

TOWN OF SMITHFIELD  
**NOTICE OF PUBLIC HEARING**

**Town Council to consider Proposed Ordinance Amendments to the Sewer Authority  
Rules & Regulations**

Public Hearing Date: Tuesday, April 3, 2018  
Time: 7:00 p.m.  
Place: Smithfield Town Hall, 64 Farnum Pike, 2<sup>nd</sup> Floor

**Sewer Use Rules & Regulations proposed to be amended:**

**A361-37 “Connections to the system required”**

The proposed changes are to clarify this section, including when connections are not required.

**A361-43 “General discharge Prohibitions”**

The proposed changes alter discharge limits for significant industrial users.

The public is welcome to any meeting of the Town Council or its sub-committees. If communication assistance (readers/interpreters/captions) or any other accommodation to ensure equal participation is needed, please contact the Smithfield Town Manager’s office at 401-233-1010 at least forty-eight (48) hours prior to the meeting.

To view the full text of the proposed ordinance amendment, please visit the office of the Smithfield Town Clerk during normal business hours (8:30 a.m. to 4:30 p.m.) or visit the Town’s Web Site at: [www.smithfieldri.com](http://www.smithfieldri.com).

By order of the Town Council:

Carol A. Aquilante, CMC  
Town Clerk

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That section of Article V of Chapter A361 of the Appendix to the Code of Ordinances, Town of Smithfield, Rhode Island, is hereby amended to read as follows:

§A361-37. Connection to system required; where accessible; enforcement; exception and extension.

*Latest version.*

A. The owner(s) of all houses, buildings, or properties, used for human occupancy, employment, recreation or other purpose, situated within the Town and abutting on any street, alley or right-of-way in which a public sewer ~~there~~ is now located or in the future may be located ~~a public sanitary sewer~~ in said Town, is hereby required at ~~his~~ the owner's expense to connect sanitary sewerage facilities directly with the public sewer in accordance with the provisions ~~so~~ of these rules and regulations, and any ordinances, rules and regulations adopted by the Town, or any agency thereof, provided that said public sewer is determined to be accessible and available by the Superintendent.

B. The Authority may order any owner ~~or occupant~~ to fill up and destroy any cesspool, privy vault, drain or other arrangement for the reception of sewage on such land ~~for the reception of sewage~~. The owner shall comply with an order ~~Upon the service of any such order, or copy thereof, upon any such owner or occupant,~~ to connect to the public sewer ~~sewage as aforesaid,~~ or to fill up or destroy any cesspool, privy vault drain or other arrangement for the reception of sewage, ~~such owner or occupant shall comply therewith~~ within 30 days from the time of service of such order or within such extended period as the Authority may determine. However, in the case of a single-family home, an owners, is not required to connect to the public sewer ~~pursuant to any ordinance, rule or regulation relating to installation of sewers in subdivisions,~~ shall not be ~~required to connect within said 30 days unless a~~ the public sewer line or connection stub is available within 200 feet of any ~~building line~~ part of the single family home. ~~In case~~If the owner ~~or occupant to whom any such order is directed shall neglect or refuse~~ fails to comply ~~therewith~~ with said order within the timeframe set for compliance ~~30 days after the service thereof upon him or within such extended period, he~~ the owner shall be fined not less than \$5 nor more than \$100 for each subsequent 24 hours during which ~~he~~ the owner shall ~~neglect or refuse~~ fail to comply ~~therewith,~~ and ~~in case such neglect or refusal shall continue~~ if the owner fails to comply for 60 days after the service of such an order, the Authority may cause such cesspool, privy vault, drain or other arrangement for the reception of sewage which is the subject of such order to be filled up and destroyed and the sewage from such land to be connected with a ~~common~~ public sewer ~~or interceptor~~. The pendency of any appeal from any such order shall not affect the power of the Authority, after the expiration of said period of 60 days, to cause such cesspool, privy vault, or other arrangement for the reception of sewage to be forthwith filled up and destroyed. (Pursuant to §17 of Chapter 96 of the Public Laws of Rhode Island, 1973 (as amended).

C. Whenever the Authority shall cause any cesspool, privy vault, or other arrangement for the reception of sewage to be filled or cause the sewage from such land to be connected with a ~~common~~ public sewer ~~or interceptor~~, it shall keep careful account of the cost of such work and of any expense ~~caused~~ incurred by the Town by ~~reason of the neglect or refusal of the new owner or~~

occupant of such land to comply with the order of the Authority issued as aforesaid, and ~~u~~Upon the completion of such work the Authority shall file a statement of such cost and expense with the Town Treasurer and ~~thereupon the amount of such cost and expense shall be~~ place a lien upon the owner's land, ~~including~~ The Authority may collect the cost and expense of said improvements thereon, for which such cost and expense was incurred and in the same manner as other assessments and charges are collected under this act Ordinance.

D. Notwithstanding the foregoing, the Authority, upon application, may extend the period for connection ~~by reason of the poverty of the applicant~~ if the owner is able to show sufficient evidence of a lack of financial means to comply with the order or other hardship.

That sections of Article V of Chapter A361 of the Appendix to the Code of Ordinances, Town of Smithfield, Rhode Island, is hereby amended to read as follows:

§ A361-43      **General discharge prohibitions.**

- A. The Authority may limit, reject or prohibit any direct or indirect discharge of pollutants or combination of pollutants, as defined by applicable federal or state law or as described below, into the facilities.
- B. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the facility or cause the Authority to be in violation of any federal or state law, regulations, or administrative rule or order. These general prohibitions apply to all such users whether or not the user is subject to National Categorical Pretreatment Standards or other national, state or local pretreatment standards or requirements. A user may not contribute the following substances into the facility:
  - (1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause a fire or explosion or be injurious in any other way to the facility, including, but not limited to, wastestreams with a closed cup flash point of less than 140° F. or 60° C. using the test methods specified in 40 CFR 261.21. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the facility (or at any point in the facility), be more than 5% nor any single reading over 10% of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, and any other substances which the Authority, the state or EPA has notified the user is a fire hazard or a hazard to the facility.
  - (2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the facility such as, but not limited to: grease, garbage with particles greater than 1/2 inch in any dimension, animal guts or tissues, paunch manure, bones, hair hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residue, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
  - (3) Any wastewater having a pH less than 5.0. s.u. or greater than ~~4.0~~ 11.5. s.u.
  - (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the facility or to exceed the limitation set forth in a categorical pretreatment standard.

- (5) Any noxious or malodorous liquids, gases, or solids, which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- (6) Any substance which may cause the effluent or any other products of the facility such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged into the facility cause noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act; the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management being used.
- (7) Any substance which will cause or contribute to pass-through of the facility which results in a violation of the facility's NPDES and/or state disposal system permit or the receiving water quality standards.
- (8) Any pollutants or pollutant slug, including oxygen-demanding pollutants (BOD, COD, etc.), released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the facility.
- (9) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
- (10) Any wastewater which causes a hazard to human life or creates a public nuisance.
- (11) Waters or wastes containing substances which are not amenable to treatment processes employed or are amenable 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.
- (12) Any water or wastes which, by interaction with other water or wastes in the interceptor, release obnoxious and/or toxic gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- (13) Any water or waste which, by itself or by interaction with other materials, emits chemical contaminants into the atmosphere of any confined area of the wastewater system at levels in excess of short-term exposure limit-threshold limit value (STEL-TLV) established for airborne contaminants by the American Conference of Governmental Industrial Hygienists (ACGIH) or the National Institute for Occupational Safety and Health (NIOSH).
- (14) The attainment of specific levels for discharge to municipal sewers by dilution in the absence of treatment shall be prohibited.
- (15) Any trucked or hauled pollutants, except at discharge points designated by the facility.
- (16) Any liquid or vapor having a temperature higher than 150° F. (65° C.); provided, however, that the temperature at the POTW influent shall not exceed 40° C. (104° F.).

- (17) Color or turbidity in such an amount that it will prevent the Authority from discharging a treated effluent in compliance with any state or federal regulations or permit requirements.
- (18) Wastewater containing more than 25 mg/l of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
- (19) Waters or wastes containing fats, wax, grease or oils of vegetable or animal origin as measured by freon extraction in excess of 100 mg/l or containing other substances which may solidify or become viscous at temperatures between 32° F. or 0° C., and 150° F. or 65° C. Waters or wastes containing such substances, excluding normal household waste, shall exclude all visible floating oils, fats and greases. The use of chemical or physical means (such as temperature variation, emulsifying agents and mechanical mixers) to bypass or release fats, oils and greases into the municipal sewerage system is prohibited.
- (20) Any garbage that has not been properly shredded. [Properly shredded garbage shall mean solid 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 public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.] Garbage grinders may be connected to public sewers 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. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Authority.
- (21) Any wastewater in excess of permit limits set by the Authority in the user's wastewater discharge permit. Permit limits shall be established by the Authority and/or the Rhode Island Department of Environmental Management and/or the Environmental Protection Agency. The volume and concentration of contributions from users may be subject to more stringent requirements set by the Authority so that the aggregate contribution within the Authority's facilities do not cause odor problems, treatment or collection system difficulties, or produce a wastewater or treatment facility effluent, air emission or sludge discharge in violation of the limits and requirements of applicable federal and state regulations.
- (22) Substance concentration.
  - (a) Concentrations of the substances listed below in excess of the assigned discharge limitations:

[Amended 5-27-2009 by Ord. No. 2009-12]

<b>Parameter</b>	<b>Discharge Limit (mg/L)</b>
Arsenic, total	1.815
Cadmium, total	0.053
Chromium, total	1.204

Copper, total	0.513
Lead, total .	0.159
Mercury, total	0.016
Nickel, total	2.834
Silver, total	0.118
Zinc, total	2.072
Cyanide, total	0.172
Total toxic ogranics*	2.130
Total organics (any single parameter)**	1.000
Pesticides and polychlorinated biphenyls***	Not detected
Biochemical oxygen demand (BOD)****	<del>527 #/day</del> <u>25 lbs/day<sup>1</sup></u> <u>100 lbs/day<sup>2</sup></u> <u>850 lbs/day<sup>3</sup></u>
BOD (surcharge) *****	350
Total suspended solids (TSS)	400 #/day
TSS (surcharge) *****	250
Oil & Grease	<u>25 mg/L (Mineral or Petroleum Origin)</u>
Oil & Grease	<u>100 mg/L (Animal or Vegetable Origin)</u>
pH	5.0 to 11.5 standard units
Temperature	150° Fahrenheit

*The above limits are considered instantaneous maximum concentrations for each pollutant that may not be exceeded at any time, regardless of duration of monitoring. These limits apply to all permitted commercial and industrial wastewaters and will be used to determine compliance with all process wastewater discharges at the end of process following any applicable pretreatment.*

\* The Total Toxic Organics (TTO) limitation applies to the sum of all priority pollutant parameter concentrations as measured by EPA Methods 624, and 625, not including Pesticides and Polychlorinated Biphenyls (PCB).

\*\* The Toxic Organics (TO) limitation applies to any single parameter concentration as measured by EPA Methods 624, and 625, not including Pesticides and Polychlorinated Biphenyls (PCB).

\*\*\* The Pesticides and Polychlorinated Biphenyls (PCB) limitation applies to any single parameter concentration.

\*\*\*\* For industries that are assigned a mass load limit, 350 mg/l is the uniform concentration surcharge level (not considered a limit) and the assigned mass load limit is the threshold beyond which discharges would be subject to enforcement. For industries without a proposed mass load limit, 350 mg/l is the actual limit.

\*\*\*\*\* Per Chapter **294** of the Town of Smithfield Code of Ordinances, BOD and TSS surcharge fees will be assessed on concentrations above 350 mg/l and 250 mg/l, respectively. The fees will be based on average reported concentrations and flows for the reporting period and calculated over the number of days of discharge in the reporting period.

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<sup>1</sup> **Applicable to Significant Industrial Users (SIU) in SIC category 8200**

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<sup>2</sup> **Applicable to Categorical Industrial Users (SIU) in SIC category 3851**

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<sup>3</sup> **Applicable to Significant Industrial Users (SIU) in SIC category 2834 & 2836**

- (b) The above limits are considered instantaneous maximum concentrations for each pollutant that may not be exceeded at any time, regardless of duration of monitoring. These limits apply to all commercial and industrial wastewaters and will be used to determine compliance with all process wastewater discharges at the end of process following any applicable pretreatment.
- (23) Grease, oil and sand interceptors shall be provided by the user generating such wastes when, in the opinion of the Superintendent, they are necessary for the proper handling of flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. Grease interceptors shall be provided at restaurants and all other public eating places. All interceptors shall be a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the person generating the wastes shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by generating user's personnel must be performed by currently licensed waste disposal firms.
- C. Limits established in this section may be modified and the volume and concentration of contributions from users may be subject to more stringent requirements by the Authority so that the aggregate contribution within the Authority's facilities do not cause odor problems, treatment facility effluent, air emission or sludge discharge in violation of the limits and requirements of applicable federal and state regulations.
- D. In any instance in which federal and/or state requirements or limitations are more stringent than the limitations set forth in this ordinance, said requirements and limitations on discharges shall be met by all users subject to such requirements or limitations.