluted surface drainage and a fee is paid.

SECTION 9. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Topsham Sewer District, and the State of Maine. All such connections shall be made gas-tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the district before installation.

SECTION 10. 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 district at least forty-five (45) days prior to the proposed change or connection.

SECTION 11. The applicant for the building sewer entrance application shall notify the Topsham Sewer District when the building sewer is ready for inspection and connection to

the public sewer. The connection and testing shall be made under the supervision of the district or its designated representative.

SECTION 12. 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 Topsham Sewer District.

SECTION 13. All living units, as previously defined and within the specified distance requirements subsequently defined herein, shall be allowed 90 days from the date of public notice of the serviceability of an installed sewer to make the service connection to the sewer. Billing for the service connection shall begin at the conclusion of the 90-day period from those units which are not then connected, and shall begin as of the connection date for those units which are connected within the 90-day period.

SECTION 14. Owners of residences presently served by an effluent pressure sewer system shall be required to pump out the septic tank every four (4) years providing proof of same to the district. New customers connecting to the system shall be required to show proof that their septic tank has been pumped out within a four (4) year period before a permit to connect will be issued. If an owner fails to show proof after written request, the district may cause said tank to be pumped and require the owner to pay for the cost.

ARTICLE III

Use of the Public Sewers

SECTION 1. No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, sub-surface drainage, or cooling water to any sewer, except stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by permission of the district.

SECTION 2. Stormwater other than that exempted under Section 1. Article III, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers, or storm sewers, or to a natural outlet approved by the district and other regulatory agencies. Unpolluted industrial waters or process water may be discharged, on approval of the district to a storm sewer, combined sewer, or natural outlet.

SECTION 3. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- A. Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

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- B. 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 treatment plant.
- C. Waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
- D. 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, unground garbage, whole blood, paunch manure, hair and fleshing's, entrails and paper dishes, cups, milk, containers, etc., either whole or ground by garbage grinders.

SECTION 4. The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The district may set limitations established in the regulations below if it is the district's opinion that more severe limitations are necessary to meet the above objective. In forming the opinion as to the acceptability, the district will consider such factors as the quantity of subject waste in the relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment plant process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions of materials of characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the district are as follows:

- A. Wastewater having a temperature higher than 150° Fahrenheit (65° Celsius).
- B. Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.
- C. Wastewater from industrial plants containing floatable oils, fat, or grease.
- D. Garbage that has not been properly shredded (see Article 1. Section 13). The installation and operation of any garbage grinder equipped with a motor of three fourths (3/4) horsepower (0.76) hp metric or greater shall be subject to the review and approval of the district.

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- E. Waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such materials received in the composite wastewater at the wastewater treatment works exceeds the limits established by the district for such materials.
- F. Wastes or waters containing odor producing substances exceeding limits which may be established by the district.
- G. Radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the district in compliance with applicable State and Federal regulations.
- H. Quantities of flow, concentrations, or both which constitute a “slug” as defined herein.
- I. Waters or wastes containing substances which are not amendable to treatment or reduction by the wastewater treatment processes employed, or are amendable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- J. Waters or wastes which by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

SECTION 5. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgement of the district, 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 district may:

- A. Reject the wastes.
- B. Require pretreatment to an acceptable condition for discharge to the public sewers.
- C. Require control over the quantities and rates of discharge, and/or
- D. Require payment to cover added cost of handling and treating the wastes.

If the district 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 district.

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SECTION 6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the district, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Section 4 (c), 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 district, and shall be located as to be readily and easily accessible for cleaning and inspection. 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 district. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms.

SECTION 7. 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(s) at his expense.

SECTION 8. When required by the district, the owner of the 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 structure, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the district. The structure shall be installed by the owner(s) at his expense and shall be maintained by him so as to be safe and accessible at all times. The owner(s) shall also be responsible for keeping records and reporting of such monitoring of wastes to the district. Such records shall be made available upon request by the district to other agencies having jurisdiction over discharge to the receiving waters.

SECTION 9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association.

Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the district.

SECTION 10. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Topsham Sewer District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the district for treatment, provided that such agreements do not contravene any requirements of existing Federal Laws and are compatible with any User Charge and Industrial Cost Recovery System in effect.

SECTION 11. All industries discharging into a public sewer shall perform such monitoring of their discharge as the district and/or other duly authorized employees of the district may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records, and reporting the results of such monitoring to the district. Such records shall be made available upon request by the district to other agencies having jurisdiction over discharges to the receiving waters.

ARTICLE IV

Protection from Damage

SECTION 1. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE V

Powers and Authority of Inspectors

SECTION 1. The district and other appointed representatives of the district bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspecting, observing, measurement sampling, and testing, pertinent to discharge to the community system in accordance with the provisions of this ordinance.

SECTION 2. The district and other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

SECTION 3. While performing the necessary work on private properties referred to in Article V. Section 1, above the district representative shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the district employees, and the district shall indemnify the company against loss or damage to its property by district employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article III, Section 8.

SECTION 4. The district employees bearing proper credentials and its authorized representatives shall be permitted to enter all private properties through which the district

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holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE VI
Penalties

SECTION 1. Any person found to be violating any provision of these Rules and Regulations except Article V shall be served by the district with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

SECTION 2. Any person violating any of the provisions of these Rules and Regulations shall become liable to the district for any expense, loss, or damage occasioned the district by reason of such violation.

ARTICLE VII
Validity

SECTION 1. All previous Rules and Regulations or parts thereof in conflict herewith are hereby repealed.

SECTION 2. The invalidity of any section, clause, sentence, or provision 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.

ARTICLE VIII
Rates

SECTION 1. A charge shall be levied on owners of living units connected to the Topsham Sewer System, and on owners of living units which are accessible to the Topsham Sewer System, according to the State of Maine Plumbing Code per 38 MRSA paragraph 1160 as amended.

SECTION 2. Charges will be computed and billed quarterly using methods established by the Topsham Sewer District. Charges for sewer users whose main supply of water is derived from sources other than the Brunswick and Topsham Water District shall be based on the assumption that the water usage at the sewered property is 50 gallons per person per day (6.68 cu. ft/day/person) but not less than 1000 cubic feet per calendar quarter.

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SECTION 3. All rates are due from the owner of the premises and the owner shall be held responsible. The district may if requested by the owner and occupant, send the bill to the occupant.

SECTION 4. All rates shall be due and payable at the office of the district quarterly and are considered to be in arrears as of the first day of February, May, August, and November.

SECTION 5. Interest at eighteen percent (18%) shall be paid from the due date on any bill upon which procedure for imposing a lien has been initiated in accordance with the terms of the Act of Incorporation as amended.

SECTION 6. When the customer's credit is, or becomes impaired, the district may require a deposit to guarantee payment of current bills, such deposit not to exceed the amount of an estimated billing period.

SECTION 7. All fees and interest rates established in these Rules and Regulations are subject to periodical adjustments by the Topsham Sewer District to reflect cost of services rendered.

ARTICLE IX

Required Applications

SECTION 1. Applications for residential, commercial, or industrial sewer connections, must be requested from the district, and the proper connection and/or building sewer application must be filled out completely on the appropriate application form obtained at the district office.

Pending the publication into the Code of Ordinance of the Topsham Sewer District certified copies of said Rules and Regulations will be kept in the office of the Topsham Sewer District.

ARTICLE X

Rules and Regulations in Force

SECTION 1. These Rules and Regulations shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

SECTION 2. Passed and adopted by the Board of Trustees of the Topsham Sewer District, State of Maine, on the day of November 5, 1975, by vote:

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SECTION 3. Ordinance revised in accordance with EPA letter dated April 6, 1977, Revisions were passed out and adopted by the Board of Trustees of the Topsham Sewer District, State of Maine, on May 10, 1977 by vote:

SECTION 4. Revisions and additions to ARTICLE II and ARTICLE VIII were passed and adopted by the Board of Trustees of the Topsham Sewer District, State of Maine, on November 3, 1982 and were effective December 15, 1982, date of public hearing.

SECTION 5. Revisions and additions to the “REGULATIONS OF SEWER USE” Topsham Sewer District, adopted by the Board of Trustees by vote November 18, 1988 to become effective January 1, 1989.

SECTION 6. Revisions and additions to ARTICLE II SECTION 2, Topsham Sewer District, adopted by the Board of Trustees and public hearing on December 22, 1993, to become effective January 1, 1994.

By Topsham Sewer District, Board of Trustees
Mark A Ponziani, Chairman
Kenneth R Journey, Secretary
William E Fitzsimmons, Treasurer

SECTION 7. Revisions to the Rules and Regulations, Topsham Sewer District, adopted by the Board of Trustees by vote on June 12, 2024.

By Topsham Sewer District, Board of Trustees
Mark A Ponziani, Chairman
Dwight Balser, Secretary
Christopher Leclerc, Treasurer