

CITY OF FRAMINGHAM
FRAMINGHAM, MASSACHUSETTS
Cross Connection Control Program Plan (CCCPP)

January, 2024

I. PURPOSE

- A. To protect the public potable water distribution supply within the City of Framingham from the risk of contamination from a non-potable water supply by means of backflow or back-siphoning into the city's public potable water distribution system.
- B. To meet the requirements of the Commonwealth of Massachusetts Drinking Water Regulations, 310 CMR 22.22.
- C. To provide a Cross Connection Control Program (CCCP) for the purpose of testing backflow devices, surveying for cross connections and promote education for consumers to prevent contamination of the city's potable water system.

II. AUTHORITY

- A. As provided in the Federal Safe Drinking Water Act of 1974, (Public Law 93-523), and the Commonwealth of Massachusetts Drinking Water Regulations, 310 CMR 22.22, the water purveyor (City of Framingham Water Division) is responsible for the protection of a non-potable water source from contaminating the public potable water system.
- B. All cross connection distribution systems must comply with 310 CMR 22.22 and MGL c. 111, §160A.
- C. Framingham Ordinances; and
- D. Framingham Massachusetts Water Regulations Section in **Appendix A**.

III. RESPONSIBILITY

The **CITY of FRAMINGHAM** hereafter referred to as the **City** shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollutants. If the **City** determines, through a survey of the property that an approved backflow prevention device is required at the property's water services connection or as in-plant protection on any portion of the property's distribution system, the **City**, or its delegated agent, shall issue a cross connection violation form to said owner to install approved backflow prevention devices. The **Owner** shall, within a time frame determined by the **City**, install such approved device or devices at their own expense, and failure or refusal or inability on the part of the customer to install said device or devices within the specified time frame shall constitute grounds for discontinuing water services to the premises until such device or devices have been properly installed

IV. DEFINITIONS

- 1. Air Gap Separation: The method of preventing backflow through the use of an unobstructed vertical distance through the free atmosphere between the lowest opening from and pipe or faucet supplying water to a tank, plumbing fixture, or other device and flood rim of the receptacle.
- 2. Approved: Acceptance by the Reviewing Authority as meeting an applicable specification stated or cited in this regulation or as suitable for the proposed use.
- 3. Approved Backflow Prevention Device or Devices: A method to prevent backflow approved by the Department for use in Massachusetts.

4. Atmospheric Vacuum Breaker: An approved backflow device used to prevent back siphonage only and which is not designed for use under static line pressure.
5. Auxiliary Water Supply: Any water supply of unknown or questionable quality on or available to the premises other than the supplier's approved public potable water supply.
6. Back Pressure: Pressure created by mechanical means or other means which causes water or other liquids or substances to flow or move in a direction opposite to that which is intended.
7. Back Siphonage: A form of backflow due to reduced or sub-atmospheric pressure within a water system.
8. Backflow: The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply from any source other than the intended source.
9. Backflow Prevention Device: shall mean an approved mechanical device designed to prevent backflow as approved by the DEP for use in the Commonwealth of Massachusetts.
10. Backflow Preventer With Intermediate Atmospheric Vent: A device having two independently operating check valves separated by an intermediate chamber with a means for automatically venting it to the atmosphere and in which the check valves are force loaded to a normally closed position and the venting means is force loaded to a normally open position.
11. Barometric Loop: A loop of pipe rising at least 35 feet at its topmost point above the highest fixture it supplies.
12. City: City of Framingham, Massachusetts
13. Contaminant: Any physical, chemical, biological or radiological substance or matter in water.
14. Cross Connection: Any actual or potential connection between a distribution pipe of potable water from a public system and any waste pipe, soil pipe, sewer, drain or other unapproved source. Without limiting the generality of the foregoing, the term "cross-connection" shall also include any bypass arrangement, jumper connection, removal section, swive or changeover connection and any other temporary or permanent connection through which backflow can or may occur.
15. Cross Connection Violation Form: A violation form designated by the **City**, which is sent to the owner by the water supplier with copies sent to the Department, plumbing inspectors and Board of Health delineating cross connection violations found on the owner's premises and a procedure for corrective action.
16. Department: The Massachusetts Department of Environmental Protection – Drinking Water Division.
17. Double Check Valve Assembly: A backflow prevention device which incorporates an assembly of check valves, with shut-off valves at each end, and appurtenances for testing.
18. Facility: Any place using any type of cross connection device or has the potential for using a cross connection.
19. Failed Device: Any type of backflow preventer device that does not pass due to bad readings while tested, location, inaccessible test cocks or plugged test cocks. Being denied access to the property will be recorded as a failure until access is granted but will not trigger the situation in section F II to have to move the device.

20. In-Plant Protection: The location of approved backflow prevention devices in a manner which provides simultaneous protection of the public water system and the potable water system within the premises.
21. Owner: Any person maintaining a cross connection installation or owning or occupying premises on which cross connections can or do exist.
22. Owner's Agent: Any person or body designated by the owner to act as his or her representative.
23. Permit: A document issued by the **City** of Framingham which allows a cross connection installation.
24. Pressure Vacuum Breaker: An approved backflow prevention device designed to prevent only back-siphonage and which is designed for use under static line pressure and which has necessary appurtenances for testing.
25. Reduced Pressure Backflow Preventer: An approved backflow prevention device incorporating (1) two or more check valves, (2) an automatically operating differential relief valve located between the two checks, (3) two shut-off valves and, (4) necessary appurtenances for testing.
26. Residential Dual Check: An assembly of two springs loaded, independently operating check valves without tightly closing shut-off valves and test cocks. Generally employed immediately downstream of the water meter to act as a containment device.
27. Reviewing Authority: The **City** of Framingham, its designee or the local plumbing inspector, authorized by M.G.L. c. 142 and licensed by the Board of State Examiners of Plumbers and Gas Fitters, whichever is responsible for the review and approval of the installation of an approved backflow prevention devices.
28. Director of Water & Wastewater: The Director of Water & Wastewater or their designee, is invested with the authority and responsibility for the implementation of a Cross Connection Control Program and for the enforcement of the provisions of the Rules and Regulations.
29. Water Service Entrance: That point in the owner's water system beyond the sanitary control of the **City**; generally considered to be the outlet end of the water meter and always before any unprotected branch in the facilities plumbing system.

V. ADMINISTRATION

- A. The **City** will operate an active cross connection control program, to include the keeping of necessary records, which fulfills the requirements of the **City Cross Connection Regulations**.
- B. The **Owner** shall allow his property to be inspected for possible cross connections and shall follow the provisions of the **City program** and the **Department Regulations**.
- C. The **City** will conduct 20% of surveys a year until all facilities have been surveyed. If a facility has a change in use a new survey will be required.

VI. CITY RESPONSIBILITY

- A. On new installations, the **City** will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow device, if any, that will be required, and notify the owner of plan approval requirements by the appropriate reviewing authority.
 - i. Facilities that have four or more units will require a DCVA device at minimum; this includes apartment buildings.

B. For premises existing prior to the start of this program, the **City** will perform surveys of the premises and reviews of as-built plans and issue a cross connection violation form to the owner detailing any corrective action required, the method of achieving the correction, and the time allowed for the correction to be made.

C. The **City** will not allow any cross connection to remain unless it is protected by an approved backflow device for which a permit has been issued and which will be regularly tested to ensure satisfactory operation.

D. If the **City** determines at any time that a serious threat to public health exists, the water service will be terminated immediately.

E. The **City** shall have on its staff, or shall have a delegated representative, who is a backflow prevention device tester and a cross connection control surveyor certified by the Commonwealth of Massachusetts.

F. The **City** will begin initial premises inspections to determine the nature of existing or potential hazards, following the approval of this program by the Department. Initial focus will be on municipal buildings. After completion of municipal buildings all industrial, institutional, commercial facilities within the **City** will be surveyed.

G. **City** employees will be testing and surveying the **City's** Municipal buildings.

H. The **City** will annually notify consumers of water and local public officials of the requirements of the city's water distribution system cross connection control program (CCCP) through the annual Consumer Confidence Report (CCR) that is mailed to all **City** of Framingham Residents, **City** of Framingham web site (<https://www.framinghamma.gov/157/Cross-Connection-Control-and-Backflow-Pr>) and through the city's email portal.

VII. OWNER RESPONSIBILITY

A. The **Owner** shall be responsible for the elimination or protection of all cross connections on their premises.

B. The **Owner** shall be responsible for applying for and obtaining all necessary approvals and permits for the maintenance of cross connections and installation of backflow prevention devices.

C. The **Owner** shall have all backflow prevention devices installed and repaired by a licensed plumber, and any device that fails an inspection or test must be repaired by a licensed plumber.

D. The **Owner** shall inform the **City** of any proposed or modified cross connection and any existing cross connections of which the owner is aware but have not been found by the **City**.

E. The **Owner** shall not install a bypass around any backflow device unless there is a backflow device of the same type on the bypass.

i. **Owners** who cannot shut down operation for testing of the device(s) during normal business hours must supply additional devices necessary to allow testing to take place such as installing a parallel system.

F. The **Owner** shall install backflow devices that are in compliance with current standards approved by the **City** of Framingham Department of Public Works Cross Connection Control Programs Standards.

i. Devices that do not meet current standards will need to be discussed on a case-by-case basis.

- ii. Devices that are installed will not need to be replaced due to being installed based on previous standards. These devices can pass until it fails or if the facility has a change or ownership or change of use based on current regulations.
 - iii. Devices located in a confined space can remain installed if they are able to be repaired if they fail during the scheduled test. However, if the device fails because of the following: not being able to drain properly, taking in water that will cause corrosion, or the wrong device is installed in the pit the device will need to be removed and relocated.
 - iv. Corroded or broken valves are the responsibility of the owner to replace or repair.
- G. The **Owner** shall install only a reduced pressure backflow device, double check valve assemblies and pressure vacuum breakers approved by the Department.
- H. Any **Owner** of industrial, commercial, or institutional premises having a private well or other private water source must have a well permit from the Framingham Health Department. The **Owner** may be required to install a backflow device at the service entrance (meter) if a private water source is maintained even if it is not cross connected to the **City's** system.
- I. The **Owner** of any residential premises having a private well or other private water source will not be allowed a physical connection with the public water system.
- J. The **Owner** shall be responsible for the payment of all fees for device testing, re-testing the device should said device fail to operate correctly, and second re-inspections for noncompliance with **City** or Department requirements.
- K. Within 14 calendar days after the installation of devices in accordance with plans reviewed and approved by the reviewing authority, the **Owner** or their agent shall notify the **City** and arrange for an inspection of the installation.
- L. The **Owner** must maintain on the premises a spare parts kit and any special tools required for removal and reassembly of devices. The presence of the tools must be recorded on the Inspection and Maintenance Report Form.
- M. The **Owner** shall notify the **City**, in writing, no later than 30 days prior to the removal or change of use from service of any permitted device and such notification shall include the reason for removal and must indicate if the cross connection has been eliminated.

VIII. DEGREE OF HAZARD

- A. The **City** recognizes the threat to the public water system arising from cross connections. As such, the **City**, whereas it is responsible for the good quality of the public water supply, may require a containment device on the water service entrance to any customer who, as a result of unprotected cross connections, could contaminate the public water supply system.
- B. The degree of hazard of any cross connection will be determined by the **City** and addressed accordingly. High hazards at minimum require an air gap or RPZ device.
- C. The following facilities are, at a minimum, considered to be high hazard: Sewer pump stations, Food processing, Labs, Hospitals, mortuaries, clinics, dentists, Plating facilities, Commercial laundry and dry cleaners, Photo processing, Cooling tower recirculating systems, Solar energy systems and Heat exchangers. The **City** may determine any other use as a high hazard, if deemed necessary.
- D. Subject to the authority of the Department, its Designee, or the **City** to issue the final determination of what type of device is required and the location of the device for each cross connection in individual cases, depending upon the degree of health hazard and type of backflow involved, the

acceptable devices for backflow prevention include air gap separation, reduced pressure backflow preventers, double check valves assemblies, atmospheric or pressure vacuum breakers, backflow preventers with intermediate atmospheric vents, and barometric loops.

IX. ENFORCEMENT

A. The **City** shall not allow a cross connection to exist with the public water supply system unless it is considered necessary, and all appropriate approvals and permits have been issued.

B. Whoever maintains a cross connection in violation of MGL c. 111, §160A shall be:

1. Punished by a fine of not more than \$25,000 for each day such violation occurs or continues, or by imprisonment for not more than one year, or both such fine and imprisonment; or
2. Subject to a civil penalty not to exceed \$25,000 for each day that such violation occurs or continues.

X. EXISTING IN-USE BACKFLOW PREVENTION DEVICES

Any existing backflow preventer shall be allowed by the **City** to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer or result in an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow preventer must be upgraded to a reduced pressure backflow preventer, or a reduced pressure backflow preventer must be installed in the event that no backflow device was present.

XI. FIRE HYDRANT USE

The use or attempted use of any fire hydrant or temporary hydrant other than by Emergency Services i.e. Fire, Police and Rescue Units is strictly **prohibited** without written consent from Director of Water & Wastewater or their designee.

XII. RIGHT OF ENTRY

All owners or operators of commercial, industrial or institutional premises served by a public water supply system shall authorize agents and employees of the **City** and Commonwealth, upon presentation of their credentials, to enter their premises for the purpose of inspecting and surveying their water systems for cross connections and assuring compliance with 310 CMR 22.22.

XIII. IRRIGATION SYSTEMS

The **City** realizes that underground lawn irrigation systems present a possible threat to the **City** water supply if not installed correctly. The **City** will require either a Pressure Vacuum Breaker or a Reduced Pressure Principal Backflow Device installed at the location where the irrigation system is tied into the potable water line.

- i. Residential irrigation systems will be tested once.
- ii. Municipal and Commercial irrigation systems will be tested annually.

XIV. FIRE PROTECTION SYSTEMS

The **City** has adopted the language used in the Massachusetts Cross-Connection Control Program Regulations, 310 CMR 22.22 as its policy on the requirements for Fire Protection Systems connected to the districts water system.

A. Any new, existing, or substantially modified fire protection system, including residential fire systems, shall be evaluated by the Department, its Designee or public water system to determine if a

cross connection exists. If it is determined that a cross connection does exist, 310 CMR 22.22(9) (a) Table 22-1 shall serve as a guide in determining the type of protection device required. In evaluating the type of protection required, the degree of hazard associated with the fire protection system, and the potability of the water pumped into the Fire Department connection shall be considered, and the head of the local fire department shall be consulted.

B. All Sections under 310 CMR 22.22.09 (d) shall become part of the **City's** cross connection control program.

C. A Massachusetts licensed fire sprinkler contractor is responsible for all work conducted on a fire protection system, including the installation, maintenance and repair of backflow prevention devices.

D. The owner of a cross connection subject to 310 CMR 22.22(9)(d)2, shall register the connection(s) with the **City**, a copy of which shall be retained.

XV. PERIODIC TESTING

A. Reduced pressure backflow preventers shall be tested and inspected at least semiannually and double check valve assemblies annually by the **City**.

B. Periodic testing shall be performed by the **City's** certified tester, or his delegated representative, who shall be a certified tester as per the Massachusetts Department of Environmental Protection requirements.

C. The testing shall be conducted during the **City's** regular business hours. Exceptions to this, when at the request of the Owner, may require additional charges to cover the increased costs to the **City**.

i. If testing cannot be done during normal business hours additional charges will be applied.

D. Any backflow device which fails during a periodic test must be repaired or replaced by a licensed plumber within 14 days of the failed device. When repairs are necessary, upon completion of the repair, the device will be retested at the Owner's expense to ensure proper operation. High hazard situations will not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than fourteen days after the test date will be established. The Owner is responsible for spare parts, repair tools, or a replacement device. Parallel installation of two devices is an effective means of the Owner ensuring that uninterrupted water service remains during testing or repair of devices and is strongly recommended when the Owner desires such continuity.

E. Backflow prevention devices will be tested more frequently than specified above in cases where there is a history of test failures and the **City** feels that due to the degree of hazard involved, additional testing is warranted. The Owner will bear cost of the additional tests.

XVI. INCIDENT RESPONSE

Upon a report of a contamination, the **City's Cross Connection Control Inspector/Tester** shall investigate the nature of the contamination and in light of the circumstances found to exist, determine if in fact a backflow incident did or is occurring. Under the Drinking Water Regulations of the Commonwealth of Massachusetts, 310 CMR 22.22, the **City** shall take appropriate action to eliminate the hazardous condition. Action may include the immediate termination of water service to any premise suspected of contaminating the **City** water supply.

In any event where a backflow incident is or was either suspect or confirmed, the following agencies will be immediately notified by the **City**:

1. Massachusetts Department of Environmental Protection – Drinking Water Division
2. Framingham Health Department
3. Framingham Department of Public Works-Utilities Division
4. ERP – **Appendix B**

Samples shall be taken by a certified laboratory for analysis to determine the nature of the contamination, if any. The scope of the incident shall be determined and all consumers possibly affected by the contamination shall be immediately notified if there is any threat to public health. Method of public notification will be up to the **City** and its policy on emergency public notification.

Any remedial action to mitigate the contamination shall be initiated by the **City** as promptly as possible. Mitigation actions shall include, but not limited to installation of backflow device(s), disconnecting systems or equipment, or flushing and chlorinating affected water.

Lines, all on the part of the **Owner** and under the supervision of the **City's Cross Connection Control Inspector/Tester**. No water in the affected area shall be used for drinking, bathing, or

Cooking until such time as further sampling and analysis indicates that no threat to the public health exists.

Any and all action taken shall be accurately and well documented and recorded by the **City's Cross Connection Control Inspector/Tester**.

XVII. RESIDENTIAL EDUCATION

The **City** will establish and maintain a residential education program by including the following **"Points of Concern"** through use of mailings, public service announcements, and a Cross Connection Control open door policy for their customers thru which the **City** will afford the customer assistance with their backflow questions and concerns:

- A. Vacuum Breaker installation on hose bibs;
- B. Home Heating Systems (Proper Backflow devices);
- C. Awareness of Cross Connections in respect to Lawn Irrigation Systems; and
- D. Awareness of Cross Connections in respect to Swimming pools, spas, hot tubs etc.

The **City** will respond and assist any of its customers with their concerns regarding Cross Connection Control in a professional and informative manner which will benefit both the owner and the **City**.

XVIII. RECORDS AND REPORTS

A. RECORDS

The **City** will initiate and maintain the following:

1. Master files on customer cross connection tests and/or inspections.
2. Master files on approved cross connection installation.
3. Copies of lists and summaries supplied to the Massachusetts
4. Department of Environmental Protection – Drinking Water Division

B. REPORTS

The **City** will submit the following to the Water Department:

1. Initial listing of high hazard cross connections.
2. Initial listing of low hazard cross connections.
3. Annual update lists of Items 1 and 2 above.
4. Annual summary of cross-connection inspections and surveys.

XIX. FEES AND CHARGES

The following fees and/or charges will apply to services performed by the **City** under this Ordinance related to the **City's Cross Connection Control Program**:

- A. Device testing/re-testing (When required) on domestic & Fire lines - \$50.00 per test.
- B. Survey Fee – No charge
- C. Data Design - No charge, **Appendix C**
- D. Fees are subject to change.

XX: NOTICES

All notices required or permitted to be made to the **City** shall be in writing and sent by certified mail, postage prepaid to:

Water Department
ATTN: Director of Water and Wastewater
City of Framingham
100 Western Avenue
Framingham, MA 01702

XXI. ADMINISTRATIVE NOTE

The **City** will follow the Commonwealth of Massachusetts Drinking Water Regulations - Cross Connect Control, 310 CMR 22.22 for any situation or question not covered by this ordinance. In specific situations not covered in 310 CMR 22.22 i.e. Dental office protections, the **City** will follow the recommended procedures of the department.

XXII. ADOPTION

This Cross Connection Control Program Plan shall be in full force and effect from and after the adoption by the Mayor of the City of Framingham, as the Water and Sewer Commissioner, the Twenty-Ninth Day of January, 2024

This Cross Connection Control Program Plan may be amended and reissued by the City as is deemed necessary or appropriate.

Appendix A – Framingham Water Regulations



**City of Framingham Department of Public Works
Water Regulations**

May 2015

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SECTION 1 - GENERAL PROVISIONS

These Water Regulations shall apply to the City of Framingham and to persons outside Framingham who are users of Framingham's water services. These Water Regulations provide for use of the public water systems, measurement of water usage, equitable distribution of costs, control of cross-connections, emergency restrictions, and issuance of approvals, specifications and practices for infrastructure construction, and penalties and other procedures in cases of violation of these Water Regulations.

Except as otherwise provided herein, the Board of Selectmen, as the Water and Sewer Commissioners through the City Manager, the Director, and/or designees, shall administer, implement, and enforce the provisions of these Water Regulations.

1.1 Reference to Regulations

These Water Regulations may also be referred to as the City of Framingham's Water Use Regulations.

1.1 Authority

A set of Water Regulations regulating the use of the public and private water system; the installation and connection of water systems; and the use of water into the public water facilities and providing penalties for violations thereof:

WHEREAS: the City of Framingham desires to ensure that the use of the public water system operated by it will conform to the best water resources engineering practices.

Pursuant to M.G.L. c.40 § 21(7); M.G.L. c. 111 § 160 *et. seq.*; M.G.L. c 40 §§ 31, 39A, 39E, 39I, and 42A, and, the City of Framingham City Council's Policies on Payments, Abatements, and Deferrals, these Water Regulations hereby establish the requirements for the use of public water systems, private water systems, the installation and connection of water systems, and the use of water from the public water system, and providing penalties for violations thereof, in the City of Framingham, County of Middlesex, Commonwealth of Massachusetts.

These Water Regulations shall be consistent with all applicable state regulations.

1.2 Purpose

The purpose of these Water Regulations is to provide for the maximum possible beneficial public use of Framingham's water facilities through regulation of construction and water use; to provide for equitable distribution of the costs to operate, maintain, and improve Framingham's water facilities; and to provide procedures for complying with the requirements contained herein.

1.3 Severability

The provisions of these Water Regulations are severable. If any provision of these Water 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.

1.4 Applicable Regulations



Every user of the public water system or private water mains shall be subject to regulations of the City and the Massachusetts Water Resources Authority (MWRA), as they apply, and to any charges, rates, fees and assessments which are or may be established by the City or the MWRA. 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 Water Regulations, the most recent standards of the American Water Works Association shall be adhered to.

1.5 Right to Amend Regulations

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

1.6 MWRA and DEP Regulations

No provision of these Water Regulations shall be deemed to contravene or render ineffective any valid Massachusetts Water Resources Authority (MWRA) regulation or Department of Environmental Protection (DEP) regulations pursuant to M.G.L. c. 111 §§ 159 through 174.

1.7 Applications and Approvals

These Water Regulations and other activities related to the implementation of these Water Regulations require the submission of applications, certifications, and other information. Applications are available through the DPW and all requirements shall be completed to the satisfaction of the Framingham Department of Public Works (DPW) prior to the commencement of the activity. DPW approvals and applications are in addition to applications and permits that may be required by other Federal, State, MWRA, and local laws or regulations.

- (a) The DPW may refuse to issue an approval for any use of the public water system which it believes can reasonably be expected to result in significant harm to health, safety, the environment, the DPW's water system, or a tributary to the DPW's water system.
- (b) The DPW shall enforce, pursuant to Section 8 of these Water Regulations and other applicable local, state, and federal laws, the terms and conditions of an approval issued under these Water Regulations.
- (c) The DPW may modify an approval as deemed necessary or appropriate or as required by state or federal law.
- (d) An applicant may request reconsideration of the terms and conditions in an issuance, renewal, or modification of an approval issued by the DPW, and an applicant may request reconsideration of the denial of an approval by the DPW, pursuant to Section 8 of these Water Regulations.
- (e) An approval shall not be assigned or transferred without prior written consent of the DPW. After consent of an assignment or transfer of an approval, the applicant shall provide a copy of the approval documentation to the assignee or transferee.
- (f) These Water Regulations shall not be construed to require the DPW to permit itself or those in its employ for activities done to carry out the DPW's responsibilities under any federal or state laws, regulations, or requirements.



- (g) All construction activities shall be subject of a plan review by the DPW. Upon completion of the construction, as-built plans, sketches, drawings, and other information shall be submitted to the DPW.

1.8 Fees

All fees and charges payable under the provisions of these Water Regulations shall be computed in accordance with the schedule of rates on file with the Department. Such fees and charges shall be established by the Board of Selectmen as the Water and Sewer Commissioners and paid to the City of Framingham.

SECTION 2 - DEFINITIONS

Terms that are not defined herein shall be interpreted as defined in the most recent edition of the Glossary- Water and Wastewater Control Engineering, published by the Water Pollution Control Federation (WPCF) (now known as Water Environment Federation) (WEF), Washington, D.C. Throughout these Water Regulations, *shall* is mandatory, and *may* is permissive. Terms are intended to be consistent with applicable DEP regulations. Unless the content specifically indicates otherwise, the meaning of the terms used in these Water Regulations shall be as follows:

Applicant shall mean any person applying for water service or for the extension, alteration, replacement, relocation, or testing of a water main and/or water system appurtenances.

As-Builts shall mean a set of drawings prepared upon completion of a project or a construction contract that reflect all changes made in the specifications and working drawings during the construction process, and show the exact dimensions, geometry, and location of all elements of the work completed for the project or construction contract.

ASTM shall mean the American Society for Testing and Materials (now known as ASTM International)

Automated (or Automatic) Meter Reading Device shall mean a device(s) used for reading a water meter without having to enter a building or premises.

Authority shall mean the Massachusetts Water Resources Authority.

AWWA shall mean the American Water Works Association.

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 an approved mechanical device designed to prevent backflow as approved by the DEP for use in the Commonwealth of Massachusetts.

Bill shall mean a written statement issued by the DPW to a customer, that includes the actual or estimated amount of water used, all charges due for water service during such period, and additional information as may be required under these Water Regulations.



Building shall mean any structure used for human occupancy, employment, recreation, or other use classifications as defined by 780 CMR 302.0.

Change of Use Classification shall mean a change in part or all of an existing structure from one use classification or purpose to another use classification or purpose.

Charges shall mean all fees, rates, assessments and other charges for water or other services which are furnished or supplied by the DPW and which are authorized under these Water Regulations to charge and collect.

Combined Service shall mean a service pipe that is used to provide both water service and private fire protection service.

Condominium shall mean an independently owned unit of a residential or commercial building with at least two units separately owned.

Contaminant shall mean any physical, chemical, biological, or radiological substance or matter in water.

Control shall mean own, access, construct, install, repair, test, operate, and/or maintain.

Cross-connection shall mean any actual or potential connection between a distribution pipe of potable water supplied by the public water system and any waste pipe, soil pipe, sewer, 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 the person listed on the records of the DPW as the party responsible for payment of bills for charges for water service to a building, whether or not the customer occupies the premises.

DEP shall mean the Massachusetts Department of Environmental Protection.

Design Criteria shall mean standards for design used by the City of Framingham for construction, repair, and rehabilitation of public water mains, water service pipes, and fire pipes.

Director shall mean the Executive Director of the Department of Public Works of the City of Framingham. The Director may appoint an authorized representative to act on the Director's behalf.

Discontinuance shall mean a temporary cessation of water service for reasons other than ordinary repair and maintenance.

DPW shall mean the Framingham Department of Public Works.

Easement shall mean an acquired legal right for the specific use of land owned and maintained by others, whether recorded or by prescription.



Fee shall mean a charge established by the City on a fixed or sliding scale basis which an applicant, owner, customer, or user is obligated to remit to the City in accordance with the cost structure and payment schedule established by the City for a granted service, condition, letter, document, or permit.

Licensed Drain Layer shall mean a person authorized in writing by the City of Framingham to install, maintain, and repair water mains and water services within the City of Framingham.

Lot shall mean a parcel of land, with definite boundaries ascertainable by recorded deed or recorded plan and used or set aside and available for use as the site of one or more buildings or for any other definite purpose, in one ownership and not divided by a street or public way.

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 Water Regulations).

Intermunicipal Agreement shall mean a cooperative or contractual arrangement between two or more municipalities made pursuant to M.G.L. c. 40 §4A.

Master Meter shall mean a water meter used for billing purposes serving a building or group of buildings.

Meter shall mean an instrument or device, including any appurtenances thereto for measuring and recording the flow of water and/or sewer usage at a location, installed by, or at the request of the DPW, and used for billing by the DPW.

Meter Pit shall mean an underground vault enclosing a meter.

MWRA shall mean the Massachusetts Water Resources Authority.

Multi-family Dwelling shall mean a dwelling containing more than two dwelling units.

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

Permit shall mean an authorization issued pursuant to any applicable Federal, State, or City regulations with conditions that require conformance by the applicant, owner, customer, or user.

Person shall mean any agency of the federal government, any agency or political subdivision of the Commonwealth, any state, public or Private Corporation or authority, individual, trust, firm, joint stock company, partnership, association, or other entity, or any group thereof, and any officer, employee, or agent of such person, and any group of persons.

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.



Premises/Property shall mean a parcel of real estate or portion thereof, including any improvement thereon, which is determined by the City to be either a single user or a multiple 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 and maintained by the owner for the purpose of fire protection/suppression at a particular premises.

Private Hydrant shall mean a hydrant which, by determination of a governmental board, body, reviewing agency, or department of the City of Framingham and/or by the MWRA, is not accepted and/or owned by the City or the MWRA and is installed and maintained by an owner for the purpose of private fire protection/suppression at a particular premises.

Private Water Main shall mean a water main which, by determination of a governmental board, body, reviewing agency, or department of the City of Framingham and/or by the MWRA, is not accepted and/or owned by the City or the MWRA and is installed and maintained by an owner for the purpose of distribution of water to one or more private premises.

Private Way Open to Public Travel shall mean a roadway which, by determination of a governmental board, body, reviewing agency, or department of the City of Framingham, is not accepted and/or owned by the City, and is installed and maintained by an owner for the purpose of vehicular travel to two or more private premises.

Public Fire Protection shall mean the public water mains, hydrants and appurtenances which, by determination of a governmental board, body, reviewing agency, or department of the City of Framingham and/or by the MWRA, is accepted and owned by the City and/or by the MWRA and is installed for the purpose of fire protection in a public way, City-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 which, by determination of a governmental board, body, reviewing agency, or department of the City of Framingham and/or by the MWRA, is accepted and owned by the City or the MWRA 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 and fire protection. The City and the MWRA are public water systems.

Public Water System Capacity shall mean the public water system's technical, financial, and managerial ability to operate in compliance with 310 CMR 22.00, the DEP's "Guidelines and Policies for Public Water System" and each National Primary Drinking Water Regulation in effect at the time of such approval and in the foreseeable future.

Roadway shall mean a street which is designed, constructed, and maintained for vehicular travel.



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

Special Service Fee shall mean a charge established by the City on a fixed or sliding scale basis which an applicant, owner, customer, or user is obligated to remit to the City in accordance with the cost structure and payment schedule established by the City for a service performed by the City relative to the water system.

Termination shall mean the cessation of water service for a violation of these Water Regulations.

Turn On shall mean the opening of a control valve by authorized DPW personnel to initiate, resume, or restore water service.

Use Classification shall mean the classification of a building or portions of a building with respect to occupancy as defined by M.G.L. 780 CMR 302.0.

User shall mean any person who obtains water service from a public water main, or a private water main supplied from a public water main.

WEF shall mean the Water Environment Federation.

Water Service shall mean the readiness to supply or actual supplying of water to a 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.

SECTION 3 - USE OF WATER AND WATER FACILITIES

3.1 Jurisdiction

All property situated within the City of Framingham shall be eligible to receive water service from the City upon compliance with these Water Regulations. The timing and methods for extending or providing service shall be at the City's sole discretion.

3.2 Ownership

The City shall control the use of all public water mains, hydrants, valves, and associated appurtenances located within public ways and City-owned easements within the City unless otherwise specified in writing by the City (with a copy provided to the owner) and except for transmission mains of the MWRA and certain water mains of adjacent cities and Citys. The City owns the water meters, remote readers, and associated metering equipment as described herein. The City also controls all water service pipes from public water mains located within public ways and City easements, whether recorded or by prescription, within the City to an owner's property line, except where a building,



foundation wall, retaining wall, stairs, areaways or other subterranean structures are located on the property line, the City owns the water service pipe to a distance of 18 inches outside the property line.

3.3 Public Water Mains

No person shall, without prior written authorization from the City, 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 City's water distribution system.

3.4 Private Water Mains

All private water mains in the City that are supplied with and convey water from public water mains owned by the City shall be subject to these Water Regulations, but shall be constructed, installed, repaired, operated, and maintained by their owners at the owner's expense. The City may direct the owner to repair or replace a private water main, if in the judgment of the City 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 City shall inspect and approve the connection of the private water main to the City's public water main. The City shall have the right to operate, maintain, and/or repair a private water main and its appurtenances in the event of an emergency or at the discretion of the DPW as necessary for the continued operation and maintenance of the public water system. The City shall have the right to recover its associated costs from the owner in the performance of the aforementioned activities.

3.5 Water Conservation and Emergencies

The DPW shall have the right to restrict the use of all water for secondary purposes in the City during periods of drought or emergency in order to maintain pressure in accordance with the provisions of M.G.L. Chapter 21G.

No user shall knowingly allow water to leak or run to unnecessary waste. Water customers shall not waste water. Customers are responsible for the maintenance and repairs of their plumbing and appurtenances necessary to prevent any waste of water. The City may adopt water use 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. Water use restrictions shall remain in full force and effect until the City determines that the condition requiring their imposition no longer exists.

The City 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. The DPW reserves the right to temporarily interrupt service without first giving notice of such action, if in the DPW's opinion, it is necessary to do so due to emergency or urgent conditions in order to facilitate making of repairs or alterations to the public water system. Therefore, no person shall be entitled to receive damages or refunds or payments as a result of any such interruption.

3.6 Water Main Extensions, Replacement, and Relocations



The DPW shall not issue an approval for connection to Framingham's public water supply unless there is public water system capacity not legally committed to other existing and future users in the water supply and distribution system to adequately supply the quantity, quality and pressure of water and fire protection service that the requested connection will demand of the system.

An applicant may propose an extension, replacement, or relocation of a public or private water main to serve a new or rehabilitated building(s). All proposed extensions, replacements or relocations, including any tests, studies, investigations and inspections required for design, shall be designed and constructed in accordance with the City's construction standards, and subject to the approval of the DPW (or designee). In the absence of specific code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of ASTM International, AWWA, and WEF shall apply. All connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved in writing by the Director before installation. All expenses, including all engineering, legal, permitting, construction, and inspection expenses, involved in applying for and constructing an extension, replacement, or relocation shall be borne by the applicant.

Water main extensions and relocations intended to provide water service to one or more lots shall extend to the full extent of the frontage(s) of the lot(s) to be served unless otherwise approved by the DPW.

After approval of a proposed extension, replacement, or relocation of a water main and after the attendant construction has been approved by the City, the applicant shall transfer ownership of the extended, replaced, or relocated water main to the City through a form prescribed by the City. The form shall be accompanied with as-built plans for the extended, replaced, or relocated water main and any other information required by the City. Until such time as the form is signed by the City, the extended, replaced, or relocated water main shall be considered to be a private water main owned by the applicant and shall be subject to the requirements pertaining to private water mains contained in these Water Regulations.

If an applicant requests a new water service pipe or fire pipe which, in the judgment of the City, will impose a demand in excess of the capacity of the existing main, it may be necessary to replace 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. When the City must perform professional engineering and legal reviews for development projects, the applicant shall pay for such reviews.

3.6.1 Bonding

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

3.6.2 Licensed Drain Layer



All water installation, repair or maintenance work shall be performed by a drain layer who possesses a valid Drain Layers License issued by the DPW. A drain layer's bond, using the DPW's standard bond form, as then in effect, must be submitted and approved to the DPW in advance of installation, repair or maintenance.

3.7 Hydrants

All hydrants located in public ways and City-owned easements shall be owned and maintained by the City. Hydrants shall be placed at locations designated by the City to facilitate public fire protection or for City maintenance. As a condition of an approved new or extended water service, the City may require an owner to pay for the cost of hydrant installation if the City determines that such new extended water service creates fire protection requirements or enhanced City maintenance.

Any use of water from an un-metered hydrant for purposes other than extinguishing fires is strictly prohibited. Hydrant use for any other purpose shall only occur pursuant to an approval for use obtained from the City. After approval, a hydrant meter and a backflow preventer for the proper operation of the hydrant shall be provided upon payment of a deposit in an amount established by the City. A copy of the approval shall be available for inspection at the site of the work at all times during use. The failure to comply with the terms as set forth on the hydrant approval for use or the unauthorized use of water from a hydrant are violations of these Water Regulations which can result in the imposition of a fine in accordance with Section 8 of these Water Regulations. The owner of a private hydrant must obtain an approval for use of the hydrant and meter from the DPW unless the hydrant is master metered. All hydrant flow tests shall be approved and overseen by the DPW or its approved agent.

3.8 Hydrant Flow Tests

All hydrant flow tests shall be subject to approval of, and overseen by, the DPW or its designated agents. A hydrant flow test is the measurement of flow from a hydrant performed in accordance with generally accepted engineering practices. A copy of the hydrant flow test results shall be submitted by the applicant to the DPW within 14 days of completion of the test.

3.9 Water-Cooled Air Conditioning and Refrigeration

An air conditioning or refrigeration unit or units requiring water for cooling cannot be used without provision for water recycling. A device enabling the reuse of water supplied in the system shall be in operation whenever such system is in operation. Such systems shall be subject to the Cross-Connection provisions of these Water Regulations.

3.10 Irrigation Systems

All irrigation systems shall be metered and equipped with an approved backflow prevention device. The City, pursuant to Section 3.5, may restrict or prohibit the use of irrigation systems and outside watering in accordance with the provisions of Massachusetts General Laws Chapter 21G.

SECTION 4 – WATER SERVICE

4.1 Application for Water Service

No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public water main or appurtenance thereof without first obtaining written approval from the DPW.



Any person proposing a new water connection to a public or private water main or any person proposing a substantial change in the quantity or use of an existing water connection shall file a written application for the connection or change with the DPW prior to making the proposed change or connection. Water use is authorized only for the use and quantity described in the application.

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 shall submit an application. An application shall be supplemented by permits, plans, specifications or such other information as the City may require, including but not limited to, building site plans approved by the DPW. Approval of an application shall be subject to the public water system capacity in the public water main as determined by the DPW. Any application issued shall be void and invalid unless the work authorized by it shall have been commenced within 180 days after issuance; however, for cause shown and upon written request by the owner, an extension may be granted by the DPW. The duration of a time extension shall be determined by DPW on a case-by-case basis.

No work of installing or repairing water connections or any customer plumbing and appurtenances that are under the jurisdiction of the DPW, shall commence unless the approval to do so is issued by the DPW and is at the site of the work, in the hands of the plumber or contractor doing the work. All work shall be completed within the time limitations stated in the approval, which shall be established by the DPW at the time that the approval is issued. If not so completed, a new approval shall be obtained by the owner to validate continuance of the work. One copy of the approval shall be available for inspection at all times at the site of the work.

The owner shall be responsible, at its expense, for fulfilling all City requirements for licensing, bonding, permitting, submitting applications, installing the water service pipe and appurtenances, tapping (greater than 2-inch diameter) and making connection to the public water main designated by the City, and cutting and capping any water service pipe and appurtenances to be discontinued. Only the City shall turn on the water service. The service will not be turned on until the installation has been inspected and a water meter has been installed in accordance with these Water Regulations.

4.2 Unauthorized Use

No person supplied with water shall use the water for purposes other than those stated in their application. No person supplied with water shall supply another building with water without authorization from the DPW. No person shall take water from a service line prior to the water meter. No person shall supply water to a pool or other facility not directly connected to the customer's plumbing without the written authorization of the DPW. No unauthorized person shall operate or use water from a fire hydrant.

4.3 Increase/Decrease in Size of Service

An approval shall be valid only for the use and quantity described in the application. Any change in use of the building or any substantial increase in the quantity shall be considered a change in use. The owner of the building shall make an application for a new approval for any change of use classification and shall pay the appropriate fee. When the size of a water service is either increased or



decreased, the service to be discontinued must be removed, or if approved, cut and capped at the main in accordance with City specifications.

4.4 Connection Costs

All costs, fees, and expenses incident to submission of an 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. The owner shall indemnify the City of Framingham from any loss or damage that directly or indirectly may result from the installation of the building service connection. Flat fees for all new service connections to the public water system will be established by the Director and must be paid prior to installation. An approval and inspection fee shall be paid to the City at the time the application for approval under this section is filed.

4.5 Reusing Existing Services

Existing water services may be used at the discretion of the DPW for connection of new buildings to the Framingham water system only if they are found by the DPW, after examination and testing, to meet these Water Regulations.

4.6 Construction Standards

The size, alignment, construction materials, trench excavation and backfill methods, pipe placement, jointing, and testing methods used in the construction and installation of a building water service or water extension shall conform to the current City of Framingham construction standards, to the building code and the plumbing code, and to all other applicable requirements of the City of Framingham and the Commonwealth of Massachusetts. In the absence of specific code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM International, AWWA, and WEF shall apply. All connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved in writing by the Director before installation.

4.7 Notice of Construction

Prior to construction, the applicant shall obtain any necessary City permits; comply with Dig-Safe, and local, state, and federal trench excavation safety requirements. The applicant for the approval or the contractor engaged in the construction work shall notify the DPW a minimum of forty-eight hours in advance of when work is to be performed. The installation of water connections shall be made under the observation of the DPW or the DPW's duly authorized representative. No work shall be backfilled by the contractor without the authorization of the DPW.

4.8 Excavation Safety

All excavations for water construction shall conform to applicable local, state, and federal codes and regulations and be adequately guarded with barricades, lights, and by other means as necessary to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner consistent with applicable regulations and to the satisfaction of the DPW.



4.9 Activation and Shut Off of Water

No person, except an authorized employee of the DPW, shall turn on or shut off water from any main or service pipe owned by the City.

4.10 Repair of Water Services

The repair of the water service line shall be the responsibility of the owner and all costs of the repairs will be borne by the owner. The total cost of the repair or replacement of the service line shall be borne by the owner, including all necessary permits and application fees. In the interests of public safety, repair of the service line may be made by the DPW or by a contractor approved by the DPW. The costs of these repairs will be assessed by the owner.

Whenever, in the opinion of the DPW, the age, condition or size of a service pipe is such as to make it impracticable to maintain service through the pipe, the owner shall be advised that they must repair or replace the service pipe. The Director may limit the methods of repairs to privately owned building services within five years of the date of reparation to the public way. The owner may be required to select repair methods that will not disturb or otherwise modify the public way surface.

4.11 Abandonment of Service and Demolition of Building

When water service has been discontinued for a period of one year or more and no commitment has been provided by the owner as to possible future use, the DPW may, at its sole discretion, consider the water service to be abandoned and may disconnect the water service pipe from the public water main at the owner's expense. If any building is razed, the owner, at their expense, must disconnect the water service from the public water main and all work must be done in accordance with these Water Regulations.

Before a building or structure is demolished, the owner shall obtain approval from the DPW for the removal or cutting and capping of all water, sewer and fire pipes. The City at its sole discretion may require the owner to submit a site plan. The owner shall perform the removal or cutting and capping of all water, sewer, and fire pipes and the City shall inspect the work to ensure that the services are removed or properly cut and capped in accordance with City specifications prior to backfilling. The owner is responsible for all costs incurred in this process. All demolition shall be subject to the City's Demolition Bylaw to the extent applicable (Art – V, Sec. 21).

4.12 Water Service Pipes

The property owner shall own that portion of a water service pipe located on the owner's property with the exception of City owned meters and couplings. Where a building, foundation wall, retaining wall, stairs, areaway or other subterranean structure is located on the property line, such ownership shall continue to a distance of 18 inches beyond the property line. For services greater than 2-inch diameter, the property owner shall own the service extending from the property to the public water main up to and including the control valve at the main.

Water service pipes within a public way or a private way open to public travel shall be constructed in accordance with the City's construction standards and applicable local, state, and federal codes and regulations. No fire pipe shall be tapped to provide a domestic water service pipe.



4.13 Separate Services

The City requires a single water service pipe and a master meter for multiple unit premises. A separate service and meter shall be required for each premises of different address or ownership. When water is supplied to more than one dwelling unit through a single service, a single meter shall be installed to record water usage for the whole supply furnished through the service. If secondary or auxiliary meters are desired by the owner for showing sub-division of the water supply, they shall be furnished, installed, maintained and read by the owner. Separate billing will not be provided by the DPW.

No singularly owned dwelling unit or building shall have more than one water service without the approval of the DPW.

4.13.1 Services to Multi-family Dwellings and Condominiums

Each unit of a multi-family dwelling or condominium whose individual units share common sidewalls but are singularly owned throughout the material extents from foundation to roof shall be provided with a separate water service. Units of multi-family dwellings or condominiums that are singularly owned but share a common foundation/footprint may share a common water service.

4.14 Meters and Meter Testing

For residential and non-residential buildings, the City shall furnish and install, at the property owners' expense, meters, automated meters, automated reading devices or other appurtenances, up to and including two inches in size, along with the necessary bushings and couplings to attach to the plumbing. All new meters over 2 inches diameter shall be furnished and installed by the property owner at their expense. The size of the meter required shall be subject to the approval of the City. All water meters shall remain the property of the DPW, and the DPW shall have access to and control over the water meters. No unauthorized person shall remove, repair, or replace the water meter. The DPW shall determine the type of meter to be used.

The property owner shall provide and maintain a clean, dry, warm and readily accessible environment for the water meter. The property owner shall provide valves on both sides of the meter, to facilitate removal of the meter by the DPW for testing without requiring the buried exterior valve to be operated, and without draining the property owner's interior water piping system.

The primary purpose of meter installation is to provide a method for determination of water system usage. Meters shall be installed in a manner which best reflects the demands placed on the system by the user in combination with limits of property rights and ownership. In general, a single meter will reflect a single building and/or property unless the water system configuration or limitations on the site require installation of more than one meter.

At any normal rate of flow, as specified by AWWA standards, a new meter shall register not less than 98.5% and not more than 101.5% of the water that actually passes through it. A used meter shall register not less than 97% and not more than 103% of the water that actually passes through it.

All meters furnished and installed by the City and all existing meters shall be the property of the City. The City may refuse to take ownership of a meter which is improperly installed by others, or which is the wrong type or size for the premises in question. Where a meter is improperly installed by others or



is the wrong type or size, the property owner shall be required to furnish a meter approved by the City prior to the commencement or resumption of water service. The City has the right to change the size of the meter without charge to the property owner. However, all costs and expenses associated with the installation of a meter outside of normal business hours shall be borne by the property owner.

4.15 Installation of Meters

Prior to installation of the meter, the property owner shall at its expense complete the plumbing so that the premises are ready for meter installation. If plumbing work is necessary to make the premises meter-ready, the City will provide plumbing specifications to enable the owner to prepare the premises for the meter installation. The plumbing shall be completed by the property owner in a manner that permits installation of the meter closest to the point of entry of the water service pipe. All meters over 2 inches and automatic reading devices shall originally be installed by the property owner at its expense and inspected by the City. At the DPW's discretion, the DPW may, at its expense, replace such meters and automatic reading devices. All meters and meter installations shall conform to the City's construction standards and all applicable local, state, and federal codes and regulations and comply with these Water Regulations.

Meters three inches in size and larger shall be the turbine or compound type as determined by the City and shall be installed with a strainer of the same manufacturer and with a 1-inch tap for meter testing by the City. All meters shall be installed horizontally.

All meters shall be installed within the property 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 City. This space shall at all times be unobstructed and accessible to the City for reading, testing, inspection, and maintenance purposes. The installation of a meter in a pit shall be at the sole discretion of the City.

4.16 Meter Tampering

No person shall repair, remove, replace, bypass, tamper with or prevent a meter or reading device from registering water usage, and such acts shall be subject to the penalties stated in Massachusetts General Laws Chapter 165 Section 11 and to such other penalties as the City may adopt under these Water Regulations.

4.17 Master Meters

The City, at its sole discretion, may require the master metering of more than one water service. In such case, the property owner(s) 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.

4.18 Meter Replacement and Testing

The City maintains an annual meter installation and maintenance program. Upon notification that a meter is broken or missing, the City will install a new meter, provided that the premises are meter-ready. The replacement of a frozen meter, a meter that is lost in service, or any appurtenant meter reading devices damaged or lost in service, shall be at the owner's expense. If plumbing work is



necessary to make the premises meter-ready, the City will provide plumbing specifications to enable the owner to prepare the premises for the meter installation.

The City may subject all meters to periodic tests. The City may at any time test, repair or replace any meter at its option and expense. An owner may request that the City test his or her meter. Such tests shall be performed at the expense of the owner.

4.19 Temporary Hydrant Meters

Any use of water from an unmetered hydrant for purposes other than extinguishing fires is strictly prohibited. Hydrant use for any other purpose shall only occur pursuant to an approval obtained from the DPW. After issuance of the approval, a hydrant meter and a backflow preventer for the proper operation of the hydrant shall be provided upon payment of a deposit in an amount established by the DPW. The approval must be attached to the meter at all times during use. The failure to comply with the terms as set forth on the hydrant approval or the unauthorized use of water from a hydrant are violations of these Water Regulations which can result in the imposition of a fine in accordance with Section 8 of these Water Regulations.

Prior to use, the owner of a private hydrant must obtain an approval to use the hydrant and meter from the DPW unless the hydrant is master metered.

4.20 Repairs, Maintenance, and Thawing

The portion of a water service pipe on private property, or the portion not owned by the City, shall at all times be kept by the owner in good repair, free of leaks and protected from frost and corrosion. If the City determines that any private piping does not conform to applicable state and federal law, codes and regulations, the City may require an owner, at its expense, to expose the piping for inspection by the City. The City 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 City 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 City at the owner's expense. Such costs will be assessed by the owner.

If the City determines that there is a leak in the owner's portion of the water service pipe, the City shall so notify the owner with a written Notice, and the owner shall be responsible for obtaining all applicable local, state, and federal permits and having the leak repaired within 14 days, unless otherwise directed by the DPW, and the work inspected by the City to ensure compliance with these Water Regulations. The City, in accordance with these Water Regulations, may shut off such a leaking water service pipe.

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

4.21 Shut Off, Resumption, Discontinuance, and Termination of Water Service

4.21.1 Shut Off and Resumption



The City may shut off water service without notice in order to perform urgent or emergency work on a public water main or a water service pipe. At the owner's request, the City may shut off water service to premises in order for the owner to make repairs, or for temporary vacancy.

Only the City may turn on the water service. If necessary, the City may turn on a water service without notice after performing work on a public water main or a water service pipe. If an owner requests the City to shut off the water service, then the City will turn on the water service only after a subsequent request by the owner. After inspection of a newly installed metered water service pipe, and upon request by the owner, the City shall turn on the water service. The resumption of a water service by anyone other than the City is a violation of these Water Regulations and can result in the imposition of fines in accordance with these Water Regulations.

4.21.2 Discontinuance

- (a) An owner may discontinue the owner's water service to a building by notifying the City in writing at least three working days in advance of the date on which water service is to be discontinued. Upon notification by the City to the owner that the service is to be discontinued, the City shall shut-off the water service. When water service has been discontinued for a period of one year or more, the City may, at its sole discretion, require the owner to cut and cap, at the owner's expense, the water service pipe(s) from the public water main.
- (b) If the water service has been discontinued for less than one year, the service shall be resumed only by the City at the request of the owner. Where water service has been discontinued for one year, the water service will be resumed only after the owner submits an Application for Water Service pursuant to Section 4.1 of these Water Regulations.
- (c) Pursuant to all applicable state laws, water service may be discontinued by the City for nonpayment of any bill, including late payment charges, based on one or more of the following conditions:
 - 1) The customer has not paid his bill in full within 60 days from the date the bill was due.
 - 2) Not less than 60 days from the date the bill is due, the City has provided the customer with written notice by certified mail of its intention to discontinue water service including the reason for the proposed discontinuance, the facts on which the decision was based, and the proposed date of discontinuance. The notice shall be postmarked at least 14 days in advance of the proposed discontinuation date for residential customers or, in the case of nonresidential customers, at least 7 days in advance of the proposed discontinuation date.
 - 3) Prior to the date notice of discontinuation is mailed by the City, it has not received payment in full or been advised by the customer's physician that a medical emergency exists at the location or would result from the discontinuation.
- (d) If service has been discontinued, the DPW shall restore service promptly upon the customer's request when the cause of discontinuation has been removed, or if notice of a medical emergency is provided as noted in 4.21.2. The customer will be required to pay the Special Service Fee for water turn on as required by the DPW.

4.22 Termination

The DPW shall not terminate any water service without first giving advance written notice by certified mail to the customer of the basis for the proposed termination, the facts on which the decision was based, the proposed date of termination which shall not be sooner than 30 days from



the date of the notice, and the right of the customer to request a conference with the Director to present evidence in opposition of the termination. The request for a conference shall be made in writing by the customer within seven days of receipt of the notice.

If a conference is requested by the customer, the Director shall provide written notice of the date, time and location of the conference and shall review the evidence submitted by the customer and shall reverse, annul, uphold or modify the decision of the DPW. The decision of the Director shall be in writing, shall explain the reasons for the decision, shall set forth the date and time when the water supply will be terminated and shall clearly set forth what the customer can do to prevent termination. This decision shall be final.

The Director shall inform the Board of Health, Inspectional Services and the Fire Chief of any final decision to terminate service. If in the opinion of either, the termination of service would cause an unreasonable risk to the public health or safety; either may order any modification or reversal of the Director's final order to protect public health and safety.

Before terminating the water service to a building, the Director shall inquire of the Building Department or Board of Health whether the building is residential and if so whether it is occupied by persons other than the customer.

Before termination of water service, the Director shall provide notice by certified mail to the customer and to the occupants who are not the customer of record. The notice shall include the following:

- 1) The basis for the termination of water service.
- 2) If payment for water service has not been received by the City, the amount then due and payable for water service.
- 3) The date on which water service will terminate.
- 4) The right of the occupants of the building to pay the amount due or such reasonable portion thereof in installments as may be determined and thereby avoid termination of water service.
- 5) Notice concerning the rights of occupants under applicable law including MGL c. 186, § 14, and the State Sanitary Code.

A copy of the notice shall be given to the Board of Health who shall take all reasonable steps to enforce the provisions of law applicable to the customer of record.

When water service to any premises has been terminated for any reason, it will be resumed by the City only after the conditions, circumstances or practices that caused the water service termination are corrected and upon full payment. If water service has been off for one year the water service will be resumed only after the owner submits an Application for Water Service pursuant to Section 4.1 of these Water Regulations.



4.23 Liability

Pursuant to M.G.L. c. 258 § 10, the City shall not be responsible for any damage resulting from the shut-off or subsequent resumption 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 City 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 resumption of water.

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 Water Regulations.

4.24 Indemnification

Pursuant to M.G.L. c. 258 § 10, an owner or user shall indemnify and hold harmless the City for any damages or civil liabilities the City 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 Water Regulations. The owner shall indemnify the City from and shall reimburse the City for any loss or damage directly or indirectly caused to the City's water and sewer facilities by the installation of any privately owned portion of a water service pipe, combined service, fire pipe or other plumbing.

4.25 Public Function

In acting under these Water Regulations, the City shall be deemed to be performing an essential public function. The City shall not be liable for any loss or damage as a result of the performance of such public function as provided by M.G.L. c. 258, § 10.

SECTION 5 - PRIVATE FIRE PROTECTION

5.1 Application for Fire Protection/Suppression System Supply Line (Fire Pipe)

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 an application. The application shall be supplemented by a building site plan approved by the City, and by such other permits, plans, specifications, and information as the City may require. Approval of the application shall be subject to the public water system capacity in the public water main as determined by the DPW (or designee). Any application issued shall be void and invalid unless the work authorized by it shall have been commenced within 180 days after issuance; however for cause shown and upon written request by the property owner, an extension may be granted by the DPW (or designee).

All costs and expenses incident to the completion of an application and the work authorized pursuant to such application, including but not limited to design, construction, connection, and inspection of a fire pipe shall be borne by the owner.

Water supplied through a fire pipe shall be for fire protection only, except for annual fire pump tests. Only prior written authorization from the City shall permit any other use of water from a fire pipe. No water used for fire protection/suppression systems shall be taken from a water service pipe.



5.2 Fire Pipes

The property owner shall own the entire fire pipe, extending from the property to the public water main including the control valve at the main. Water mains designated as transmission mains shall not be tapped for a fire pipe, except when approved by the DPW (or designee).

5.3 Design and Construction Standards

Fire pipes shall be constructed in accordance with the City's construction standards and the latest versions of the State Plumbing Code, Framingham Fire Prevention Code, and National Fire Code.

5.4 Location of Fire Pipe

No fire 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 sewer. Any connection of a fire pipe to a public main shall be made in a public way, a City-owned easement, whether recorded or by prescription, or in a private way open to public travel. The City at its sole discretion shall determine the point of connection of the owner's fire pipe to the City's water main.

5.5 Installation of Fire Pipe

The owner shall be responsible, at its expense, for installing and disinfecting the fire pipe and appurtenances including an approved backflow prevention device as provided in Section 5.6 below, tapping and making connection to the public water main designated by the City, and the cutting and capping of existing services and appurtenances to be discontinued. The owner or owner's contractor shall arrange at least twenty-four (24) hours in advance for an inspection by the City before backfilling the installed fire pipe and appurtenances. The owner or owner's contractor shall not backfill the installation until after receipt of a written inspection certificate from the City. Only the City shall resume water service after inspection and approval of the fire pipe installation. The owner shall provide access to the property for the inspection by the City and shall not conceal the purpose for which the fire pipe is used or to be used.

5.6 Installation of Backflow Device

All fire pipe supply lines shall be equipped with an approved backflow prevention device. A design data sheet including schematics shall be submitted to DPW for review and approval prior to installation.

Owners installing new fire pipes shall be responsible, at their expense, for equipping new fire pipes with an approved backflow prevention device. Owners of existing fire pipes without backflow prevention devices shall be responsible, at their expense, for installing approved backflow prevention devices.

5.7 Metering

The City may require that an owner install a detector meter on a fire 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 Section 4 with respect to meter location, right to enter premises, meter testing, meter tampering, and meter replacement or repair shall apply to fire pipe meters.



5.8 Annual Charge

The City includes within its rates an annual charge related to the provision of water capacity to serve a fire service pipe. Unless otherwise stated in the rate documentation, such annual charge shall not include or be used for maintenance or repair costs to the fire service pipe. Maintenance costs and repair costs are to be borne by the owner of the premises.

5.9 Repairs, Maintenance and Thawing

The fire pipe shall at all times be kept by the owner of the premises and at its expense in good repair, free of leaks and protected from frost and corrosion. The owner shall be responsible for having a leak in a fire pipe repaired at the owner's expense. Such a leaking fire pipe may be shut off by the City in accordance with the provisions of Section 5.6. The owner is responsible, at its expense, for thawing a frozen fire pipe.

5.10 Shut -Off, Termination, Abandonment, and Resumption

No shut-offs of a fire pipe shall occur except in accordance with Massachusetts General Laws Chapter 148, Section 27A. After compliance therewith, the City may shut off a fire 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, the City may shut off water service to a premises in order for the owner to make repairs.

No discontinuance of a fire pipe shall occur except in accordance with Massachusetts General Law Chapter 148, Section 27A. An owner may discontinue the owner's fire pipe service to specific premises by notifying the City in writing at least three working days before the date on which the fire pipe is to be discontinued. If a fire pipe has been discontinued for a period of one year or more, the City 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.

Only the City shall turn on a fire pipe. After inspection and approval of a newly installed fire pipe and proper installation and testing of approved backflow prevention device, and upon written request by the owner, the City shall turn on the water service. The City may turn on fire service without notice to the owner after performing work on a public water main. When water service to the fire pipe of any premises has been terminated for any reason, it will be turned on by the City only after the conditions, circumstances or practices that caused the fire service termination are corrected.

If a fire pipe has been discontinued for one year or longer, the service will be turned on by the City at the request of the owner only after the owner submits an application. The application shall be supplemented by building site plans approved by the City and any other such permits, plans, specifications and information as the City may require.

The owner shall be responsible for obtaining the necessary approvals or permits from other City departments when the fire pipe is shut off, discontinued or resumed for any reason.

SECTION 6 - CROSS-CONNECTIONS

6.1 Cross-Connections



Cross-connections must be suitably protected to prevent the occurrence of water supply contaminations. The DPW operates a cross-connection control program to promote the elimination or control of cross-connections between customers' plumbing and the public water supply of the City. The DPW cross connection control program fulfills the responsibilities of the DEP's cross-connection regulations, 310 CMR 22.22 and is conducted in compliance with DEP regulations.

The DPW has the authority to terminate any water service connection to any building where cross-connections exist without the required backflow prevention devices that are required by the reviewing authority. If the DPW determines at any time that a serious threat to the public health exists due to a cross-connection, the water service will be terminated immediately.

6.2 Containment

All commercial, industrial, and institutional premises shall have a reduced pressure backflow preventer installed immediately downstream of the water meter. Water users are required to notify the DPW of any existing cross-connections that the owner is aware of.

6.3 Cross-Connection Elimination

The backflow of non-potable water, other fluids, gases or foreign materials into the City'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/suppressions systems supplied by the City'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 City shall approve the installation of backflow prevention devices utilized to protect a cross-connection.

6.4 Location and Type of Device

The location and type of each approved backflow prevention device with respect to the customer's plumbing and the service connection to the premises shall be based on the degree of existing or potentially existing health hazard.

Types of backflow prevention devices can include:

- (a) Double check valve assemblies;
- (b) Reduced pressure backflow preventer;
- (c) Backflow preventer with intermediate atmospheric vent;
- (d) Pressure vacuum breaker;
- (e) Atmospheric vacuum breaker;
- (f) Barometric loop; and
- (g) Air gap.

6.5 Backflow Preventers

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 (MA DEP) Drinking Water Regulations 310 CMR Section 22.22 Cross Connection Distribution System Protection.



No person shall construct or install any air gap separation with tank and pump arrangement, reduced pressure backflow preventer, or double check valve assembly required for control of a cross-connection unless approval of installation of such device is obtained from the DPW. A Device Data Sheet shall be submitted to DPW with the application for approval. Prior to the installation of such a device, a permit must be obtained from the plumbing inspector. Additionally, the owner shall apply annually to the DEP for a permit for each reduced pressure backflow preventer and double check valve assembly installed on the premises. The City shall perform the initial inspection and test of the backflow prevention devices.

The owner, at its expense, shall install backflow prevention devices. 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. The owner shall not install a by-pass around any backflow prevention device. Installation of backflow prevention devices shall be performed by licensed plumbers. 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, 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. A repair kit shall be provided with the backflow preventer and located and stored within 20 feet of the installed backflow preventer. The City 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.

6.6 Modification and Removal of Systems

The owner shall inform the DPW in advance of any proposed modifications to cross-connections. Removal of an approved backflow prevention device is prohibited without prior notification to the City by the property owner and subsequent approval by the City.

6.7 Testing

The City shall conduct annual and/or semi-annual tests and inspections, as applicable, of all approved backflow prevention devices at the owner's expense, to insure proper operating condition. Any approved backflow prevention device failing a City test and inspection shall be repaired by a licensed plumber or licensed sprinkler fitter and shall be subsequently retested and re-inspected within fourteen (14) days of failure at the owner's expense to insure proper operating condition. Failure, refusal, or inability on the part of the owner to install and maintain the required device(s) shall constitute grounds for termination of water service to the premises.

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

6.8 Owner's Liability

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



SECTION 7 – PRIVATE WELLS

7.1 Registration/Permit Requirements

All private wells within the City of Framingham shall be registered with the Board of Health. No person shall dig, drive, or otherwise establish or install a private well without receiving necessary approvals from the City.

7.2 Prevention of Cross-Connection

Water piping and appurtenances from a private well shall not be connected to any piping, appurtenance, equipment, or system supplied by the City's water distribution system.

7.3 Decommissioning

When a private well is decommissioned, the decommissioning must be done in compliance with City of Framingham regulations and DEP Well Regulations. Notification of the decommissioning of a private well shall be filed with the City and other regulatory agencies within thirty (30) days after completion of the plugging procedure.

7.4 Metering

Any water from a private well entering the City's sewer system shall be metered and shall be subject to City sewer charges.

SECTION 8 - ENFORCEMENT

8.1 Inspection and Right of Access to Premises and Property

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

- (a) Water use;
- (b) Buildings;
- (c) Water quality;
- (d) Meters;
- (e) Water service pipes and appurtenances;
- (f) Fire pipes;
- (g) Cross connections and backflow prevention devices; and
- (h) Other facilities that the City reasonably believes may be contributing to a violation of these Water 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 City reasonably suspects that a violation of these Water Regulations is or may be occurring or an emergency exists that requires immediate action on the part of the City access shall be permitted at such other times as is necessary for the correction of said violation or abatement of such emergency.



8.2 Right of Access to Easements

Duly authorized representatives of the City shall be permitted to enter all City-owned easements 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 City reasonably suspects that a violation of these Water Regulations is or may be occurring or an emergency exists that requires immediate action on the part of the City, 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.

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 City personnel to enter without undue delay for the purpose of carrying out their specific responsibilities.

The City shall forthwith give written notice by certified mail of its intent to terminate water service where an owner or user having received reasonable notice refuses to permit properly identified City personnel to enter or have access to premises in accordance with the terms of this section.

Notwithstanding any other course of action available to it, the City 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 this Section.

8.3 Violations, Penalties, and Enforcement Actions

Whenever, on the basis of any available information ascertained or received by the City, the City determines that a person:

- (a) Violated or is violating these Water Regulations;
- (b) Violated or is violating any approval issued pursuant to these Water Regulations;
- (c) Made a false representation in an application, record, or report to the City or failed to provide relevant information;
- (d) Manipulated, falsified, tampered with, or rendered inaccurate a meter, meter reading device or appurtenance thereto;
- (e) Failed to comply with an order or ruling issued by the City or a court after having reasonable opportunity to comply;
- (f) Failed to pay a penalty or fee due to the City; and,
- (g) Caused damage to the City's water distribution system,

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

- (a) The City may issue a Notice of Non-compliance or an order to cease and desist for any such violation or any actions that cause a violation.
- (b) The City may require the owner or user to submit a plan for compliance and time schedule setting forth specific plans and actions to be taken and specific dates upon which such actions will be taken in order to comply with these Water Regulations and to prevent or correct a violation. The City may issue an implementation schedule containing or modifying such



specific actions and time schedule, or requiring such other actions within such times as the City deems appropriate and as allowed by law.

- (c) The City may issue an order directing the owner or user to pay to the City penalties and costs in accordance with these Water Regulations and as allowed by law.
- (d) The City may revoke, modify, deny, suspend or refuse to renew an approval issued under these Water Regulations.
- (e) The City may take direct enforcement action by filing suit in any court of competent jurisdiction for civil or criminal fines and reimbursement of costs or damages and for collection of costs and/or fees unpaid by the owner resulting from the violation or threatened violation.
- (f) The City may discontinue or terminate water service as authorized in these Water Regulations.
- (g) The City may take any other action available to it under any applicable law, statute, or regulation.

8.3.1 Notice of Non-compliance

The purpose of a Notice of Non-compliance is to provide a formal notice of one or more violations and to set a compliance date or require the submission of a compliance plan and schedule. A Notice of Non-compliance shall not be construed as an authorization or approval to violate any law, regulation, or requirement prior to achieving compliance. A Notice of Non-compliance shall identify the violation(s) and shall require the person to comply by a certain date or to submit a written report to the DPW by a certain date that describes the measures the person will take to correct the violation and the date by which such measures will be taken. A Notice of Non-compliance shall also notify a person of the right to request reconsideration of the Notice of Non-compliance.

8.3.2 Cease and Desist Order

The DPW may issue a cease and desist order to require a person to:

- (a) Cease and desist a violation and/or any actions that cause or threaten to cause a violation;
- (b) Submit written reports to the DPW that describe the measures the person will take to correct the violation and the dates by which the measures will be taken;
- (c) Take specific measures to correct or eliminate a violation;
- (d) Follow an implementation schedule that requires specific actions according to a time schedule;
- (e) Follow a schedule of sampling, analysis, and reporting to the DPW; and/or,
- (f) Take any other action authorized by law.

A cease and desist order shall identify the violation(s), shall require the person to comply with these Water Regulations by a certain date, and shall notify the person of their right to request reconsideration of the cease and desist order.

8.3.3 Penalties

- (a) Any person who continues to violate these Water Regulations after notice and/or a cease and desist order; or who knowingly makes false representation in an application, record or report to the



City; or who has falsified, tampered with or knowingly renders inaccurate any meter, monitoring device or method required under these Water Regulations shall be subject to civil monetary penalties established:

- 1) By applicable Massachusetts law;
- 2) By applicable rules and regulations of the Department of Environmental Protection and the MWRA ; and
- 3) By such penalty schedules as may from time to time be adopted by the City and appended to these Water Regulations.

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

(c) If the City elects to file an enforcement action in a court of competent jurisdiction, the damages then recoverable by the City shall be as allowed under M.G.L. c. 40 § 39G.

(d) Failure to comply with any portion of these Water Regulations, or with any approval or order issued hereunder, shall be sufficient cause for the Board to levy on and collect from each violator any additional cost for expense, loss, or damage occasioned by such violation, including the cost of remedial or preventive actions and related legal costs taken by the Board and/or the Director pursuant to correcting the violation and all other related costs such as, but not limited to, those described in these Water Regulations.

8.3.4 Approval Action

The DPW may revoke, suspend, modify, deny, or refuse to renew an approval issued under these Water Regulations whenever, on the basis of available information, the DPW finds that the applicant:

- (a) Provided false or misleading information to the DPW, or failed to provide relevant information to the DPW, as part of the approval process;
- (b) Intentionally falsified or misrepresented, rendered inaccurate or tampered with any meter, monitoring device or method used or required by the DPW;
- (c) Manipulated sampling data, testing results, inspection data, or monitoring data to hide actual or potential violations of these Water Regulations;
- (d) Has a history of non-compliance that has not abated after receiving a Notice of Non-compliance, cease and desist order, or penalty from the DPW;
- (e) Has failed to comply with a Notice of Non-compliance, cease and desist order, notification, or ruling issued by the DPW or a court after having a reasonable opportunity to comply;
- (f) Intentionally violated a Notice of Non-compliance, order or ruling issued by the DPW or a court;
- (g) Does not have the ability to comply with DPW requirement within a reasonable period of time;
- (h) Maintains a condition which can reasonably be expected to result in significant harm to health, safety, the environment, the public water system; or,
- (i) Has failed to pay a penalty or fee due the DPW after receiving notice to do so.

An approval action shall be initiated by a notification by certified mail to the applicant that:



- (a) Identifies the basis for the DPW action and the facts and circumstances upon which the DPW relies;
- (b) Indicates whether such action is of limited, indefinite, or permanent duration;
- (c) Informs the applicant of its right to request a conference with the Director to reconsider the approval action and that timely filing of such request will stay the approval action pending the resolution of such request.

An approval action may be taken to prevent further violations, as a means to help insure compliance, as part of a process escalating enforcement to gain compliance, and/or as a deterrent to future violations by the applicant subject to the action.

8.3.5 Termination of Service

Notwithstanding any other provision of these Water Regulations, and as referenced in Section 4.21.3, whenever the DPW finds that a condition presents or reasonably appears to present an imminent endangerment to the health or welfare of persons or to the environment, or threatens to interfere with the operation of the public water system, the DPW may take steps immediately and effectively to halt or prevent such a condition. Steps may include disconnecting the person from the public water system.

8.4 Vandalism

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is part of Framingham's water facilities. Any person who violates this section will be subject to fines imposed under these Water Regulations, in addition to the repayment of all associated repair costs.

SECTION 9 - ADOPTION

9.1 Effective Date

These Water Regulations shall be in full force and effect from and after their adoption by the Board of Selectmen as the Water and Sewer Commissioners and publication by the City as provided in M.G.L. c. 83 .§10 and shall be filed with the City Clerk as required by M.G.L. c. 40 .§ 33

9.2 History

Adopted and approved by the Board of Selectmen as the Water and Sewer Commissioners, City of Framingham, the 19 day of May 2015.

9.3 Amendments

These Water Regulations may be amended and reissued by the City as is deemed necessary or appropriate from time to time pursuant to M.G.L. c. 41 §69 (b).

