

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

Diana Palm, Vice Chair

Louis H. Mossey III

Louis Mossey, III- Clerk

James V. Manley

James V. Manley

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:

Section 1	Purpose	Page 1
Section 2	Definitions	Page 1
Section 3	General	Page 8
Section 4	Connection Requirements	Page 17
Section 5	Septage Receiving Regulations	Page 30
Section 6	Enforcement	Page 32
Section 7	Separability	Page 33
Appendices		Wastewater Service Area Map

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

Adopted October 20, 2008

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.

Wastewater

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.

Wastewater

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.

Wastewater

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.

Wastewater

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.

Wastewater

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.

Adopted October 20, 2008

Wastewater

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.

Adopted October 20, 2008

Wastewater

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

Wastewater

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

Wastewater

2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated to receive storm waters or to a natural outlet approved by the Town. Industrial cooling water or unpolluted process waters may be discharged on approval of the Town, to a storm sewer or natural outlet.
3. No person shall discharge or cause to be discharged any of the following described wastes or waters to any public sewage works:
 - a. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases, in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in receiving waters of the sewage treatment plant.
 - c. Any waters or wastes having a pH lower than 5.0 or greater than 9.5 or having any other corrosive property capable of causing danger or hazard to structures, equipment and personnel of the sewage works.
 - d. Solids or viscous substances in quantities, or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, un-ground garbage, whole blood, paunch manure, hair, and fleshing, whole or ground by garbage grinder.
 - e. The concentration of any substance great enough to alter standard collection operations and/or wastewater treatment.
4. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes, if it appears likely in the opinion of the Town that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming their opinion as to the acceptability of these wastes, the Town will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of sewage treatment plant, and prevailing State and Federal permits and regulations. The substances prohibited are:
 - a. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees Celsius).
 - b. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (between zero (0) and sixty-five (65) degrees Celsius).
 - c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horse power (550 watts) or greater shall be subject to the review and approval of the Town.

Wastewater

- d. Any waters or wastes containing a strong acid, iron pickling wastes or concentrated plating solutions whether neutralized or not.
 - e. Any waters or wastes containing substances listed in the Town's current solid waste permit; or wastes exerting an excessive treatment requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by State, Federal, or other public agencies of jurisdiction for such materials.
 - f. Any waters or wastes containing phenols or other waste or odor producing substances, in such concentration exceeding effluent standards which may be established to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
 - g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town in compliance with applicable State or Federal regulations.
 - h. Materials which exert or cause:
 - i. Unusual concentrations of inert suspended solids (such as, but not limited to Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to sodium chloride and sodium sulfate).
 - ii. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - iii. Unusual BOD, chemical oxygen demand, or treatment requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - iv. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
 - v. Water or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
 - vi. A fire or explosion hazard in the Town's sewer works.
 - vii. A toxic pollutant in toxic amounts as defined in Standard under Section 307(a) of the Clean Water Act.
 - viii. In the case of a major contributing industry, as defined in Section 2, waste containing an incompatible pollutant, as further defined in Section 2, in an amount or concentration in excess of that allowed under standards or guidelines issued from time to time pursuant to Sections 304, 306, and/or 307 of the Clean Water Act.
5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 3 of this ordinance, and which in the judgment of the Town may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Town may:

Wastewater

- a. Reject the wastes;
 - b. Require pretreatment to an acceptable condition for discharge to the public sewers;
 - c. Require control over the quantities and rates of discharge.
 - d. The Town reserves the right to adjust wastewater connection and/or user fees for any person or entity expressing interest in connecting or discharging into the Town sewage works as a result of positive findings from Section 3.D.4.h of this Ordinance.
6. If the Town permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Town and subject to the requirements of all applicable codes, ordinances and laws. Further, such pretreatment installations must be consistent with the requirements of any State pretreatment permit issued to the industry.
 7. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be, operated and maintained continuously in satisfactory and effective operation by the owner at his/her expense.
 8. Grease, oil and sand interceptors shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Town and shall be located as to be readily and easily accessible for cleaning and inspection.
 9. Where grease, oil and sand interceptors are provided for any water or wastes, they shall be installed, operated and maintained continuously in satisfactory and effective operation by the owner at his/her expense.
 - a. The owner shall maintain for a period of three-year (3-years) records of all inspections, cleaning and maintenance of said interceptors. Said records shall be maintained on-site and be available for viewing by the Town upon twenty-four (24) hours notice.
 10. When required by the Town, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structures and/or devices shall be safely located, and shall be constructed in accordance with plans approved by the Town. The manhole shall be installed by the owner at his/her expense, and shall be maintained by him/her so as to be safe and accessible at all times. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Town may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Town. Such records shall be made available, upon request by the Town, to other agencies having jurisdiction

Wastewater

over discharging to the receiving waters. When industrial pretreatment permits are issued by the State of Vermont, monitoring records must also be submitted to the Secretary in accord with such permit. Records of any monitoring will be supplied by the Town to the Secretary on request.

11. All measurements, tests, and analyses of the characteristics of waters and wastes to which references is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all out falls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all out falls whereas pHs are determined from periodic grab samples. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Town may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results to the Town. Such records shall be made available upon request by the Town to other Agencies having jurisdiction over discharges to the receiving waters.
12. No statement contained in this Ordinance shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial concern provided that such agreements do not contravene any requirements of existing Federal laws and are compatible with any User Charge and Industrial Cost Recovery System in effect.
13. The Town requires 45-calendar day's prior notification by any person or persons of the following changes:
 - a. Proposed substantial change in volume or character of pollutants over that being discharged in the Town's treatment works at the time of issuance of this permit.
 - b. Proposed new discharge into the permittee's treatment works of pollutants from any source which would be a new source as defined in Section 306 of the Clean Water Act if such source were discharging pollutants.
 - c. Proposed new discharge into the Town's treatment works of pollutants from any source which would be a new source as defined in Section 306 of the Clean Water Act if such source were discharging pollutants.

Wastewater

E. Powers and Authority of Inspectors

1. Duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for purposes of inspection, observation, measurement, sampling and testing in accordance with the provision of this ordinance, including access to or copying of any records relating to wastewater discharge. The Town or its representatives shall have no authority to inquire into any processes of metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
2. Duly authorized representatives of the Town bearing proper credentials and identification, shall be permitted to enter all private properties through which the Town holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved.
3. While performing the necessary work on private properties, duly authorized representatives of the Town shall observe all safety rules applicable to the premises established by the owner, and the owner shall be held harmless for injury or death to the Town's employees and the Town shall indemnify the owner against claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner to maintain safe conditions.

F. Protection from Damage

1. The Town shall not be liable for any injury, loss, or damage of whatever nature, caused or occasioned by the failure to maintain a constant or uniform flow within the wastewater collection system or by a stoppage of wastewater by any cause, insufficient wastewater flow capacity, or for accident or damage of any kind caused or created out of furnishing or failing to furnish wastewater collection or treatment.

Section 4 Connection Requirements**A. Residential Connection Incentive:**

1. For one (1) year from the date of a decision by the public (e.g., a positive bond vote) to construct a wastewater collection system expansion, owners of existing residential buildings fronting or adjacent to the expanded gravity collection main (as defined in Section 2) on the date of the public decision may commit to connect for no connection fee(s).
 - a. Meter Fees shall be charged at the current rate.

Adopted October 20, 2008

Wastewater

- b. The owner is fully responsible for the cost to extend from their premises to a stub provided by the Town, at or near the property line of the owner.
- c. Normal usage fees shall be assessed upon connection.
- d. Terms of said commitment shall include connection within one (1) calendar year from the date the property owner is notified by the Town that the expanded collection system is available for use.
- e. This commitment shall be in writing and shall be considered irrevocable and binding upon successive owners of the residential property in question.
- f. Additional permitting and fees may be required by state or federal agencies.
- g. Those properties choosing to connect to the expanded collection system which do not connect within the one calendar (1) year after notification by the Town, shall be subject to the full wastewater connection fee.

B. Commercial/Industrial Connection Incentive:

1. For one (1) year from the date of a decision by the public (e.g., a positive bond vote) to construct a wastewater collection system expansion, owners of existing commercial buildings fronting or adjacent to the expanded gravity collection main (as defined in Section 2) on the date of the public decision may commit to connect upon payment of a connection fee equal to the current fee charged to a one unit single family dwelling connection and meter fees in force at the time of the commitment, whichever is less.
 - a. This fee is assessed for each connection to the wastewater collection system, and shall be as adopted by resolution of the Selectboard.
 - b. Terms of said commitment shall include connection within one (1) calendar year from the date the property owner is notified by the Town that the expanded collection system is available for use.
 - c. Meter Fees shall be charged at the current rate.
 - d. The owner is fully responsible for the cost to extend from their premises to a stub provided by the Town, at or near the property line of the owner.
 - e. Normal usage fees shall be assessed upon connection.
 - f. This commitment shall be in writing and shall be considered irrevocable and binding upon successive owners of the commercial property in question.
 - g. Additional permitting and fees may be required by state or federal agencies.
 - h. Those properties choosing to connect to the expanded collection system which do not connect within the one calendar (1) year after notification by the Town, shall be subject to the full wastewater connection fee.

C. For purposes of making the commitment provided in Sections 4.A and 4.B above, within thirty (30) days from the date of a decision by the public to construct a wastewater collection system expansion, the Town shall send notice to the owners of all property within the expanded service area, of the date when such one year commitment opportunity began to run. Such notice shall be sent by ordinary mail, postage prepaid, to the last known address of each owner as provided to the Town Assessor's Office for property tax purposes.

Wastewater

D. Those residential and non-residential customers in the expanded service area who do not commit to connect as described in Sections 4.A and 4.B. shall be required to pay the full connection fee(s) in force at the time they apply to connect.

E. In the case of connection to an existing service stub extending from a wastewater collection line, the property owner shall be responsible for all costs associated with the construction of the connection outside of the Town right-of-way. In the case of direct connection to a main wastewater collection line, the property owner shall be responsible for all costs associated with the construction of the connection, including those incurred within the Town right-of-way.

- i. In the event a stub is not provided by the Town, the property owner shall be responsible to extend their service to the nearest collection main

F. Reserve Wastewater Treatment Capacity and Allocation

1. This section of the Wastewater Ordinance provides for the management of present or future, uncommitted wastewater treatment capacity and provides a method for financing all or a part of the cost of making wastewater collection and treatment improvements and for the securing of future allocations in anticipation of said improvements.
2. In accordance with the Comprehensive Plan of the Town of Milton this section shall govern and control the allocation of uncommitted wastewater treatment capacity granted to the Town of Milton under existing discharge permits as well as to capacity granted to the Town of Milton under future discharge permits issued in accordance with 10 V.S.A. § 1263.
 - a. All capacity committed prior to adoption of this Ordinance shall accomplish connection in accordance with the conditions indicated at the time of issuance of the approvals.
 - b. Nothing herein shall be construed as limiting or impairing the authority of the Town or the Selectboard to require connection to the sewage works under the general laws of the state.
 - c. The Town reserves the right to retain ten percent (10%) of current, total wastewater treatment capacity for municipal or school purposes without the charge of connection fees.
 - d. Any transfer, sale or use of access rights that is inconsistent with this Ordinance shall be subject to the enforcement actions noted in section 6.
 - e. Residential structures existing within an approved wastewater service area on the effective date of this ordinance shall be exempt from the allocation process as described in section 4.F.7 through 4.F.12, provided sufficient reserve hydraulic capacity exists at the time of the properties request to connect to the system, and said connection has received all applicable local, State and Federal approvals. The exemption shall be applicable to the current use of the property only.
 - f. The Town shall maintain a Report of Uncommitted Reserve Capacity, which shall be used in the administration of this ordinance.

Adopted October 20, 2008

Wastewater

- g. The Vermont Agency of Natural Resources, or its successor(s), may also have review and approval jurisdiction over applications for disposal permits, as defined in Section 2.
- h. Upon the determination that the committed capacity of the WWTF has exceeded 80% of its permitted capacity for a period of any twelve consecutive months, the Selectboard shall direct a Facilities Engineering study to be initiated. The purpose of said study shall be to determine;
 - i. The adequacies of the current facilities, and
 - ii. if an expansion or upgrade of the current wastewater treatment facilities are required, and
 - iii. an estimate of all costs associated with said expansion.
- i. Upon the determination that the committed capacity of the WWTF has exceeded 90% of its unreserved hydraulic capacity for a period of any twelve consecutive months, the Selectboard may institute restrictions by resolution on new allocation or connection requests. These restrictions may include but are not limited to:
 - i. A complete moratorium on new allocation or connection requests.
 - ii. Limit the number of connections or allocation reservations within a specified period of time.
 - iii. Reserve capacity for specific development that benefits the community.
 - iv. Restrict new connections to specific wastewater service areas or zoning districts.
- j. **Allocation Flow Basis:** All allocation to projects shall be based on the development wastewater flow, as defined in Section 2. Any differential between actual flows and allocated development wastewater flows is not available to the development owner for re-allotment to another project or for project expansion.
- k. **Allocation Priorities:** Allocation of uncommitted reserve capacity shall comply with the following priorities intended to govern the gross allocation of reserve capacity before the allocation principles are applied to specific projects.
- l. **Service Area Map:** The approved Wastewater Service Area Map can be found in Attachment 1 to this ordinance. Changes to this map may be made by resolution of the Selectboard.
- m. **First Priority:** Existing Residential, commercial, and/or industrial facilities located within the wastewater service areas, which are required to be connected to the municipal sewer due to:
 - i. The standards outlined in this Ordinance, and/ or
 - ii. Existing pollution to waters of the State, and/or
 - iii. Any existing wastewater treatment system(s) located within a wastewater service area that has/have failed and which failure has created a public health hazard, or nuisance as defined in 18 V.S.A., Section 610 as amended;
 - iv. An existing residential, commercial, and industrial facility located within the wastewater service area may request a connection to the municipal sewer

Wastewater

service under this priority. However, preference will be given to those facilities required to connect under the provisions detailed above;

- n. **Second Priority:** New or substantially changed connection(s) within the Town Wastewater Service Area existing at time of request for allocation, provided that the proposal is in the best interests of the Town of Milton and satisfies the following points:
 - i. The project has first received Sketch Plan approval pursuant to the Town's Subdivision and Zoning Regulations; and/or
 - ii. The proposed development is located on a lot in a pre-existing or approved residential or commercial/industrial subdivision; and/or
 - iii. The project has received Conditional Use approval or Site Plan approval, as required by the Town of Milton Zoning Regulations. and/or
 - iv. The property has received a determination from the Town of Milton Zoning Administrator indicating that approval by the Development Review Board isn't required.
 - o. **Third Priority:** If uncommitted reserve capacity is available, requests to connect to the municipal sewer system, outside the wastewater service area may be approved by the Selectboard on a case by case basis if the proposal meets the following conditions:
 - i. The applicants existing sewer system has failed, and the failure has created or will create a public health hazard, or nuisance as defined in 18 V.S.A. Section 610, as amended;
 - ii. All other possible solutions have been explored by the applicant and found to be inadequate to meet the existing on-site septic system standards established by the Town of Milton and/or State of Vermont;
 - iii. There will be no additional connections to any sewer service line extension needed to solve the problem outside the wastewater service area; and,
 - iv. each application is considered and if acceptable then approved in advance, by the Selectboard, before any capacity is granted or connection is made to the wastewater collection system. The applicant has agreed, in writing, to accept all costs related to providing service.
 - p. **Other:** Proposed facilities not yet existing outside of the Town Wastewater Service Area shall not be allowed to connect and may not rely on future connection to the municipal wastewater system in order to meet permitting requirements.
3. The Town will strive to review and approve the applications on a first come, first served (FCFS) basis. However, the Selectboard retains the right to review applications and make allocations on other than a FCFS basis if they find such action is in the municipality's best interest.

Wastewater

4. Designated Town officials will normally review and may approve all applications. However, the Selectboard or their delegate authorized by a resolution shall review and may approve allocations under the following circumstances:
 - a. the proposed allocation will reduce uncommitted reserve capacity to less than ten percent (10%) of the permitted wastewater flow; or
 - b. a request has been made to approve the application on other than the normal FCFS basis; or
 - c. under any other circumstances that the Selectboard deems appropriate.
5. The reserve capacity shall be determined each six (6) months and committed reserve capacity will be continuously recorded for use in allocation decisions.
6. Cost Recovery for Sewage Works Expansion: Extensions of the wastewater service area to include developments not eligible for connection under Section 4.F shall be funded in the following way: The Applicant shall pay the entire cost of the expansion and upgrading of the sewage works determined necessary and adequate by the Town. Any payments made as required by such extension shall not be construed as payments towards treatment capacity that may be provided for the development.
7. Persons wishing to reserve Uncommitted Reserve Hydraulic Capacity shall apply to the Town on an application provided by the Town. Such application shall:
 - a. Include calculations for the project's wastewater volume, including infiltration, flow rate, strength and any other characteristics determined appropriate by the Town;
 - b. Unless waived by the Town, all calculations required in (a) above shall be certified by a RPE for proposed connections generating over 1,000 gallons per day and all proposed commercial, industrial and mixed uses.
 - c. Be accompanied by plans and specifications for the construction of building sewers (from the buildings to municipal sewers) and any municipal sewer extensions, including pump stations, required to service the development prepared by a RPE. This requirement to submit plans and specifications may be waived by the Selectboard until final connection approval; and
 - d. Be accompanied by the Allocation Application Fee described in Section 4.H.3.a.
8. The sewer use approval process consists of two (2) phases: the Allocation approval process, and the Wastewater Connection Permit Approval Process.
 - a. The Allocation approval makes a reserve capacity commitment for five (5) years and requires payment of the Allocation Application fee as set forth in Section 4.H.3.a... The Wastewater Connection Permit is issued in conjunction with issuance of any required site, sketch, or Zoning permits for each individual approved lot, and requires full payment of all Wastewater Connection fees as set forth in Section 4.H.3.b.

Wastewater

9. Allocation Approval: Upon receipt of the allocation application and supportive documents, the Town may make approval of allocation and sewer use upon making affirmative findings that:
- a. The proposed wastewater is of domestic, sanitary origin and that there is sufficient uncommitted reserve capacity to accommodate the volume and strength of the proposed connection; or
 - b. The proposed wastewater is not of domestic, sanitary origin and that sufficient evidence has been presented by the applicant to demonstrate that the flow and character of the wastewater is compatible with the proper operation of the sewage works and that the proposed wastewater will not alone or in combination with other wastes cause a violation of the discharge permit, pass through the wastewater treatment plant without treatment, interfere or otherwise disrupt the proper quality and disposal of plant sludge or be injurious in any other manner to the sewage works and that there is sufficient uncommitted reserve capacity to accommodate the strength and volume of the proposed connection;
 - c. The proposed use of wastewater capacity complies with the allocation priorities and principles and is not in conflict with any other enactment adopted by the Town.
10. Conditions of Allocation Approval: The Town, after making the approval findings above, may issue an allocation approval to the Applicant, which approval shall be a binding commitment of capacity to the project contingent on compliance with any conditions attached to the allocation approval. The allocation approval conditions may include:
- a. Preliminary Allocation Approvals existing at the time of this Ordinance shall remain in force in accordance with any conditions applied at the date of approval with the following exceptions:
 - i. Upon the effective date of this ordinance, allocations in force that are less than five (5) years from the date of the original allocation approval shall be automatically extended to five (5) years in length from the original date of approval.
 - ii. Prepaid Wastewater Connection Fees, collected in conjunction with previous versions of this Ordinance shall be reimbursed only if the application is withdrawn from the applicant. Any reimbursement shall be less the current Allocation Application Fee as described in Section 4.H.3.a.
 - b. Duration of approval shall not exceed five (5) year period, as prescribed in Section 4.F.10.a.i, from the date of approval without subsequent approval by the Town. Provisions for one time extensions of up to one (1) year may be granted if approved in advance by designated Town officials; longer extension requests shall be reviewed and may be granted by the Selectboard or their representative designated by resolution.

Adopted October 20, 2008

Wastewater

- c. Incorporation of applicable permit requirements which must be fulfilled by the applicant to maintain validity of the approval;
 - d. Provision for revocation by the action of the Town on failure of the applicant to fulfill requirements of the preliminary approval; and
 - e. Specification that the recipient of the allocation approval may not transfer to any other lot or project, by any means, the allocation approval without express written approval of the Selectboard.
11. If the Applicant fails to receive all required approvals, or wishes to abandon the allocation approved for the project, unused allocation shall be returned to the Town without reimbursement of any application fees paid to the Town.
12. Prior to connection approval, the following commitments shall be met by the Applicant:
 - a. All applicable local, State and Federal permits have been secured for the development/project;
 - b. Impact fees, permit fees and other local fees or taxes all set by resolution of the Selectboard, *that are required to this point*, have been paid in full to the Town.
 - c. The Preliminary plans and specifications for sewer use and, if necessary, extension of the municipal wastewater collection system are acceptable to the Town.
 - d. For subdivision projects, the Applicant must indicate the development capacity allocation requested for each lot.
 - e. The Applicant shall file the final approvals in the land records of the Town along with reference to the location of the approved plans and specifications. When the owner or developer of a subdivision sells individual lots within the time frame of the approval, the final approval shall transfer when the property transfers and the new owner becomes bound to comply with all permits issued for the property conveyed and requirements for use of the public sewage works. The transferred permit will be considered a new permit issued on the date of property transfer and the constraints of this section will apply to this permit. However, the expiration date for such permit will not change due to a transfer of ownership.
 - f. In cases where a final approval expires and a new applicant applies for capacity on the same or a different project, the Town will not consider previous fees paid by the original applicant.
13. Committed reserve capacity allocated in conjunction with the allocation approval shall revert to the Town if the Applicant has failed to initiate construction (as defined in Section 2) within five (5) years of the allocation approval date. Within this five (5) year period, a revised development plan and final allocation approval application may be approved by the Town in the same manner as the original. If the Town approves an amended application, it will issue a revised final allocation approval with reduced or increased committed reserve capacity allocation determined in accord with the allocation priorities and principles. Where reduced committed reserve capacity is granted in a revised approval, the uncommitted reserve capacity shall revert to the Town. The Town shall not be obligated to approve an extension of the original five (5)

Wastewater

year expiration period. After five (5) years, the unused portion of the Uncommitted Reserve Hydraulic Capacity allocation will revert to the Town and there shall be no refund of connection, impact, permit or other fees.

14. In compliance with 24 V.S.A. §3625 in respect to the allocation approval expiration as required by Section 4.F.13, the Town may authorize a one-time-only extension of the approval period of one (1) year if there is sufficient uncommitted reserve hydraulic capacity at the time of the extension request, and such allocation approval is in the Town's best interest. An approval extension, if granted, will require payment in full of an Approval Extension Fee as set forth in Section 4.H.3.c.
 - a. Irrespective of any extension granted above, construction shall be completed within either six (6) years of original issuance of the allocation or at expiration of construction phasing requirements approved by the Town, whichever is later.
 - b. At the end of either period, the reserve hydraulic capacity allocation associated with any un-constructed portion(s) of the project, as determined by the Town, shall revert to the Town, with no reimbursement of any allocation, connection or user fees paid.

G. Connection Approval

1. The applicant shall notify the Town, in writing that all necessary permits, excluding the Town Zoning permit, and approvals have been received for the project, and shall have the approvals filed in the Town of Milton Land Records. The written notification shall include:
 - a. Final volume, flow rate, strength frequency and any other characteristics of the proposed wastewater as determined appropriate by the Town.
 - b. Certification that the construction of the connection and, if necessary, the municipal wastewater collection system extension, shall be overseen to assure compliance with approved plans, the Town's Public Works Specifications and good construction practice in a manner acceptable to the Town.
 - c. One (1) complete set of the final approved plans for construction signed and stamped by the RPE responsible for the design.
2. No final connection of sewer system expansions which are intended to be irrevocably conveyed to the Town shall be permitted until the Applicant or other record owner conveys to the Town, in a form satisfactory to the Town:
 - a. A perpetual right and easement to lay, repair, maintain and operate all sewage works over, under, and upon lands and premises which are not, or will not be, within a public right-of-way, or on public property; or
 - b. A temporary right and easement to lay, repair, maintain, and operate all sewage works over, under, and upon such lands and premises prior to their acceptance by the Town as public property; and

Wastewater

- c. Title in fee to all sewage works, and all associated equipment and fixtures, which are or which will be within a public right-of-way or on public property.
- d. New pump stations and/or collection system expansions may be considered for acceptance by the Town if it is constructed in accordance with Town specifications and provides service that is regionally significant as determined by the Wastewater Superintendent or the Town's Designated Representative.
- e. The Town of Milton shall only operate sewer system expansions that have been conveyed to the Town by recorded deed and/or bill of sale, or that are subject to an irrevocable maintenance agreement with the Town.
- f. The Town assumes no responsibility whatsoever for any sewage works or associated equipment and fixtures which are not within a public right-of-way or on public property, or which are not subject to one of the easements or agreements described above.
- g. Prior to connection of each individual lot within a subdivision, a Wastewater Connection Permit shall be submitted by the applicant, and reviewed by the Town's Designated Official.
 - i. The permit shall include a site or sketch plan, which shall indicate the location of the proposed structure, the location of all proposed utilities, and the number of bedrooms or approved wastewater flow for the lot.
 - ii. The Designated official will calculate the Wastewater Connection and Meter fees as set forth in section 4.H.3.h.
 - iii. Upon review of the application and support documents by the Designated Official, and favorable findings thereof, and receipt of the fees as calculated in Accordance with Section 4.H., the Wastewater Connection Permit may be approved by the Designated Official.
- h. As each lot is connected to the municipal sewer, the allocated capacity approved shall be decreased by an amount equal to that assigned said lot and/or building.
- i. Upon issuance of the Wastewater Connection Permit, an account shall be established in the Wastewater Department billing system for said permitted connection. The permitted connection shall be subject to normal billing as set forth in Section 4.H.2. The owner of record may be charged the Un-metered Wastewater Usage fee in accordance with the most recent schedule, as adopted by resolution of the Selectboard, until such a time as a meter is installed on the property, or until the allocation for said lot is revoked or abandoned in accordance with section 4.F..
- j. Committed reserve capacity allocation shall revert to the Town from any reductions made to the development wastewater flow planned for each lot subsequent to the approval date.
- k. The designated Town official shall be notified in writing at least two-(2) Town working days in advance of any proposed wastewater connection authorized by a Wastewater Connection Permit. The connection to the Town wastewater

Wastewater

collection system shall not be performed until approved by the designated Town official. Additional constraints may be found elsewhere in this ordinance.

3. Existing Private Systems and Development Connections are permitted to connect to the municipal wastewater collection system in accordance with Section 4.A through 4.G.2 of this ordinance, with the following additional requirements or exceptions.
 - a. Connection must be authorized by the property owners within said development in accordance with the rules and regulations established by the development.
 - b. One wastewater connection permit, including infiltration allocation, will be issued for the connection.
 - c. Connection Fees shall be assessed in one lump sum, including fees for infiltration allocation.
 - i. Developments which qualify for connection to the municipal system under this provision of the ordinance may request a payment plan to pay the fees in quarterly installments. The terms of the payment plan shall be negotiated and agreed to in writing between the Town and the development, and the balance due shall remain a lien on all property within the development until paid in full.
 - d. The private system or development must provide a five-year (5 year) warranty and surety for all sections of the wastewater collection system, including services, extensions and the actual connection to the Towns collection system.

H. Fees, Rates, Billing, and Meter Use

1. The Selectboard shall have the authority to establish by resolution, connection fees, reasonable sewer user rates and equivalent user units to defray the costs of design, construction, operation and maintenance and to finance debt of the system as approved in the budget.
2. To offset the cost of infrastructure improvements, reimbursements may be made to non-profit concerns for infrastructure development. Whenever a non-profit or chartered municipal organization has constructed or has caused to be constructed any extension of the primary sewage works at the expense of such organization, they may be reimbursed by the Town. Such reimbursement shall occur only when another party seeks to gain access to the improvements. Payment by the party utilizing the new improvement shall be in the form of a Special Connection Fee approved by resolution of the Selectboard, which shall be paid to the Town. The Town shall then forward this payment to the original organization who constructed the infrastructure.
 - a. The following restrictions and limitations shall apply:
 - i. The connection to the improvements by a third party must occur within ten (10) calendar years, or over the term of any public

Wastewater

financing, such as a State Revolving Fund Loan, of the completion of the improvements, or that part thereof to which connection is made in order for any reimbursement to take place.

- ii. Reimbursement shall be limited to those water works elements, which have not been previously paid for by the Town.
- iii. The total amount of reimbursement shall not exceed the pro-rated share in actual costs of providing such improvements, excluding interest payments.
- iv. Reimbursement shall not occur until the Towns Connection Fees and the Special Connection Fee has been paid in full by the third party accessing the sewage works extension.
- v. Any Special Connection Fee shall be in addition to the Regular Connection Fees assessed by the Town.

3. Accounts, metering and billing:

- a. Upon connection to the system, the approving official shall notify the Town Clerk/Treasurers/or Finance Office that the service is now active and to establish an account in the name of the owner. Sewer charges may be invoiced on a quarterly basis on or about the first day of a calendar quarter and shall be due and payable as specified on the bill. In the event that such charge is not paid when due, penalties in accordance with Title 24, V.S.A §3612 shall be added thereto. The Town may also take action against a property owner, when the account remains delinquent that is consistent with the provisions of Title 24, V.S.A. §3612.
- b. Water and/or wastewater volumes shall be established for billing purposes by a water meter and/or wastewater meter in the property being billed. Said meter(s) shall be owned, operated, and maintained by the property owner at his/her own expense. The Town maintains the exclusive rights to repair replace or otherwise maintain the meter. The property owner shall be liable for the cost of repair or replacement in cases of negligence or tampering, and may be subject to the enforcement actions described in Sections 6 and 7 of this ordinance. Meter readings shall be recorded by the Town. Access to the meter and/or remote reading apparatus shall be allowed at all times by the property owner. Failure to allow access to a meter and/or remote for any reason shall result in;
 - i. Estimated wastewater volume for billing purposes; and
 - ii. If access is not allowed for a period of six (6) months, discontinuation of service may occur as defined in Title 24, V.S. A. §3612; and
 - iii. If access is not allowed to repair/replace a meter/remote within six (6) months of notification by the Town, discontinuation of service may occur as defined in Title 24, V.S.A. §3612.
- c. In the event a meter fails to register wastewater volumes, or access is not provided to the meter or the meter otherwise fails to operate, the Town shall have the right to estimate wastewater discharge volumes for billing purposes. Estimates may be

Wastewater

based upon the current State of Vermont, Agency of Natural Resources standard flow quantities, or, the annual average use demonstrated on the meter when functioning properly, or an amount deemed appropriate by the Wastewater Superintendent or designated Town Official.

- d. Wastewater volumes estimated for new buildings, additions to existing facilities or for facilities served by private water sources shall be based upon current State of Vermont, Agency of Natural Resources standard flow quantities.
- e. Meters and remote readers shall be installed on all construction and property which is connected to the Wastewater System for the purpose of meter readings. Meter purchase fees shall be paid with wastewater service connection fees and may only be waived by the Selectboard. All cost associated with the purchase and installation of the meter and meter installation shall be borne by the property owner or applicant for service.
 - i. Town personnel shall install the meter remotes themselves in residential properties unless a reasonable path is not provided to install the remote wire, in which case the wire shall be installed at the expense of the owner/contractor.
 - ii. Wiring for meter remote installations in commercial, industrial and mixed use properties must be accomplished by the property owner at their expense.
 - iii. The charges for the purchase and installation of the remotes may be included in the meter assessment. In the event that a new connection is not connected to the municipal Water System, the owner may have the option to install a meter at their expense to measure their wastewater discharge for billing purposes, or may choose to be billed an un-metered rate as set forth in Section 4.H.3.e. of this ordinance. Said meter is to be in accordance with the specifications of the Town.
- f. In the event a property is connected to the wastewater collection system that is served by a private water supply, said water supply used for domestic and potable uses may be metered as above for the purposes of billing. In the event the property owner chooses to remain not metered, the usage billed shall equal the wastewater usage allocated to the property at the time of connection.
- g. In cases of new construction the water meter installation must be inspected by the Town and remote readers shall be installed at least five (5) working days prior to occupancy. It is the responsibility of the applicant for service to notify the Town when the meter has been installed and ready for inspection and remote reader installation.
- h. It is a violation of the Town of Milton Wastewater Ordinance for any person or corporation to tamper with Town of Milton Wastewater Treatment System property or meters over which the Town has exclusive control.
- i. Applicants with pre-existing single family homes located on individual lots traversed by the municipal wastewater collection system, who cannot afford the connection fees required in Section 4.H.3.b of this ordinance, may request a payment plan to pay the fees in quarterly installments. The terms of the payment

Adopted October 20, 2008

Wastewater

plan shall be negotiated and agreed to in writing between the Town and the owner(s) of record and the balance due shall remain a lien on the property until paid in full.

3. Fees:

- a. **Allocation Application Fee:** in accordance with the most recent schedule, as adopted by resolution of the Selectboard.
- b. **Wastewater Connection Fee:** As part of the Wastewater Connection approval by the Town, the Applicant is subject to the Wastewater Connection Fee in accordance with the most recent schedule, as adopted by resolution of the Selectboard. Each individual connection will be assessed a fee which is based on the Town's cost to fund upgrades, capital improvements and extensions to the Wastewater Treatment System in order to maintain capacity for new connections.
 - i. This fee includes any infiltration allocation required to be reserved for the new connection and shall be paid in full prior to initiating construction of any new wastewater collection infrastructure.
 - ii. For existing private systems and development connections, the infiltration allocation portion of the wastewater connection fee shall be paid in full prior to connecting the existing infrastructure to the Municipal wastewater collection system.
- c. **Approval Extension Fee:** in accordance with the most recent schedule, as adopted by resolution of the Selectboard.
- d. **Usage Fee:** in accordance with the most recent schedule, as adopted by resolution of the Selectboard.
- e. **Un-metered Usage Fee:** in accordance with the most recent schedule, as adopted by resolution of the Selectboard.
- f. **Excessive Strength Surcharge:** a fee which is charged to wastewater discharges which requires special handling and processing at the WWTF. In accordance with the most recent schedule as adopted by resolution of the Selectboard.
- g. **Collection System Maintenance Fee:** a fee which is charged to private wastewater collection systems to provide basic operation and maintenance activities on collection system. In accordance with the terms of a maintenance agreement between the Owner and the Town.
- h. **Meter Fee:** The actual cost to the Town of Milton to provide and install an adequate meter to measure the quantity of wastewater volume discharged from a connection.

Section 5 Septage Receiving Regulations**Section 5-1 Purpose Page 30****Section 5-2 Rules Page 30****Section 5-1 Purpose**

These Septage Receiving Regulations define the method to allow for the disposal of Septage and other regulated wastewaters at the Milton WWTF.

Section 5-2 Rules**A. Purpose/Intent**

1. General and Special Condition #11 of the Town of Milton WWTF Discharge Permit No. 3-1203 effective January 1, 2006 and as amended, requires the Town of Milton to maintain processing capacity for use only in receiving and processing septage for the useful life of the facility as required under 10 V.S.A. §1626a (a), (c) and (d). Such Septage shall be accepted originating from any Vermont municipality, and shall not be restricted to specific municipalities.

B. Prohibitions

1. Unsuitable Material
 - a. No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon the Septage Processing Station or the Town of Milton WWTF any materials deemed unsuitable as defined in Section 2 of this ordinance, or by determination of the Wastewater Treatment Facility Operators that the material for discharge may cause undue harm to the treatment works.

C. Hours of Operation

1. The hours of operation shall be during regular hours of operation, normally 7:00 am to 3:30 pm, with the last load arriving thirty-minutes (30 minutes) prior to the close of operation. The Septage Receiving Facility shall not be open on weekend or Town Holidays, unless deemed an emergency by the Wastewater Superintendent

D. Pre Approval Required

1. Before discharging septage, all persons or firms desiring to do so must obtain written prior approval from the Wastewater Superintendent and shall have an account established for the purposes of billing with the Town of Milton Finance Office.
2. All persons or firms shall maintain their own professional liability and other pertinent insurances and shall provide a current certificate of insurance to the Town of Milton.

Adopted October 20, 2008

Wastewater

E. Connection to Septage Receiving Station

1. All persons or firms desiring to discharge septage shall provide at their own cost the materials and fittings necessary to connect to the septage receiving station.
2. The Town of Milton shall be held harmless for any damage to any machinery or equipment not owned by the Town of Milton while any person or firm is discharging to or otherwise connected to the Town of Milton Septage Receiving Station or while the equipment or property of said person or firm is within the boundaries of the WWTF.
3. Upon entering the boundaries of the Town of Milton WWTF for the purposes of discharging septage, and continuing until their exit from the facility, said person or firm shall be held liable for any damage caused, whether intentional or accidental, to the property of the Town of Milton.

F. Rates

1. Upon the adoption of this ordinance, and as required from time to time, reasonable rates and terms shall be established by Resolution of the Board to defray the cost to operate, maintain and provide capital improvements to the Septage receiving station.
2. Said rates charged for acceptance by the plant of septage from sources other than the users for whom the plant is designed primarily to serve, shall be equal to the rate or rates charged of the primary users, and shall not subsidize the primary users.

G. Metering, Billing and Penalties

1. The Wastewater Superintendent shall install, operate and maintain a system to accurately measure the quantity of septage discharged.
2. Monthly, or period set by the Selectboard, the Wastewater Superintendent or designated representative shall tally each discharge accepted by the septage receiving plant, and report the quantities to the Finance Office for billing.
3. The terms of said billing shall be net 30 days. Septage charges will be invoiced on a monthly basis on or about the first day of a calendar month and shall be due and payable as specified on the bill. In the event that such charge is not paid when due, a penalty of 1.5% shall be added thereto.
4. The septage disposal privileges of any person or firm shall be suspended when any unpaid charges are more than sixty days (60 days) past due.
 - a. The Wastewater Superintendent shall notify said person or firm of this suspension in writing upon notification from the Finance/Billing Office that the account is more than sixty days (60 days) past due.

Adopted October 20, 2008

Wastewater

- b. Privileges shall not be reinstated until all past due charges are made current. The Finance/Billing Office Shall notify the Wastewater Superintendent when the past due charges have been made current.
- c. The Wastewater Superintendent shall notify said person or firm that their disposal privileges have been restored.

Section 6 Enforcement**A. Enforcement Remedies**

The Town, by and through its authorized agents, shall have the authority to enforce the provisions of this Ordinance, and any orders, violation notices, or enforcement orders issued hereunder, and may pursue all civil remedies in connection with any violation hereunder; as provided herein.

B. Remedies not Exclusive

The remedies set forth herein are not exclusive of any other remedies available, including criminal prosecution, under any applicable federal, state or local law. Election of one remedy shall not preclude pursuing other remedies and nothing herein shall prohibit the Town from seeking multiple remedies.

C. Judicial Bureau Municipal Civil Complaint Ticket

Pursuant to 24 V.S.A., Chapters 59 and 61 and 4 V.S.A., Chapter 29, a Designated Enforcement Officer may commence prosecution in the Judicial Bureau for any violation of this Ordinance by serving two copies of a municipal civil complaint ticket either in person or by first class mail on the alleged offender, and thereafter promptly filing the original with the Judicial Bureau. The issuing officer shall follow the procedure set forth by the Judicial Bureau for municipal complaint tickets. The first offense ticketed for a violation shall be punishable by a fine of one hundred dollars (\$100.00), the waiver fee shall be fifty dollars (\$50.00); a second offense ticketed for the same violation shall be punishable by a fine of two hundred dollars (\$200.00), the waiver fee shall be one hundred dollars (\$100.00); a third offense ticketed for the same violation shall be punishable by a fine of five hundred dollars (\$500.00), the waiver fee shall be two hundred and fifty dollars (\$250.00). Upon the fourth offense, the Town may request that the case be transferred to the Superior Court or any other court of competent jurisdiction.

D. Other Enforcement Remedies Generally; Fines, Injunctive Relief

1. Pursuant to the authority granted under 24 V.S.A. Section 2291, the Town may commence an enforcement action for abatement and removal of a violation and/or for fines in connection with any violation of this Ordinance. Said enforcement action shall be commenced in the Superior Court or any other court of competent jurisdiction.

Wastewater

a. Fines. If the Town elects to seek fines under this Subsection, any Person who violates any provision of this Ordinance, or any notice or order issued hereunder, shall be fined not more than one hundred dollars (\$100.00) for each offense. No action may be brought under this subsection unless the alleged offender has had at least seven (7) days warning notice by certified mail. An action may be brought without the seven (7) day notice and opportunity to cure if the alleged offender repeats the violation of the by-law or Ordinance after the seven (7) day notice period and within the next succeeding twelve (12) months. The seven (7) day warning notice shall state that a violation exists; that the alleged offender has an opportunity to cure the violations within seven (7) days; and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven (7) days. In default of payment of the fine, such Person shall pay double the amount of such fine. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of these regulations shall be paid over to the Town.

b. Injunctive Relief. An action, injunction, or other enforcement proceeding may be instituted by the Town to prevent, restrain, correct, or abate any violation or activity causing a violation. The relief sought may include the right to enter onto private property to abate or correct the violation, to restrain any activity that would create further violations, or to compel a Person or Persons to perform abatement or remediation of the violation; and to seek damages for all costs, including reasonable attorney's fees, incurred by the Town in pursuing and obtaining such relief. In addition to any other remedies authorized in law or equity, the Town may seek an order specifically requiring:

- i. The elimination of Illegal Connections and/or Non-Wastewater Discharges to the Wastewater Collection and Treatment System;
- ii. The discontinuance of practices, activities, or operations that lead to violations of this Ordinance;
- iii. The abatement or remediation of wastewater pollution or contamination hazards and the restoration of any affected property;
- iv. The performance of monitoring, analysis, and reporting.

Section 7 Separability

This ordinance has been adopted pursuant to the provisions of Chapter 1, Section 104 of the Town of Milton Charter.

The validity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

All prior ordinances, parts of ordinances, or policies governing the subject matter covered by this Ordinance are hereby repealed. Existing rules and regulations are also hereby repealed, to the extent they conflict with the provisions of this Ordinance.

Adopted October 20, 2008

Wastewater

This Ordinance shall take effect forty (40) days from date of adoption, unless a petition is properly filed under Title 19 V.S.A. Section 1973.

Public Hearing held: October 20, 2008

This Ordinance was adopted: 10-20-08

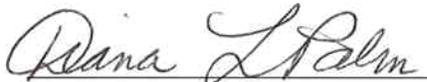
This Ordinance is effective: 11-29-08

This Ordinance shall be posted in four (4) public places not later than October 6, 2008, fourteen (14) days from adoption.

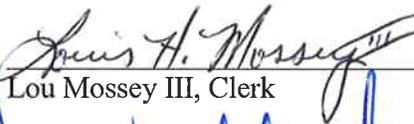
SIGNED:

TOWN OF MILTON SELECTBOARD

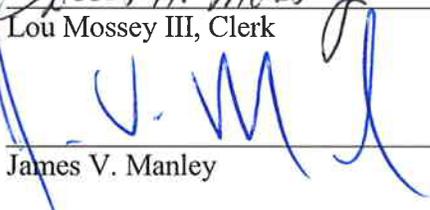
Jeffrey Turner, Chairperson



Diana L. Palm, Vice Chairperson



Lou Mossey III, Clerk



James V. Manley

Randall Barrows

Adopted October 20, 2008