



# SYSTEM RULES AND REGULATIONS

**Revised: June 2022**

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## **ARTICLE I.**

### **IMPORT OF REGULATIONS, GENERAL PROVISIONS AND DEFINITIONS**

#### **SECTION 1.1. AUTHORITY AND SCOPE**

Under the authority derived from MGL Chapter 41 Section 69B the Sudbury Water District (hereinafter referred to as “the District” and the Board of Water Commissioners (hereinafter referred to as “Commissioners”) have adopted the following rules and regulations governing the use and development of its public water supply and distribution system. These regulations, policies and guidelines have been established to govern the use of the public water supply, the existing distribution system and allow for future expansion of the existing distribution system.

The District may provide water service to any residential dwelling, commercial building, or municipal building, park, or parcel of land, located within the District area. Water service may be provided to a property which is located wholly or partially outside of the District after successfully petitioning the District and obtaining approval by a majority of District members at its annual meeting or a special meeting. The District may make emergency interconnections to adjacent water systems for the purpose of providing and being provided water as conditions warrant. The District shall not be obligated to provide water service to customers within the District, which are located beyond the physical limits of the existing distribution system. Applicants for water service must construct at their own expense the improvements to the water distribution system necessary to provide water service, the design of such facilities must be approved by the Commissioners, and so long as the construction is acceptable by the Executive Director or his/her designee.

#### **SECTION 1.2. SEVERABILITY**

The provisions of these Regulations are severable. If any provision of these Regulations or any specific application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications which can be given effect in the absence of the invalid provision or application.

#### **SECTION 1.3. APPLICABLE REGULATIONS**

Every user of the public water system or private water mains shall be subject to regulations of the District, as they apply, and to any charges, rates, fees, and assessments which are or may be established by the Board of Water Commissioners. Any user of the public water system or private water mains shall also be subject to applicable State and Federal regulations. In instances where various regulations contain conflicting requirements, the most stringent requirements shall be met. In addition to these Regulations, the most recent editions of the following rules or guidelines shall be adhered to:

- Commonwealth of Massachusetts, Department of Environmental Protection 310 CMR 22 Division of Water Supply: Guidelines and Policies for Public Water Systems, as amended.
- Commonwealth of Massachusetts, Board of State Examiners of Plumbers, and Gas Fitters: Uniform State Plumbing Code and Massachusetts Fuel Gas Code (State Plumbing Code), 248 CMR 2; Commonwealth of Massachusetts, Department of Public Health.
- State Sanitary Code, 105 CMR 400, Chapter I and Chapter II: Commonwealth of Massachusetts, Department of Environmental Protection: Drinking Water Regulations: 310 CMR Section 22.
- District Billing Policy.
- National Fire Protection Association National Fire Code.  
Town of Sudbury Fire Prevention Code; and
- Town of Sudbury Public Health Department Regulations.

#### **SECTION 1.4. RIGHT TO AMEND REGULATIONS**

The District reserves the right to amend these Regulations in any manner and to establish more stringent limitations or requirements as is deemed necessary or appropriate.

#### **SECTION 1.5. REQUIRED APPLICATIONS AND PERMITS**

Applications and permits required by these Regulations are in addition to applications and permits that may be required by other Federal, State, and local laws or regulations.

The following applications and permits are required by these Regulations:

- General Water Permit Application
  - Hydrant Meter Rental Assembly Application
  - Hydrant Fire Flow Permit Application
  - Leak Abatement Application
  - Residential Fire Protection Application
  - Water Contractor's License Application
  - Final Meter Reading Application
- a. The District shall enforce, pursuant to Article IX of these Regulations and other applicable local, State and Federal Laws, the terms and conditions of a permit issued under these Regulations.

- b. The District may modify a permit as deemed necessary or appropriate or as required by State or Federal Law.
- c. A permittee may request reconsideration of the terms and conditions in an issuance, renewal, or modification of a permit issued by the District, and an applicant may request reconsideration of the denial of a permit by the District, pursuant to Article X of these Regulations.
- d. A permit shall not be assigned or transferred without prior written approval of the District. After approval of a permit assignment or transfer, the permittee shall provide a copy of the permit to the assignee or transferee.
- e. These Regulations shall not be construed to require the District to permit itself or those in its employ for activities done to carry out the District's responsibilities under any Federal or State Law, regulation, or requirement.

#### **SECTION 1.6. DEFINITION AND ABBREVIATION:**

**Annual District Meeting:** shall mean that a meeting of the legal voters of the Sudbury Water District of Sudbury, Massachusetts shall be held each year in the Town of Sudbury, on the third Tuesday in May at seven o'clock in the evening, for the purpose of electing officers and for the transaction of such other business as may properly come before the meeting. For purposes of election, polls shall open at 3:00 p.m. prior to the commencement of the Annual Meeting and polls shall remain open until 7:00 p.m. at which time the election results shall be determined. Whenever the aforesaid day is a holiday, this meeting shall be called for the following day.

**Applicant:** shall mean any property owner or duly authorized owner's agent applying for water service or for a water main extension, alteration, replacement, disconnection, relocation, or fire pipe construction.

**Authorized Representative:** a person chosen by the property owner to have legal authority to act on behalf of the property owner.

**Automated Meter Reading Device (AMR):** shall mean a device(s) used for reading a water meter without having to enter a premises.

**Backflow:** shall mean the flow of water or other fluids, mixtures, or substances into the distribution pipes of a potable supply of water from any source or sources other than its intended source.

**Backflow Prevention Device:** shall mean a valve designed to prevent the flow of water from a building into the Public Water System.

**Board of Water Commissioners:** herein after referred to as “Commissioners” shall mean an elected official to a three-member board who are the sole governing municipal body with the responsibility for ensuring that the District’s water system has all the required technical, managerial, and financial resources for complying with 310 CMR 22.00. This means providing all the necessary resources for sustaining the public water supply system from the source to the tap in perpetuity, authorized to act as such and in such manner as they shall deem for the best interest of the District. At each Annual District Meeting the legal voters of the District shall elect one Commissioner for a term of three years. The Commissioners shall annually appoint one board member as Chairman.

**Chairman:** shall mean a member of the Board of Water Commissioners appointed to preside over the District’s meetings and events.

**CMR:** shall mean Code of Massachusetts Regulations.

**Condominium:** shall mean an independently owned unit of a residential or commercial building.

**Consumption:** shall mean the amount of water used, as measured by a meter, or as estimated by the District in accordance with its billing procedure.

**Corporation Stop:** shall mean a buried water service shut off valve located immediately onto the water main and connected to a service to a specific property. This valve cannot be operated from the ground surface.

**Curb Box/Stop:** shall mean a shut off valve located on the service pipe to a building. The valve is located at (or near) the property line. The curb stop is the property of the District.

**Cross Connection:** shall mean any actual or potential connection between a distribution pipe of potable water supplied by the District and any waste pipe, soil pipe, drain or any other unapproved source. Without limiting the generality of the foregoing, the term “cross connection” shall also include any bypass arrangement, jumper connection, removal section, swivel or changeover connection and any other temporary or permanent connection through which backflow can or may occur.

**Customer:** shall mean any person, partnership, firm, corporation, or organization who is the legal title holder of the property responsible for payment of bills for charges for water and miscellaneous service to a property whether or not the premises are occupied by the customer or the customer’s authorized representative.

**Customer Web Portal (CWP):** shall mean a way to access customer account information and perform certain functionality online such as viewing and paying a bill.

**Delinquent Account:** shall mean an account for which the District has not received payment from the customer by the due date.

**Demolition Certificate Letter:** shall mean a letter issued by the District to the Town of Sudbury's Board of Health certifying that water service has been disconnected from the public water supply and that the water meter has been removed from the property. The property owner shall be responsible for disconnecting the water service from the water main prior to the issuance of a demolition certificate letter.

**Discontinuance:** shall mean a temporary cessation of water service at the premise at the request of an owner or customer for reasons other than ordinary repair or maintenance.

**District:** shall mean the Sudbury Water District of Sudbury Massachusetts, also referred to as "the District".

**District Bonded Contractor:** shall mean a contractor having the appropriate bonding, insurance, and water contractor's license necessary to perform work on the District's water distribution system and/or connections to the District's water distribution system.

**Easement:** shall mean an acquired legal right for the specific use of land for water and other utilities that is owned and maintained by others, whether recorded or by prescription.

**EPA:** shall mean the United States Environmental Protection Agency.

**Executive Director:** shall mean the person employed by the District to act as its Business Manager presiding over all facets of the day-to-day operation and long-term planning of the public water supply, treatment, and distribution systems. The Executive Director is ultimately accountable for the District's business decisions and reports directly to the Board of Water Commissioners.

**Fire Protection/Suppression System Supply Line:** shall mean the private water piping, control valve and appurtenances installed solely to furnish water for extinguishing fires. (also referred to as a Fire Pipe in these Regulations.)

**Fire Flow Test:** shall mean the measurement of flow from a hydrant performed by the District in accordance with generally accepted engineering practices.

**General Water Permit Application:** shall mean the form provided by the District and completed by the property owner or by an agent authorized by the owner and submitted to the District prior to construction, reconstruction, repair, or modification of a water main, service pipe, or a fire pipe from a public water main.

**GPD:** shall mean gallons per day.

**Hydrant:** shall mean a device connected to a public water main for the purposes of extinguishing fires or other authorized purposes.

**Hydrant Permit:** shall mean a written permit granted by the District for the temporary use of a District owned hydrant or a private hydrant that is metered for use.

**Licensed Contractor:** shall mean a contractor authorized in writing by the District and bonded to install, maintain, and repair water mains and water services within the confines of the District's distribution system.

**Master Meter:** shall mean a water meter used for billing purposes serving a building or group of buildings. It can also mean for measuring flow from a water source (well or treatment plant) to the distribution system.

**MassDEP:** shall mean the Massachusetts Department of Environmental Protection.

**Meter:** shall mean an instrument or device, including any appurtenances thereto, for measuring the flow of water.

**Meter Pit:** shall mean an underground vault enclosing a meter. Typically, it is constructed for buildings without basements.

**Owner:** shall mean a person who alone or jointly with others, has the legal title to any premises or has care, charge, custody, or control of any premises as agent, executor, administrator, trustee, lessee, or guardian of the estate of the holder of legal title.

**Owner's Side Leak:** shall mean a leak in the owner's portion of a water service pipe, a leak on a fire pipe or a combined service. That a leak exists in the water service pipe on the owner's property, and that the owner is responsible for repairing the leak.

**Plumber:** shall mean a person licensed as a plumber by the Commonwealth of Massachusetts.

**Potable Water:** shall mean water fit for human consumption in conformance with the regulations of the Massachusetts Department of Environmental Protection Agency.

**Premise/Property:** shall mean a parcel of real estate or portion thereof, including any improvements thereon, which is determined by the District to be a single user for purposes of receiving, using, and paying for water service.

**Private Fire Protection:** shall mean private water mains, fire pipes and other appurtenances installed for the purpose of fire protection/suppression at a particular premise.

**Private Hydrant:** shall mean a hydrant installed by an owner for the purpose of private fire protection/suppression at a particular premise.

**Private Water Main:** shall mean a water main that is not owned by the District, which is located on private property such as condominium complexes and industrial business parks.

**Public Fire Protection:** shall mean the public water mains, hydrants and appurtenances installed for the purpose of fire protection in a public way, District-owned easement, whether recorded or by prescription, or private way open to public travel.

**Public Water Main:** shall mean the piping and associated valves, hydrants, and appurtenances owned by the District, installed in a public way, publicly owned easements whether recorded or by prescription, or private way open to public travel, for the purpose of supplying water to one or more customers or for public fire protection.

**Public Water System:** shall mean a system for the provision to the public of piped water for human consumption. The District is a public water system.

**Qualified Legal Voter:** shall mean or have the same meaning and shall be deemed to be synonymous with references to a legal voter of the District, a qualified voter within the District, voters living within the District, a legal voter of the Sudbury Water District, or to a member of the District and shall be defined as:

- (i) A registered voter within the Town of Sudbury who is;
- (ii) A resident whose primary place of residence is within the geographical confines of the Sudbury Water District;
- (iii) with said property being serviced by the District.

For the purposes of determining whether said property is being serviced by the District said property must be connected to the District and must be in use by virtue of the existence of an active account for service and with service actually being provided by the District.

**Release Agreement:** shall mean a form prescribed by the District that transfers ownership of water facilities to the District and/or grants to the District an easement with respect to such facilities. The form shall be duly completed accepted and signed by the Board of Water Commissioners and filed with the Middlesex County Registry of Deeds.

**Requirements for Site Plans:** shall mean the document that describes the information that must be included in site plans submitted to the District. A site plan is required by the District for review and approval by the Executive Director (or his/her designee) of a proposed connection, reconstruction, repair or modification of a water service pipe or fire pipe which connects to the District's water distribution system.

**Residential Meter:** shall mean a meter measuring one inch in diameter or smaller used to measure the flow of water to a predominantly residential property.

**Service Pipe:** shall mean the pipe that connects the public water supply main through the curb box/stop to the inside of a building. The District owns and is responsible to maintain the section of the service pipe from the public water supply main to the curb box/stop. The owner owns and is responsible to maintain the section of the service pipe after the curb box/stop to the inside of the building, with the exception of the water meter and valve before the meter.

**Site Plan (a.k.a. Utility Plan):** shall mean a drawing that includes the location of the existing or proposed drinking water source, the building location, parking area/driveway, septic location, location of underground utilities (private well, electric, gas, telephone, cable, etc.), proposed location of water service pipes, water meter, valves, anti-backflow device and any other required components between the curb box/stop and the building. A site plan must be included with a General Water Permit Application and be approved by the Executive Director or his/her designee.

**Shut Off:** shall mean the closing of a control valve to temporarily or permanent stop water service or to terminate water service.

**Special District Meeting:** shall mean that a meeting may be called by a majority of the Board of Water Commissioners by a Warrant directed to the Clerk of the District, or upon petition of ten or more legal voters of the District as provided in Section 8, Chapter 100, of the Acts of 1934.

**Standards and Specifications:** shall mean the standards for design used by the District for construction and rehabilitation of public water mains, water service pipes, fire pipes, and meters.

**Termination:** shall mean the cessation of water service pursuant to the District's Billing, Termination and Appeal Regulations or for a violation of these Regulations.

**Tie Card:** shall mean a plot plan drawing showing the location of a building's, driveway, underground utilities in measurements of feet and inches including water, and other underground utilities, including a meter pit (when applicable) curb box/stop, water main (size and type).

**Town:** shall mean the Town of Sudbury, Massachusetts.

**User:** shall mean any person who obtains water service from the District.

**Water Impact Report:** shall mean that any new connection, or extension to an existing connection of a service pipe 2-inches in diameter or larger having a design demand in excess of 2,500 gallons per day is required to provide a Water Impact Report to the District.

**Water:** shall mean public water supply.

**Water Service:** shall mean the readiness to supply or actually supplying water to premises in which a water service pipe or fire pipe has been installed. Water service may also mean a water service pipe.

**Water Service Pipe:** shall mean the connection, piping and associated valves and appurtenances that extend from a public water main to a building or property for the purpose of supplying water, other than for fire protection/suppression systems.

**Well:** shall mean any dug, driven or drilled hole, with a depth greater than its largest surface diameter, developed to supply water intended and/or used for human consumption, irrigation, or industry and not subject to regulation by 310 CMR 22.00.

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**Additional Definitions** as applicable are adopted as set forth in the Massachusetts Plumbing Code, 248 CMR and the Massachusetts Fire Prevention Regulations, 527 CMR.

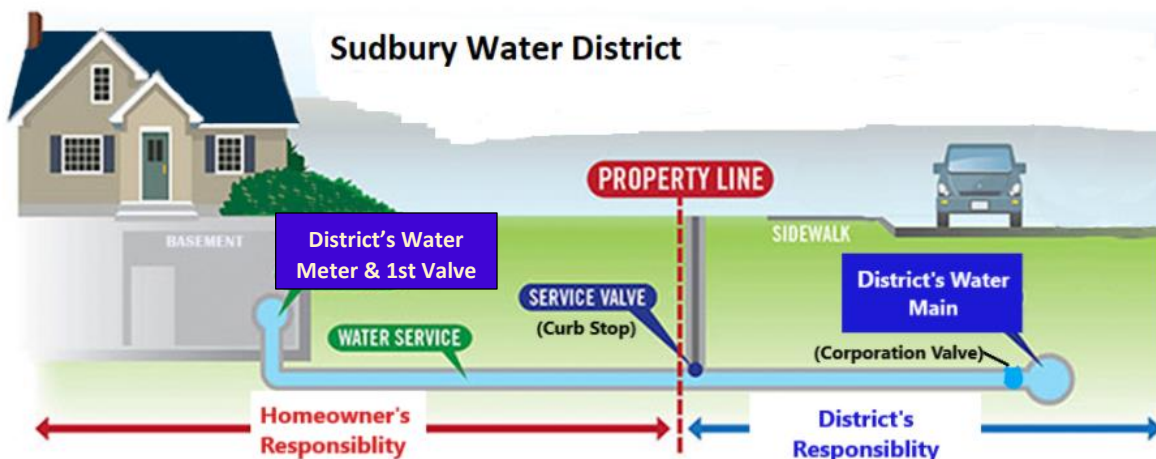
## ARTICLE II USE OF WATER AND WATER FACILITIES

### SECTION 2.1. JURISDICTION

All property situated within the confines of the District shall be eligible to receive water service from the public water supply upon compliance with these Regulations. The timing and methods for extending or providing service shall be at the District's sole discretion. Eligibility for water service outside of the District shall be conditioned upon the District's approval and compliance with these Regulations.

### SECTION 2.2. OWNERSHIP

The District owns all public water mains, hydrants, valves, and associated appurtenances located within public ways, District-owned easements, whether recorded or by prescription and private ways open to public travel within the District unless otherwise specified in writing by the District (with a copy provided to the owner). The District also owns all water pipes, valves, and taps. The owner owns and is responsible for all piping, valves, equipment, and other appurtenances after the curb box/stop and into the building with exception of the first valve and water meter which is the property of and maintained solely by the District.



### SECTION 2.4. PUBLIC WATER MAIN

The District shall control the use of all public water mains in the distribution system. No person shall, without prior written authorization from the District, uncover, make any connections with or opening into, alter, or disturb a public water main. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the District's water distribution system.

## **SECTION 2.5. PRIVATE WATER MAINS**

All private water mains in the District that convey water from public water mains owned by the District shall be controlled by the District, but shall be constructed, installed, repaired, operated, and maintained by their owners at the owner's expense. The District may direct the owner to repair or replace a private water main, if in the judgment of the District such action will reduce the quantity of water lost through leaks from that main or where such leaks may jeopardize the operation of the public water system. Repairs to private water mains shall be made by and at the expense of the owner. The District shall inspect and approve the connection of the private water main to the District's public water main.

## **SECTION 2.6. WATER MAIN EXTENSIONS**

The design of any proposed water system addition shall be approved by the Executive Director prior to issuance of permits for construction. Water system construction shall be inspected and approved by the District and the cost of engineering inspection of the construction shall be paid by the developer.

- a. The applicant and owner of the property shall pay all costs relating to the laying of water main and infrastructure.
- b. The applicant shall perform all work in accordance with these Rules and Regulations and with current specifications of the District.
- c. Water mains shall be constructed by a competent licensed contractor and shall be cleaned, disinfected, flushed, and tested before connection of the water system addition to the District's water system.
- d. The applicant shall hold the District harmless and indemnify the District against any liability resulting from any defective materials, workmanship, or operation in connection with said installation. When working in public ways the applicant and/or contractors shall maintain Public Liability Insurance in the amount not less than three (3) million dollars (\$3,000,000) for injuries, including wrongful death to any one person, subject to the same limit for each person in an amount not less than one (1) million dollars (\$1,000,000) on account of an accident.
- e. The applicant shall agree to pay for a Water Impact Report in addition to all other fees associated with connection onto the District's public water supply.
- f. All work performed, material, and equipment will be warrantied to the District for one (1) year, from the date of acceptance by the District.
- g. Whenever possible, any extensions will have the mains looped to prevent dead ends in the water system. This should also include the possibility of providing two (2) flow paths for supplying water.

- h. All main extensions will have corporations and a curb stop/box installed for each dwelling located along the new main route. The cost of each such installation shall be borne by the applicant.

#### 2.6.1 FAILURE OF PAYMENT:

The District reserves the right to place a lien on the real estate or shut-off water service of any person who fails to pay bills for water or services supplied to or for the benefit of the owner's land (Massachusetts General Laws Chapter 40, Section 42A through F).

#### 2.6.2 WATER IMPACT REPORT:

Any person applying for water use having a design demand in excess of 2,500 gallons per day or a larger (a service line measuring 2 inches in diameter or above) or that requires an extension to or addition to the water system will provide a Water Impact Report to be reviewed by the Executive Director for approval. This report must contain the following:

1. Estimated impact of the project on the District's water demand.
2. Impact of the project on the District's existing supply system including the effect on water flow and direction through the water mains proximate to the new service line and on maintenance of adequate fire flow.
3. Impact of the project on the District's Water Management Act Withdrawal Permit compliance.
4. Conditions and water conservation measures that will mitigate the effect of the project's impact (applicants should request from the District a list of possible mitigation measures).

Costs associated with generating the report will be borne by the owner. Guidelines for the Water Impact Report are included in Appendix A.

#### 2.6.3 BONDING AND APPROVAL OF CONTRACTORS:

Contractors must post a bond in a form satisfactory to the District and in an amount and for a period of time that the District deems sufficient to guarantee construction quality and operating performance. Bonding is required before work commences on any public water main extension, replacement or relocation by contractors working for the District or an owner on District-owned property or easements.

#### 2.6.4 RELEASE AGREEMENT:

After approval of a proposed extension, replacement, or relocation of a water main and after the intended construction has been approved by the District, the applicant shall transfer ownership of the extended, replaced or relocated water main to the District through a Release Agreement in a form prescribed by the District. The Release Agreement shall be accompanied with as-built plans for the extended, replaced or

relocated water main and any other information required by the District. Until such time as the Release Agreement is signed by the District, the extended, replaced or relocated water main shall be considered to be privately owned by the applicant and shall be subject to the requirements pertaining to private water mains contained in these Regulations.

#### **2.6.5 DENIAL OR MODIFICATION OF A PROPOSAL**

The District may deny the request of an applicant to extend, replace or relocate a public water main, if the District determines that the proposed work does not conform to the District's Standards and Specifications, or the District determines that the work will adversely affect its system or that of existing users.

The District may condition its approval of a request to extend, replace or relocate a water main. Among other things, the Executive Director may require that an applicant who proposes to extend, replace, or relocate a public water main make certain improvements or modifications to the existing system.

An applicant's requests for a new water service pipe or fire sprinkler pipe which, in the judgment of the District, imposes a demand in excess of the capacity of the existing main, may require the replacement of the existing main with one of appropriate size. The applicant shall pay the full cost thereof including any tests, studies, investigations, and inspections required for design and construction.

#### **2.6.6 MAJOR DEVELOPMENT PROJECT REVIEWS:**

When the District must perform professional engineering and legal reviews for major development projects, the applicant shall pay for such reviews in amounts determined by the Executive Director.

### **SECTION 2.7. FIRE HYDRANTS USE AND MAINTENANCE**

**2.7.1 OPERATIONS OF HYDRANTS/PUBLIC AND PRIVATE:** Hydrants, both public, and private, are considered to be part of the public water supply and fixed fire extinguishing system. Therefore, no person shall tamper with, render inoperative or inaccessible, or operate a fire hydrant except as necessary during emergencies, maintenance, drills, or prescribed testing by the District's staff and/or the Sudbury Fire Department's staff only. No person shall make any attachment or connection to any hydrant on public or private property without the authorization from the Executive Director.

#### **2.7.2 LOCATION:**

Hydrants shall be placed at locations designated by the District to facilitate public fire protection or for District maintenance enhancements. As a condition of an approved new or extended water service, the District may require an owner to pay for the cost of a hydrant's

installation if the District determines that such new extended water service creates fire protection requirements or enhanced District maintenance.

#### **2.7.3 RELOCATION:**

An owner may request approval to relocate water facilities. The request shall include a plan of the relocation designed in accordance with the Standards and Specifications of the District. If the relocation is approved, the owner shall have the work performed at its expense by a contractor bonded and approved in accordance with Section 2.6 (above.)

#### **2.7.4 CLEARING OF SNOW FROM HYDRANTS:**

The District is not responsible for clearing snow accumulation from hydrants. Owners of properties near where hydrants are located are advised to clear snow from hydrants as it impacts public safety. The District encourages the participation in the District's Adopt a Hydrant Program by residents, businesses, and schools.

#### **2.7.5 HYDRANTS ON PRIVATE PROPERTY:**

Private-hydrant maintenance shall be a condition of providing public water service. Private hydrants shall be installed at the owner's expense.

Private hydrants will be operated and flushed as a part of the District's Uni-directional Flushing Program. Flushing frequency and schedule will be determined by the Executive Director and may vary from year-to-year. As much as possible, private hydrant owners will be notified in advance of the approximate flushing schedule.

The District will take reasonable precautions (diffusers, splash boards, etc.) to control the flow of water while flushing. In the event that normal operation and/or flushing results in failure or required maintenance of a private fire hydrant, the hydrant owner shall be responsible for replacement of, or repairs to, the hydrant. The District shall inform the hydrant owner immediately of deficiencies identified during operation and/or flushing. The hydrant owner may hire the District, or a qualified contractor as deemed by the District to complete the work needed to restore the hydrant. Repairs or replacements shall be completed as soon as possible but no longer than thirty days after the inspection and servicing.

Property owners of private hydrants shall be responsible to maintain a clear and unobstructed area of four (4) feet in diameter around each fire hydrant.

#### **2.7.6 FIRE FLOW TESTS:**

Only the District shall perform fire flow tests. If so requested, the District will conduct a fire flow test at the requesting person's expense.

### **SECTION 2.8. FIRE SERVICE CONNECTIONS**

Fire Sprinkler Systems:

To minimize the introduction of cross connection situations, piped fire sprinkler systems for residential, or business use shall meet the following requirements:

- a. No “antifreeze” fluid systems shall be allowed.
- b. All piping shall be rated for potable water.
- c. A Massachusetts licensed registered professional fire system engineer shall stamp and submit calculations showing the required pipe sizes.
- d. Backflow prevention devices shall be installed and shall be testable.
- e. Location (accessibility for testing/maintenance). Device location requires approval by the Executive Director or Backflow Tester Coordinator prior to installation.

Use of water from fire service connections for other than fire protection purposes is prohibited unless approved by the Executive Director.

## **SECTION 2.9 IRRIGATION SYSTEMS**

All irrigation systems shall be metered and equipped with an approved backflow prevention device.

## **SECTION 2.10 POINT OF ENTRY TREATMENT**

### **2.10.1 BUILDING WITH MORE THAN 25 OCCUPANTS:**

In accordance with Massachusetts regulations, the installation of a point-of-entry treatment device with respect to any building serving more than 25 people create a new public water system. Therefore, no such point-of-entry treatment device can be installed with respect to any building serving more than 25 people unless and until the building owner:

- a. Applies for and receives express written approval from the District for the installation of such a device.
- b. Applies for and receives express written approval for installation of such a device from the Massachusetts Department of Environmental Protection.
- c. Installs a reduced pressure backflow preventer before the point-of-entry treatment device, to avoid contamination of the District’s entire water supply system.
- d. Installs a master meter prior to the reduced pressure backflow prevention device and the point of entry treatment device.
- e. Utilizes a point-of-entry treatment device approved by the Massachusetts Board of Plumbers and installed in conformity with the State Plumbing Code.

- f. Hires an operator duly certified by the Massachusetts Board of Registration of Operation of Drinking Water Supply Facilities.
- g. Monitors the building's drinking water for all water quality parameters and with the frequency required by 310 CMR 22.00, and maintains adequate records of such monitoring; and
- h. Informs building occupants and users in writing of the existence of the point-of-entry treatment device.

#### **2.10.2 BUILDINGS WITH 25 OR FEWER OCCUPANTS:**

In accordance with Massachusetts regulations, the installation of a point-of-entry treatment device with respect to any building serving 25 or fewer people creates a new private water system. Therefore, no such point-of-entry treatment device can be installed with respect to any building serving 25 or fewer people unless and until the building owner:

- a. Installs a reduced pressure backflow preventer before the point-of-entry treatment device and after the master meter.
- b. Utilizes a point-of-entry treatment device approved by the Massachusetts Board of Plumbers and installed in accordance with the State Plumbing Code; and
- c. Informs building occupants and users in writing of the existence of point-of-entry treatment device.

### **ARTICLE III. WATER SERVICE**

#### **SECTION 3.1. APPLICATION OF WATER SERVICE**

##### **3.1.1 APPLICATION PROCEDURE:**

In order to obtain approval to construct or change the size or location of a water service pipe connecting to a public water main, the owner or the owner's authorized agent shall submit a General Water Permit Application which shall be processed at the District's administration office.

The application shall be submitted with all plans, specifications, or other information as the District may require. Approval of a permit application shall be subject to the availability of capacity in the public water main as determined by the Executive Director (or his/her designee).

##### **3.1.2 DEMOLITIONS:**

Before a building or structure is demolished, the owner shall notify the District, complete a General Water Permit Application for demolition, submit the application for removal or cutting and capping of all water, and fire pipes. The District at its sole discretion may

require the owner to submit a site plan. The District shall inspect the work to ensure that the services are removed or properly cut and capped in accordance with District specifications prior to backfilling.

**3.1.3 INCREASE IN SIZE OF SERVICE:**

When the size of a water service is either increased or decreased, the service to be discontinued shall be removed, or if approved, cut, and capped at the main in accordance with District specifications.

**3.1.4 EXPENSE BORNE BY OWNER:**

All costs and expenses related to the submission of a General Water Permit Application and work authorized pursuant to such application, including but not limited to design, legal, construction, connection, and inspection of a water service pipe shall be borne by the owner.

**3.1.5 EXISTING USERS:**

In the absence of a signed General Water Permit Application, the provision of water service by the District and its use by the owner shall nonetheless be subject to all provisions of these Regulations.

**SECTION 3.2. WATER SERVICE PIPES:**

**3.2.1 OWNERSHIP:**

The portion of a water service between the water main and the curb-box/stop which is located within a public right of way, shall be owned by the District, and the cost of any maintenance or repair of this portion of the water service shall be the responsibility of the District.

The portion of a water service between the curb-box/stop and the inlet side of the water meter shall be considered the property of the Owner. Maintenance and repairs to this portion of the water service shall be performed at the expense of the Owner by an authorized Licensed Water Contractor approved by the District to perform such repairs.

**3.2.2 DESIGN AND CONSTRUCTION STANDARDS:**

Water service pipes within a public way or a private way open to public travel shall be constructed in accordance with the District's Standards and Specifications (Appendix A). Water service pipes within private property shall be constructed in accordance with the latest version of the Massachusetts State Plumbing Code.

**3.2.3 LOCATION OF WATER SERVICE PIPE:**

No water service pipe shall be laid in the same trench with any other public or private facilities, except a fire pipe, nor within ten feet of all underground utilities and septic system(s) unless approved by the Executive Director. Any connection of a water service

pipe to a public main shall be made in a public way, a District-owned easement or in a private way open to public travel.

**3.2.4 LIMITATION ON TAPPING MAINS:**

All new taps shall be a minimum of one pipe size smaller in diameter than the main to be tapped; however, where the District deems this to be impractical then a solid sleeve three-way branch shall be used to connect to the new main.

**3.2.5 SEPARATE SERVICES:**

In general, the District requires a single water service pipe and a master meter for multiple unit premises. Otherwise, a separate service and meter shall be required for each premise of a different address or ownership. The District shall determine the water service pipe connections for condominiums and/or townhouses. However, there shall be no separate services for vertical condominiums, that is, condominiums substantially within the same footprint.

**3.2.6 RESTRICTION OF USE OF FIRE PIPE:**

No fire pipe shall be converted to a water service pipe.

**3.2.7 INSTALLATION OF WATER SERVICE PIPE:**

The owner shall be responsible, at its expense, for fulfilling all District requirements including licensing, bonding, General Water Permit Application, installing the water service pipe and appurtenances, tapping, and making connection to the public water main designated by the District. New service connections and pipe shall be a minimum size of 1-inch in diameter. Discontinued water services shall be shut off at the corporation valve and physically disconnected from the water main. Note that a separate Trench Permit is required by the Town of Sudbury's Board of Health Department.

Only the District shall turn-on the water service. The service will not be turned on until the installation has been inspected, a water meter has been installed and an As-Built drawing has been submitted by the owner or the owner's authorized agent to the District and signed off by the Executive Director (or his/her designee) in accordance with these Regulations.

The owner or owner's contractor shall arrange at least 48 hours in advance for an inspection by the District before backfilling the installed water service pipe and appurtenances.

The owner shall not backfill the installation until after the trench has been inspected by the District. The owner shall provide access to the property for purpose of a water service inspection by the District and shall not conceal the purpose for which water service is used or to be used.

A site plan and/or plot plan shall be submitted to the District. In addition to any other information required by the District, the as-built plan must include at a minimum:

- Building footprint;
- Curb-stop and Corporation measurements from building corners and/or nearest permanent fixtures such as hydrants, manhole covers, catch basins and utility poles;
- The location of any abandoned items, such as pipes, water gates and manholes;
- Location of all new installations, such as gates, manholes, reducers, 3-way tees, bends and other appurtenances;
- Depth of water pipe at all gates, bends and connections;
- Size and type of all pipes, valves, and hydrants installed;
- All utilities such as water, septic, storm drain, telephone, gas, electric, and cable television.

### **SECTION 3.3. METERS AND METER TESTING**

#### **3.3.1 REQUIREMENT FOR METER VALVES:**

Requirements established by the District system include two (2) meter valves:

- A First Valve shall be installed at the point of entry of the service pipe through the building wall before the meter, and a ball valve shall be installed on the outlet side of the meter.

#### **3.3.2 FURNISHING OF METERS AND METER SIZE:**

For residential and non-residential buildings, the District shall furnish at the owner's expense meters and all automatic reading devices, measuring up to and including one inch in diameter, along with the necessary bushings and couplings to attach to the plumbing. The owner shall furnish at its expense meters measuring one and one-half inch in diameter or larger, including the replacement of any such meter. The District specifications for water meters; *Neptune, MACH 10 Solid State Ultrasonic* water meter. The size of the required meter shall be subject to the approval of the Executive Director (or his/her designee).

#### **3.3.3 OWNERSHIP:**

Water meters, including all appurtenances for remote reading and first valve, shall be considered the property of the District. The Owner shall be responsible for the protection of the meter and its appurtenances from damage due to activities on the premises, freezing and other possible causes. All plumbing after the water meter beginning at the second meter valve including the pressure reducing valve (PRV) shall be the property of the Owner and shall be maintained by the Owner at their own expense. The District reserves the right to inspect such piping and appurtenances for purposes of cross connection control, or other reasons which may affect the safe and efficient operation of the public water supply system.

#### **3.3.4 INSTALLATION OF METERS:**

The District shall, install all meters measuring up to and including one inch in diameter. Prior to installation of the meter, the owner shall at its expense complete the plumbing

work so that the premises are ready for meter installation. If plumbing work is necessary to make the premises meter-ready, the District will provide plumbing specifications to enable the owner to prepare the premises for meter installation. The plumbing shall be completed in a manner that permits installation of the meter closest to the point of entry of the water service pipe. All meters measuring one and one-half inches in diameter and larger including an automatic reading device shall be installed by the owner at its expense and inspected by the District.

All meters and meter installations shall conform to the District's Standards and Specifications and comply with these Regulations.

**3.3.5 METER/REGISTER MAKE AND MODEL:**

All meters shall be a Neptune Mach 10) R900i Solid State Ultrasonic Water Meter reading in U.S. gallons. See the District's Standards and Specifications for further detail.

**3.3.6 METERS MEASURING UP TO ONE (1) INCH IN DIAMETER:**

Shall be furnished and installed by the District. The owner of the property has the responsibility of supporting the meter and adjacent piping such that there is no undue strain on the piping.

**3.3.7 METERS MEASURING 1 ½ INCH IN DIAMETER AND ABOVE:**

Meters measuring one and one-half inches in diameter and larger shall be installed with a strainer of the same manufacturer and with a one-inch tap for meter testing by the District. Larger meters must meet approval of the District and will be installed by a Massachusetts licensed plumber and inspected by District personnel.

**3.3.8 METER SIZE CHANGE OR LOCATION CHANGE:**

The owner may request that the size or location of an existing water meter be changed to accommodate changes in activities or uses at the property being served. Note that meter(s) shall be located at point of entry. Such changes will be performed by the District or its authorized agent at the expense of the owner. Meters measuring above one inch in diameter shall be installed by a Massachusetts licensed plumber and inspected by District personnel.

**3.3.9 METER SUSPECTED TO BE INACCURATE:**

The accuracy of a meter will be tested by the District upon written request of the owner or user of the premises where the meter is installed. If the meter is found to be accurate per the American Water Works Association (AWWA) specifications, the owner shall be responsible for the cost of the meter test. If a meter is found to be inaccurate, the District shall bill the customer an estimated amount based upon the customers consumption during the same billing period of the previous year or another comparable period.

**3.3.10 TEMPORARY HYDRANT METER:**

A contractor may apply to the District for a temporary hydrant meter to be installed for construction or temporary service purposes. All temporary hydrant meters will be installed with a testable backflow device (RPZ) to prevent contaminants from entering the

potable water supply. The hydrant meter will be billed at the current rate and applicable fees at the end of the required timeframe or end of the seasonal meter cycle, whichever occurs first. The fee for a temporary hydrant connection is listed on the Hydrant Meter Assembly Rental Application and in Appendix B.

3.3.11 LOCATION OF METERS:

All meters shall be installed within an owner's building as close to the public water supply main as possible in an ample and suitable space free from exposure to freezing unless otherwise directed by the District. This space shall at all times be unobstructed and accessible to the District for reading, testing, inspection, and maintenance purposes.

3.3.12 METER PITS:

The installation of a meter in a pit shall be at the sole discretion of the Executive Director (or his/her designee).

3.3.13 AUTOMATIC READING DEVICES:

The District may install a device on the inside or outside of a building in a conveniently accessible location to enable routine meter readings without internal access to the owner's building. A device on a one inch in diameter or smaller water supply line shall be installed by the District. Devices installed on meters measuring one and one-half inches in diameter or larger shall be approved by the District and installed by the owner at its expense.

3.3.14 METER TAMPERING:

It is illegal to tamper with a water meter. No person shall bypass, tamper with, or prevent a meter from registering water consumption, and such acts shall be subject to the penalties stated in Massachusetts General Laws Chapter 165 Section 11 and to such other penalties as adopted under Article IX of these Regulations.

3.3.15 METER TESTING:

The District may subject all meters to periodic tests. The District may at any time test, repair or replace any meter at its option and expense.

An owner may request that the District test the water meter. Such tests and related costs shall be performed at the expense of the owner.

3.3.16 MASTER METERS:

The District, at its sole discretion, may require the master metering of more than one water service. In such case, the owner of the premises served shall be responsible for payment of all water charges, all costs, and expenses incident to the installation of the master meter and the acceptance of all related notices.

3.3.17 METER REPLACEMENT OR REPAIR:

The District maintains an annual meter installation and maintenance program to assure that water consumed is measured in accordance with industry standards and to assure that production and distribution costs are fairly allocated among users of the system. Residential meters shall be replaced at a frequency of not more than every 20 years. Commercial meters shall be replaced at the Owner's expense every 15 years from the date of original installation. The meter installation date is on file at the District's administration office. It is the Owner's responsibility to replace the meter within 60 days of the 15-year anniversary. Meters larger than one inch in diameter shall be tested for accuracy every 3-5 years depending on the meter size.

Upon notification that a meter is broken or missing, the District will install a new meter, provided that the premises is meter ready. If plumbing work is necessary to make the premises meter-ready, the District will provide plumbing specifications to enable the owner to prepare the premises for the meter installation. No alterations, repair or removal shall be made to any of the pipes, curb box/stop, meter, or automatic reading device except by the District or its authorized agent.

The replacement of a frozen meter or a meter that is lost in service shall be at the owner's expense.

## **SECTION 3.4. REPAIRS, MAINTENANCE AND THAWING**

### **3.4.1 REPAIRS AND MAINTENANCE:**

The portion of a water service pipe on private property, or the portion not owned by the District, shall at all times be kept by the owner in good repair, free of leaks and protected from frost and corrosion. If the District determines that any private piping does not conform to applicable State and Federal law codes and regulations, the District may require an owner, at its expense, to expose the piping for inspection by the District. The District may require the owner, at its expense, to replace or repair the piping in accordance with applicable regulations. In the case where the portion of the water service pipe owned by the District is damaged by neglect or carelessness of the owner of the premises served, or any plumber, contractor, occupant, or other person acting on behalf of the owner of the premises, all necessary repairs shall be made by the District at the owner's expense.

### **3.4.2 OWNER SIDE LEAK (OSL):**

If a leak is established on the owner's side portion of the water service pipe, the District shall notify the owner by written or verbal notice. The owner is responsible to repair such leak at their own expense upon receiving notification from the District. The owner or his/her authorized agent shall be responsible for filing a General Water Permit Application, having the leak repaired and the work inspected by the District within 15 calendar days of the written notice to ensure compliance with these regulations. The District, in accordance with the provisions of Article IX of these regulations may shut off

service to unrepaired leaking service pipes after 15 calendar days of sending written notice.

### 3.4.3 NOTIFICATION TO CUSTOMERS:

It is necessary at times for the District to give notification to its customers to convey specific information related to water quality, service interruptions or need for restrictions of consumption. The manner in which this notification is given will depend on the nature of the information to be conveyed. Types of notifications and the manner of notification are indicated in Table I.

<b>Type of Notice</b>	<b>Permissible Method of Notification</b>
<b>Maintenance Planned or Emergency</b>	
Distribution System Maintenance	A, E, F, G, I, J or K
Emergency/Unplanned Event	E, F, H, I, J or K
Planned Maintenance	A, E, F, G, I, J or K
Hydrant Flushing	A, E, F, I, J or K
Construction Projects	A, E, F, G, I, J or K
Temporary Interruption of Service	I or J
<b>Billing</b>	
Quarterly Water Statements, Penalty Notice, Miscellaneous Bills and Backflow Bills	G or L
Non-Payment of Invoice/Shut Off Notice	E, G, or J
<b>Emergency</b>	
Boil Water Order	A, D, E, F, G, H, I, or K
<b>General Notice</b>	
Consumer Confidence Report	B, D, or F
Water Use Restriction	E, G, I or K
Response to Complaints and Inquiries	E, G or L
Regulation, Rate/Fee Change	B, D, or F,
Shutoff/Termination for Reasons Other than Non-payment of Invoice	F, I, J, or K
<b>Violation Notice</b>	
Violation of Regulations by a Customer	C, E, G, J, or L
Violation of Safe Drinking Water Act	E, F, I or L
Violation of Maximum Contamination Level (MCL)	A, B, D, F, G, H, I, or L
A	Newspaper / Local Circulation
B	Insert or Printed on Quarterly Statement
C	Certified Mail
D	Posting at District Office
E	By telephone or in-person
F	District Website
G	United States Postal Service
H	Radio &/or Television Announcement
I	Town Wide Notification System (Text, Email, Phone)
J	Door Hangers
K	Sign Board
L	Consumer Confidence Report

\* Notification requirements for Safe Drinking Water Act violations are extensive. Refer to the Act for specific notification requirements.

#### 3.4.4 THAWING:

The owner is responsible for thawing, at its expense, a frozen water service pipe on the owner's portion of the water service pipe.

### **SECTION 3.5. SHUT-OFF, TERMINATION, LET-ON AND DISCONTINUANCE**

#### 3.5.1 SHUT-OFF:

The District may shut off water service without notice in order to perform work on a public water main or a water service pipe. The District may shut off water service with notice for reasons of termination pursuant to its Billing, Termination and Appeal Regulations. At the owner's request, the District may shut off water service to a premise in order for the owner to make repairs, or for a temporary vacancy.

#### 3.5.2 TURNING ON WATER SERVICE:

Only the District shall turn-on water service. The District may turn on a water service without notice after performing work on a public water main or a water service pipe. If an owner request that the District shut off water service, then the District will turn on the water service only after a subsequent request by the owner has been received by the District and, when required, after compliance with these regulations. District shall turn on the water service after the District inspects the service and meter. The turn-on of a water service by anyone other than the District is a violation of these regulations and may result in the imposition of fines in accordance with these Regulations.

#### 3.5.3 TERMINATION OF WATER SERVICE:

Water service may be terminated by the District for non-payment of fees, denial to provide access to install, examine, calibrate, repair, test or remove meters, automatic reading devices, backflow devices and other related appurtenances, failure of a backflow test / inspection, failure to remove a potential cross connection, failure to repair a customer-side service leak within the allowable limits, theft of water / meter tampering, for violation of mandatory outdoor water restrictions or violation of any portion of these Regulations if such violations are considered by the District to be of a serious nature as to affect the safety and efficiency of the operation of the public water system.

Unless a violation of one or more of these regulations included herein is causing or may cause an emergency condition, the District shall provide the customer with Notice of Discontinuance (Shut Off Notice) 10 days in advance of the actual termination of service. In situations where a violation of any one of these Regulations is causing or may cause a condition which threatens the safe operation of the public water system, the Executive Director may terminate service to a dwelling after making reasonable attempts to notify the occupants of the premises affected.

#### 3.5.4 TURN-ON AFTER TERMINATION:

When a water service to any premises has been terminated for any reason, it will be turned on by the District only after the conditions, circumstances or practices that caused the water service termination are corrected and upon payment in accordance with the District's Billing, Termination and Appeal Regulations. If water service has been shut off for one year or more, a General Water Permit Application must be filed and shall be supplemented by building site plans approved by the Executive Director and any other such permits, plans, specifications, and information as the District may require. The owner or the owners authorized agent must be on-site when the water service is restored.

**3.5.5 DISCONTINUANCE BY THE OWNER FOR DEMOLITION:**

An owner may discontinue water service to a building for the purpose of demolition by notifying the District in writing at least five (5) working days in advance of the date on which water service is to be discontinued. Upon receiving notification that the service is to be discontinued, the District shall shut-off the water service at the curb box / stop and remove the water meter. When water service has been discontinued for a period of one year or more, the District may, at its sole discretion require the owner to disconnect, at the owner's expense, the water service pipe from the public water main.

**3.5.6 TURN-ON AFTER DISCONTINUANCE:**

When water service has been discontinued for less than one year, the service shall be turned on only by the District at the request of the owner. The owner is required to submit a General Water Permit Application in their request to restore water service. The General Water Permit Application shall be supplemented by building site plans approved by the District and any other such permits, plans, specifications, and information as the District may require. The owner or the owners authorized agent must be on-site when water service is restored.

**SECTION 3.6. EXPENSE BORNE BY OWNER**

All costs and expenses associated with a General Water Permit Application and work authorized pursuant to such application, including but not limited to the design, construction, connection, and inspection of water service pipes, shall be borne by the owner.

**SECTION 3.7. COMPLIANCE WITH REGULATIONS**

Violations of this section are subject to the imposition of fines and penalties as provided in Article IX of these regulations.

**ARTICLE IV.**  
**FIRE SPRINKLER SYSTEMS**

**SECTION 4.1. APPLICATION FOR FIRE PROTECTION/SUPPRESSION SYSTEM**

To minimize the introduction of cross connection situations, piped fire sprinkler systems for residential, or business use shall meet the following requirements:

- a. No “antifreeze” fluid systems shall be allowed.
- b. All piping shall be rated for potable water.
- c. A Massachusetts licensed registered professional fire system engineer shall stamp and submit calculations showing the required pipe sizes.
- d. Backflow prevention devices shall be installed and shall be testable.
- e. Use of water from fire service connections for other than fire protection purposes is prohibited unless approved by the Executive Director. The customer shall be aware that fire services are subject to shutdowns and variation in supply pressure inherent in the operation of the water system, and that the District shall not be responsible for property damage or losses due to inadequate water pressure.
- f. Testing of fire protection devices such as fire pumps shall be scheduled with the District at least 48 hours in advance. A District staff member shall witness the test. The water system pressure shall not drop below 20 psi. The test may be shut down by District personnel at any time if necessary to protect the municipal water system.
- g. Submittal of a General Water Permit Application for approval by the District.
- h. Submittal of a Backflow Design Data Sheet for approval by the District.

**4.1.1 APPLICATION PROCEDURE:**

In order to obtain approval to construct or change the size or location of a fire pipe connecting to a public water main, the owner shall submit a General Water Permit application. The application shall be supplemented by a building site plan approved by the District, by a permit issued pursuant to the Town of Sudbury Fire Prevention Code, and by such other permits, plans, specifications, and information as the District may require. Approval of the application shall be subject to the availability as determined by the Executive Director (or his/her designee). Any General Water Permit Application issued shall be void and invalid unless the work authorized has commenced within thirty (30) days of issuance. An extension may be granted by the Executive Director upon written request by the property Owner.

#### 4.1.2 EXPENSES BORNE BY OWNER:

All costs and expenses associated with the completion of a General Water Permit Application, and the work authorized pursuant to such application, including but not limited to the design, construction, connection, and inspection of a fire pipe shall be borne by the owner.

#### 4.1.3 EXISTING USERS:

In the absence of a signed General Water Permit Application, the provision of water service by the District and its use by the owner shall nonetheless be deemed subject to all provisions of these Regulations.

### **SECTION 4.2. FIRE SPRINKLER PIPES**

#### 4.2.1 OWNERSHIP:

The property owner shall own the entire fire sprinkler pipe, extending from the property to the public water main including the control valve at the main.

#### 4.2.2 DESIGN AND CONSTRUCTION STANDARDS:

Fire sprinkler pipes shall be constructed in accordance with the District's Standards and Specifications and the latest versions of the State Plumbing Code, the Sudbury Fire Prevention Code, and the National Fire Code.

#### 4.2.3 LOCATION OF FIRE SPRINKLER PIPE:

No fire sprinkler pipe shall be laid in the same trench with any other public or private facilities, except a water service pipe, nor within ten feet of a septic system or private sewer pipe. Any connection of a fire pipe to a public main shall be made in a public way, a District-owned easement, whether recorded or by prescription, or in a private way open to public travel. The District at its sole discretion shall determine the point of connection of the owner's fire pipe to the District's water main.

#### 4.2.4 INSTALLATION OF FIRE SPRINKLER PIPE:

The owner shall be responsible, at its expense, for installing the fire sprinkler pipe and appurtenances, tapping, and making connection to the public water main designated by the District, and the cutting and capping of existing services and appurtenances to be discontinued. The owner or owner's contractor shall arrange at least forty-eight (48) hours in advance notice for an inspection by the District before backfilling the installed fire sprinkler pipe and appurtenances. The owner or owner's contractor shall not backfill the fire pipe trench until after the work has been inspected by the District.

Only the District shall turn-on water service after inspection and approval of the fire sprinkler pipe installation. The owner shall provide access to the property for the purpose of inspection by the District.

#### 4.2.7 INSTALLATION OF BACKFLOW DEVICE:

All fire sprinkler pipe supply lines shall be equipped with an approved backflow prevention device.

#### 4.2.8 FIRE DEPARTMENT PERMIT:

An owner, in accordance with the Sudbury Fire Prevention Code, shall be responsible for obtaining the necessary permit(s) from the Sudbury Fire Department when the fire sprinkler pipe is shut off for maintenance purposes.

### **SECTION 4.3. METERING**

The District may require that an owner install a detector meter on a fire sprinkler pipe for the purpose of monitoring leakage and water use. If metering is required, all expenses for furnishing and installation of the meter shall be borne by the owner. The provisions of Article III, Section 3 with respect to the meter location, right to enter premises, meter testing, meter tampering, and meter replacement or repair shall apply to fire sprinkler pipe meters.

### **SECTION 4.4. REPAIRS, MAINTENANCE, AND THAWING**

#### 4.4.1 REPAIRS AND MAINTENANCE:

The fire pipe shall at all times be maintained by the owner of the premises and at its expense in good repair, free of leaks and protected from frost and corrosion.

#### 4.4.2 REPAIR OF LEAKS:

The owner shall be responsible for having a leak in a fire sprinkler pipe repaired at the owner's expense. Such a leaking fire pipe may be shut off by the District in accordance with the provisions of Article 9, Section 9.1.4 of these Regulations.

#### 4.4.3 THAWING:

The owner is responsible, at its expense, for thawing a frozen fire pipe.

### **SECTION 4.5. SHUT-OFF, TERMINATION, ABANDONMENT, AND LET-ON**

#### 4.5.1 SHUT-OFFS:

No shutoffs of a fire sprinkler pipe shall occur except in accordance with Massachusetts General Laws Chapter 148, Section 27A and with the Town of Sudbury Fire Prevention Code. After compliance therewith, the District may shut off a fire sprinkler pipe without notice in order to prevent the loss of water, to prevent or stop damage to property, or to perform work on a public water main. At the owner's request, accompanied or followed by a written request from the Sudbury Fire Department, the District may shut off water service to a premises in order for the owner to make repairs.

#### 4.5.2 DISCONTINUANCE BY THE OWNER:

No discontinuance of a fire sprinkler pipe shall occur except in accordance with Massachusetts General Law Chapter 148, Section 27A and with the Town of Sudbury's Fire Prevention Code. After compliance therewith, an owner may discontinue the owner's fire pipe service to specific premises by notifying the District in writing at least five working days before the date on which the fire sprinkler pipe is to be discontinued. Along with such written notice, the owner shall provide the District with a written request from the Sudbury Fire Department and with a permit in accordance with the Town of Sudbury's Fire Prevention Code authorizing the discontinuance.

After compliance therewith, if a fire sprinkler pipe has been discontinued for a period of one year or more, the District may, at its sole discretion, require the owner to cut and cap, at the owner's expense, the fire pipe(s) from the public water main.

#### **4.5.3 TURN-ON:**

Only the District shall turn on a fire sprinkler pipe. After inspection and approval of a newly installed fire sprinkler pipe, and upon written request by both the owner and by the Sudbury Fire Department, the District shall turn on the water service.

#### **4.5.4 TURN-ON AFTER TERMINATION:**

When water service to a fire pipe of any premises has been terminated for any reason, it will be turned on by the District only after the conditions, circumstances or practices that caused the water service termination are corrected and after receipt of a written request from the Sudbury Fire Department.

#### **4.5.5 TURN-ON AFTER DISCONTINUANCE:**

If a fire pipe has been discontinued for one year or longer, the service will be turned on by the District at the request of the owner only after the owner submits a General Water Permit application, accompanied, or followed by a written request from the Fire Department. The General Water Permit Application shall be supplemented by building site plans approved by the District and any other such permits, plans, specifications, and information as the District may require.

### **SECTION 4.6. COMPLIANCE WITH REGULATIONS**

Violations of Article IV are subject to the imposition of fines and penalties as provided in Article VII these regulations.

**ARTICLE V**  
**CROSS CONNECTION AND BACKFLOW PREVENTION**

**SECTION 5.1. BACKFLOW PREVENTION WITH REGULATIONS.**

The District, acting under the Drinking Water Regulations of Massachusetts 310 CMR 22.22 and the Federal Drinking Water Act of 1974 (Public Law 93-523), as the supplier of public water is responsible for the safety of the public water system under its jurisdiction.

To this extent the District has the authority to survey and inspect any industrial, commercial, residential, or institutional premises served by the public water system to determine if cross connections exist and that all cross connections are properly protected by an appropriate device.

No person shall maintain a cross connection without an approved backflow prevention device. Backflow prevention devices shall comply with the provisions of the Massachusetts Department of Environmental Protection (MDEP) Drinking Water Regulations 310 CMR Section 22:22 Cross Connections.

All reduced pressure backflow preventers and double check valve assemblies installed on the distribution system as provided in 310 CMR 22.22 (9) (d) shall be tested as per the Rules and Regulations of the MassDEP. All testing shall be performed by testers certified and licensed by the Commonwealth of Massachusetts.

For each commercial and industrial customer where backflow prevention devices are required to be tested, a fee as per the District Fee Tables (Appendix A) will be charged. The District has established such fees under powers derived from the Chapter 135 Commonwealth of Massachusetts enabling act legislature and under M.G.L. Section 38-421.

Charges generated as a result of backflow prevention device testing for any and all residential, commercial, or industrial properties shall be billed directly to the property owner, their management company or other such authority acting on the owners behalf. Backflow prevention device accounts may not at any time be transferred to a tenants name.

**5.1.1 PLAN APPROVAL AND INITIAL INSPECTION:**

The Owner/Customer shall submit a General Water Permit application together with a Backflow Prevention Device Design Data application to the District for approval. The District shall approve all plans for the installation of a backflow prevention device and, after installation, shall perform the initial inspection and test of the backflow prevention device.

**5.1.2 INSTALLATION OF BACKFLOW PREVENTER:**

The Owner/Customer at its expense shall install a backflow prevention device and the installation shall be approved by the District. If continuous water service is necessary, two approved backflow prevention devices shall be installed in a parallel installation, so that water service will not be interrupted during testing and maintenance operations.

#### 5.1.3 POSITION/LOCATION:

Backflow prevention devices shall be installed in a horizontal position, three (3) to four (4) feet above the floor, twelve (12) inches from any wall, with tightly closing shut off valves on either end, protected from freezing, flooding, mechanical damage, and vandalism and shall be easily accessible for testing, inspection, and maintenance purposes. The District under certain circumstances shall allow vertical installation of a backflow prevention device. Installation of a backflow prevention device below grade in a pit or chamber is prohibited.

The District reserves the right to survey, inspect / test any building served by the public drinking water source if potential for cross contamination is suspected. If, as a result of such survey or inspection of the premises, the District determines that an approved backflow prevention device is required at the water service connection or on any equipment within the owner's premises, the District shall issue a cross connection violation letter to said owner to install an approved backflow prevention device.

The owner/customer shall install such approved device or devices upon the District's request within a timeframe of 14 calendar days, at the customer's own expense.

Failure or refusal or inability on the part of the owner/customer to install said device within the specified timeframe shall constitute grounds for discontinuing water service to the premises. Service shall be restored after such device or devices have been properly installed by a licensed plumber and inspected by the District as a safeguard to the integrity of the public water supply.

#### 5.1.4 SUBSEQUENT TESTING:

The District shall conduct annual and semi-annual tests and inspections of all approved backflow prevention devices at the owner's expense, to insure proper operating condition. Any approved backflow prevention device failing a District test and inspection shall be repaired by a Massachusetts licensed plumber or sprinkler fitter and shall be subsequently retested and reinspected within fourteen (14) calendar days of failure at the owner's expense to insure proper operating condition.

#### 5.1.5 REMOVAL OF BACKFLOW PREVENTION DEVICE:

Removal of an approved backflow prevention device is prohibited without prior notification to the District by the property owner and subsequent approval by the District.

### **SECTION 5.2. CROSS CONNECTION INSPECTION RIGHT TO ENTER**

The District may enter properties served by the District's water system during normal business hours for the purpose of conducting routine, periodic surveys and investigations for cross connections and potential cross connections within the property. Upon request by the District, the owner/customer shall furnish information on water use practices within the property. Properties having or suspected of having cross connections in violation of these Regulations may be inspected for backflow hazards without prior notice from the District.

### **SECTION 5.3. BACKFLOW ELIMINATION**

The backflow of non-potable water, other fluids, gases or foreign materials into the District's water distribution system or plumbing systems of properties served by the public water system is prohibited. Public and private water mains, plumbing systems, and fire protection / suppression systems supplied by the District's water distribution system shall be protected against cross connection and backflow from any plumbing fixture or other equipment or appliance capable of affecting the quality of the water supply. The District shall determine the type of backflow prevention device utilized to protect a cross connection.

#### **5.3.1 SHUT-OFF OF WATER SERVICE:**

The District shall have the right to shut off water service without prior notice to eliminate a cross connection or backflow condition where contaminants or pollutants are actually in the process of or are suspected of entering the District's potable water distribution system, or where there is, in the District's judgment, the reasonable possibility that such contamination or pollution will occur if the water service is not shut off. Under such conditions, the water service shall remain shut off until the cross connection or backflow connection is eliminated, or the condition is remedied, at the owner's expense, and the remedial work has been approved by the District. For purposes of the District's Billing, Termination and Appeal Regulations, a shut-off to eliminate a cross connection or backflow condition shall be treated as a customer plumbing emergency under these Regulations.

### **SECTION 5.4. OWNER'S LIABILITY**

The owner/customer shall be liable to the District, and shall reimburse the District, for all penalties, fines and monetary judgments levied against or imposed upon the District as a result of the owner's violation of any provision of this Article.

### **SECTION 5.5. COMPLIANCE WITH REGULATIONS**

Violations of Article V are subject to the imposition of fines and penalties as provided in Article VII of these regulations.

### **SECTION 5.6. CONDO/TOWNHOUSE ADDENDUM (CROSS CONNECTION)**

WHEREAS, as provided for in the Federal Safe Drinking Water Act (SWDA) (P.L. 93-523) as enacted 1974 and as amended, and the Commonwealth of Massachusetts Drinking Water Regulation, 310 CMR 22.22, Sudbury Water District acting as a public drinking water supplier, had undertaken the primary responsibility for preventing water from unapproved sources, or any other substances, from entering the public potable water supply:

WHEREAS, in compliance with these regulations annually during the month of February this agency conducts backflow-testing and inspection of all residential living units using fire protection:

WHEREAS, certain developments within the District exist which constitute condominium/townhouse developments within the meaning of Massachusetts General Laws Chapter 183A;

WHEREAS, Massachusetts General Laws, Chapter 183A, Section 14 provides that charges of every nature due to the District with respect to any interests deemed submitted to the provisions of said Chapter 183A may be charged or assessed to the organization of unit owners:

NOW THEREFORE, effective, January 1, 2012, the Sudbury Water District hereby revises its policy with regard to backflow protection applicable to condominium/townhouse developments, which are deemed to comprise interests subject to Chapter 183A, as follows:

- A. Charges generated as a result of annual testing, inspection and retesting of all backflow prevention devices for reasons of cross contamination control shall be billed directly to the organization of unit owners for assessments as same may deem appropriate as part of common area expenses in proportion to the percentages set forth in the master deed on record of the undivided interests of the respective units in the common area facilities;
- B. Said charges are to be directed to and assumed directly by and shall become the responsibility of the organization of unit owners through its condominium association appointed trustee(s), its general contractor and/or management company, or such other authority acting on its behalf;
- C. Pursuant to Massachusetts Drinking Water Regulations, 310 CMR 22.22 (13)(b) in the event a backflow prevention device fails testing, as determined by the District, it shall be the sole responsibility of said organization of unit owners through its representative(s) as aforesaid to obtain the service of a Massachusetts licensed fire sprinkler fitter/contractor to perform the necessary repairs or replacement within (14) calendar days of the date the initial inspection was performed;
- D. Within the same (14) calendar day period the organization of unit owners through its representatives shall contact the Sudbury Water District directly by telephoning 978-443-6602 or by forwarding an electronic mail message to [customerservice@sudburywater.com](mailto:customerservice@sudburywater.com) to schedule re-testing of the repaired/replaced device.
- E. In the event corrective action is not initiated by the organization of unit owners through its representative(s) by the deadlines as set forth herein, water service will then be terminated at the location of the failed device until such time as risk for contamination is eliminated through corrective action acceptable to the District;  
Charges generated from backflow testing and re-testing are payable within (30) days of the billing date appearing on the billing statement. Unpaid balances are subject to current late fees and risk of termination if not paid within said terms.

## **ARTICLE VI BILLING, WATER RATES, FEES, AND PENALTIES**

### **SECTION 6.1 BILLING**

#### **6.1.1 METER READINGS:**

Actual readings of the official District water meter for each account will be collected quarterly and transmitted to the District through the automated meter reading (AMR) system.

The District shall not take readings of privately-owned water meters, including privately owned sub-meters, at any time.

#### **6.1.2 BILLING AND PAYMENT**

The District will issue quarterly water bills to its customers. If the District is unable to obtain an actual meter reading through the automated reading system, the bill will clearly indicate that the bill is an estimate. All bills shall be due and payable by the due date which is equal to thirty (30) days after the bill is posted and/or printed by the District or its authorized agent. Bills not paid after the due date will be subject to late payment charges under applicable law or these Regulations.

Charges generated as a result of water use for any and all residential, commercial, or industrial properties shall be billed directly to the property owner, their management company or other such authority acting on the owners behalf. Water accounts may not at any time be transferred to a tenants name.

##### **Payments; Application to Charges:**

A customer may make payments by mail, in-person, electronically using their financial institutions online bill payment service, or by using the District's Customer Service Web Portal (CWP) <https://sudburywater.epayub.com>. The CWP allows for one-time payments by credit card only or by enrolling for Automatic bill payment (Autopay) using their bank Account and Routing number or Credit Card number. Customers may also pay by phone (credit card only) or by hand delivering a payment to the District's lock box located immediately outside of the main entrance of the Administration building.

A customer may designate the account or accounts to which a payment will be applied. When a customer with more than one account fails to designate the account to which a payment is to be applied, the District shall credit the payment first to the account with the largest past due balance. When a payment is insufficient to cover all current charges, the District shall apply the payment to those charges in the following order:

- water charges
- penalty charges, and
- other charges

**6.1.3 PAYMENT TO AVOID TERMINATION:**

To avoid termination of service on a delinquent account, payment following the issuance of a Final Notice and Demand shall be made by cash, check, money order, electronically or by credit/debit card. A person making a payment in person or online under this paragraph shall be referred to as a designated District representative. Upon receipt of payment, the designated District representative shall issue a stop termination order, enter the order on the District's computer system, and present the individual with a receipt.

**6.1.4 PAYMENT AFTER TERMINATION:**

A customer seeking restoration of water service after termination due to the customer's non-payment of charges must pay the arrearages on the account together with a water service turn-on fee. Payment must be in cash, electronically, by credit/debit card or by a certified or bank cashier's check. Customers may make arrangements with the District to pay the arrearages over time.

**6.1.5 PAYMENT PLANS:**

A customer who cannot pay the full amount due to the District for charges may be permitted to enter into a payment plan with the District. Customers shall be required to sign a payment plan agreement which will be furnished by the District. The agreement will detail all the conditions that are required to stay termination. Failure to adhere to the agreement will result in termination of the customer's water service pursuant to these Regulations.

**6.1.6 REFUNDS:**

If a customer overpays a bill or has a credit balance on an account, the customer may request a refund from the District. The customer may elect to have an overpayment or credit balance applied to a future bill. If a customer does not otherwise instruct, the District shall apply a credit balance to the next bill for the account and to successive bills until the credit amount is used up. If the customer has more than one account, the District shall apply the remainder of the credit balance to the account with the largest past due balance.

**6.1.7 DISPUTED CHARGES:**

The portion of a bill in dispute shall not be considered due during the pendency of any complaint, investigation, hearing or appeal under these Regulations. The portion not in dispute shall be due and payable to the District and subject to late payment charges pursuant to these Regulations.

**6.1.8 APPEALS PROCESS, DISPUTED CHARGES:**

Thirty (30) days subsequent to a final determination of the disputed amount late payment charges will be incurred on any unpaid charges. The District shall abate late payment charges accrued during the hearing process and any subsequent judicial review on disputed amounts found not to be due from a customer. See Abatement Policy (appendix D) for additional information.

#### **6.1.9 FINAL NOTICE AND DEMAND FOR NON-PAYMENT:**

If the District is either not notified by the customer within the time required, or after an inspection determines that the condition has not been corrected or is denied access or is unable, after reasonable efforts, to secure access to the premises, the District shall:

Send by first class mail postage pre-paid a Final Notice (Shut Off Date listed on the statement) to the billing address as shown on the customer's account. To stay termination under this section the customer must call to notify the District that the condition has been corrected within a ten (10) day period. Upon receipt of notification from the customer that the condition has been remedied, the District may, at its sole discretion, perform an inspection to verify that the correction has been made.

### **SECTION 6.2 WATER RATES AND FEES**

#### **6.2.1 WATER RATE AND FEE SCHEDULE:**

The District has established a water rate schedule upon which customers will be billed for water usage per 1,000 gallons used. The water rates shall be consistent with the costs related to the production of potable water meeting the current requirements of the Safe Drinking Water Act Regulations and the continuous provision of sufficient quantities of water to District customers at adequate pressure.

Water rates and fees as shown in Appendix B will be posted on the District's website. Water rates will be reviewed by the Commissioners on an annual basis or at greater frequency.

District customers will be notified of changes to water rates at least thirty days prior to the date on which they are to become effective. Notification shall be by means described in Section 5 of these regulations. All water customers are billed quarterly.

#### **6.2.2 CHARGES FOR SERVICE CALLS:**

General Labor Costs (Regular Business Hours Monday-Friday, 8 am- 3pm, excluding holidays): \$60.00/Hour/Laborer, with a 1 Hour Minimum.

- Emergency After-hours Labor Costs (Outside Regular Business Hours):  
\$75.00/Hour/Laborer with a 3 Hour minimum.

All material and equipment furnished by the District shall be charged at its costs plus 10 percent to cover the cost of handling and incidentals expense.

## **SECTION 6.3 CONNECTION/ENTRANCE FEES**

### **6.3.1 CONNECTION/ENTRANCE FEE:**

The Connection/Entrance fee is for the privilege of a property owner to be allowed to connect to the District's public water system. This fee is used to offset future expenditures related to additional water usage by a new connection. The Connection/Entrance fee does not include any material or labor for the connection to the public water system or for water consumption.

The Connection/Entrance fee for any service pipe connected to the public water system is in accordance with the following schedule:

#### **1. Residential Building: \$3,500 per Dwelling Unit**

##### ***Dwelling Unit:***

*A Dwelling unit shall be defined as a single-family home, or an apartment or condominium unit in a multifamily structure, including duplexes, apartment buildings, townhouses, and condominium buildings.*

#### **2. Commercial Building: Based on Meter Size**

<b><u>CONNECTION FEE</u></b>	<b><u>BY METER SIZE</u></b>
\$5,000	Up to 2-inches
\$10,000	3-inches
\$25,000	4-Inch
\$50,000	6-Inch

##### ***Commercial Building shall mean:***

*A structure designed and constructed for purposes other than a place of human habitation. Hotels, private school dormitories, daycares, institutional facilities, medical facilities, assisted living facilities and rehabilitation/nursing homes are classified as commercial buildings.*

#### **3. Fire Protection: Based on SQF**

- a. Any service pipe to be used for fire protection purposes (i.e., feeding hydrants, sprinkler systems, etc.) shall be a separate fire service pipe from the domestic service pipe and subject to a connection fee as follows:

<b><u>FIRE PROTECTION CONNECTION FEE</u></b>	<b><u>BY SQUARE FOOT</u></b>
\$500	Up to 20,000 SQF
\$1,000	20,000 SQF – 40,000 SQF
\$1,500	40,000 SQF – 60,000 SQF
\$2,000	60,000 SQF – 80,000 SQF
\$2,500	Above 80,000 SQF

### 6.3.2 PAYMENT OF CONNECTION/ENTRANCE FEES:

- A. The Connection/Entrance fee for all applicants shall be payable at the time of application.

### 6.3.3 APPLICATION:

- A. The District reserves the right to reject any application for service installation.

- B. All Connections (Residential and Commercial):

1. Any persons desiring to connect to the water supply system is required to submit a completed [General Water Permit application](#) and supporting documents as required.
2. The prescribed application shall be accompanied in all cases by a plot plan showing the location of the proposed connection and appurtenances, and all other underground utilities.
3. The plot plan shall include a list of the proposed material to be used in the installation. The plan must meet the following:
  - a. Be prepared by a registered engineer
  - b. Show and/or specify the following:
    - Main locations and size
    - Valve locations and size
    - Service tap locations
    - Hydrant locations
    - All other underground utilities
  - c. All taps to the existing system will specify a tapping sleeve and gate valve or at the Executive Director's discretion, a cut-in tee and three-way valve.

- C. All Connections (Residential and Commercial): Any person applying for water use having a design demand in excess of 5,000 gallons per day or a larger (6-inch or greater) water main or that requires an extension to or addition to the water system shall provide a Water System Impact Report acceptable to the Executive Director and Commissioners. This report shall contain the following:

1. Estimated impact of the project on the District's water demand.
2. Impact of the project on the District's existing supply system including the effect on water flow, velocity, and direction through the water mains proximate to the new service line and on maintenance of adequate fire flow.
3. Impact of the project on the District's Water Management Act Withdrawal Permit compliance.

4. Conditions and water conservation measures that will mitigate the effect of the project's impact (applicants should request from the District a list of possible mitigation measures).
  5. For commercial properties, a fire system plan and [Backflow Design Datasheet](#).
  6. The report shall be such that the Executive Director and Commissioners, together with such professional consultants as it elects to employ, can make judgment, and render a decision as to whether the Commissioners shall allow a connection to the water system with appropriate conditions.
- D. For subdivision developments, the developer shall file a [General Water Permit Application](#) with the District Administrative Office after receipt of approval from the Planning Board and Conservation Commission for the subdivision.
1. The applicant shall pay all costs of reviewing the impact studies required by the District for service. The applicant shall sign a District form in which the developer agrees to pay all costs associated with the review of the impact study being submitted, including, but not limited to, phone correspondence, administrative duties, manager's review, field inspections, and a review by a professional engineer under contract with the District, selected by the Executive Director.
- E. The application shall be reviewed by the Executive Director to confirm that the applicant's proposed connection will enable the water system to properly supply the applicant's property and meet the long-range plans of the District.
- F. Approval shall be granted by the Executive Director and/or Commissioners after the applicant satisfactorily addresses all comments generated during the review.
- G. Following a formal request by an applicant at a regularly scheduled Commissioners meeting to modify the connection fee amount, the Commissioners may decide by majority vote to approve a reduction in fee amount or payment terms, provided that the modification is justified based on special circumstances, unique conditions, equitable grounds, or any other demonstrated factors.

#### **SECTION 6.4 PENALTY FEES**

Whenever a bill remains outstanding after 45 days from the billing date, an additional penalty charge of \$25.00, shall be added to the amount of the bill; and then, if the bill remains unpaid after 55 days from the billing date, an additional penalty charge of \$50.00 shall be added to the bill amount.

#### 6.4.1 TERMINATION OF WATER SERVICE FOR OUTSTANDING BALANCE

The District reserves the right to lien outstanding balances and/or terminate water service at the curb box/stop until such time as the outstanding balance is paid in full together with the applicable turn on fee.

#### 6.4.2 STAY OF TERMINATION, ADDITIONAL INTEREST:

The District reserves the right to charge in addition to a flat rate penalty, interest at the rate of 14 annual percent, for unpaid bills to individual persons and/or to skilled nursing facilities requiring continuous supervision of a health care provider or one for which water service is essential for the operation of medical equipment. For purposes of clarification, a serious illness will be limited to those conditions that involve a sickness or disease. Conditions including but not limited to colds, flu, broken bones, or other temporary incapacity or injury will not be considered a serious illness to stay termination of service.

#### 6.4.3 TURN-ON FEES:

Regular Business Hours (Monday-Friday, 8 am- 3pm, excluding holidays):  
\$100.00

Emergency After-hours (Outside Regular Business Hours):  
\$200.00

## **ARTICLE VII. PRIVATE WELLS**

### **SECTION 7.1. REGISTRATION/PERMIT REQUIREMENTS**

All private wells within the Town of Sudbury shall be registered with the District and the Sudbury Health Department. No person shall dig, drive, or otherwise establish or install a private well without approval of the Sudbury Health Department Construction Permit. No individual well of any type intended for use as a potable water supply shall be installed where the District supply of water is accessible abutting the property and where permission to connect to such a supply can be obtained from the District having jurisdiction over it.

### **SECTION 7.2. CROSS CONNECTION REGULATION PREVENTION OF CROSS CONNECTION**

Water from a private well shall not be connected to any piping, equipment or system supplied by the District's water distribution system at any time. All properties having a private well shall have an approved backflow prevention device installed on the water service pipe, in accordance with Article V of these Regulations, for the protection of the public water system. The approved backflow prevention device shall be installed on the water service pipe directly after the water meter in accordance with District specifications.

### **SECTION 7.3. DECOMMISSION**

When a private well is decommissioned, the decommissioning must be done in compliance with the Sudbury Board of Health regulations and MassDEP Well Regulations. Notification of the

decommissioning of a private well shall be filed with the District, Sudbury Board of Health and MassDEP within thirty (30) calendar days after completion of the plugging procedure.

## **ARTICLE VIII. WATER CONSERVATION AND USE RESTRICTIONS**

### **SECTION 8.1 CONSERVATION BY USERS:**

Water is a precious and limited resource. Lost water is more than just a conservation concern, unaccounted highly treated water costs money and is lost revenue. No user shall knowingly allow water to leak or run to unnecessary waste. The District considers all leak repairs a priority and has therefore set a stringent deadline of fifteen (15) calendar days to complete any and all necessary repairs.

### **SECTION 8.2 CONSERVATION RESTRICTIONS:**

The District may adopt conservation restrictions in accordance with the provisions of Massachusetts General Laws Chapter 21G upon its determination that conditions exist which limit the water supply and may endanger the public health, safety, and welfare. Conservation restrictions shall remain in full force and effect until the District determines that the condition requiring their imposition no longer exists.

### **SECTION 8.3 OUTDOOR WATER USE RESTRICTIONS:**

Mandatory nonessential outdoor water restrictions are a regulatory requirement of the Commonwealth of Massachusetts Department of Environmental Protection (MassDEP) and is in keeping with regional water conservation efforts. The goal of the Commonwealth is to reduce residential water use to 65 gallons per person per day to ensure a sustainable drinking water supply and to protect natural resources and streamflow for aquatic life.

#### **Level 1. Calendar Triggered Restrictions (Annually May 1st-September 30<sup>th</sup>)**

Nonessential outdoor water use is allowed two (2) days per week, before 9 am or after 5 pm, according to the last digit of the customers street address number and designated days of the week:

- Street addresses ending with an even number (0, 2, 4, 6, 8) may water on Saturday and Tuesday before 9 am or after 5 pm.
- Street addresses ending with an odd number (1, 3, 5, 7, 9) may water on Sunday and Wednesday, before 9 am or after 5 pm.

#### **Level 2. Streamflow Triggered Restrictions**

When the USGS stream gage 01108000 Concord River at Meadow Brook at Lowell Massachusetts falls below 71 cubic feet per second (cfs) for three (3) consecutive days, nonessential outdoor water use is allowed one (1) day per week, before 9 am or after 5 pm, according to the last digit of the customers street address number and designated day of the week:

- Street addresses ending with an even number (0, 2, 4, 6, 8) may water on Saturday before 9 am or after 5 pm.
- Street addresses ending with an odd number (1, 3, 5, 7, 9) may water on Sunday before 9 am or after 5 pm.

Once streamflow-triggered restrictions are implemented, they shall remain in place until the streamflow at the gage meets or exceeds 71 cfs for seven (7) consecutive days.

### **Level 3. Emergency Drought Triggered Restrictions**

Non-Essential outdoor watering is PROHIBITED.

The Board of Water Commissioners having authority and responsibility for the operation and maintenance of the public water supply may declare emergency-drought-triggered restrictions ensuring that an adequate supply of water for drinking and fire protection is readily available.

Once emergency-drought-triggered restrictions are implemented, they shall remain in place until the Board of Water Commissioners deems that an adequate supply of water for drinking and fire protection is readily available.

#### **Uses subject to mandatory restrictions include:**

Irrigation of lawns via sprinklers or automatic irrigation systems; filling swimming pools; washing of vehicles, except in a commercial car wash or as necessary for operator safety; and washing exterior building surfaces, parking lots, driveways, or sidewalks, except as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement.

#### **Allowable uses even when mandatory restrictions are in place:**

Irrigation to establish a new lawn and new plantings during the months of May and September. Irrigation of public parks and recreational fields by means of automatic sprinklers (outside of the hours of 9 am to 5 pm); irrigation of gardens, flowers, and ornamental plants by means of a hand-held hose or drip irrigation systems; and irrigation of lawns by means of a hand-held hose.

#### **Exemptions:**

For health or safety reasons; by regulation; for the production of food and fiber; for the maintenance of livestock; or to meet the core functions of a business (for example, irrigation by golf courses as necessary to maintain tees, greens, and limited fairway watering, or irrigation by plant nurseries as necessary to maintain stock.)

\*Private wells (although the District encourages all water users to follow restriction guidelines.)

#### **Enforcement/Fines:**

The District through its Board of Water Commissioners or their designee, the Executive Director, may enforce nonessential outdoor water use restriction rules and regulations. Any person violating this bylaw shall be liable to the Sudbury Water District in the amounts listed below:

- **First Offense:**  
Written Warning
- **Second Offense:**  
\$50.00 fine
- **Third Offense:**  
\$100.00 fine
- **Fourth Offense**  
\$150.00 fine
- **Subsequent Offenses:**  
Termination of Water Service

*Each offense is considered a separate fine*

**Declaration of Water Supply Conservation:**

Whereas the Board of Water Commissioners has determined that a shortage of water exists, and conservation measures are necessary to ensure an adequate supply of water to all consumers, and;

Whereas the conditions set forth in the Water Management Act Permit 9P3-14288.01 require seasonal limits on nonessential outdoor water use, and;

Whereas the Board of Water Commissioners is empowered under M.C.L. c. 41, sec. 69B to take action to ensure an adequate supply of water to all water consumers, therefore be it resolved.

**Emergency Shut-Off:**

The District may shut off water service to any premises during a drought, hurricane, conflagration, or other disaster upon notification to the owner in accordance with Massachusetts General Laws Chapter 40, Section 41A.

## **ARTICLE IX. ENFORCEMENT**

### **SECTION 9.1. INSPECTION RIGHT OF ACCESS.**

Duly authorized representatives of the District shall have access to premises and properties, including those under construction, served by the public water system to ascertain compliance with these Regulations. Owners or users of the public water system shall allow properly identified District representatives access to areas in which water service pipes, fire protection / suppressions system supply lines and all appurtenances that are located within the premises to inspect, observe, measure, sample, and test:

- Water use

- Buildings
- Water quality
- Meters
- Water service pipes
- Fire pipes
- Cross connections and backflow prevention devices and
- Other facilities that the District reasonably believes may be contributing to a violation of these Regulations.

Inspections conducted pursuant to routine periodic surveys or on a report of a complaint shall be performed at all reasonable times during normal business hours. When the District reasonably suspects that a violation of these Regulations is or may be occurring or an emergency exists that requires immediate action on the part of the District access shall be permitted at such other times as is necessary for the correction of said violation or abatement of such emergency.

#### 9.1.1 RIGHT OF ENTRY:

Duly authorized representatives of the District shall be permitted to enter all private property through which the District holds an easement, whether recorded or by prescription, for the purpose of inspection, observation, measurement, sampling, testing, maintenance, repair, or reconstruction of any portion of a public water main lying within said easement. Inspections conducted pursuant to routine periodic surveys or on a report of a complaint shall be performed at all reasonable times during normal business hours. When the District reasonably suspects that a violation of these regulations is or may be occurring or an emergency exists that requires immediate action on the part of the District access shall be permitted at such other times as is necessary for the correction of said violation or abatement of such emergency. All entry and subsequent work, if any, shall be done in full accordance with the terms of said easement.

#### 9.1.2 SECURITY CLEARANCE:

Where a user has security measures in force that would require clearance before entry to the premises, the user shall make necessary arrangements to permit District personnel to enter without undue delay for the purpose of carrying out their specific responsibilities.

#### 9.1.3 CONSEQUENCES OF DENIAL OF ENTRY OR ACCESS:

The District may forthwith give written notice of its intent to terminate water service where an owner or user having received reasonable notice refuses to permit properly identified District personnel to enter or have access to premises in accordance with the terms of this section. Such notice shall be given in accordance with the District's Billing, Termination and Appeal Regulations, and termination under this Section shall be treated as a termination for refusal of access under said Regulations. Notwithstanding any other course of action available to it, the District has the right in accordance with applicable Federal and State law to apply for entry to premises served by the public water system for the purposes as set forth in Article IX, Section 2.

#### 9.1.4 ENFORCEMENT ACTIONS:

**Multiple Alternatives.** When the District has determined that an owner or user has:

- Violated, is violating, or threatened to violate these Regulations.
- Violated, is violating or threatens to violate any permit issued pursuant to these Regulations.
- Made a false representation in an application, record, or report to the District or failed to provide relevant information.
- Manipulated, falsified, tampered with, or rendered inaccurate a meter, meter reading device or appurtenance thereto.
- Failed to comply with an order or ruling issued by the District or a court after having reasonable opportunity to comply.
- Failed to pay a penalty or fee due to the District.
- Caused or threatened damage to the District's water distribution system.

The District may take any one or more of the following actions, in any sequence or simultaneously:

- The District may issue a request or an order to cease and desist any such violation or any actions that cause or threaten to cause violation, and/or an implementation schedule 30 for undertaking specific actions or practices.
- The District may require the owner or user to submit a detailed time schedule setting forth specific actions to be taken and specific dates upon which such actions will be taken in order to prevent or correct a violation.
- The District may issue an implementation schedule containing or modifying such specific actions and time schedule or requiring such other actions within such times as the District deems appropriate.
- The District may issue an order directing the owner or user to pay to the District penalties and costs in accordance with these Regulations.
- The District may revoke, modify, deny, suspend, or refuse to renew a permit issued under these Regulations.
- The District may take direct enforcement action by filing suit in any court of competent jurisdiction pursuant to Chapter 436 of the Acts of 1977 Acts and Resolves or any other applicable statute or regulation for civil or criminal fines and reimbursement of costs or damages resulting from the violation or threatened violation.
- The District may terminate water service as authorized in these Regulations.

- The District may take any other action available to it under any applicable statute or regulation.

## **SECTION 9.2. LIABILITY**

### **9.2.1 LIABILITY FOR INTERRUPTION OF WATER:**

The District shall not be held liable or responsible to customers for loss or damage from any excess or deficiency in water pressure and any circumstances beyond the control of the water system. Prior to the interruption of service to allow repairs, modifications or maintenance to the water distribution system, the District will attempt to notify affected consumers whenever practical. However, nothing in this section shall be construed that such notice is required.

### **9.2.2 LIABILITY FOR WATER RUST:**

The District shall not be held liable or responsible for loss or damage from dirty water resulting from, repairs, modifications, hydrant flushing or maintenance to the water distribution system, or for any other reason.

### **9.2.3 LIABILITY FOR FROZEN WATER SERVICE COMPONENTS:**

It is the responsibility of all District customers to ensure that all plumbing fixtures, water meters and appurtenances are protected from freezing. The District shall not be held liable or responsible for loss or damage to any plumbing, fixtures, water meters or appurtenances due to freezing. The customer is financially responsible for any repairs that may be necessary to prevent leaks and damage.

### **9.2.4 NO DIRECT OR CONSEQUENTIAL DAMAGE AS A RESULT OF TURNING WATER ON/OFF:**

The District shall not be responsible for any damage resulting from the shut-off or subsequent let-on of water, including but not limited to bursting or collapse of boilers supplied by direct pressure; damage by debris in dirty water; the breaking of any pipes, fixtures, control valves or fire pipe gates; stoppage or interruption of water supply.

The District shall also have no responsibility for any consequential damages (including, but not limited to, food or housing costs) incurred by an owner, customer, or user as a result of the shut-off or subsequent let-on of water.

### **9.2.5 DAMAGE AS A RESULT OF WATER USE OR LEAK:**

No user shall utilize any apparatus or device or use water in such a way that could or does adversely affect a public water main, appurtenance or water service pipe. The user shall be liable for any damage to public water mains, appurtenances or water service pipes or property resulting from a violation of these Regulations.

### **9.2.6 DAMAGE DURING OWNER REPAIRS AND INSTALLATION:**

The owner shall indemnify the District from and shall reimburse the District for any loss or damage directly or indirectly caused to the District's water facilities by the installation of any privately owned portion of a water service pipe, combined service, fire pipe or other plumbing.

**9.2.7 DAMAGE AS A RESULT OF BACKFLOW PREVENTION DEVICE TESTING:**

The District shall not be responsible for any damage resulting from the shut-off of water or the subsequent let-on of water in conducting required tests and inspections of approved backflow prevention device installations.

**9.2.8 DAMAGE AS A RESULT OF METER TESTING:**

The District shall not be responsible for any damage resulting from the testing and inspection of water meters or automatic meter reading devices. An owner or user shall indemnify and hold harmless the District for any damages or civil liabilities the District may sustain or be required to pay in consequence of an injury or property damage resulting from the owner's or user's violation of these Regulations.

**9.2.9 PUBLIC FUNCTION**

In acting under these Regulations, the District shall be deemed to be performing an essential public function. The District shall not be liable for any loss or damage as a result of the performance of such public function.

**SECTION 9.3 MONETARY LIABILITY:**

Any person who violates any provision of these Regulations shall, upon issuance of a District order to that effect, forfeit and pay to the District the penalty established by applicable Massachusetts General Laws or by these Regulations for each such violation. For purposes of this Section, each day that a violation continues shall be deemed to be a separate violation.

**9.3.1 REIMBURSEMENT FOR COSTS TO THE DISTRICT**

Failure to comply with any portion of these Regulations, or with any permit or order issued thereunder, shall be sufficient cause for the District to levy on and collect from each violator any additional cost for any expense, loss or damage incurred by the District as a result of such violation.

**SECTION 9.4 PENALTIES**

**9.4.1 AMOUNTS:**

Violations of these Regulations shall be subject to civil monetary penalties established by:

- Applicable Massachusetts law.
- Applicable rules and regulations of the Massachusetts Department of Environmental Protection.

- Such penalty schedules as may from time to time be adopted by the District and appended to these Regulations.

#### 9.4.2 CONTINUING VIOLATIONS:

For purposes of the computation of penalties, each day of a continuing violation of these Regulations shall be deemed to be a separate violation. If a violation is intermittent, each occurrence shall be deemed to be a separate violation.

#### 9.4.3 NO COURT LIMITATIONS:

If the District elects to file an enforcement action in a court of competent jurisdiction, the damages then recoverable by the District shall not be limited to amounts recoverable under these Regulations.

## **ARTICLE X. APPELLATE PROCEDURES**

### **SECTION 10.1. APPEALS FROM SHUT-OFFS OR TERMINATIONS**

Appeals from shutoffs or terminations effected under these Regulations shall be governed by the District's Billing, Termination and Appeal Regulations.

#### 10.2 APPEAL HEARING TO THE BOARD OF WATER COMMISSIONERS:

A hearing before the Board of Water Commissioners must be requested in writing within 30 days of the decision on the request for reconsideration. The Request shall set forth in detail the facts supporting such request. The District shall schedule the hearing and shall mail to the owner or user who requested the hearing a written notice specifying the date, time, and place of the hearing. A request for a hearing before the Board of Water Commissioners shall be addressed to the Executive Director and mailed or emailed or hand delivered to:

- **USPS** P.O. Box 111, Sudbury, Massachusetts 01776
- **Email** [customerservice@sudburywater.com](mailto:customerservice@sudburywater.com)
- **Hand Delivery** 199 Raymond Road, Sudbury, Massachusetts 01776

The notice of appeal shall state the name, address, email, and telephone number of the appealing party and shall indicate the matter at issue and shall indicate only that the party wishes to exercise their right of appeal. Appeals to the Board of Water Commissioners are governed by the sections of the District's Billing, Termination and Appeal Regulations applicable to Appeals to the Board of Water Commissioners and the schedules and procedures contained therein.

**ARTICLE XI.**  
**ADOPTION**

Section 1. These Regulations shall be in full force and effect from and after their adoption and publication as provided by law. Section 2. History Adopted and approved by the Sudbury Water District, on this 14<sup>th</sup> day of June 2022.