

# Edward Farrar Utility District Sewer Ordinance

Adopted Wednesday April 14, 2021

Edward Farrar Utility District

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**PURPOSE AND AUTHORITY:** This Ordinance regulating the use of public and private sewers and drains, the installation and connection of building sewers and sewer collection systems, and the discharge of waters and wastes into the public sewer system and providing penalties for violations and non-compliance thereof is adopted by the Edward Farrar Utility District Board of Commissioners (the “Board”) pursuant to the authority set forth in 24 V.S.A. § 3617 and Chapter 59 of Title 24, V.S.A. It shall be a civil ordinance within the meaning of 24 V.S.A. § 1971 (b).

This Ordinance is further intended to:

1. Protect the health and safety of the public, District Staff, waters of the State, the environment, and to ensure compliance with Discharge Permit No. 3-1160 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 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 I: OWNERSHIP and PERMIT**

The Edward Farrar Utility District (EFUD) owns and operates a sewage treatment and disposal plant and a sewage collection system as defined in 24 V.S.A. Sections 3501 (6) and 3601. The wastewater treatment plant (WWTP) has a permitted capacity and is operated in accordance with a discharge permit issued by the State of Vermont, Agency of Natural Resources, Department of Environmental Conservation (“ANR/DEC”) under authority granted in 10 V.S.A., Chapter 47. The Edward Farrar Board of Utility Commissioners (the “Board”) is obligated by law to comply with conditions of that permit, and to operate and manage the WWTP and sewerage system as governmental functions under and pursuant to 24 V.S.A., Chapter 97 and 101.

## **ARTICLE II: CAPACITY; ALLOCATION**

The permitted capacity of the WWTP and sewerage system is the property of the EFUD. The uncommitted reserve capacity of the WWTP and sewerage system shall be allocated by the Board in the

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manner described below and as set forth in 24 V.S.A., § 3625. This Ordinance shall not be construed as an abandonment or relinquishment of the authority or responsibility of the Board to regulate, control and supervise all means and methods of sewage collection, treatment and disposal, both within the District boundaries and in sewage and sewage infrastructure owned by the District situated outside the District's boundaries, nor shall it be construed to impair or inhibit the ability of the District to contract with persons for the collection, transmission and the treatment of sewage.

Presently the EFUD WWTP design treatment capacities are as follows:

- influent Hydraulic capacity, 0.510 million gallons per day (MGD)
- influent Biochemical oxygen demand (BOD), 723 lbs. /day

Allocation & Connection Fees/Quarterly Base Rates and Surcharges will be based on the percentage of the aforementioned loading capacities and established by waste stream analysis and by action of the Board.

### **ARTICLE III: DEFINITIONS**

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

**Section 1. Allocation & Connection Fee** shall mean the fee assessed per unit on the type, use or capacity of the establishment as set forth in the EFUD Application For Water & Sewer Allocation & Connection Application.

**Section 2. Board of Utility Commissioners**, hereafter "Board" shall mean the Edward Farrar Utility District Board of Commissioners convened as a board of sewage disposal commissioners under 24 V.S.A. § 3614

**Section 3. BOD or BOD<sub>5</sub>** (Biochemical Oxygen Demand) shall be the quantity of oxygen utilized in the biochemical oxidation of organic matter in a wastewater sample determined by the five-day BOD test expressed in milligrams per liter (mg/L) as specified in the current edition of "Standard Methods for the Examination of Water and Wastewater" SM 5210B (11)

**Section 4. Building Drain** shall mean that part of the lowest horizontal piping of a domestic, commercial, institutional or industrial wastewater drainage system which receives the discharge from wastewater piping inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall. Any other building drainage piping systems receiving discharge from soils, roof gutters, sump pumps, and storm water or surface water runoff shall not be connected into the public sanitary sewer system.

**Section 5. Building Sewer** shall mean the sewerage extension from the building drain to the private or public sanitary sewer branch, main or other disposal location.

**Section 6. CFR** shall mean the Code of Federal Regulations (CFR) annual edition is the codification of the general and permanent rules published in the Federal Register by the departments and agencies of the Federal Government produced by the Office of the Federal Register (OFR) and the Government Publishing Office.

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**Section 7. Collection System** shall mean sewerage or a public piping system that collects and carries wastewater to the wastewater treatment plant and to which inflow or infiltration is not intentionally admitted. May also be referred to as a 'sanitary sewer'.

**Section 8. Combined Sewer** shall mean sewer receiving domestic or residential wastewater and surface runoff, storm water, ground water or any other type of inflow that is piped to the public sanitary sewer. Combined sewers are not allowed within the District boundaries and if private shall not be allowed to be connected or discharged to the EFUD sewer collection system.

**Section 9. Commercial Wastes or Wastewater** shall mean wastewater generated from processes, trades or businesses. Shall not include any petroleum base, excessive fats, oils, or grease greater than 100 mg/L or any other substance that would prove toxic or have a deleterious affect on the sewerage system and/or the wastewater treatment process.

**Section 10. Discharge Permit** shall mean the permit issued by the State of Vermont Department of Environmental Conservation pursuant to authority granted in 10 V.S.A., Chapter 47.

**Section 11. District** shall mean the Edward Farrar Utility District, Waterbury, Vermont as defined by its charter.

**Section 12. District Staff** shall include the Utility Billing Clerk, Public Works Director, District Engineer, Wastewater Superintendent and licensed Wastewater Operator(s), Water Superintendent and licensed Water Operator(s).

**Section 13. Domestic Wastes or Wastewater** shall mean typical wastewater as defined in terms of BOD, pH, and solids content, total phosphorus and total nitrogen from domestic or residential use as distinct from commercial or industrial sanitary sewage. Shall not include any petroleum base, excessive fats, oils, or grease or any other substance that would prove toxic or have a deleterious affect on the sewerage system and the wastewater treatment process.

**Section 14 Edward Farrar Utility District (EFUD) Design and Construction Standards** shall mean the specifications and procedures set forth in the most current editions of the State of Vermont, A.N.R/D.E.C. Drinking Water and Groundwater Protection Division, Environmental Protection Rules, Chapter 1 Wastewater System and Potable Water Supply Rules, and The Ten State Recommended Standards for Wastewater Facilities. Where there are differences in standards, the Board, in consultation with the Utility District Manager, will determine which Design and Construction Standards will apply.

**Section 15. EPA** shall mean the United States Environmental Protection Agency. The Environmental Protection Agency is an independent executive agency of the United States federal government tasked with environmental protection matters.

**Section 16. Fats, Oils and Grease ("FOG")** shall mean both petroleum-based products generated from industrial activities (lubricants, oils and greases) and animal and vegetable-based fats, oils and greases generated from domestic, commercial, institutional or industrial food processing activities or from other processes that have a deleterious affect on the sewerage system and/or wastewater treatment systems. Fats, Oils and Grease shall be analyzed by EPA Method 1664A and the results shall be expressed in mg/l. FOG shall not exceed 100mg/L (at the point of connection to the District sewer collection system). FOG levels greater than the established limits shall be subject to surcharges and pre-treatment.

**Section 17. Garbage** shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from handling, storage and sale of produce, and brewery waste products.

**Section 18. 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 VII. Section 4.

**Section 19. High Strength Waters or Waste Surcharge** shall mean a fee charged to certain discharges received at the wastewater treatment plant from industrial or commercial processes that are not domestic in nature and require additional treatment and handling at the wastewater treatment facility.

**Section 20. Industrial Wastes** shall mean the wastewater from industrial or commercial manufacturing processes, trade or business as distinct from domestic sanitary sewage. Wastewater from the brewing of beer/ hard cider or other fermentation-based beverages or products shall be considered industrial wastewater even if housed within a restaurant operation.

**Section 21. Municipal Manager** shall mean the manager hired by the Town of Waterbury, who has authority in the areas of Town Highways and storm water issues.

**Section 22. Natural Outlet** shall mean any outlet into a watercourse, lake, pond, river, stream, ditch, or other body of surface or groundwater.

**Section 23. OSHA** shall mean the Occupational Safety and Health Administration, a regulatory agency of the United States Department of Labor whose mission is to assure safe and healthy working conditions for working men and women by setting and enforcing standards and by providing training, outreach, education and assistance.

**Section 24. Owner** shall mean the person that owns or controls, by fee title or some lesser legal interest, the real property served by the District wastewater system (unless the context clearly indicates otherwise).

**Section 25. Person** shall mean any individual, firm, company, business, association, society, corporation, municipality or government entity or group.

**Section 26. pH** shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. For practical purposes, pH is the standard to measure the alkalinity or the acidity of a wastewater sample and will be one of the criteria to determine whether a wastestream is acceptable.

**Section 27. Pre-treatment** shall mean preliminary treatment of wastes which are not otherwise acceptable by conventional treatment, through systems or methods such as grease, oil or sand traps, flow equalization tanks or special segregation of unacceptable waste materials. Such systems shall be routinely operated and maintained by the owner and be subject to inspection by the District Staff. Proof of maintenance shall also be required.

**Section 28. Professional Engineer (PE)** shall mean a licensed professional engineer, registered in the State of Vermont, including the accepted disciplines of civil, environmental or sanitary with knowledge

and experience in the operation and design of municipal wastewater collection and treatment systems and residential, commercial, institutional and industrial wastewater discharges.

**Section 29. Properly Shredded Garbage** shall mean the solid wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all the particles will be carried freely under normal wastestream flow conditions with no particle exceeding one-half ( $1/2$ ) inch in any dimension.

**Section 30. Public Sewer** shall mean a sanitary sewer in which all owners of abutting properties connected to the system shall have equal rights and responsibilities and that is owned and controlled by the Edward Farrar Utility District.

**Section 31. Safety Data Sheets (SDS)** shall mean documents that list information relating to occupational safety and health for the use of various substances and products. SDSs are a widely used system for cataloguing information on chemicals, chemical compounds, and chemical mixtures. SDS information may include instructions for the safe use and potential hazards associated with a particular material or product, along with spill-handling procedures. SDS format is internationally standardized.

**Section 32. Sanitary Sewer** shall mean a pipe or piping system that collects and carries wastewater and to which surface runoff, storm water, ground water or any other type of inflow is not intentionally admitted. May also may be referred to as the 'collection system' and may be Public or Private.

**Section 33. Secretary** shall mean the Secretary of the Vermont Agency of Natural Resources Department of Environmental Conservation (ANR/DEC).

**Section 34. Septic Waste or Septage** shall mean any sewage or solids that are anaerobic and containing a high BOD. Septic waste is considered high strength and usually requires pretreatment before being introduced into a wastewater treatment plant. There are no provisions at the District WWTP for septic waste or septage disposal. See Article VII Section 14.

**Section 35. Sewage** shall mean a combination of refuse liquids collected and carried from residences, non-residential commercial buildings, institutions, and industrial establishments (or any combination thereof) via a sewerage system. It shall not include any combined sewage from surface runoff, storm water, ground water or any other type of inflow, nor shall it contain any substances that would prove deleterious to the wastewater treatment process. It shall be used interchangeably with the term '*wastewater*'.

**Section 36. Sewerage or 'Collection' System** shall mean the publicly owned pipes, man-holes and pump stations that comprise the public sanitary system that collects and transfer wastewater to the wastewater treatment plant for processing and disposal.

**Section 37. Sewage Works** shall mean all District facilities and equipment used for collecting, pumping, treating and disposing of sewage.

**Section 38. Shall** is mandatory; **May** is permissive.

**Section 39. Slug** shall mean any discharge of water, domestic or industrial wastes which, in any 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 wastestream flows during a normal operation.

**Section 40. Storm Drain** (Storm Sewer) shall mean a sewer which carries storm and surface water drainage but excludes sanitary sewage from domestic, commercial, institutional or industrial sources. Storm drains come under the authority of the Municipal Manager and shall not be connected to the District sewer collection system.

**Section 41. Suspended Solids** shall mean solids that either float on the surface or are suspended in a water or sewage sample.

**Section 42. Testing (or Pollutant Analysis)** shall mean the detailed examination, whether required or voluntary of any wastewater or water sample and its components. All testing (or pollutant analysis) shall be performed on representative samples by certified laboratories and certified laboratory technicians in accordance with procedures mandated in "Standard Methods for the Examination of Water or Wastewater", most current edition.

**Section 43. Total Nitrogen** shall mean the total sum of all organic and inorganic forms of nitrogen in a wastewater or water sample. Total nitrogen shall be measured in mg/l as follows:  $TN (mg/l) = TKN (mg/l) + NO_x (mg/l)$ . TKN is the sum of nitrogen in the forms of ammonia (unionized ( $NH_3$ ) and ionized ( $NH_4^+$ )), soluble organic nitrogen, and particulate organic nitrogen.  $NO_x$  are nitrite and nitrate and are oxygenated forms of nitrogen. Nitrogen is considered a nutrient and is essential to the growth of algae and other biological organisms and as such can be the cause of noxious algal blooms in the waters of the State. Nitrogen shall be one of the criteria that determines whether a waste stream is acceptable. Testing shall be in accordance with TKN (EPA 351.2, R.2 (1993)) and Nitrate/Nitrite (EPA 300.1).

**Section 44. Total Phosphorus** shall mean the total sum of all forms of phosphorus in a wastewater or water sample including orthophosphate, polyphosphate and organic phosphate. Phosphorus is considered a nutrient and is essential to the growth of algae and other biological organisms and as such can be the cause of noxious algal blooms in the waters of the State. Phosphorus shall be one of the criteria that determines whether a waste stream is acceptable. Total phosphorus shall be measured in mg/l. Testing shall be in accordance with EPA 365.1, R.2(1993)

**Section 45. Total Suspended Solids (TSS)** shall mean the suspended solids residue after filtering and drying at 103 – 105 degrees Celsius for one hour. TSS is measured in mg/L and shall be one of the criteria that determine whether a waste stream is acceptable. Testing shall be in accordance with Standard Methods Test SM 2540 D-11

**Section 46. Utility District Manager** shall mean the manager hired by the Board of Utility Commissioners who has authority in the areas applying to sewer ordinance issues.

**Section 47. VOSHA** shall mean the Vermont Occupational and Health Administration within the State of Vermont Department of Labor. VOSHA labors diligently to protect the health and safety of working Vermonters.

**Section 48. V.S.A.** shall mean Vermont Statutes Annotated, which is the name of the set of books of all the Vermont statutes. Statutes are the **words of the law passed by the legislature**. The first number tells you which book, or "Title" the law is in.

**Section 49. Wastewater Treatment Plant (WWTP)** shall mean a facility comprised of buildings, tanks, treatment ponds or lagoons, equipment, instrumentation and controls and piping, used for the purpose of collecting, processing and treating domestic, commercial, institutional and industrial wastewater in compliance with regulatory guidelines and permits. It shall be operated by State certified wastewater treatment plant operators and laboratory technicians.

**Section 50. Watercourse** shall mean a channel in which a flow of water occurs, whether continuously or intermittently.

## **ARTICLE IV: BUILDING SEWERS AND CONNECTIONS**

**Section 1.** All connections onto the District sewerage system shall require inspection by District Staff. The District shall be furnished with as-built drawings or takeoff locations of the connection. Any person proposing a new discharge into the District sewerage system or a substantial change in the volume or character of the wastestream shall provide written notification by completing/submitting an EFUD Application for Water & Sewer Allocation & Connection to the Utility District Manager at least forty-five days prior to the proposed change or connection. In addition, a copy of the appropriate ANR DEC Water/Sewer Permit and/or Pretreatment Permit shall be submitted if applicable.

**Section 2.** There shall be two classifications of building sewer permits. [1] Residential/Commercial/Institutional service, and [2] Industrial service. Applications shall be supplemented by plans, specifications or other information considered pertinent in the judgment of the Utility District Manager. Any addition or modification to the sewerage system shall conform to the EFUD Design and Construction Standards. If deemed necessary by the District, review fees for residential/commercial/institutional service and for Industrial service, shall be paid to the District at the time of application filing. Review fees may be waived or reduced in cases where adequate building sewerage already exists from the sewer main to the property line. District staff will provide a copy of the review fees upon request.

**Section 3.** All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer

**Section 4.** Separate and independent building sewers shall be provided for each and every building, except where one building is situated at the rear of another or on an interior lot and no private sewer is available or can be reasonably constructed to the rear building through an adjoining alley, court, yard or driveway. In such instance, the building sewer from the front building may be extended to the rear building. The existing and extended building sewer may be considered as one building sewer, except for the purposes of billing for sewer charges, where each dwelling unit may be subject to a separate unit charge.

**Section 5.** Existing building sewers may be used with new building connections only after they have been inspected and approved by the District Staff and are deemed to meet or exceed the requirements of this Ordinance.

**Section 6.** The size, slope, alignment, type of pipe and all of the materials used in the construction or refurbishing of a building sewer, as well as the methods used in excavating, pipe installation, testing, and backfilling and compaction, shall conform to the EFUD Design and Construction Standards.

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(Article IV: Building Sewers And Connections)

**Section 7.** Whenever possible, the building sewer shall be brought to the building at an elevation below the lowest building drain and, preferably, at a location that facilitates practical maintenance and repair thereof. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. The Owner shall be responsible to purchase, install, operate and maintain the pump and related system necessary to perform this work and said pump and system shall remain the property of the Owner.

**Section 8.** No person shall make connection of a roof downspout, sump pump, foundation drain, yard or storm drain or any other source of surface or ground water to a building sewer which is connected directly or indirectly to the public sanitary sewer.

**Section 9.** All connections of the building sewer to the public sewerage system shall conform to the requirements set out in this Ordinance and the procedures and standards set out in the above-mentioned EFUD Design and Construction Standards, unless a modification is approved by the Board upon the recommendation of the Utility District Manager based on the EFUD Design and Construction Standards.

**Section 10.** The applicant for the building sewer permit shall notify the Utility District Manager when the sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the District Staff.

**Section 11.** All excavations for building sewer installations shall be adequately guarded and protected with reflective barricades and caution safety tape for pedestrian and public safety. Alternative properly signed pedestrian routes shall be put in place if necessary. All shoring/trench protection shall comply with OSHA/VOSHA standards and require Professional Engineer (PE) certification if deemed necessary. PE certification shall be provided by a PE registered in the State of Vermont. If the installation and connection occur in the Town of Waterbury road right of way the Owner shall be required to submit an Access/ Excavation Permit application and fee to the Municipal Manager of the Town of Waterbury, or his/her designee prior to the start of construction. Streets, sidewalks, parkways and other public property disturbed in the course of the installation/repair construction shall be restored in a manner satisfactory to the Public Works Department and will be subject to inspection prior to the completion of the job. This fee is fully refundable if the completed work, within the Town ROW, is found satisfactory to the Town. Any work performed in Town roadways shall conform to the State of Vermont VOSHA Work Zone Safety, Flagging and Signage regulations. All signs shall conform to the most recent MUTCD (Manual of Uniform Traffic Control Devices).

**Section 12.** Property owner responsibility for repair/rehab/replacement or maintenance of the building sewer shall be from the connection to the building drain to the property owner side of the municipal right of way (ROW). The District shall be responsible for repair/rehab/replacement or maintenance of the building sewer from the municipal side of the municipal ROW to the District's sewer main. The municipal ROW is established by the Town of Waterbury.

## **ARTICLE V: PRIVATE AND PUBLIC SEWER COLLECTION SYSTEMS AND CONNECTIONS**

### **Section 1: Private Sewer Collection Systems**

Private sewer collection system shall mean a sewer collection system collecting wastewater from more than one property (residential) or multiple buildings (residential, commercial, institutional, or industrial) that discharges to the District's sewer collection system by gravity or force main and the owner(s) of the private sewer collection system does not want to be owned/operated/maintained by the District or the District does not want to take ownership. Examples of existing private sewer collection systems are Blush Hill Meadows Ten LLC (residential) and State of Vermont Waterbury Complex (institutional).

Private sewer collection systems shall be designed by a professional engineer (PE), licensed to practice in the State of Vermont, and constructed to EFUD Design and Construction Standards. The PE shall furnish EFUD with design flow calculations. If connection to the EFUD sewer collection system will be by a force main connection, the PE shall certify that the existing District collection system, downstream of the force main connection, has the flow capacity to accept the force main discharge without surcharging the District receiving sewers. The project contract documents shall be submitted to the District for review and construction of the private sewer collection system shall not take place until the project obtains State DEC/ANR approval and complies with all District comments and/or requirements. Connection of the private sewer collection system to the District sewer collection system shall not take place until the PE certifies the construction has met all permit requirements and has been constructed in accordance with the contract documents. In addition, the construction of the connection between the private sewer collection system and the District sewer collection system shall not be put into service until the connection has been inspected and approved by the District Staff.

In the future, the owner of the private sewer collection system may request the District consider taking over ownership of the private collection system. Before the District takes ownership of a privately owned sanitary sewer system, the following must be provided by the Owner of the private system to the District:

1. A letter to the District describing the system, including the number of buildings served;
2. One complete set of as-built drawings of the private sanitary sewer system.
3. A video record and written logs associated with a video inspection of all sewers proposed for public ownership that has occurred within 12 months of the date of the request for public ownership;
4. Certification by a PE of successful mandrel testing of all sewers, with such mandrel testing having taken place with 12 months of the request. Maximum allowable deflection shall be 5%;
5. Written history of all maintenance/rehab/repair work accomplished in the private sewer collection system.
6. Replacement of all sewer manhole covers with manhole covers/frames specified by District Staff.
7. Opportunity for the District to physically inspect the entire private sewer collection system.
8. Provide deeded easements to the District to allow for District Staff access for operation, maintenance, rehab and/or replacement

Based on the information provided and inspection of the private sewer collection system, the District will make a determination of whether it will take ownership of the private sewer collection system. If the District determines the private sewer collection system is not ready for acceptance it will identify, in writing, what corrective measures must be taken before the District will reconsider acceptance of the private sewer collection system. Final approval for the acceptance of a proposed private sewer collection

(Article V: Private And Public Sewer Collection Systems And Connections)

system shall be the responsibility of the Board, which shall consult with and consider the recommendation of the Utility District Manager.

**Section 2: Private-to-Public Sewer Collection Systems**

Private-to-Public sewer collection system shall mean a sewer collection system collecting wastewater from more than one property (residential) or multiple buildings (residential, commercial, institutional or industrial) that discharges to the District's sewer collection system by gravity or force main and the owner of the Private-to-Public sewer collection system and the District agree to allow connection to the District sewer collection system and that the District will acquire ownership and maintain/operate the Private-to-Public sewer collection system in the future. Examples of existing Private-to-Public sewer collection systems are Meadow Crest development and Huntington Condos. At the completion of the project and upon final acceptance by the District, the Private-to-Public sewer collection system shall become a District public sewer collection system.

Private-to-Public sewer collection systems shall be designed by a professional engineer (PE), licensed to practice in the State of Vermont, and constructed to EFUD Design and Construction Standards. The PE shall furnish the District with design flow calculations. If connection to the District's sewer collection system will be by a force main connection, the PE shall certify that the existing District collection system, downstream of the force main connection, has the flow capacity to accept the force main discharge without surcharging the District receiving sewers. The project contract documents shall be submitted to the District for review. Construction of the Private-to-Public sewer collection system shall not take place until the project obtains State ANR approval and complies with all District Design and Construction Standards, review comments and requirements. Connection of the Private-to-Public sewer collection system to the District sewer collection system shall not take place until the PE certifies the construction has met all permit requirements and has been constructed in accordance with the contract documents. The District shall be furnished with as-built drawings, printed and electronic copies of TV logs of all sewers and written report that all sewers were mandrel tested and no deflection test exceeded 5%. Deflection testing shall be performed no sooner than 30 days after installation. In addition, the construction of the connection between the Private-to-Public sewer collection system and the District sewer collection system shall not be put into service until the connection has been inspected and approved by the District. The District will be furnished deeded easements to allow for District Staff access for operation, maintenance, rehab and/or replacement. Final approval for the acceptance of a proposed private sewer collection system shall be the responsibility of the Board, which shall consult with and consider the recommendation of the Utility District Manager.

**ARTICLE VI: PROHIBITIONS**

**Section 1. Prohibited Discharges**

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes into the District's wastewater collection system or wastewater treatment plant:

- a Any waters or wastes which create an atmospheric hazard with oxygen, hydrogen sulfide, carbon monoxide, and lower explosive limit levels below or above OSHA confined space entry acceptable

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(Article VI: Prohibitions)

limits, explosion or fire hazard in the collection system or at wastewater treatment plant, including but not limited to, pollutants which have a closed cup flashpoint of less than 140°F (60°C).

- b. Any waters or wastes containing petroleum oil, gasoline, benzene, naphtha, fuel oil, non-biodegradable cutting oil, or products of mineral oil origin.
- c. 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.
- d. Any waters or wastes containing heat in amounts which will inhibit biological activity which adversely impact the proper operation of the wastewater treatment plant or that causes the influent temperature at the wastewater treatment plant to exceed 104°F (40°C) unless approved by the District.
- e. Any waters or wastes having a pH lower than 5.0 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 facility, or posing a safety risk to District Staff.
- f. 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, including but not limited to, ashes, cinders, sand, mud, straw, wood, sawdust, plaster, paint, concrete, metal shavings, glass, rags, feathers, tar, plastics or plastic bags, shredded garbage, whole blood, paunch manure, hair and fleshing, entrails, paper cups, dishes, milk containers either whole or ground by garbage disposals, dental floss, disposable wipes (marketed as “flushable”), plastic applicators, condoms, grains, needles and diapers.
- g. 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 facility.
- h. 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 facility.
  - i. Any waters or wastes hauled or trucked except as authorized and at discharge points designated by the District wastewater treatment facility staff.
  - j. Any surface water, storm water runoff or drainage, groundwater from building or foundation drains, roof runoff and discharges from storm water collection systems.

## **ARTICLE VII: USE OF PUBLIC SEWERS**

### **Section 1. Permit Required**

No unauthorized person shall expose, connect to, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Utility District Manager.

### **Section 2. Potentially Authorized Discharges**

- a. Storm water and other unpolluted drainage may be discharged into storm sewers approved by the Municipal Manager. EFUD does not own public storm sewers. Public storm sewers are owned and regulated by the Town of Waterbury in compliance with Vermont ANR storm water regulations.
- b. Industrial cooling water or industrial process waters may be approved by the District for discharge into the public sewerage system if analysis of the water proves that the discharge will not have a deleterious impact to the wastewater treatment process at the District WWTP.

### **Section 3 Discharges of Incompatible Substances Potentially Adverse to Treatment Process**

No person shall discharge or cause to be discharged the following described waters or wastes if in the opinion of the District, 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 its opinion as to the acceptability of these waters or wastes, the District 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 of the sewers. The District 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, the costs of treating the wastes, sludge generation and costs of managing these wastes at the wastewater treatment plant and such other factors as the District may deem relevant to its evaluation.

- a. Incompatible Substances include but are not limited to:
  - 1 Any liquid or vapor having a temperature higher than 150°F (65°C) and /or any waste that would create an atmospheric hazard as outlined in the OSHA Confined Space Entry Program.
  2. 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).
  3. 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, and installed by a licensed plumber shall be subject to the review and approval of the District Staff prior to installation.

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4. 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, carcinogenic substances and agents, and surfactants or chemicals that cause a sheen or foaming.
5. Any water or wastes containing excessive solids, iron, chromium, copper, zinc or toxic substances.
6. Any waters or wastes containing substances listed in the wastewater treatment facility's current solid waste permit or wastes in volumes 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 facility to comply with terms and conditions of the solid waste permit.
7. 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.
8. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the District in compliance with applicable State or Federal Regulations.
9. Any waters or wastes containing suspended solids of such character and quantity that requires additional cleaning of the sewer collection system (beyond normal cleaning) and/or unusual treatment, processing, or expense to handle such materials at the wastewater treatment plant.
10. Any noxious or malodorous gas, liquid, or waste capable of creating a public nuisance.
11. 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 facility effluent cannot meet the terms and conditions of its discharge permit.
12. A toxic pollutant in amounts as defined in the Standards under Section 307(a) of the Clean Water Act.
13. Waters or wastes which contain or cause:
  - i. Unusual concentrations of inert suspended solids or dissolved solids.
  - ii. Excessive discoloration (such as, but not limited to dyes and tanning solutions).

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- iii. 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.
  - iv. Unusual volumes of flow or concentrations of wastes constituting "slugs" as defined herein.
- b. In reviewing the acceptability of these waters or wastes, the District may:
- 1. Reject the waters or wastes;
  - 2. Require pollution prevention and waste management procedures or systems be implemented or constructed to reduce the strength of the waters or wastes to an acceptable pollutant loading prior to discharge to the collection system, or
  - 3. Require pretreatment facilities be constructed to reduce the strength of the waters or wastes to an acceptable pollutant loading prior to discharge to the collection system, or
  - 4. Require flow equalization to control over the rate of discharge into the collection system,
  - 5. Accept the waters or wastes; or
  - 6. Require any combination of the above.

**Section 4. Discharges of High Strength Waters or Wastes**

- a. The discharge of high strength waters or wastes from industrial or commercial processes can adversely impact the proper operation of the wastewater treatment facility, consume excessive organic treatment capacity, require additional treatment and solids management costs, and reduce the ability of the wastewater treatment facility to accept additional connections. Therefore, the discharge of any waters or wastes from industrial or commercial processes, having the following characteristics, into the wastewater collection system shall be subject to review and written approval by the District
- 1. an average five (5) day BOD concentration greater than 300 mg/l;
  - 2. an average total suspended solids concentration greater than 300 mg/l;
  - 3. an average total phosphorus concentration greater than 10 mg/l;
  - 4. an average total nitrogen concentration greater than 50 mg/l.
  - 5. an average FOG concentration greater than 100 mg/l.
- b. In reviewing the acceptability of these waters or wastes, the District may:
- 1. Reject the waters or wastes;

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2. Require pollution prevention and waste management procedures or systems be implemented or constructed to reduce the strength of the waters or wastes to an acceptable pollutant loading prior to discharge to the collection system, or
3. Require pretreatment facilities be constructed to reduce the strength of the waters or wastes to an acceptable pollutant loading prior to discharge to the collection system, or
4. Require flow equalization to control the rate and timing of discharge into the collection system,
5. Accept the waters or wastes; or
6. Require any combination of the above.

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

- c. The Utility District Manager reserves the right to adjust the wastewater quarterly sewer base charge, and/or assess such surcharges as established by the Board, 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 of positive findings above.
- d. No statement contained in this Article shall be construed to prevent an agreement between the Board and any discharger of high strength waters or wastes that may be accepted by the District 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 or surcharge schedule in effect.

**Section 5. Pollution Prevention and Waste Management Procedures and Systems for the Discharge of Incompatible Substances Potentially Adverse to Treatment Process 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 or commercial 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:
  1. The implementation or construction of pollution prevention and waste management procedures or systems in the industrial or commercial processes which would reduce the volume of and/or concentration of pollutants in, the waters or wastes discharged into the collection system;

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2. The use of materials in the industrial or commercial processes which would reduce the volume of and/or concentration of pollutants in, the waters or wastes discharged into the collection system;
  3. The recovery, reuse, or internal recycling of waters or wastes in the industrial or commercial processes;
  4. The separation, collection, and removal of high strength solid wastes from the discharge; and
  5. The separation, collection, and removal of high strength liquid wastes from the discharge;
  6. The removal or reduction of phosphorus-based additives or cleaners in the industrial or commercial process and in operational maintenance.
- b. The design of pollution prevention or waste management procedures or systems shall be prepared by qualified individuals trained and experienced in the applicable industrial or commercial 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 District Staff 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 from the Utility District Manager in writing.
  - e. The Owner of the property or operator of the activity shall annually provide the District Staff with updated Safety Data Sheets information January 1 of each year.
  - f. The Owner of the property or operator of the activity 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 and shall provide the District with appropriate documentation of training upon request.

**Section 6. Pretreatment and Flow Equalization Facilities**

After initial review by the Utility District Manager, if pretreatment or flow equalization of waters or wastes are deemed to be 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 approval to the Utility District Manager, and if a permit is required under 10 VSA 1259.a. and 10 VSA 1263, to the Agency of Natural Resources.

- a. The design of any pretreatment or flow equalization facility shall be prepared by qualified individuals trained and experienced in the applicable industrial or commercial processes and the associated pretreatment facilities necessary to meet the requirements of this Ordinance and permits issued under 10 VSA 1263.

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- b. No construction of a pretreatment or flow equalization facility 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 at the expense of the Owner.

**Section 7. Fat, Oil, Grease and Grit (FOG) Interceptors**

- a. The discharge of FOG shall not adversely impact the proper operation of the wastewater collection system, including but not limited to, obstruction of the proper flow in the system or the accumulation of excessive solids in the system.
- b. The discharge of FOG shall not adversely impact the proper operation of the wastewater treatment facility.
- c. FOG interceptors shall be provided when in the opinion of the District, 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 but may, be required for residential properties with in-home businesses depending on the nature of the business and the waste stream.
- d. FOG 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 FOG interceptors shall be of a type and capacity approved by the District Staff and shall be located as to be readily and easily accessible for cleaning and inspection.
- f. Prior to discharging a wastewater into an FOG interceptor, all reasonable pollution prevention and waste separation procedures shall be implemented to ensure the proper long-term operation of the interceptor and to reduce the discharge of these pollutants into the sewer system and wastewater treatment plant.
- g. FOG interceptors shall be designed to reliably produce an effluent of 100 parts per million or less and shall be approved by the District prior to installation. FOG interceptors shall be baffled and shall be sized based on Section 1-0909 of the Vermont Environmental Protection Rules, Wastewater System and Potable Water Supply Rules, effective April 12, 2019 or as amended. Specifically:

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1. 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 restaurants .....1.33
- (ii) Peak Factor for all other food service types ...1.0

(B) Wastewater Flow Rates:

- (i) With dishwasher .....6-gallon flow
- (ii) Without dishwasher ..... 5-gallon flow
- (iii) Single Service kitchen .....2-gallon flow
- (iv) Garbage Grinder (Food waste disposal)..... 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 kitchen .....8 hour operation ...1
- (ii) Fully equipped commercial kitchen ....16 hour operation ..2
- (iii) Fully equipped commercial kitchen ....24 hour operation ..3
- (iv) Single service kitchen .....1.5

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. Kitchens that include the operation of grills, frying machines, or cooking devices other than those used to heat food do not constitute a single service kitchen.

h. The District may accept alternative FOG interceptor designs, such as hydromechanical interceptors if the owner provides adequate information from a designer demonstrating that the alternative design provides equal or greater fats, oil and grease removal.

i. FOG interceptors shall be constructed of robust impervious materials capable of withstanding abrupt and extreme changes in temperature and equipped with easily removable covers which, when bolted in place, shall be gas-tight and water-tight.

j. All FOG interceptors shall be maintained and operated as efficiently as possible at all times at the expense of the Owner. Collected materials shall not be discharged into the sewer system.

1. Proof of equipment maintenance and pumping shall be submitted by the Owner on a schedule to be determined by the Utility District Manager based on the volume of FOG, design of the interceptor, the frequency of use and past history of maintenance, inspection and reporting (if any).
2. 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.

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k. If the Utility District Manager determines that the discharge from an FOG interceptor is adversely impacting the proper operation of the wastewater collection system or the wastewater treatment facility, then the Utility District Manager may require:

1. the Owner to increase the inspection, cleaning, or maintenance of the interceptor; or
2. the Owner to modified to the design of the interceptor to ensure proper operation; or
3. 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.

l. The owner shall be liable for any costs incurred by the District to maintain the sewer system or the wastewater treatment facility due to adverse impacts attributed to the discharge of grease, oil, or grit as provided by Article X below.

### **Section 8. Sampling Structure**

When required by the Utility District Manager, the owner of any property serviced by a building sewer carrying industrial wastes shall install either a suitable manhole or vault with necessary meters, valves and or other appurtenances in the building or exterior on the property to facilitate observation, sampling and measurement of the wastestream. Such a structure, when required, shall be accessible and safely located and constructed in accordance with industry standards for sampling systems. Prior to construction the owner shall submit plans of the sampling structure for approval by the Utility District Manager. The structure shall be installed and maintained at the owner's expense.

### **Section 9. Monitoring Industrial Discharges**

All industries discharging into the public sewer shall perform monitoring, sampling and measurement of their discharges as the Utility District Manager may reasonably require at the owner's expense. Any maintenance and monitoring records as well as any reports that are submitted to the Secretary in accord with a discharge permit shall also be submitted to the Utility District Manager.

### **Section 10. Sampling, Measurement, Testing and Analysis Requirements**

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the most current edition of "*Standard Methods for the Examination of Water and Wastewater*", published by the American Public Health Association. All sampling shall be performed at the sampling manhole provided. In the event no special manhole has been required, the control or sampling 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 performed by certified and/or licensed wastewater treatment plant operators or lab technicians either employed by the District or by a State approved contracted laboratory. Approved

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representative sampling techniques, as specified in the ‘*Standards Methods*’ and in accordance with the State of Vermont DEC Wastewater Laboratory Manual shall be used. The particular analyses involved shall determine the type of sampling that will be performed (i.e. 8 hour composite, 24 hour composite, grab) as well as the type of sample preservation required.

**Section 11. Special Agreements**

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Board and any industry where an industrial waste of unusual strength or character may be accepted by the Utility District for treatment, provided that such agreements are in compliance with existing State and Federal requirements and compatible with any user charge and industrial cost recovery system in effect. A wastestream necessitating such an agreement shall be subject to surcharges, as established and adopted by the Board.

**Section 12. Restrictions on On-site Sewage Disposal**

Except as otherwise stated by this Ordinance, it shall be unlawful to construct or maintain any privy, privy vault, outhouse, septic tank, cesspool or other on-site system intended or used for the disposal of sewage, within District boundaries. Single, self-contained, portable toilet units, for temporary use, may be used only if the units are pumped and maintained at least monthly, or when full, and located at the discretion of the Utility District Manager.

**Section 13. Requirement To Connect To Public Sewer**

The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other similar purposes, situated within the District and within 100 feet of a District public sanitary sewer and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, shall be required to install suitable toilet facilities therein and connect these to the public sewer. Such a connection shall be at the owner’s expense, in accordance with the provisions of this Ordinance and within 90 days after the date of official notice to do so. In the case where such action would result in undue hardship, the property owner may request in writing to the Board a deferral of this requirement.

**Section 14. Refusal To Accept Septic Sewage or Septage**

The District does not accept or permit septic sewage or septage to be pumped or discharged into any part of the District’s sewage works. The District may consider acceptance of other liquid wastes, on a case by case basis, after a thorough review of the volumetric and chemical makeup of the liquid waste and the potential impacts to the wastewater treatment process.

**ARTICLE VIII: PROTECTION FROM DAMAGE**

**Section 1.** No unauthorized person shall, maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the District sewage works.

**ARTICLE IX: POWERS AND AUTHORITY OF INSPECTORS**

**Section 1.** The Utility District Manager and/or District Staff, upon reasonable notice and bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Ordinance. Except in the case of emergency, in the event that access to property is refused, the Utility District Manager and District Staff shall not enter the property and shall seek legal or other recourse to facilitate access. The Utility District Manager or District Staff shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, stone cutting, paper or other industrial activity beyond that point of the process having a direct impact on the volume and pollutants of the discharge into the collection system.

**Section 2.** While performing the necessary work on private properties referred to in Article IX, Section 1, above, the Utility District Manager or District Staff shall observe all safety rules applicable to the premises established by the landowner. The landowner shall be held harmless for injury or death to the District employees. The District shall also indemnify the landowner against loss or damage to its property by District employees and against liability claims and demands for personal injury or property damage asserted against the landowner stemming from the work performed by the District employee, except that which may be caused by negligence or failure of the landowner to maintain safe conditions.

**Section 3.** Subject to Article IX, Section 1 above, the Utility District Manager and District Staff, upon reasonable notice and bearing proper credentials and identification, shall be permitted to enter any properties through which the District Sewer System or any connected service line or component lies, for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works. In the event of an emergency involving any line or component attached to the District Sewer System located on private property, including, without limitation, any line or component that is leaking or has reasonable potential to threaten the public health, safety and welfare or cause damage to public or private property, the District shall give the owner of the property on which the line or component is located a reasonable opportunity, under the circumstances presented, to address the emergency situation. If the property owner fails to act promptly, the District may take reasonable steps to remedy the emergency situation and may charge the costs of such work to the property owner. Such charge shall constitute a lien upon the real estate on which such work is performed in the same manner and to the same extent that sewer disposal charges constitute a lien under 24 V.S.A. § 3612 and may be enforced in the same manner and to the same extent set forth therein.

**ARTICLE X: ENFORCEMENT: PENALTIES**

**Section 1.** Any person found to be violating any provision of this Ordinance may be served by the Utility District with written warning notice stating with particularity the nature of the violation and providing a reasonable time for the satisfactory correction of the violation. The offender shall, within the period of time stated in the notice, permanently cease all violations. If the violation does not cease, or is not satisfactorily resolved, within the specified time, the District, acting through the Utility District Manager or any other designated issuing officer, may issue a municipal complaint to be enforced in accordance with 24 V.S.A. § 1974.

**Section 2.** Any person who violates Article VIII of this Ordinance, in addition to any civil penalty under this Ordinance, may be referred to the Washington County State's Attorney for criminal prosecution under applicable law.

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**Section 3.** Civil Penalties for violations of this Ordinance, shall be as follows:

First Offense	\$250	Waiver Penalty	\$125
Second Offense	\$500	Waiver Penalty	\$250
Third Offense	\$1000	Waiver Penalty	\$500
Fourth and Subsequent Offenses	\$5000	Waiver Penalty	\$2500

**Section 4** In addition to the civil penalties referenced in Section 2, above, any person found in violation of any provisions of this Ordinance may be required to reimburse the District to cover the costs of:

- a. removing clogs, additional cleaning 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 District shall include not only the aforementioned costs but may also include any engineering and/or legal fees incurred by the District to identify and remedy the violation, identify the responsible party, and prosecute the violation before an appropriate tribunal.

**Section 5.** Nothing herein shall constitute a waiver by the District of its right and duty to take any all actions, as authorized by federal, state or local law, to operate, maintain and protect its sewage works from damage. Notwithstanding any of the foregoing provisions, the Board may institute, in the name of the District, any appropriate action or proceeding, including action seeking injunctive relief, to prevent, restrain or abate violations thereof.

**ARTICLE XI: VALIDITY; WAIVER**

**Section 1.** All prior sewage ordinances or parts of such ordinances in conflict herewith are hereby repealed.

**Section 2.** The provisions of this Ordinance are severable. The invalidity 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.

**Section 3.** This Ordinance may be amended at any time by the Edward Farrar Utility District in the manner provided by law.

**Section 4.** When requested in writing by an applicant or potential applicant, and supported by credible information from a Professional Engineer demonstrating to the reasonable satisfaction of the Commissioners that strict adherence to EFUD Design and Constructions Standards, as defined in this Ordinance, is not necessary to protect public health, safety and welfare and/or to protect the System from damage or unreasonable operational or maintenance costs, the Board, in consultation with the Utility District Manager, may waive or modify such Standards and, in so doing, may impose reasonable conditions and safeguards, including requiring the submission of a bond, escrow or other surety in a form

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acceptable to the Board , to ensure that the purposes of this Ordinance are, and will continue to be, met notwithstanding any waiver or modification that is granted.

**ARTICLE XII: RATES**

**Section 1.** Per 24 V.S.A. §§ 3615 and 3617 the Board is authorized to establish the sewer user rates and charges, including the industrial user cost recovery system described herein, and shall due so pursuant to a duly adopted Sewage Rate Schedule, which shall include such rates, charges, surcharges and other recoverable costs as the District may specify and as authorized by law.

**Section 2.** The Board shall, in establishing in the rates referred to in Article XII, Section 1, make specific reference to the sewer use rate structure in force at the time of any connection. The sewer use rate structure shall incorporate the requirements of 40 CFR’s 35-13 and V.S.A. Chapter 79

**Section 3.** In addition to other remedies available by law, any delinquency in the payment of sewage rates and charges may be enforced in accordance with Chapter 129 of Title 24. In accordance therewith, the District may charge fees for collection of overdue accounts and reconnection of any service disconnected because of non-payment, including interest on delinquent accounts if voted by the District according to 32 V.S.A. § 5136.

**Section 4.** In connection with any rate, fee or charge incurred under this Ordinance, the Board, in consultation with the Utility District Manager, shall have the authority and discretion to waive or modify, in appropriate circumstances, such rate, fee or charge upon proper application by the customer, or on the Board’s own motion, using the abatement factors in 24 V.S.A. § 1533(a), as amended from time to time, as the basis for the exercise of such authority and discretion.

**ARTICLE XIII: PRIVATE (RURAL) SEWAGE DISPOSAL**

**Section 1.** Where the public sanitary sewer, as defined in Article III, is not available the building sewer shall be connected to a private sewage disposal system complying with the provisions outlined in the State of Vermont, A.N.R., DEC, Wastewater Management Division, Environmental Protection Rules, Chapter 1 Wastewater System and Potable Water Supply Rules.

**Section 2.** The type, capacities, location and layout of a private sewage disposal system shall comply with all the current requirements of the State of Vermont, A.N.R., D.E.C., Wastewater Management Division, Environmental Protection Rules, Chapter 1 Wastewater System and Potable Water Supply Rules.

**Article XIV. Appeals**

**Section 1.** Acts or decisions of the Utility District Manager under this Ordinance may be appealed to the Board by filing a notice of appeal with the District Clerk within 21 days of the date of that act or decision, with a copy of the notice of appeal to be filed with the Utility District Manager. Failure to file a notice of appeal within 21 days shall preclude further relief and the act or decision of the Utility District Manager shall be final and binding. The notice of appeal shall be in writing and shall include the name and address of the appellant, a brief description of the property with respect to which the appeal is taken, a reference to the Ordinance provisions applicable to the appeal, the relief requested by the appellant, and

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the alleged grounds why the requested relief is believed proper. Within 60 days of the filing of a notice of appeal, the Board shall set the time, date and place for a public hearing on the appeal, and thereafter shall render a written decision, all of which shall be conducted in accordance with the procedural rights and duties described in Chapter 36 of Title 24, V.S.A.

**Section 2.** Appeals from the Board would be “on the record” to Superior Court, pursuant to Rule 75 of the Vermont Rules of Civil Procedure.