

1.1 INTRODUCTION

Any person, group, business, or corporation who is supplied by the public water distribution system shall be required to comply with the following Rules and Regulations established by the Board of Water Commissioners, the governing body created under the Special Acts of the Legislature. The Board of Water Commissioners reserves the right to final interpretation or variance to these Rules and Regulations.

1.2 DEFINITIONS

The definitions presented in this section shall serve as a reference for the terminology utilized in the Rules and Regulations.

Approved – Accepted by the Reviewing Authority as meeting an applicable specification stated or cited in this regulation or as suitable for the proposed use.

Approved Backflow Prevention Device or Devices – A method to prevent backflow approved by the MADEP for use in Massachusetts.

Automatic Meter Reading Device (AMR) -

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.

Bill – A written statement issued by the Commission to a customer, in which is set forth the actual or estimated amount of water consumed through the period stated on the bill, all charges due for water service during such period, and such additional information as may be required under these Regulations.

Charges – All fees, rates, rent assessments and other charges for water services, facilities, and commodities which are furnished or supplied by the Commission and which it is authorized under the Special Acts of the Legislature to repair, revise, charge, and collect.

Commission – The Holyoke Water Works Board of Water Commissioners, a body created under the Special Acts of the Legislature, the powers of which are exercised by a board of three members appointed in accordance with the Acts, and includes without limitation all its divisions and plants.

Connection Charge – A one time charge to the Customer for a connection to the municipal water system via a public or private water main to supply either domestic water or fire protection to a residence, building, structure, irrigation system, park or any other facility requiring water service. The Connection charge shall be based on the largest size of the pipe upstream of the water meter and/or fire protection device as defined in Appendix B - Table 1.

Contaminant – Any physical, chemical, biological, or radiological substance or matter in water.

Controlling Valve – A valve located on a private water service, private fire service and/or domestic water service used to isolate water service to the property. The controlling valve shall be located either on the property line or within the public way and shall include a curb stop or shut-off valve. The property owner shall be responsible for the maintenance and repair of the private water service, private fire service and/or domestic water service up to the controlling valve. HWW shall be responsible for all maintenance and repair from the public/municipal water system up to and including the Controlling Valve.

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.

Cross Connection Violation Form – A violation form designated by the MADEP, which is sent to the Owner by the water supplier with copies sent to the MADEP, plumbing inspectors, and Board of Health delineating cross connection violations found on the Owner's premises and a procedure for corrective action.

Customer – (Property Owner) A person or entity listed on the records of the Commission as the party responsible for payment of bills for charges for water to a building, whether or not the premises are occupied by the property owner or authorized representative(s).

Customer Service Pipe – All branch connections off of the municipal water system to individual houses, commercial or industrial establishments, piping on private property around residential, commercial or industrial properties, and branch connections intended to provide water service to private property.

Delinquent Account – An account with the Commission that remains unpaid 45 days after the date of issuance.

Delivery – A written communication to be transmitted to a residential tenant, the depositing of the communication

- (1) at or under the tenant's door, or
- (2) in the event that an employee of the Commission cannot enter the premises despite reasonable and appropriate efforts to do so, at or under the door of a principal entrance to the residential building

Demand Fee – A charge imposed for non-payment of water charges when a certified notice is issued to the property owner. The Demand Fee is as defined in Appendix B.

Developer -

Discontinuance of Water Service Connection – The responsibility of the property owner to discontinue or abandon a water service, whether it be for domestic service or fire protection, at the point of connection to the public water system or as determined by HWW.

Disputed Charges – A charge for water used that the customer is protesting. Disputed charges can be made in writing and/or by a hearing made in writing before the Board of Water Commissioners. A decision will be rendered within 30 (thirty) days with written notice of decision within 45 (forty-five) days of the hearing date.

Double Check Valve Assembly – A backflow prevention device that incorporates an assembly of check valves, with shut-off valves at each end and appurtenances for testing.

Final Payment Notice – A Demand Notice indicating the scheduling of termination of water service in addition to a water shut-off/turn-on fee, certified mailed by the Commission to all accounts that remain unpaid 75 days after the billing date of the initial bill.

Fire Flow Test – A flow test conducted on a public or private fire hydrant to determine the capacity of the water system in the area. Flow tests are coordinated by the HWW and shall be conducted after 8:00 p.m. to minimize disturbance to area customers. Data collected by shall be supplied to the HWW. A charge for a fire flow test shall be as defined under Appendix B and shall be paid prior to the test.

Fire Service Standby Charge – A quarterly charge for standby fire protection for a property, building, facility and/or structure. The charge shall be based on the size of the fire protection line either at the point of entrance or upstream of the fire protection device, double check valve assembly, single check valve assembly, double check detector assembly, and reduced pressure principle backflow preventer as defined in Appendix B.

Flowable Fill and Concrete Charge – A charge to install flowable fill and/or concrete based on the cubic yardage used as supplied by the Concrete Company. The selection of the Company shall be made by the HWW and charged to the customer.

Frontage Charge – A one time charge to a customer for each linear foot of property fronting on a public street as defined in Appendix B. The longest side shall be used for corner lots fronting on two public streets.

Frozen Meter Charge – A charge to replace a Frozen Meter as defined in Appendix B.

Frozen Service Charge – The labor cost and/or charge to thaw a customer's service connection. Services thawed by a private contractor or other entity shall be the responsibility of the customer. The charge does not include the water meter or any other materials used to restore water service.

Fire Hydrant Use Charge – A charge per day to utilize a fire hydrant for purposes other than fire protection. Fire Hydrant use will not be permitted where water mains are 6-inches or less in diameter. The Fire Hydrant Use Charge will be as defined in Appendix B.

HWW – The Holyoke Water Works.

Illegal Fire Hydrant Use -

In-Plant Protection – The location of approved backflow prevention devices in a manner that provides simultaneous protection of the public water system and the potable water system within the premises.

Landlord Customer – A customer who is the owner or lessor of a residential building.

Late Payment Notice – A notice indicating delinquency charges mailed by the Commission to all accounts that remain unpaid 45 days after the billing date of the initial bill.

MADEP – The Massachusetts Department of Environmental Protection

Municipal Water System – All main line piping systems which either originally or subsequently are in accepted city streets and/or public ways and considered part of the Holyoke Water Works' distribution system.

Nonexclusivity of Remedies – Nothing shall be construed to limit or infringe upon the right of the Commission to:

- (1) Make, without notice, such temporary interruptions in water service as it deems necessary on a routine or emergency basis for restoration, repair or replacement of the water works system as defined in the Special Acts, or
- (2) Pursue its remedies for the unauthorized use or diversion of water or for damage to the Commission's property under other regulations promulgated by the Commission, the Special Acts or other applicable laws.

Owner – The person or entity shown on the records of the City Assessors of the City of Holyoke as the owner of a building, or any unit thereof, to which water service is supplied.

Public/Municipal Water System – Water pipes and transmission mains used to supply domestic water and/or fire service located in a public street, easement and/or right-of-way under the ownership and operation of the HWW.

Public Fire Hydrant – A fire hydrant connected to the public/municipal water system used to provide fire protection. A Public Fire Hydrant shall be under the operation and control of the HWW. Public Fire Hydrants shall not be used for purposes other than fire protection and s

Private Fire Service/Line – A single water pipe connected to the Municipal water system for the purpose of supplying fire protection to a property, facilities, building and/or structure. The maintenance, repair and/or replacement from the property up to the controlling valve shall be the responsibility of the property owner.

Private Fire Hydrant – A fire hydrant connected to a private water main located on private property used to provide fire protection to a property, facilities, building and/or structure. A Private Fire Hydrant shall be under the control of the HWW. The maintenance, repair and/or replacement shall be the responsibility of the property owner.

Private Water System – A water system comprised of water pipes that include private water services and private fire hydrants located on private property and connected at one or more locations on the Public/Municipal Water System from the property up to the controlling valve.

Private Water Service- A water service that supplies both domestic water service and fire protection to a property, building, facility and/or structure. The property owner is responsible for the maintenance, repair and/or replacement of the Private Water Service on the property up to the controlling valve.

Property Owner – (Owner) A person and/or entity listed on the records of the Commission as the party responsible for payment of bills for charges for water to a building, whether or not the premises are occupied by the property owner or authorized representative(s).

Receipt – A written communication which these Regulations require to be transmitted to a customer or a written communication posted in or on a building or delivered to a dwelling unit, on the date of posting or delivery.

Recreational Use Permit – A permit issued to an individual/non-profit organization and/or not-for-profit affiliation to utilize the Ashley or Whiting Street reservoir for events, benefits, road races, etc involving groups of people.

Residential Building – A building containing one or more dwelling units occupied by one or more residential occupants, but excluding condominiums, cooperatives, nursing homes, hotels, and motels.

Residential Tenant – A person or group of persons, other than a customer of the Commission, occupying, as a lessee or a tenant at will or a tenant at sufferance, a dwelling unit in a building for residential purposes and receiving water service pursuant to a rental arrangement, direct or indirect, with the owner of the building.

Reviewing Authority – The MADEP, 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 device.

SDWA Assessment – The Safe Drinking Water Act Assessment is a charge mandated by the Commonwealth of Mass pursuant to M.G.L. Chapter 21A, section 18A, against all local public water suppliers. The charges are conveyed to the consumer in addition to the administrative costs relative to the assessment, in an amount not to exceed 5% of the annual assessment imposed by the MADEP. The current charge is as defined in Appendix B.

Service (Sundry) Charge -

Water Meter – A device for measuring and recording the water consumption at a building, installed by or at the request of the Commission, and used for billing by the Commission.

Water Meter Service Charge – A quarterly charge for the maintenance, repair and replacement of the water meter. The charge shall be based on the size of the water meter as defined in Appendix B. This charge does not include the replacement of the water meter due to negligence on the part of the property owner.

Water Meter Test – A calibrated test of the accuracy of a water meter at the request of the customer. The test shall be conducted on a Ford Calibrated Testing Device located at the HWW. A written report on the test results will be made available to the customer upon request. The charge for a Water Meter Test shall be as defined in Appendix B.

Water Service – A pipe used to convey water for domestic or fire protection purposes to a customer from a municipal/public or private water main.

Water Shut-Off/Turn-On Fee – A fee added to any bills or charges for the scheduling of termination of water service for any account remaining unpaid 75 days after the billing date of the initial bill, independent of the actual or physical termination of water service.

1.3 AUTHORITY TO ADOPT RULES AND REGULATIONS

These Regulations are adopted pursuant to the authority granted to the Commission under the Special Acts of the Legislature.

1.4 APPLICATION; NONEXCLUSIVITY OF REMEDIES

These Regulations shall apply to all billing and collections of charges for water service and to termination of service for nonpayment of the same. Nothing in these Regulations shall, however, be construed to limit or infringe upon the right of the Commission to pursue any other remedies available under the Special Acts or under other applicable law for the collection and enforcement of charges for water service.