

VILLAGE OF MORRISVILLE
WASTEWATER ORDINANCE
FOR THE SEWER SERVICE AREA

Regulating the use of Morrisville’s Municipal Sewer System

This ORDINANCE establishes the policies, rules and regulations necessary to govern and operate the Village’s municipal sewer system serving its Sewer Service Area. This ORDINANCE supersedes all previous rules, regulations and ordinances and applies to all users of the Village’s Wastewater Treatment Facilities regardless of the municipality in which they are located. A copy of this ORDINANCE is available at Morrisville Water & Light’s Office at 857 Elmore Street in Morrisville, VT. Questions about this ORDINANCE should be directed to the General Manager of Morrisville Water & Light.

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- Attachment – Sewer Service Area Map

Article 1 Purpose

The purpose of this Ordinance is to:

1. Protect the health and safety of the public, municipal employees, waters of the State, and the environment, and ensure compliance with Discharge Permit No. 3-1155 and 40 CFR Part 403.3;
2. Establish requirements to protect and ensure the proper operation of the wastewater collection system including but not limited to requirements for the construction, installation, connection, and maintenance of sewers discharging into the wastewater collection system;
3. Establish requirements to protect and ensure the proper operation of the wastewater treatment plant, including but not limited to prohibiting, restricting, or controlling the discharge of pollutants into the wastewater collection system or the wastewater treatment plant;
4. Establish requirements that ensure the use of the wastewater treatment plant is sustainable and maximized;
5. Establish procedures to allocate the hydraulic and organic treatment capacities of the wastewater treatment plant;
6. Establish procedures to provide for fees that equitably distribute the cost of operations, maintenance, and improvements at the wastewater treatment plant; and
7. Establish procedures and penalties for violations of this Ordinance.

Article 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.

Application Fee shall mean a fee assessed to reflect the Village's cost to review and approve applications for hydraulic capacity.

Authorized Representative shall mean any duly authorized agent or designee of the Village.

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 Service 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. The building sewer is owned and maintained by the property owner.

Capacity Allocation shall mean a decision of Reserve Capacity set forth by the Village to commit a specified amount of hydraulic or organic treatment capacity to a specific project.

Capacity Allocation Fee shall be a fee assessed by the Village based on allocations of flow and organic capacity to a specific project. Allocations of flow capacity shall be measured in gpd; allocations of organic capacity shall be measured in lbs/day.

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 primary 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 Morrisville/Morristown Zoning Bylaws.

Development shall mean the division of a parcel into two or more parcels or any human-made changes to improved or unimproved real estate, including buildings or other structures, mining, dredging, filing, grading, paving, excavation or drilling operations, or storage of equipment and materials.

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.

Domestic shall mean wastewater generation consistent with human household activities.

Approved: 9-18-19

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.

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.

High Strength Waters & Waste – shall mean any waters or waste being discharged that are above domestic strength in nature and require additional treatment and handling at the wastewater treatment plant. See Article 7.3

High Strength Waters & Waste Billing - shall mean a billing procedure used to recover the costs associated with the use of capacity and treatment & disposal of byproducts from high strength waters and wastes discharged into the Morrisville Wastewater Treatment Plant.

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. See Article 7.3

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

Initiate Construction shall mean the start of site work, to include the installation of sewer line with a connection to the Village system within two years.

Meter Fee shall be a fee assessed by the Village to reflect the costs associated with supplying and installing a meter for billing purposes.

Municipal Employee shall mean a designated agent of the Village regarding this Ordinance.

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 Village Wastewater Treatment System.

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.

Private Sewage System or Facilities shall mean all facilities for collecting, pumping, treating and disposing of sewage that are not owned or operated by the Village

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.

Professional Engineer (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, which operates by natural gravitational force.

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

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

Sewer Service Area (SSA) shall mean the area inside the boundary of the sewer service area as described in Section 1120 of the Morrisville/Morristown Zoning Bylaws.

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

Single Family Dwelling shall mean a detached residential building used as a seasonal or year-round home by a Family (Family as defined by Section 910 of the Morrisville/Morristown Zoning Bylaws). Per 24 VSA 4412.1 a Single Family Dwelling may or may not have an Accessory Apartment on the premises. A Group Home per 24 VSA 4412.1g is also considered a Single Family Dwelling.

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.

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 Villages authorized representative.

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.

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.

Town shall mean the portion of the Town of Morristown that lies outside the Morrisville Village limits, the Selectboard, or its designated representative.

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.

Uncommitted Reserve Organic Capacity shall mean the designed wastewater treatment plant organic treatment capacity minus the actual organic loading at the wastewater treatment plant and any unused permitted organic treatment capacity based on the organic loading during the preceding 12 months.

Village shall mean the Incorporated Village of Morrisville, Vermont, the Board of Trustees, or its authorized representative.

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, pump stations and structures for conveying wastewater that are owned by the Village.

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 or it's delegated authority to an individual property owner, pursuant to authority granted in 10 VSA, Chapter 47.

Article 3 Public Sewers Use Requirement

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 Sewer service area (SSA), any human or animal excrement, garbage or other objectionable waste.
2. It shall be unlawful to discharge to any natural outlet within the SSA 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 SSA and abutting on any street, alley, easement, or right-of-way in which a public wastewater collection line of the Village is located, 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 provided such public sewer is within five hundred (500) feet of the nearest property line.
 - a. Notwithstanding Article 3.4 of this Ordinance, the owner of property that is served by a functioning on-site wastewater disposal system prior to public sewage being extended within 500 feet of the property shall not be required to connect to the public wastewater collection system until additional Development takes place on the subject property. Single Family Homes with a functioning on-site wastewater disposal system shall be exempt from this hook-on requirement provided that the new development does not include the addition of a bedroom.
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 Village may perform the necessary repairs or maintenance. The responsible property owner shall reimburse all costs arising from such repairs or maintenance to the Village.
6. The use of the Public Sewer is required for all new houses, replacement structures, buildings, developments or other structures used for human occupancy, employment, industry, recreation or business, situated within the approved SSA, approved for construction after the adoption of this ordinance. New connections shall be at the owner's expense.
 - a. New connections within the SSA may only be exempted by the Village Trustees from mandatory connections to the Public Sewer only if the proposed connection is not fronted by or adjacent to a municipal sewer collection main within 500 feet of the site.
 - b. The Village may waive this condition 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 Zoning Administrator to construct said structures.
7. Private sewage systems which are abandoned because of the availability of public sanitary sewers may be required to be thoroughly and properly cleaned, disinfected, and filled in or removed according to good sanitation practice per the Vermont Environmental

Protection Rules.

8. Where a public sewer is not available under the provisions of Article 3.4, the building sewer shall be connected to a private wastewater disposal system complying 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.
 - a. At such time as a property served by a private wastewater disposal system is approved for connection to the public sewer, a direct connection shall be made to the public wastewater collection system 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.
 - b. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Village.

Note: 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.

Article 4 Capacity Allocation

1. The Village owns and operates a wastewater treatment facility and a wastewater collection & transmission system as defined in 24 V.S.A., Section 3501 (6) and 3601. Said plant has a permitted capacity, and is operated in accordance with a discharge permit issued by the Vermont Department of Environmental Conservation under the authority granted in 10 V.S.A., Chapter 47. The Village 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.
2. The permitted capacity of the Plant and Sewers is the property of the Village. The Village shall allocate the uncommitted reserve capacity of the Plant and the Sewers in the manner described in this ordinance.
3. All capacity committed prior to adoption of this Ordinance shall be connected in accordance with the conditions indicated at the time of issuance of the approvals.
4. Nothing herein shall be construed as limiting or impairing the authority of the Village to require connection to the public sewer under the general laws of the state.
5. The Village shall maintain a Report of Uncommitted Reserve Capacity, which shall be used in the administration of this ordinance.
6. Allocation Flow Basis: All allocation to projects shall be based on the Development Wastewater Flow, as defined in Article 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.
7. 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. Priorities shall be:
 - a. Residential, commercial, institutional and industrial facilities existing within the SSA on the date of adoption of this ordinance, (provided capacity exists) which are required to be connected to the municipal sewer by the municipal sewer use ordinance, or by virtue of existing pollution from the facilities to waters of the State, or existing health hazard shall be entitled to first priority in allocation of uncommitted reserve capacity.
 - b. New or substantially changed connections within the SSA that are existing at the time of request for allocation.
 - c. Requests to connect to the municipal system outside the SSA may be approved jointly by the Village Trustees and the Selectboard, provided there is uncommitted reserve capacity available, and it is deemed it is in the best interests of both the Village and the Town. Requests for such connections will be considered on a case-by-case basis.
8. SSA Map: The approved SSA map can be found in Attachment 1 of this ordinance. Changes to this map may be made by resolution of the Village and placed in effect upon the approval of the Town and appropriate State agencies.
9. The Village will strive to review and approve the applications on a first come, first served (FCFS) basis. However, the Village 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.

10. Designated Village officials will normally review and may approve all applications. However, the Trustees 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 Trustees deems appropriate.
11. The reserve capacity shall be determined monthly and committed reserve capacity will be continuously recorded for use in allocation decisions.
12. Application for Hydraulic Capacity: Persons wishing to obtain Hydraulic Capacity shall apply to the Village on an application provided by the Village. 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 Village;
 - b. Unless waived by the Village, all calculations required in (a) above shall be certified by a PE 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 PE. This requirement to submit plans and specifications may be waived by the Village until final connection approval; and
 - d. Be accompanied by the Application Fee and Allocation Fee.
 - e. Any false or misleading statement in any application shall invalidate the application and shall be deemed a violation of this Ordinance.
13. Hydraulic Allocation Approval: Upon receipt of the allocation application and supportive documents, the Village 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; or
 - 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 Village.

14. Conditions of Hydraulic Allocation Approval: The Village, 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:
 - b. Prepaid Wastewater Allocation Fees, collected in conjunction with previous versions of this Ordinance shall be reimbursed only if the application is withdrawn by the applicant. Any reimbursement shall be less the current Allocation Application Fee.
 - 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 Village on failure of the applicant to fulfill requirements of the preliminary approval.
15. Approved allocated hydraulic capacity shall revert to the Village if the Applicant has failed to initiate construction (as defined in Article 2) within two (2) years of the allocation approval date. Within this two (2) year period, the Village may approve a revised development plan and final allocation approval application in the same manner as the original. If the Village approves an amended application, it will issue a revised final allocation approval with reduced or increased allocation determined in accord with the allocation priorities and principles. Where reduced allocation capacity is granted in a revised approval, the uncommitted reserve capacity shall revert to the Village. If at the end of five (5) years from the final allocation approval date, the Applicant has failed to initiate construction the Applicant can request full refund of their allocation fees. Requests should be made no later than six months after the end of their five (5) year period.
16. Transfer of Allocated Hydraulic Capacity: The transfer of allocated hydraulic capacity to another property or project is prohibited.
17. Application for Uncommitted Reserved Organic (BOD) Capacity: The Village shall approve and allocate reserve organic treatment capacity for any Persons wishing to discharge waters or wastes from an industrial process which has a reasonable potential to exceed 2% (25.7 lbs per day based on the current Basis of Design of the wastewater treatment plant) of the organic treatment capacity of the wastewater treatment plant. Persons wishing to obtain Uncommitted Reserve Organic Capacity shall request, in writing, to the Village to be allocated reserve organic capacity. Such a request shall be prepared by an individual trained and experienced in the applicable industrial processes and wastewaters and shall include:
 - a. a description of industrial process, product, and design production,
 - b. the pollution prevention and waste management systems and procedures or pretreatment facilities being implemented to reduce and control the discharge and the expected organic loading from the discharge.
 - c. calculations of the project's wastewater organic loading to the wastewater treatment

plant, including flow, flow rate, organic strength and any other characteristics determined appropriate by the Village and documentation that the wastewater treatment plant has sufficient reserve organic capacity remaining to properly treat the proposed discharge.

- d. plans and specifications for the construction of process wastewater system, pollution prevention or waste management procedures or systems, the pretreatment system if applicable, the building sewers, and any municipal sewer extensions.
 - e. an Organic Waste Capacity Allocation Application and allocation Fee.
18. Organic Waste Allocation Approval: Upon receipt of the allocation request and supportive documents, the Village may make approval of the allocation and sewer use upon making affirmative findings that:
- a. there is sufficient uncommitted reserve organic capacity at the wastewater treatment plant to accommodate the strength and volume of the proposed connection.
 - b. the applicant has incorporated proper pollution prevention and waste management systems and procedures or pretreatment if applicable into the design and operation of the industry.
 - c. the applicant has demonstrated that the flow and organic strength and other properties 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 adversely impact or interfere with the proper operation of the wastewater treatment plant including the quality and disposal of sludge, pass through without proper treatment, cause a violation of the discharge permit, or be injurious in any other manner to the sewage works.
 - d. The proposed use of wastewater treatment plant capacity complies with the allocation priorities and principles and is not in conflict with any other enactment adopted by the Village.
19. Transfer of Allocated Organic Capacity: The transfer of allocated organic capacity to another property or project is prohibited without written approval of the Trustees. The current owner shall send written notification of a proposed change in ownership to the Trustees. The current owner shall also inform a prospective owner of their responsibility to make a request for transfer of the allocation.

A request for an organic allocation transfer shall include as a minimum:

- a. A written statement certifying:
 - i. The conditions of the operations that contribute to, or affect, the discharge will not be materially different under the new ownership.
 - ii. The prospective owner or operator has adequate knowledge and funding to operate and maintain any pollution prevention practices or pretreatment systems necessary to remain in compliance with the allocation.
- b. The proposed date of the sale or transfer.

The Trustees may require additional information depending upon the current status of the discharge and the operation and maintenance of the property.

After reviewing the request, the Trustees shall authorize, amend, or deny the transfer of the organic allocation.

20. Organic Waste Allocation Reassessment: The Village reserves the right to periodically, but not more than once every 5 years or when ownership of a project or business changes, reassess an Organic Waste Allocation granted to a discharger to ensure that the use of the wastewater treatment plant is being fully utilized. The Village may adjust and reduce an Organic Waste Allocation issued to a discharger upon making affirmative findings that:
- a. the discharger is not using a significant portion of their Organic Waste Allocation.
 - b. if the discharger implements proper pollution prevention in the manufacturing process and/or properly operates the pretreatment system, there is not a reasonable potential that the discharger will utilize the entire Organic Waste Allocation within the next 5 years based on the product and the designed production of industry.
 - c. the wastewater treatment plant is receiving excessive organic loading and will not be able to be utilized to its full hydraulic capacity unless the influent organic load is controlled.

If the Village reduces an Organic Waste Allocation, it does not prohibit the discharger from applying for additional Organic Waste Allocation in the future if the industry plans to increase the designed production of the facility or changes products.

Article 5 Wastewater 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 Village or its authorized representative. Any person proposing a new discharge into the system shall apply for a wastewater allocation and a wastewater connection approval, in accordance with the application article of this Ordinance, at least thirty (30) days prior to the connection.
2. Any person proposing a substantial change, as defined in Article 2 of this Ordinance, in the volume or character of pollutants that are being discharged into the system shall apply for a connection review and wastewater allocation in accordance with the applicable sections of this Ordinance, at least thirty (30) 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 related to the installation, connection, maintenance and repair of the building sewer service shall be borne by the owner. The owner shall indemnify the Village/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. An exception may be granted where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, yard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. An exception shall require a written waiver from the Village Trustees or authorized representative agent.
5. Existing on-site septic systems shall not be used in connection with new Development at locations inside the SSA unless specifically allowed by the Village Trustees per Article 3.4.a.
6. The size, slope, location, alignment, materials of construction of a building sewer , and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the Village's specifications and other applicable rules and regulations of the Village/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 wastewater discharge shall be installed by the owner so as to flow by gravity to the public collection line. In all buildings in which a 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 PE in accordance with Vermont Environmental Protection Rules and reviewed and approved by the Village 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 surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the Public Sewer.
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 Village, 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 Village 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 Village/Town.
11. All excavations for building sewer installation shall be conducted in accordance with the Village Specifications and all governing State and Federal Regulations.
12. The applicant for the building sewer permit shall provide at least two (2) days advance written notice to the Village, excluding Saturday, Sunday and Village 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 Village.
13. Any work not conforming to the provisions of Items 4 -10 above shall be removed and corrected at the expense of the property owner.
14. Wastewater Connection Approval: The applicant shall notify the Village in writing that all necessary permits and approvals have been received for the project, and shall have the approvals filed in the Town 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 Village.
 - 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 Village's Public Works Specifications and good construction practice in a manner acceptable to the Village.
 - c. One (1) complete set of the final approved plans for construction signed and stamped by the PE responsible for the design.
15. Existing Private Systems and Development Connections are permitted to connect to the municipal wastewater collection system 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. Allocation Fees shall be assessed in one lump sum, including fees for infiltration.
 - d. 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 12 equal monthly installments. The terms of the payment plan shall be negotiated and agreed to in writing between the Village and the development, and the balance due shall remain a lien on all property within the development until paid in full.

Article 6 Public Sewer Expansion– New Construction

1. Any expansion of the wastewater collection or treatment system which will be located within a public right-of-way or on public property shall be owned and maintained by the Village.
2. Extensions to wastewater collection or treatment system which will be located upon lands and premises which are not, or will not be, within a public right-of-way, or on public property will be reviewed by the Village to determine if the connection of the proposed expansion is in the best interest of the Village. The Trustees will either approve or reject the Village taking ownership of the proposed sewer expansion.
3. Any Developer or property owner proposing the expansion shall complete a permit application and submit it to the Village for approval at least 60 days prior to the start of any construction. The permit application shall include a proposed site and engineering plan with sufficient detail for the Village to evaluate the proposed project.
4. Sewer extension that will be owned by the Village must meet all the Village's specifications. A written agreement detailing ownership, maintenance, construction requirements, cost responsibility, sewer allocation fees, easements and other pertinent information will be signed prior to final approval.
5. The engineering, design, construction and development costs of public sewage system expansions and extensions which are approved by the Village shall be borne by the developer or property owners requesting the extension.
 - a. Any payments made as required by such extension shall not be construed as payments towards treatment capacity that may be provided for the development.
 - b. The Village may elect to contribute a portion of the cost of the sewer extension being constructed if it is determined by the Trustees it is in the best interest of the Village.
6. No final connection of sewer system expansions, which are intended to be irrevocably conveyed to the Village, shall be permitted until the Applicant or other record owner conveys to the Village, in a form satisfactory to the Village:
 - 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 Village as public property; and
 - 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 Village if it is constructed in accordance with Village specifications.
 - e. The Village shall only operate sewer system expansions that have been conveyed to the Village by recorded deed and/or bill of sale.
 - f. The Village 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 Village's authorized representative.
 - 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 authorized representative will calculate the Wastewater Allocation and Meter fees.
 - iii. Upon review of the application and supporting documents by the authorized representative, and favorable findings thereof, and receipt of the fees as calculated, the Wastewater Connection Permit may be approved by the authorized representative.
- 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.
- j. The designated Village official shall be notified in writing at least two (2) working days in advance of any proposed wastewater connection authorized by a Wastewater Connection Permit. The connection to the Village wastewater collection system shall not be performed until approved by the designated Village official. Additional constraints may be found elsewhere in this ordinance.

Article 7 - Use of the Public Sewage System

1. Discharges of Waters to the Wastewater System

- a. Stormwater, naturally occurring groundwater, and other unpolluted drainage shall not be discharged into the Wastewater System. Such waters may be discharged to storm sewers or to a natural outlet upon written approval from the Town and in conjunction with permits issued by the Vermont Agency of Natural Resources.
- b. Cooling water, boiler blowdown, treated contaminated groundwater, and byproducts from remediation activities shall not be discharged into the Wastewater System. Such waters may be discharged to storm sewers or to a natural outlet upon written approval from the Town and in conjunction with permits issued by the Vermont Agency of Natural Resources.

2. Discharges to Wastewater Collection System

- a. Prohibited Discharges - No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes into the wastewater collection system or wastewater treatment plant:
 - i) Any waters or wastes which create an explosion or fire hazard in the collection system or at WWTF, including but not limited to, pollutants which have a closed cup flashpoint of less than 140°F (60°C).
 - ii) Any waters or wastes containing petroleum oil, gasoline, benzene, naphtha, fuel oil, non-biodegradable cutting oil, or products of mineral oil origin.
 - iii) Any waters or wastes containing toxic or poisonous solids, liquids (such as paint) or gases in sufficient quantity, either singly or by interaction with other wastes that have a reasonable potential to adversely impact the proper operation of the wastewater collection system or the wastewater treatment process, constitute a safety hazard, create a public nuisance, or pass through the wastewater treatment plant without proper treatment.
 - iv) Any waters or wastes containing heat in amounts which will inhibit biological activity which adversely impact the proper operation of the wastewater treatment plant in no case causes the influent temperature at the wastewater treatment plant to exceed 104°F (40°C) unless approved by the Village.
 - v) Any waters or wastes having a pH lower than 5.5 or higher than 9.5, or having any other corrosive properties capable of causing damage to structures and equipment in the wastewater collection system, adversely impacting the proper operation of the wastewater treatment plant, or posing a safety risk to Village personnel.
 - vi) Any waters or wastes capable of causing an obstruction to the flow in the collection system or adversely impacting the proper operation of the wastewater collection system or the wastewater treatment plant.
 - vii) Any waters or wastes, including oxygen demanding wastes (i.e. glycols), discharged at a flow rate and/or at a pollutant concentration which will adversely impact the proper operation of the wastewater treatment plant.
 - viii) Any waters or wastes having a concentration of any substance that would interfere with the proper operation of the wastewater collection system or the proper operation of the wastewater treatment plant.
 - ix) Any waters or wastes hauled or trucked except as authorized and at discharge points designated by the Village wastewater treatment plant staff.

3. Discharges of Incompatible Substances

No person shall discharge or cause to be discharged the following described waters or wastes if in the opinion of the Village there is a reasonable potential that these waters or wastes will adversely impact the proper operation of the wastewater collection system, the wastewater treatment plant process and/or equipment, pass through without proper treatment to the receiving water, endanger public property, or constitute a safety hazard or nuisance.

In forming their opinion as to the acceptability of these waters or wastes, the Village shall give consideration to such factors as the concentration of pollutants and the quantities of the waters and wastes in relation to flows and velocities in the sewers and the construction in the sewers. The Village shall also give consideration to factors such as the design and operation of the wastewater treatment process, capacity of the wastewater treatment plant, treatability of wastes in the wastewater treatment plant, the costs of treating the wastes at the wastewater treatment plant, sludge generation and costs of managing these wastes at the wastewater treatment plant and other pertinent factors.

- a. Incompatible Substances include but are not limited to:
 - i. Any liquor or vapor having a temperature higher than 150°F (65°C).
 - ii. Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil, wax or grease, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32°F (0°C) and 150°F (65°C).
 - iii. Any garbage that has not been properly shredded. The installation and operation of a garbage grinder equipped with a motor of 3/4 Hp (550 watts) or greater shall be subject to the review and approval of the Village prior to installation.
 - iv. Any chemicals or chemical compounds with the following properties or having similarly objectionable properties: alcohols, arsenic and arsenicals, phenols or cresols, formaldehydes, iodine, manganese, cyanide, heavy metals, metal finishing wastes, acidic wastes, mercury and mercurials, silver and silver compounds, sulfonamides, toxic dyes (organic or mineral), zinc, all strong oxidizing agents such as chromates, dichromates, permanganates, peroxide and compounds producing hydrogen sulfide, or any other toxic, inflammable or explosive gases, either upon acidification, alkalization, oxidation or reduction, strong reducing agents such as nitrites, sulfides, sulfites, and similar compounds, radioactive materials or isotopes, whether neutralized or not, and carcinogenic substances and agents.
 - v. Any water or wastes containing excessive solids, iron, chromium, copper, zinc or toxic substances.
 - vi. Any waters or wastes containing substances listed in the wastewater treatment plant's current solid waste permit or wastes which can exert an excessive treatment requirement such that the waters or wastes removed into the wastewater sludge would cause an exceedance of the limits necessary for the wastewater treatment plant to comply with terms and conditions of the solid waste permit.
 - vii. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established to meet the requirements of State, Federal or other public agencies having jurisdiction for such discharge to the receiving waters.
 - viii. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village in compliance with applicable State or Federal

Regulations.

- ix. Any waters or wastes containing suspended solids of such character and quantity that requires unusual treatment, processing, or expense to handle such materials at the wastewater treatment plant.
 - x. Any noxious or malodorous gas, liquid, or waste capable of creating a public nuisance.
 - xi. Any waters or wastes if there is a reasonable potential, in the opinion of the Village, that such waters or wastes can adversely impact the wastewater collection system, the wastewater treatment process or equipment, would have an adverse effect on the receiving water, could endanger animal life or public property, or constitute a safety hazard or nuisance.
 - xii. Any waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment process or are only treatable to such a degree that the wastewater treatment plant effluent cannot meet the terms and conditions of its discharge permit.
 - xiii. A toxic pollutant in amounts as defined in the Standards under Section 307(a) of the Clean Water Act.
 - xiv. Waters or wastes which contain or cause:
 - Unusual concentrations of inert suspended solids or dissolved solids.
 - Excessive discoloration (such as, but not limited to dyes and tanning solutions).
 - Unusual BOD, chemical oxygen, or chlorine demand that have a reasonable potential to adversely impact the proper operation of the wastewater treatment plant or cause the effluent limitations of the wastewater treatment plant discharge permit to be exceeded.
 - Unusual volumes of flow or concentrations of wastes constituting "slugs" as defined herein.
- b. In reviewing the acceptability of these waters or wastes, the Village may:
- i. Reject the waters or wastes;
 - ii. Require pollution prevention and waste management procedures or systems be implemented to reduce the strength of the waters or wastes to an acceptable pollutant loading prior to discharge to the collection system, or
 - iii. Require pretreatment facilities to be funded and constructed by the applicant on the subject property to reduce the strength of the waters or wastes to an acceptable pollutant loading prior to discharge to the collection system, or
 - iv. Require flow equalization to control over the rate of discharge into the collection system,
 - v. Accept the waters or wastes; or
 - vi. Require any combination of the above.
- c. Discharges of High Strength Waters or Wastes
- i. The discharge of high strength waters or wastes from industrial processes can adversely impact the proper operation of the wastewater treatment plant, consume excessive BOD treatment capacity, require additional treatment and solids management costs, and reduce the ability of the wastewater treatment plant to accept additional connections. Therefore the discharge of any waters or wastes from industrial processes having the following characteristics into the wastewater collection system shall be subject to review and written approval by the Village:

- an average five (5) day BOD concentration greater than 300 mg/l;
 - an average total suspended solids concentration greater than 300 mg/l;
 - an average total phosphorus concentration greater than 10 mg/l;
- d. In reviewing the acceptability of these waters or wastes, the Village may:
- i. Reject the waters or wastes;
 - ii. Require the applicant to fund and construct pollution prevention and waste management procedures or systems be implemented to reduce the strength of the waters or wastes to an acceptable pollutant loading prior to discharge to the collection system, or
 - iii. Require the applicant to fund and construct pretreatment facilities to reduce the strength of the waters or wastes to an acceptable pollutant loading prior to discharge to the collection system, or
 - iv. Require the applicant to fund and construct flow equalization to control over the rate of discharge into the collection system,
 - v. Accept the waters or wastes; or
 - vi. Require any combination of the above.

The Village shall consider the concentrations of the pollutants in the discharge, the volume (flow) of the discharge, the frequency of the discharges and the impacts of the discharge at the wastewater treatment plant and in the collection system as part of its review to determine the acceptability of these waters or wastes.

- e. The Village reserves the right to adjust the wastewater user fee and assess billing, for any person or entity expressing interest in connecting or discharging into the sewer collection system or wastewater treatment plant, waters or wastes that results in positive findings above.
- f. No statement contained in this Article shall be construed to prevent an agreement between the Village and any discharger of high strength waters or wastes that may be accepted by the Village for treatment. Any agreement is subject to payment by the discharger. No agreement shall contravene any requirements of existing Federal and State laws and regulations and sound engineering practices. Any agreement shall be compatible with any user fee, billing, and/or Cost Recovery System in effect.

4. Pollution Prevention and Waste Management Procedures and Systems for the Discharge of Incompatible Substances or High Strength Waters or Wastes

- a. Prior to discharging any incompatible substances or high strength waters or wastes into the wastewater collection system, all reasonable pollution prevention and waste management procedures or systems applicable to the industrial process shall be implemented to reduce the pollutants discharged into the collection system and to ensure the long term sustainable operation of the wastewater treatment plant. These measures include but are not limited to:
- i. The implementation of pollution prevention and waste management procedures or systems in the industrial processes which would reduce the volume or pollutants in the waters or wastes discharged into the collection system;
 - ii. The use of materials in the industrial processes which would reduce the volume or

- pollutants in the waters or wastes discharged into the collection system;
 - iii. The recovery, reuse, or internal recycling of waters or wastes in the industrial processes;
 - iv. The separation, collection, and removal of high strength solid wastes from the discharge; and
 - iv. The separation, collection, and removal of high strength liquid wastes from the discharge;
- b. The design of pollution prevention or waste management procedures or systems shall be done by qualified individuals trained and experience in the applicable industrial processes and the associated pollution prevention and waste management procedures or systems necessary to meet the requirements of this Ordinance.
 - c. The design, operation, and any other pertinent information of any pollution prevention or waste management procedures or systems shall be submitted to the Village for review and approval.
 - d. No discharge of detrimental or high strength waters or wastes into the sewer collection system shall occur until the pollution prevention or waste management procedures or system approvals are obtained in writing.
 - e. The Owner shall ensure that their staff is properly trained in the pollution prevention and waste management procedures or systems necessary to meet the requirements of this Ordinance.

5. Pretreatment and Flow Equalization Facilities

If pretreatment or flow equalization of waters or wastes are required then the design plans, specifications, and any other pertinent information relating to pretreatment or flow equalization facility's design, operation, and proposed equipment shall be submitted for the approval to the Village, and if a permit is required under 10 VSA 1259.a. and 10 VSA 1263, to the Agency of Natural Resources. Customers with such facilities will control rate and time of discharges as requested by the Village.

- a. The design of any pretreatment or flow equalization facility shall be done by qualified individuals trained and experienced in the applicable industrial processes and the associated pretreatment facilities necessary to meet the requirements of this Ordinance and permits issued under 10 VSA 1263.
- b. No construction of a pretreatment or flow equalization facilities shall occur until approvals and the necessary permits if applicable are obtained in writing.
- c. Pretreatment or flow equalization facilities shall be constructed and operated to meet the terms and conditions of this Ordinance and any Pretreatment Discharge Permit issued by the Agency of Natural Resources under 10 VSA 1263.
- d. Pretreatment or flow equalization facilities shall be operated as efficiently as possible at all times by qualified personnel and shall be maintained by the Owner at their expense.

6. Grease, Oil, Hair, and Sand Interceptors

- a. The discharge of grease, oil, hair, or sand shall not adversely impact the proper operation of the sewer collection system, including but not limited to, the obstruction of the proper flow in system or the accumulation of excessive solids in the system.
- b. The discharge of grease, oil, hair, or sand shall not adversely impact the proper operation of the sewage treatment plant.
- c. Grease, oil, hair, and sand interceptors shall be provided when in the opinion of the Village they are necessary for the proper handling of liquid wastes containing fats, oils, or grease in excessive amounts, flammable wastes, sand, and other harmful ingredients. Interceptors shall not be required for private living quarters.
- d. Grease and oil interceptors shall be installed in the sewer service line serving only the plumbing fixtures within a building or structure with non-residential uses where the wastewater from the fixtures, such as kitchen sinks and dishwashers in restaurants, cafeterias, and school kitchens, may include grease.
- e. All interceptors shall be of a type and capacity approved by the Village and shall be located as to be readily and easily accessible for cleaning and inspection.
- f. Prior to discharging a wastewater into an interceptor, all reasonable pollution prevention and waste separation procedures shall be implemented to ensure the proper long term operation on the interceptor and to reduce the discharge of these pollutants into the sewer system and sewage treatment plant.
- g. Grease and oil interceptors shall be designed to reliably produce an effluent of 100 parts per million or less and shall be approved by the Village prior to installation. Grease and oil interceptors shall be baffled and shall be sized based Section 1-0909 of the Vermont Environmental Protection Rules, Wastewater System and Potable Water Supply Rules, effective April 12, 2019 or as amended. Specifically:

*Meals per peak hour (A) x Wastewater Flow Rate (B) x Retention Time (C) x Storage Factor (D)
= Size Requirement in liquid capacity in gallons.*

(A) Meals per peak hour = Number of meals served at peak operating hour (Seating Capacity) X Peak Factor or maximum number of seats, where Peak Factor is:

- (i) Peak Factor for fast food restaurants1.33*
- (ii) Peak Factor for all other food service types ...1.0*

(B) Wastewater Flow Rates:

- (i) With dishwasher6-gallon flow*
- (ii) Without dishwasher 5-gallon flow*
- (iii) Single Service kitchen2-gallon flow*
- (iv) Garbage Grinder (Food waste disposer)..... 1-gallon flow*

(C) Retention Times:

- (i) Commercial kitchen waste/dishwasher 2.5 hours*

- (ii) Single service kitchen 1.5 hours
- (D) Storage Factors:
 - (i) Fully equipped commercial kitchen8 hour operation ...1
 - (ii) Fully equipped commercial kitchen16 hour operation ..2
 - (iii) Fully equipped commercial kitchen24 hour operation ..3
 - (iv) Single service kitchen1.5

Note: "Single service kitchen" means a kitchen: (A) where the food preparation consists of only heat and serve; (B) that uses service items not expected to be used again on the premises; and (C) where service items that are reused are not washed on the premises. The operation of grills, frying machines, or cooking devices other than those used to heat food does not constitute a single service kitchen.

Note: The Village shall accept alternative designs when the owner provides information from a designer demonstrating that the alternative design provides equal or greater grease removal.

Note: Ultimate grease trap performance is achieved when settled solids and floating grease are not more than 1/3 of the rated capacity of the grease trap.

- h. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction and equipped with easily removable covers which, when bolted in place, shall be gas-tight and water-tight.
- i. All grease, oil, hair, and sand interceptors shall be *routinely inspected and maintained as needed by the Owner to efficiently operate at all times at their expense*. Collected materials shall not be discharged into the sewer system.
 - i. The owner shall maintain for a period of three years (3-years) records of all inspections, cleaning, and maintenance of the interceptors. These records shall be maintained on-site and provided to the Village upon twenty four(24) hours notice.
 - ii. At a minimum, the records shall include the date and time of the inspection and/or maintenance, the volume of waste removed, and the waste hauler.
- j. If the Village determines that the discharge from an existing grease, oil, hair, or sand interceptor is adversely impacting the proper operation of the sewer system or the wastewater treatment plant, then the Village may require:
 - i. the Owner to increase the inspection, cleaning, or maintenance of the interceptor; or
 - ii. the Owner to modified to the design of the interceptor to ensure proper operation; or
 - iii. the Owner replace the deficient interceptor with a properly designed and approved interceptor.

The owner shall be liable for any costs necessary to ensure the proper operation, modification, or replacement of the interceptor.

- k. The owner shall be liable for any costs incurred by the Village to maintain the sewer

system or the sewage treatment plant due adverse impacts attributed to the discharge of grease, oil, hair, or sand as provided this Ordinance.

7. Accessibility to Private Wastewater Structures

When required by the Village, the Owner of any property served by a building sewer carrying industrial wastes shall install a suitably designed manhole (or other inspection point approved by the Trustees) in the building sewer to facilitate observation, sampling, and measurement of the waters or wastes. The sampling manhole shall be safely located, constructed in accordance with plans approved by the Village, and accessible to Village personnel. The sampling manhole shall be installed by the Owner, at his expense, and shall be maintained by the Owner to be safe and accessible at all times.

8. Industries to Monitor Their Own Discharge

All industries discharging into the sewer collection system shall perform any monitoring of their discharges as the Village may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records, and reporting the results of such monitoring to the Village.

Records shall be made available, upon request, by the Village, or to other agencies having jurisdiction over the discharge. Where industrial pretreatment permits are issued by the State of Vermont, monitoring records shall also be submitted to the State in accordance with such permit. Records of any monitoring may be supplied by the Village to the State on request.

All measurements, tests and analyses of the characteristics of waters and wastes which are required by the Village shall be determined in accordance with the latest edition of "Standard Methods of the Examination of Water and Wastewater" published by the American Public Health Association.

Samples shall be collected at the sampling manhole. In the event that no sampling manhole has been required, the sampling manhole shall be considered to be the nearest downstream manhole in the public wastewater collection system from the point at which the building sewer is connected.

Sampling shall be carried out by qualified personnel by customarily accepted methods to reflect the existence of hazards to life, limb and property.

Samples shall be representative of the volume and quality of effluent discharged into the sewer collection system over the sampling and reporting period. All samples shall be taken during normal operating hours over the entire production day. The Village shall determine the appropriate composite sample duration or whether a grab sample or grab samples should be taken.

Any industry held in violation of the provisions of this ordinance may have its disposal authorization terminated and may be assessed penalties by the Village, as permitted by law.

9. Changes in Discharge

Any person or persons currently discharging into the wastewater collection system shall provide the Village 30-calendar days prior notification of any of the following changes in writing:

- i. any proposed substantial change in the volume or type of pollutants from that specified in the allocation application.
- ii. any proposed new discharge into the Village'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 it were discharging such pollutants.
- iii. any proposed new discharge into the wastewater treatment plant of pollutants from any source which would be subject to Section 301 of the Clean Water Act if it were discharging such pollutants.
- iv. any anticipated facility expansions, production increases, or process modifications which will result in new, different, or increased discharges of pollutants to the wastewater treatment plant

Article 8. - Sewer Charges

1. The Sewer Base Rate and Sewer Use Rate shall be collected for the purpose of payment of costs associated with operating, maintaining and repairing said system including loan repayment expenses as appropriate.
2. The base rate and sewer use fees stipulated above shall be based upon rate structure(s) decided by the Village as provided for in 24 V.S.A., Chapter 101. These rates can be found in the Village's Schedule of Rates and Fees.
3. 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 Village. The Village 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 Article 13 of this ordinance. Meter readings shall be recorded by the Village. 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;
 - a. Estimated wastewater volume for billing purposes; and
 - b. 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
 - c. If access is not allowed to repair/replace a meter/remote within six (6) months of notification by the Village, discontinuation of service may occur as defined in Title 24, V.S.A. §3612.
4. In the event a meter fails to register water or wastewater volumes, or access is not provided to the meter or the meter otherwise fails to operate, the Village shall have the right to estimate wastewater discharge volumes for billing purposes. Estimates may be 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 Village.
5. 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.
6. 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. A meter fee shall be assessed for all construction and properties that require a meter. Such fee will reflect all costs associated with the meter and installation of the meter and shall be borne by the property owner.
 - a. Village personnel may install the meter remotes themselves in residential properties if a reasonable path is provided to install the remote wire, if a reasonable path is not provided, the wire and remote reader shall be installed at the expense of the owner/contractor.
 - b. Wiring for meter remote installations in commercial, industrial and mixed-use properties must be accomplished by the property owner at their expense.

7. 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 will be metered as above for the purposes of billing.
8. The Village may establish annual charges separately for bond payments or, for fixed/variable operating and maintenance costs not dependent on actual or estimated use.
9. Billing for High Strength Waters and Wastes

Users that discharge high strength waters or wastes into the wastewater collection system or wastewater treatment plant may be billed sewer charges directly related to the costs incurred by the Village to pump, treat, and manage these waters and wastes including the liquid wastewater and the wasted sludge.

The Village shall consider the concentrations of the pollutants in the discharge, the volume (flow) of the discharge, frequency of the discharge, and the impacts of the discharge at the wastewater treatment plant as part of its review to determine to if a discharge of high strength waters or wastes qualifies for additional sewer charges.

The additional sewer charges may be subject to periodic review and adjusted to reflect the current costs incurred by the Village for pumping, treating, and managing these wastes. These rates can be found in the Village's Schedule of Rates and Fees,

This Section does not authorize or grant the right to discharge incompatible or high strength waters or wastes into the wastewater collection system or wastewater treatment plant.

10. Charging connected vacant properties

The sewer charges established in Item 1 and defined hereinafter may be charged whether or not the property is occupied, when the property is connected to the public sewage system by the necessary building sewer as required under the terms of this Ordinance. Exempted properties, whose exemption has expired but have not connected, shall be considered as connected vacant properties and therefore, subject only to the Sewer Base Rate. Properties required to connect but not connected shall also be considered as connected vacant properties and therefore, subject only to the Sewer Base Rate. The rate structure shall incorporate the requirements of 24 V.S.A., Chapter 101, Sections 3612, 3615, 3616, and other statutes as appropriate and applicable.

11. Collection of the delinquent sewer charges

Collection of delinquent sewer charges may be enforced by the Village pursuant to 24 V.S.A., Chapter 129, and 24 V.S.A., Chapter 101, Sections 3612 and 3615. In the event any sewer charge is not paid within thirty (30) days from the billing date, an interest charge shall be added to the sewer charge. The amount of the interest charge on the overdue accounts shall be the same as those applied to delinquent taxes as set forth in 32 V.S.A., Chapter 17, Section 1674, and Chapter 133, Section 5136. The Village will make an attempt to collect the delinquent bill for service provided. If payment is not made,

The Village will shut off the water service to this location. Restoration of service will require the delinquent amount to be paid in full along with a deposit in the amount of 2 months average of the monthly sewer bill.

12. Tax Sales and Liens on Real Property

The Village has the authority to place a lien on the real estate or may defer the property for tax sale if delinquent sewer charges remain unpaid. Upon delinquency of payment of a valid bill for service provided to the Owner of the real estate or other charge for sewer service properly charged to the Owner of the real estate, the Village may file notice of a lien or notice of a tax sale upon the real estate with respect to which the sewer service was rendered, provided in 24 V.S.A., Chapter 89, Section 3306. Such notices shall be in the standard form furnished by the Village and recorded with the Clerk of the Town. A copy of the notice shall be mailed to the Owner and all lien holders or mortgagees of the property. Before filing the lien or deferring the property for tax sale, the Village shall give the Owner of said property an opportunity to be heard.

If the Owner fails to enter into any agreement for payment of a delinquent bill, or if the Owner fails to abide by the terms of said agreement, the Village have the authority to place the real estate up for tax sale, in accordance with 32 V.S.A., Chapter 133, Section 5252, regardless of the total dollar amount of the delinquency and the period of time for which the Owner has been delinquent, as the Village deems necessary.

If the Owner fails to comply with the Village's delinquent billing policy, the Village shall defer said property for tax sale.

The Village also has the authority to foreclose on liens in the same manner as provided by law for the foreclosure of mortgages on real estate, when such lien has been in effect for more than two (2) years, 24 V.S.A., Chapter 101, Section 3612 and 32 V.S.A., Chapter 133, Section 5061. While foreclosure of a lien is generally only undertaken when the value of the real estate is worth less than the dollar amount of the lien, the Trustees may use their discretion to determine what is in the best interest of the Village.

Upon full payment of all delinquent bills and other charges, the Village shall notify the Clerk of the Town in which the lien was filed that the lien has been discharged.

Article 9. - Sewer Fund Management

The following provides for and restricts the use of set-aside (sinking/capital reserve) funds to finance future major maintenance/replacement costs and plant/collection system expansion/upgrade costs.

- a. A separate sinking fund and/or capital reserve fund may be utilized for major maintenance/ replacement expenditures and for expansion/upgrading expenses associated with the wastewater collection, treatment and disposal system in the SSA. Sinking fund/capital reserve fund establishment for maintenance/replacement expenditures shall be based upon at least the following in writing: major maintenance/ replacement identification, estimated expenditures, estimated year of expenditure, payment amount, type of account used to accumulate sinking fund / capital reserve fund assets, source of funding and when payments are to stop. All sinking funds / capital reserve funds shall be established and maintained in accordance with 24 V.S.A., Chapter 101, Section 3616.
- b. The Village reserves the right to increase, decrease, stop and/or maintain regular deposits to a sinking fund / capital reserve fund not exceeding 15% of the normal total budgeted expenses for maintenance/ replacement in that year. The sewer fees charged for expansion cost shall be deposited into a separate account and a record shall be kept to show payment date, person making payment and payment amount. The Trustees holding office have the authority to withdraw sinking fund / capital reserve fund amounts only for the purpose of paying for major maintenance/replacement expenditures and for expansion/upgrading expenses for which the fund was established. When sinking fund / capital reserve fund assets are not disbursed fully for major maintenance/replacement expenditures and/or plant/collection system expansion/upgrade, excess money shall remain in the sinking fund / capital reserve fund for future related expenditures similar in nature.
- c. When sinking fund / capital reserve fund assets are not disbursed fully for major maintenance/replacement expenditures and/or plan expansion, excess money shall remain in the fund for future related expenditures similar in nature. Revenues established for plant expansion dedicated funds may be generated from system fees paid by prospective users to defray and pay expansion costs. This fund shall not exceed the estimated future expansion cost for the wastewater treatment facility. When the Village so votes, the expansion/upgrade sinking fund / capital reserve fund may be used to finance major maintenance/replacement expenditures, but under no circumstances shall the major maintenance replacement sinking fund / capital reserve fund be used to finance wastewater expansion/upgrade expenses.
- d. Other revenues established for plant/ collection system expansion/upgrade dedicated funds may also be generated from system fees and/or permit fees paid by prospective users to defray and pay maintenance/replacement/expansion costs.

Article 10. - Wastewater and Potable Water Permits issued by the Village

1. Any permit issued by the Village may be suspended or revoked at any time for:
 - a. Violation of any of the conditions of this Ordinance.
 - b. Violation of the specific terms and conditions of the permit.
 - c. Refusal to grant right of access to the Village to inspect the water or wastewater system or sample the discharge. See 12.4 below.

Any member of the Village, or its authorized representative, may in writing, suspend or revoke a permit at any time whereupon the suspension or revocation shall take effect immediately. Such action shall be confirmed in writing by the Village, or its authorized representative. When possible, the Village or its authorized representative may provide a written notice to desist or make correction of any practice or operation which violates or contravenes the provisions or the purpose of this Ordinance or the permit and shall allow sufficient time for the correction of the violation.

2. All requests for fee waivers shall be presented to the Village for review and action.

Article 11. - Protection From Damage

1. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the public sewage disposal system. Any person violating this provision shall be subject to immediate arrest under the charge of unlawful mischief as set forth in 13 V.S.A., Chapter 81, Section 3701.

Article 12. - Powers and Authority of Inspectors

1. The Village and their authorized representatives, bearing proper credentials and identification, shall be permitted to enter all properties through which the Village holds a duly negotiated easement for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Ordinance.
2. All entry and subsequent work, within said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
3. The Village or their representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industrial processes beyond that point of having a direct bearing on the quantity and quality of the discharge into the Village treatment works.
4. The Village and their authorized representative representatives, bearing proper credentials and identification, shall be permitted to enter into, upon, or through the premises of any industry discharging into the Village's treatment works to have access to and copy any records, to inspect any monitoring equipment or method required under Article 7.9, and to sample any discharge into the Village's treatment works.
5. While performing the necessary work on private properties referred to in Article 12.1 above, the Village and their authorized representative representatives shall observe safety rules applicable to the premises established by the Owner and the Owner shall be held harmless for injury or death to the Village and their representatives and against liability 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.

Article 13. - Prohibitions and Penalties for Violation of Rules

1. No person shall deny access to any inspector of the Village or any person authorized by the Village to conduct an inspection or perform such other duties as set forth in this Ordinance.
2. No person shall violate any emergency rule adopted by the Trustees as provided in Article 1 of this Ordinance.
3. No person may make, and no customer shall suffer or permit any person to make, any connection to the Village's sewer system, unless such connection is authorized by the Trustees or their authorized representative.
4. No person shall make any material misstatements of fact in any application for sewer service.
5. No person shall complete construction of any service connection with the Village's sewer system in any manner other than that set forth in any plans and specifications submitted to and approved by the Trustees. No person shall fail to disclose any deviations or variations from such plans to the Trustees at the first date such variations or deviations become known to such person.
6. No person shall violate and no customer shall suffer or permit any person to violate at the customer's service location, any provision of this Ordinance, or shall violate any order, direction, or emergency rule adopted by the Trustees.
7. This is a civil Ordinance. Enforcement procedures for this civil Ordinance shall be in accordance with the provisions of 24 V.S.A., Chapter 59, Sections 1974(a) and 1977 et seq.
8. Any person violating any of the provisions of this Ordinance, except Article 11, shall become liable to the Village for any expenses, loss or damage caused by such offense and shall be served by the Trustees with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease the violation.
9. Any violation of this Ordinance shall be a civil matter enforceable to the extent as referenced in Item 7. A civil penalty shall be assessed for each offense. The amount of the civil penalty shall be determined per the following schedule: First offence = \$100, Second offence = \$250, not to exceed five hundred dollars (\$500.00) per offense. Each day the violation continues shall constitute a separate offense. The offender can choose to pay the waiver fee of \$50 only for the first offense on the complaint or request a hearing to contest the violation with the Judicial Bureau.
10. In addition to the civil penalty referenced in Article 13.9 above, any person found in violation of any provisions of this Ordinance, except Article 11 may be required to reimburse the Village to cover the costs of:
 - a. removing clogs or repairing damages to the wastewater collection system;

- b. additional treatment of a water or waste at wastewater treatment plant; or
 - c. handling and disposing of a water or waste not covered by existing fees.
 - d. The amount reimbursed to the Village shall not only include the aforementioned costs but also any engineering and/or legal costs necessary to ascertain responsibilities and/or to correct the violation.
11. Notwithstanding any of the foregoing provisions, the Village may institute any appropriate action including injunction, or other proceeding to prevent, restrain or abate violations hereof, and any other legal and equitable relief to seek compensatory damages and compensation for other fees and expenses as provided in this Ordinance. Refer to the Village's schedule of Rates and Fees.

Article 14. - Validity

1. All other rules and regulations in conflict with this Ordinance are hereby repealed.
2. Each Article or part of an Article in this Ordinance is hereby declared to be a separate and distinct enactment. If any Article or portion thereof in this Ordinance, as adopted, is found to be void, invalid, unconstitutional, inoperative or ineffective for any cause, it shall not affect the validity of any other Article or part thereof which can be given effect without such invalid part or parts.
3. These rules may be amended at any time by the Village as provided by law. It is the intent of this ordinance to regulate sewer matters consistently for all entities connected to the sewage collection system of the WWTF.

Article 15. - Ordinance in Force

1. This Ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law, replacing the Ordinance for Wastewater Reserve Capacity Allocation and the Sewer Use Ordinance enacted November 8, 2010.
2. Duly enacted and ordained by the Trustees of the Village of Morrisville, Lamoille County, State of Vermont, on the 18th day of, Sept 2019 at a warned meeting of said Trustees. This Ordinance shall become effective 60 days from the date hereof.

Trustee APPROVAL Signatures:







Todd Deuse


