

# Resolution

## Wastewater Ordinance

**WHEREAS**, the Milton Selectboard warned a public hearing on October 9, 2008, with the hearing held October 20, 2008 to take public comments with regard to the new Wastewater Ordinance; and

**WHEREAS**, The Milton Selectboard after consideration of public comments received has decided to adopt the new Wastewater Ordinance as proposed and to repeal the former **Wastewater Ordinance**.

**NOW THEREFORE, BE IT RESOLVED** the Milton Selectboard adopts the new Wastewater Ordinance as proposed to become effective November 29, 2008 and repeals the former Wastewater Ordinances.

Date: October 20, 2008

Milton Selectboard:

\_\_\_\_\_  
Jeffrey Turner, Chair

*Diana Palm*

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Diana Palm, Vice Chair

*Louis H. Mossey III*

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Louis Mossey, III- Clerk

*James V. Manley*

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James V. Manley

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Randall Barrows

Filed with the Town Clerk

*Oct 21, 2008*, 2008

Signed:

*Loretta R. Dennis*  
\_\_\_\_\_  
Asst Clerk

## Wastewater

Pursuant to Title 24 Chapter 59 of the Vermont Statutes Annotated and the Charter of the Town of Milton, the Selectboard of the Town of Milton hereby ordains the following:

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### Section 1            Purpose

1. An ordinance regulating the use of public and private wastewater collection and treatment systems, private sewage disposal, allocation of wastewater treatment capacity, the installation and connection of building sewers, and the discharge of waters and wastes into the public wastewater collection and treatment system(s): and providing penalties for violations thereof: in the Town of Milton, County of Chittenden, State of Vermont.

2. The Town owns and operates a wastewater treatment, disposal plant, septage receiving facility and a wastewater collection and transmission system as defined in 24 V.S.A., Section 3501 (6) and 3601. Said plant has a permitted capacity, and is operated in accord with a discharge permit issued by the Vermont Department of Environmental Conservation under the authority granted in 10 V.S.A., Chapter 47. The Town is obligated by law to comply with conditions of the permit, and to operate and manage the sewage works as governmental functions under and pursuant to 24 V.S.A., Chapters 97 and 101. The permitted capacity of the sewage works is the property of the Town.

### Section 2            Definitions

For the purposes of this ordinance, the terms wastewater, sewer and sewage shall mean and be interpreted as the same throughout.

Unless the context specifically indicates otherwise, the meanings of terms used in this ordinance shall be as follows, listed alphabetically:

**ASTM** shall mean American Society for Testing and Materials.

**Alternative Onsite System** shall mean an onsite wastewater disposal system other than a conventional septic tank and leach field. Alternative systems are used to accommodate a variety of site conditions (e.g. high ground water, low-permeability soil) and/or to provide additional treatment. Examples of alternative systems include, but are not limited to: alternative collection sewers, sand mounds, sand filters, anaerobic filters, disinfection systems, large flow septic tank systems, low-pressure pipe systems, recirculation sand filters, septic tank leaching chamber systems, small diameter gravity sewers, alternative filter media and cluster systems, among

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## Wastewater

others as the technologies evolve. Note: many, if not all of these systems need State approval or certification prior to being used with in the Town of Milton.

**Application Fee** shall mean a fee assessed to reflect the Towns cost to review, approve and reserve applications to reserve uncommitted reserve hydraulic capacity.

**Authorized Representative** shall mean any duly authorized agent or designee of the Town of Milton.

**BOD** (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Celsius expressed in milligrams per liter.

**Building Drain** shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

**Building Sewer** shall mean the extension from the building drain to the public sewer or other place of disposal, including any portion thereof, within public rights-of-way or easements, meaning in general the sewer line from the building to a collector or trunk sewer main.

**Capacity Allocation** shall mean (a decision of) Reserve Capacity set forth by the Board to commit a specified amount of sewage wastewater treatment capacity (measured in gallons per day or gpd) to a specific Wastewater Service Area or Areas or a specific project.

**Capital Improvement** shall mean significant improvements to public infrastructure having a cost of more than \$5,000 and an expected life of more than five (5) years.

**Cluster System** shall mean a wastewater collection and treatment system where two (2) or more dwellings, but less than an entire community, are served. The wastewater from several homes may be pretreated onsite by individual septic tanks or package plants before being transported through low cost, alternative technology sewers to a treatment unit that is relatively small compared to centralized systems.

**Combined Sewer** shall mean a sewer receiving both surface runoff and sewage.

**Commercial** shall mean a wastewater generation consistent with non-manufacturing business activities.

**Commercial Building** shall mean any building or structure constructed for the preliminary purpose of housing commercial, industrial, business, multi-family or mixed uses that does not serve the function of a single family dwelling, excluding home occupations as defined in the Town of Milton Zoning Regulations.

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**Committed Reserve Capacity** shall mean the total amount of total development wastewater flow (gallons per day) from all projects/buildings approved by the Town and the State of Vermont for discharge to the sewage works, but not yet discharging at the time of the calculation.

**Completed Construction** shall mean

(1) For building development; completion of construction of all foundation, framing, siding, roofs and internal improvements; or

(2) For subdivision development; the completion of all building on all lots.

**Customers** shall mean any person, firm, trust, association, corporation, limited liability company or partnership that is provided wastewater collection service by the Town of Milton.

**Customers Subject to Wastewater Charges** shall mean all owners of residential, commercial and industrial structures, building or condominium units, whether or not separately metered shall pay the Town's minimum wastewater service charges as provided herein.

**Decentralized Wastewater Treatment Systems** shall mean an onsite or cluster wastewater system that is used to treat and dispose of wastewater. Generally from individual or groups of dwellings and businesses that are located relatively close together.

**Development** shall mean the construction of improvements on a tract of land for any purpose, including, but not limited to, residential, commercial, industrial activity.

**Development Wastewater Flow** shall mean the estimated flow resulting from full use of the development at its peak capacity, which flow shall be calculated using flow quantities, adopted as rules by the State of Vermont, as promulgated at the time a connection permit application is made.

**Discharge Permit** shall mean a permit issued to the Town for operation of the municipal wastewater treatment plant by the State of Vermont, pursuant to authority granted in 10 V.S.A., Chapter 47.

**Disposal Permit** shall mean a permit issued by the State of Vermont to an individual property owner, pursuant to authority granted in 10 V.S.A., Chapter 47.

**EPR** shall mean the most current version of the State of Vermont Environmental Protection Rules.

**Expanded Service Area or Expanded Wastewater Service Area** shall mean the wastewater service areas outside the planned service areas as denoted by this Ordinance.

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**Excessive Strength Surcharge** shall mean a fee charged to certain discharges received at the wastewater treatment plant which are not domestic in nature and require special handling and treatment at the wastewater treatment facility.

**Failed System** shall mean any private wastewater treatment system, such as a traditional septic system, that no longer effectively treats or contains the wastes it is intended to process.

**First Come, First Served Basis** shall mean the review of complete applications for approval of reserve capacity allocation in the order in which they were received, as date stamped and time registered in the Town Manager's office.

**Functioning System** or **Functioning Septic System** shall mean any private wastewater treatment system, such as a traditional septic system, that effectively treats and contains the wastes it is intended to process.

**Garbage** shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

**Grease, oil and sand interceptor** shall mean a device used for the collection of grease, oil or sand to prevent their entrance to the wastewater collection system.

**Grease Trap** shall mean a device placed on appliances and discharges such as sinks, woks and any other drains that collect grease and oils.

**House Trap** shall mean a device installed at the lowest point of a building or structures domestic drain, waste and vent system that traps water and provides a seal which prevents vaporous gasses from entering said building or structure.

**Incompatible Substance (pollutant)** shall mean any waste being discharged into the treatment works which interferes with, passes through without treatment, or is otherwise incompatible with said works or would have a substantial adverse effect on these works or on water quality. This includes all pollutants required to be regulated under the Federal Clean Water Act.

**Industrial** shall mean wastewater generation producing effluent characteristics significantly stronger than, or containing constituents not normally found in, residential wastewater.

**Industrial Wastes** shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

**Infiltration** shall mean flow volume introduced into a wastewater collection system through leakage or other unintentional processes.

**Inflow** shall mean flow volume introduced into a wastewater collection system via unauthorized or unintentional connections to the system.

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**Initiate Construction** shall mean

- (1) For individual buildings, the completion of the foundation; or
- (2) For multi-building development; completion of at least twenty percent (20%) of the initial phase of infrastructure improvements.

**Legislative Body** shall mean the Selectboard of the Town of Milton.

**Major Contributing Industry** shall mean one that (1) has flow of 50,000 gallons or more per average work day; or (2) has a flow greater than five (5) percent of flow carried by the municipal system receiving the waste; or (3) has in its wastes a toxic pollutant in toxic amounts as defined in standards issued under Section 370(a) of the Clean Water Act; or (4) has a significant impact, either singly or in combination with other contributing industries, on a publicly owned treatment works or on the quality of effluent from that treatment works.

**Natural Outlet** shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

**Owner** shall mean the person or people, or their authorized representative that possesses a property, or proposes a project that has been or will connect to the Town of Milton Wastewater Treatment System.

**Package Plant** shall mean any prefabricated treatment system that can serve apartment buildings, condominiums, office complexes and up to a few hundred homes. Package plants generally are used as cluster systems, but can be also used in an onsite wastewater treatment train. They are usually of the activated sludge or trickling filter type, and require skilled maintenance programs. Note: these systems need State approval prior to being allowed by the Town of Milton. These systems are primarily designated outside the Wastewater System Service Area to allow for denser development and to protect open space.

**Permitted Wastewater Flow** shall mean the maximum treatment facility wastewater flow authorized in the Discharge Permit on an annual average (365 day average) basis.

**Person** shall have the meaning prescribed in 1 V.S.A., Section 128.

**pH** shall mean the logarithm of the reciprocal of the mass of hydrogen ions in grams per liter of solution.

**Plant Wastewater Flow** shall mean the wastewater passing through the treatment facility in gallons per day on an annual average basis (365 day average).

**Reserve Capacity** or **Reserve Hydraulic Capacity** shall mean the permitted wastewater flow minus the actual plant wastewater flow during the preceding 12 months (annual average flow).

**Pressure Sewers** shall mean an alternative wastewater collection system in which household wastewater is pretreated by a septic tank or grinder and pumped through small plastic sewer pipes buried at shallow depths to either a conventional gravity sewer or a treatment system.

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Pressure sewers are used in areas with high ground water or bedrock, low population density or unfavorable terrain for gravity sewer collection. They require smaller pipes and less excavation than conventional sewers. Note these systems need State approval prior to acceptance by the Town of Milton.

**Properly Shredded Garbage** shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one half (1/2) inch (1.27 centimeters) in any dimension.

**Public Sewer** shall mean a wastewater collection and treatment system in which all owners of abutting properties have equal rights, and is controlled by public authority.

**Residential** shall mean wastewater generation consistent with human household activities.

**RPE** shall mean an individual registered, in the appropriate discipline, as a Professional Engineer in the State of Vermont.

**Sanitary Sewer** shall mean a wastewater collection system which carries sewage and to which storm, surface and groundwater are not intentionally admitted.

**Secretary** shall mean the Secretary of the Agency of Natural Resources, State of Vermont or its successor, or his / her representative.

**Selectboard or Board** shall mean the **Legislative Body** of the Town of Milton acting as a Board of Sewage Disposal Commissioners under 24 V.S.A., Section 3614.

**Septage** shall mean partially treated sanitary waste from an onsite or decentralized wastewater treatment or collection system.

**Sewage or Wastewater Works** shall mean all facilities for collecting, pumping, treating and disposing of sewage.

**Shall** is mandatory and **may** is permissive.

**Single Family Dwelling** shall mean a residential STRUCTURE designed and constructed to house one (1) or more PERSONS living as a single housekeeping unit. A State licensed or registered residential care home or group home, serving not more than six (6) PERSONS who are developmentally disabled or physically handicapped, shall be considered by right to constitute a SINGLE FAMILY DWELLING, except that no such home shall be so considered if it locates within one thousand (1,000) feet of another such home.

**Slug** shall mean any discharge of water, wastewater, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

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**Storm Drain** (sometimes termed **storm sewer**) shall mean a wastewater collection system which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

**Substantial Change** shall mean a permanent increase in the water discharge volume or character from an existing connection:

- a) equivalent to one (1) gallon less than the flow quantities established in the current edition of the State of Vermont, Agency of Natural Resources Environmental Protection Rules, Standard Flow Quantities required for a single family dwelling, or greater than fifty (50%) percent of the historical use registered on the meter used for normal billing or a. above, whichever is less, or,
- b) The Conversion of an existing single family home to a multiple residential or mixed use structure.
- c) of pollutants that are being discharged into the system may increase the demand on the collection and/or treatment system as determined by the Towns Designated Official.

**Suspended Solids** shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

**Town** shall mean the Town of Milton or any duly authorized agent or employee of the Town of Milton.

**Traverse** shall mean to cross via an easement through, or to pass within a Town right-of-way along the edge of, the property in question.

**Uncommitted Reserve Hydraulic Capacity** shall mean that portion of the reserve capacity remaining after subtracting committed reserve capacity approved by the State of Vermont but not yet discharging to the sewage works.

**Wastewater** shall mean a combination of the water carrying waste from residences, business buildings; institutions and industrial establishments together with such ground, surface and storm water as may be present.

**Wastewater Collection System** shall mean a pipe or conduit, or network of such pipes or conduits for carrying wastewater.

**Wastewater Connection Fee** shall mean a fee imposed on applicants which is based on the Towns cost to fund upgrades, capital improvements and extensions to the WWTF and Collection System in order to maintain capacity for new connections. This shall include the cost of performing, supplying materials, supervising inspection and administering a connection to the sewage system including any necessary sewer service extension, upgrading sewers or for any portion of these activities.

**Wastewater Service Area** shall mean the area shown on the attached plan, entitled "Wastewater Service Areas, Milton, Vermont", as amended by resolution of the Selectboard.



**Wastewater Treatment Plant or WWTF** shall mean any arrangement of devices and structures used for treating sewage.

**Water Supply & Wastewater Disposal Permit** shall mean a permit issued by the State of Vermont to an individual property owner, pursuant to authority granted in 10 VSA, Chapter 47.

**Watercourse** shall mean a channel in which a flow of water occurs, either continuously or intermittently.

**WPCF** shall mean Water Pollution Control Federation.

### **Section 3            General**

#### **A.    Use of Public Sewage Works Required**

1. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the area served by the public sewage works of the Town of Milton, or in any area under the jurisdiction of said area served by the public sewage works of the Town of Milton, any human or animal excrement, garbage or other objectionable waste.
2. It shall be unlawful to discharge to any natural outlet within the Town of Milton, or in any area under the jurisdiction of said Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.
3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, on-site septic system or other facility intended or used for the disposal of sewage.
4. The owners of all houses, buildings used for human occupancy, employment, recreation or business, situated within the Town and abutting on any street, alley, easement, or right-of-way in which there is located a public wastewater collection line of the Town, are hereby required at his or her own expense to connect all plumbing facilities allowed by this ordinance, directly with the proper public wastewater collection line in accordance with the provisions of this ordinance.
  - a. Notwithstanding Section 3.A.4 of this Ordinance, the owner of property that is traversed by the a public wastewater collection line, AND is served by a functioning on-site wastewater disposal shall not be required to connect to the public wastewater collection system until such time as the on-site wastewater disposal system is determined to be a failed system. Proof of such failure shall be provided to the Town by the owner of the property, e.g., on- or off-site evidence that the on-site septic system is no longer providing adequate treatment.

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5. Responsibility for maintenance and repair of connections to public wastewater collection lines is the responsibility of the property owner. In the event that wastewater connection repairs or maintenance are required within the public right-of-way, the Town may perform the necessary repairs or maintenance. All costs arising from such repairs or maintenance shall be reimbursed to the Town by the responsible property owner.
6. The use of the Public Wastewater System is required for all new houses, replacement structures, buildings, Planned Residential (PRD) or Planned Unit Developments (PUD), Developments, or other structures used for human occupancy, employment, industry, recreation or business, situated within an approved Wastewater Service Area, approved for construction after the adoption of this ordinance. New connections shall be at the owner's expense.
  - a. New connections within an approved Wastewater Service Area may be exempt from mandatory connections to the wastewater collection system only if the proposed connection is not fronted by or adjacent to a municipal sewer collection main.
  - b. This condition may be waived by the Selectboard if sufficient reserve hydraulic wastewater treatment capacity is not available at the time that a site plan, sketch plan, or preliminary request is submitted to the Town to construct said structures.

**B. Private Wastewater Disposal**

1. Where a public sanitary sewer is not available under the provisions of Section 3.A, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Ordinance.
2. The type, capacities, location and layout of a private wastewater disposal system shall comply with all mandates of the State of Vermont, Agency of Natural Resources, including but not limited to, those regarding waste water treatment and disposal by individual on-site systems, and all other applicable Federal, State and local regulations. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
3. At such time as a property served by a private wastewater disposal system is approved for connection to the public wastewater works, a direct connection shall be made to the public wastewater collection line in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be pumped out, abandoned and filled with suitable material or removed.
4. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town.
5. No statement contained in this Ordinance shall be construed to interfere with any additional requirements that may be imposed by the State of Vermont or the Town's Health Officer.

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**C. Wastewater Outlets and Connections**

1. No person shall uncover, make any connections or opening into, use, alter or disturb any public sewer or appurtenance thereof, without first obtaining written permission from the Town or its authorized representative. Any person proposing a new discharge into the system shall apply for a wastewater allocation and a wastewater connection permit, in accordance with the application section of this Ordinance, at least forty-five (45) days prior to the connection.
2. Any person proposing a substantial change, as defined in Section 2 of this Ordinance, in the volume or character of pollutants that are being discharged into the system shall apply for connection review and wastewater allocation in accordance with the applicable sections of this Ordinance, at least forty-five (45) calendar days prior to the proposed change or connection. Such proposed changes shall be reviewed in accordance with applicable sections of this Ordinance.
3. All costs and expenses incident to the installation, connection, maintenance and repair of the building or development sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation, connection, maintenance and repair of the building sewer.
4. A separate and independent building sewer connection shall be provided for every building.
5. Existing on-site septic systems may be used in connection with new building additions only when they are found, on examination and testing by a person certified by the State, to meet all requirements of this ordinance.
6. The size, slope, location, alignment, materials of construction of a building or development sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and back-filling the trench, shall all conform to the requirements of the Public Works Specifications and other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM, WPCF Manual of Practice No. 9, and EPR shall apply.
7. Whenever possible, the building or development wastewater discharge shall be installed by the owner so as to flow by gravity to the public collection line. In all buildings in which any building drain is too low to permit gravity flow to the public collection line, sanitary sewage collected by such building drain shall be lifted and discharged to the public wastewater collection system. Such lifting system shall be designed by a RPE and reviewed and approved by the Town prior to installation.
8. No person shall make connection of roof downspout, roof drain, exterior and interior foundation drains, areaway drains, cellar drains, basement sumps, or other sources of

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surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the Town sewer works.

- a. Areaways and cellar drains, sumps, or other sources of polluted industrial or commercial process waters may connect to a building sewer or building which is connected directly to the Town sewer works, provided such connection is equipped with an appropriate separator approved by the Town. Said connections shall be metered for billing purposes.
9. The connection of the building sewer into the public sewer shall conform to the requirements of the Public Works Specifications or other applicable rules and regulations, and shall also conform to the rules and requirements of the Town, or the procedures set forth in appropriate specifications of the ASTM, WPCF Manual of Practice No. 9, and EPR shall apply, and such connections shall be made gas tight and water tight. Any deviation from the described procedures and materials must be approved by the Town before installation.
10. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as 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 satisfactory to the Town.
11. Upon the effective date of this ordinance, and if deemed appropriate by the Wastewater Superintendent, all new buildings and structures connecting to the Municipal Wastewater Collection System may install a house trap as described in Section 2 of this ordinance. House traps shall be approved on a case by case basis.
12. All excavations for building sewer installation shall be conducted in accordance with the Town of Milton Public Works Specifications and all governing State and Federal Regulations.
13. The applicant for the building sewer permit shall provide at least two (2) days advance written notice to the Town, excluding Saturday, Sunday and Town Holidays, when the building sewer is ready for inspection and connection to the public wastewater collection system. The connection shall be made under the supervision of an engineer or qualified inspector designated by the Town.
14. Any work not conforming to the provisions of Section 3.C.4 through 3.C.10. shall be removed and corrected at the expense of the property owner.

**D. Conditions for Use of Public Sewage Works**

1. No person shall discharge or cause to be discharged storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any part of the public sewage works.

Adopted October 20, 2008