

**Changes to Smithfield Sewer Authority Rules and Regulations
effective February 18, 2010**

Replace § A361-68 with the following

§ A361-68. Appeals from decisions of officials.

Notwithstanding the provisions of § A361-67, appeals from the rulings, orders or directives of any official charged with the enforcement of these rules and regulations, other than those assessments, charges or orders appealable under § A361-67, may be made to the Authority within a period of 30 days after the date of the order. The duty of the Authority shall be to consider appeals from the decisions of officials charged with the enforcement of the regulations and to determine in particular cases where any deviation from the strict enforcement of the regulations will violate the intent of said regulations and public health and safety be jeopardized.

If the Authority determines that such ruling, order or directive of any official charged with the enforcement of these rules and regulations is unwarranted in whole or in part, it shall annul or modify the same and make such order as justice may require. Otherwise, it shall affirm the same. Within 30 days after the decision of the Authority, any party aggrieved may appeal to the Town Council, which shall have the same powers to annul, modify, enter further order of affirm as the Authority. Within 30 days after the decision of the Town Council, any party aggrieved, which may include the Authority, may appeal to the superior court which shall have the same powers to annul, modify, enter further order of affirm as the Town Council.

Replace § A361-64.9 with the following

§ A361-64.9. Administrative fines.

A. When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may fine such user in an amount not to exceed \$25,000. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

B. Unpaid charges, fines, and penalties shall, after 30 calendar days, be assessed an additional penalty of 10% of the unpaid balance, and interest shall accrue thereafter at a rate of 1.5% per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

C. Users desiring to dispute such fines may take an appeal to either the Sewer Board of Review or the Authority as the case may be, depending on the reason for the fine pursuant to § A361-67 or § A361-68, within 30 days of being notified of the fine. Where a request for merit, the Authority may convene a hearing on the matter.