

AMENDED WASTEWATER ALLOCATION BYLAW
TOWN OF BERLIN, VERMONT
EFFECTIVE DATE JULY 18, 2001

1. The Town of Berlin is served by the Montpelier Sewage Treatment Plant (PLANT) and Sewage System (SEWERS) as defined in 24 V.S.A. Sec. 3501 (6) and 3601. The Town has an allocated capacity (ALLOCATED CAPACITY) of the plant assigned by an inter municipal agreement. The Plant has a designated capacity, and is operated in accord with a discharge permit issued by the Vermont Department of Environmental Conservation (Department) under authority granted in V.S.A. Chapter 47. The Town is obliged by law to comply with conditions of that permit, and to manage this allocated capacity and SEWERS as governmental functions under and pursuant to 24 V.S.A. Chapters 97 and 101.
2. The permitted ALLOCATION CAPACITY and SEWERS are the property of the Town. The uncommitted capacity of the ALLOCATED CAPACITY and SEWERS are to be allocated by the Sewer Commissioners in the manner prescribed below. This ordinance is adopted pursuant to the provisions of 10 V.S.A. Sec 1263 (g) (1), in the manner provided in 24 V.S.A. 1972-1973, and is not to be construed as an abandonment or relinquishment of the responsibility of the Town to regulate, control, and supervise all means and methods of sewer collection, treatment, and disposal within the Town, nor is it to be construed to impair or inhibit the ability of the Town to contract with persons for the collection, transmission, and treatment of sewage. Those standards are designed to allow continued responsible growth within the town without placing an undue burden on town resources and services. The municipal sewer system is designed primarily to abate existing pollution problems and secondarily to facilitate land development in accordance with the Town Plan.
3. Persons wishing to use the ALLOCATED CAPACITY and SEWERS must apply to the Sewer Commissioners on a form prescribed by the Commissioners. Except in the case of a residence, the application must be accompanied by a certification of a registered professional engineer attesting to the average daily wastewater flow to be generated by the project or development which will be introduced into the PLANT and SEWERS based on the current State of Vermont Environmental Protection Rules. For residences the tables in the current State of Vermont Environmental Protection Rules apply.
4. The Sewer Commissioners must approve the request for use of uncommitted capacity of the ALLOCATED CAPACITY upon making affirmative findings that:
 - a. The proposed wastewater is of domestic sanitary origin and there is sufficient uncommitted reserve capacity as determined by (6), below; to accommodate the volume and strength of the proposed connection;

- b. The proposed wastewater is not of domestic sanitary origin, that there is sufficient uncommitted reserve capacity as determined by (6), below; 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 PLANT and SEWERS and that the proposed wastewater will not alone or in combination with other wastes cause a violation of the discharge permit, pass through the PLANT without treatment, interfere or otherwise disrupt the proper quality and disposal of PLANT sludge, or be injurious in any other manner to the PLANT or SEWERS;
 - c. All applicable state, federal and municipal licenses, approvals and permits have been secured by the applicant for the project or development to which connection is to be made; and
 - d. The proposed connection shall be made directly to a municipal sewer line, and in accordance with plans and specifications submitted by the applicant; such plans and specifications shall be certified by a registered professional engineer.
5. The Sewer Commissioners on making affirmative findings above must issue an interim connection approval which:
- a. Specifies the volume, flow rate, strength, and any other characteristics determined appropriate by the Sewer Commissioners.
 - b. Prohibits the sale or other transfer of the interim connection approval by the applicant to any other person without written approval of the Sewer Commissioners, except as an appurtenance and an integral part of the project or development approved in accordance with Section (4) c above.
 - c. Specified the period in time during which the interim connection approval remains valid and any specific conditions which must be fulfilled by the applicant to maintain validity of the interim connection approval, which conditions are to, as a minimum, include:
 - 1) payment of all connection charges upon applying for the wastewater allocation.
 - 2) payment of sewage charges, connection charges, impact fees, and benefit assessment not later than 30 days from the due date; and
 - 3) completion of any project construction associated with the proposed project within three (3) years of approval.

- d. Is revocable by action of the Sewer Commissioners on failure of the applicant to fulfill requirements of the interim connection approval.
- e. Becomes final and irrevocable when conditions of Section (5) c above are met except that the Sewer Commissioners may issue lawful orders for disconnection from the PLANT and SEWERS upon their determination that such connection:
 - 1) is causing a violation of the town's discharge permit; or
 - 2) is causing a nuisance or health hazard; or
 - 3) is causing damage to the PLANT or SEWERS; or
 - 4) is in violation of any other ordinance, bylaw or enactment of the Town relating to the ownership, operation and management of public or private sewer; or
 - 5) is the subject of delinquent sewage charges, connection charges, impact fees on benefit assessments; or
 - 6) has not been constructed or connected in accordance with the plans and specifications previously approved by the Sewer Commissioners.

6. Uncommitted reserve capacity determination

- a. uncommitted reserve capacity is to be determined by the following calculation:

uncommitted reserve capacity equals daily allocated capacity allowed in Berlin's Discharge Permit,

minus present daily flow to the PLANT from Berlin as calculated by the current state Environmental Protection Rules,

minus sum of all interim connection approvals issued but not yet connected to the PLANT.

7. Definitions.

- a. "Person" has the meaning prescribed in 1 V.S.A., Section 128.
- b. "Discharge Permit" means a permit issued pursuant to authority granted in 10 V.S.A. Chapter 57.
- c. "Sludge" means the solid or semisolid waste product of the sewage treatment process which is not discharged together with plant effluent but is instead disposed of in another manner.
- d. "Connection charge" means a fee, hereby imposed, equal to \$2.00 per gallon of sewage disposal and treatment capacity attributable to the project or development identified in Section 4 c."

- e. The terms “may not,” “may not be,” etc. mean that the activity or action is not allowed and, thus prohibited.
 - f. Definitions contained in the Berlin Sewer Ordinance apply to this Bylaw.
8. Nothing herein is to be construed as limiting or impairing the authority of the TOWN or its Sewer Commissioners to require connection to the PLANT and SEWERS under the general laws of the state.
9. Allocation of uncommitted reserve capacity is to be made in accordance with the following priorities:
- a. 100,000 gallons per day of the uncommitted reserve capacity is to be used only to abate existing and future pollution problems from existing uses.
 - b. 10,000 gallons per day of the uncommitted reserve capacity is to be used for future Town of Berlin municipally owned facilities including but not limited to Town Hall, municipal office and schools.
 - c. 10,000 gallons per day of the uncommitted reserve capacity is to be used for future government and public service facilities including but not limited to fire stations and hospitals.
 - d. other uses are to be allocated capacities in the following priority order:
 - 1) Existing buildings which can be served by direct connection to existing sewers: 1st (highest) priority.
 - 2) New buildings which can be served by direct connection to existing sewers: 2nd priority.
 - 3) Existing uses which can only be served by extensions of the municipal sewer: 3rd priority.
 - 4) New development which can only be served by extensions of the municipal sewer: 4th (lowest) priority.

The Sewer Commissioners are to use the priority order in (d) above to allocate remaining capacity or new capacity. In no case may more than 10,000 gallons per day of capacity be allocated in any one year to the uses in (d), therefore, when there are requests for more than the allowed 10,000 gallons per day per year the Sewer Commissioners are to allocate capacity in accordance with the above priority system.

This Bylaw becomes effective on March 7, 1989, as amended March 2, 2001.

