

**CITY OF RUTLAND
DEPARTMENT OF PUBLIC WORKS**

WASTEWATER COLLECTION SYSTEM REGULATIONS

Approved by Board of Aldermen June 4, 2007

Table of Contents

1. Authority
2. Purpose
3. Definitions
4. Application
5. Commissioner as Superintendent of Sewer System
6. Connections to Sewer Mains
7. Extensions or Additions to the Sewer System
8. Service Lines
9. Abandoned Sewer Services
10. Inspections
11. Meters
12. Sewer Mains, etc., Operation, Repairs and Replacement
13. Connection to Combined Sewer
14. Groundwater Remediation
15. Emergency Response
16. Tampering, etc., with Property of Wastewater Department
17. Sewer Rates/Billing
18. Other Rules Affecting City Sewer
19. Other Penalties
20. Severability

Appendix A: City Ordinance, Title 17, Chapter 13, Sewage Collection and Treatment

Appendix B: City Ordinance, Title 17, Chapter 14, Sewer Discharge Capacity Allocation

Appendix C: City Ordinance, Title 17, Chapter 15, Sewers and Drains

Appendix D: Rutland City Stormwater/CSO Mitigation Policy

Appendix E: Policy Regarding: Discharge of Treated Groundwater to the Sanitary or Combined Sewer

1. AUTHORITY

1.1 These Regulations are hereinafter given and duly made in accordance with the provisions of Section 24-4 of the Charter of the City of Rutland and Title 17 of the Rutland City Ordinances.

Sections below refer to the City Ordinances are based on Title 17 revised on September 13, 1996 and are automatically updated to reflect any changes made in the future to Title 17.

2. PURPOSE

The following serves to outline city policy, interpretation and implementation of Title 17 of the Rutland City Ordinances.

3. DEFINITIONS

The following definitions serve as a supplement to the definitions found in Title 17, sections 3410 and 3451 of the City Ordinances.

- 3.1 ABANDONED SEWER SERVICE LINE. A sewer service line shall be considered abandoned when the building served by that line is demolished and no building or zoning permits for a building which would use the service line are pending; or, when a new sewer service line has been installed to serve a building and use of the old service line has been discontinued.
- 3.2 BACKWATER TRAP. A flap or float type device in drain body to prevent backflow of sewage or stormwater into the building.
- 3.3 COMMISSIONER. The Commissioner of Public Works, City of Rutland, Vermont, and/or his/her designated representative.
- 3.4 COMBINED SEWER. A sewer receiving both surface runoff and sewage.
- 3.5 DESIGN PROFESSIONAL. A Professional Engineer registered or licensed by the State of Vermont or site technician operating within the scope of his/her authorization.
- 3.6 FEE. A fee set by the Rutland City Board of Aldermen.
- 3.7 FORCEMAIN. Sewer main that transports sewage under positive pressure.
- 3.8 GROUNDWATER DISCHARGE. Groundwater that surfaces or is captured and routed through a storm sewer or sanitary sewer.
- 3.9 PARCEL. A portion of land owned by an entity as designated and described in a deed.
- 3.10 PERMITTEE. A person applying for or holding any of the permits described in these regulations.
- 3.11 PERSON. Any individual, partnership, public or private corporation, unincorporated organization, company, association, trust, State or Federal agency, municipality, or other entity.
- 3.12 PRIVATE SEWER MAIN. A private sewer main shall mean a sewer in which all owners of abutting properties have equal rights, and satisfies the following conditions:
 - Serves, either now or previously, two (2) or more buildings, and
 - Was installed solely at the expense of a person, group or organization other than the City of Rutland, and/or
 - Has an easement that allows a group or organization to access and maintain the pipe.
- 3.13 PUBLIC SEWER MAIN

- A. A public sewer main shall mean a sewer in which all owners of abutting properties have equal rights, and serves, either now or previously, two (2) or more buildings on different parcels, and satisfies one or more of the following conditions:
- Was installed solely at the expense of the City, and/or
 - Has an existing easement as of March 14, 2007 that allows the City to access and maintain the pipe, and/or
 - Is located within an accepted city street.
- B. A public sewer shall also mean a sewer located on private property that serves either now or previously, two (2) or more buildings on different parcels that satisfies the following conditions:
- The sewer was installed prior to January 1, 1950 and
 - There is an existing easement allowing the City to access and repair the sewer main or a letter of intent signed by the affected property owner(s) to convey an appropriate sewer easement to the City. Said letter of intent shall be in a form approved by the City Attorney.
- C. At no time shall a forcemain be considered a sewer main unless it was installed at the sole expense of the City and is located in a city right of way or easement.
- D. Nothing in this section shall limit the City's ability to enter into maintenance agreements to maintain Private Sewer Mains. Under no circumstance will a maintenance agreement or any easement associated with the maintenance agreement change a Private Sewer Main into a Public Sewer Main. All Private Sewer Mains with maintenance agreements will remain under private ownership.

3.14 SEWER CLEANOUT AND APPURTENANCE. A pipe that provides access to the sewer service used for inspection and cleaning.

3.15 SEWER SERVICE LINE. The sewer pipe from the sewer main to the building foundation, including all appurtenances. Where there is no foundation, the sewer service line shall run from the sewer main to the point where it goes into or under the building.

3.16 SEWER SYSTEM. All pipes, fittings, valves, pumps, and all appurtenances thereto which are physically connected to any pipes that ultimately discharge to the Rutland City Wastewater Treatment Facility.

4. APPLICATION

4.1 These regulations apply to all parts of the Rutland City sewer system both within and outside of the Rutland City corporate limits.

4.2 These regulations apply to all parts of the Rutland City sewer system whether owned by the City of Rutland, another municipality or any other person.

5. COMMISSIONER AS SUPERINTENDENT OF SEWER SYSTEM

The Commissioner of Public Works shall have the exclusive general management and supervision of the city sewer system. The Commissioner shall have the immediate supervision of all city property pertaining thereto. He/she may prepare and keep on file in his/her office as public record, such maps, plans and records as may be necessary to fully and properly show the location of all mains, sewer service lines, cleanouts, and other fixtures in use by the Department

of Public Works, and shall turn them over to his/her successor in office. The Commissioner of Public Works shall have any and all powers conferred by the Rutland City Charter or State or Federal Law or Regulation as such powers relate to the operation of a sewer system.

6. CONNECTIONS TO SEWER MAINS

6.1 Permit Required

No person shall install, replace, or repair any sewer service or other drain connected to a public sewer main or private sewer main, before a permit for such work has been issued by the Commissioner.

6.2 Performance of Work

All public and private sewer mains shall be tapped and the sewer service line installed from the main to the building only as approved by the City of Rutland prior to the start of such work. All work, including the tap of the main, will be done by the permittee or a hired contractor at the sole expense of the permittee.

6.3 Application for Permit/Fees

- A. Each application for a permit, with the required fees, shall be filed with the office of the Commissioner on a form furnished for that purpose.
- B. The required fees are:
 - a) A PERMIT FEE to cover the administrative costs of processing the permit and;
 - b) Cash Bond, said fee to be applied in the following manner:
 - (a) Where designee(s) authorized by the Commissioner and paid directly by the permittee perform the work, the cash bond will insure proper work and restoration of city property. Upon completion of the work to the satisfaction of the Commissioner, cash bond shall be refunded to the permittee. If the work is not completed satisfactorily to the Commissioner, s/he shall cause the work to be corrected as necessary, the cost of such correction to be paid from the cash bond with any excess refunded to the permittee and any additional costs billed to the permittee. A lien will be put on the property if additional billed costs are not paid within sixty (60) days of issuance of the bill.
 - (b) Contractors may be bonded by the City to perform such work so that their clients do not have to pay the cash bond. In order for a contractor to be bonded, they must pay twice the standard cash bond to the City. If the work is not completed satisfactorily to the Commissioner, s/he shall cause the work to be corrected as necessary, the cost of such correction to be paid from the cash bond and any additional costs billed to the contractor. The contractor must replenish the cash bond with the city to the full value of twice the standard cash bond within sixty (60) days of notification, or the contractor will lose their bonded status to

perform such work. The remainder of the cash bond will then be returned to the contractor. A list of bonded contractors will be made available at the Department of Public Works upon request.

- (c) The amount of the aforementioned fees shall be clearly noted on the permit application form.
 - (d) Where all of the work is to be done on the sewer service by the permittee on private property, the cash bond will not be required.
- c) In order to determine the correctness of the work, two inspections must be made by the Commissioner. The first upon completion of the installation, but prior to covering the work. The second upon restoration of the disturbed area. It is the responsibility of the permittee to coordinate these inspections.
- C. If it is determined that a sewer main exists on the property applying for a permit, it must either be documented that there is an existing easement allowing the City to access and repair the sewer main or a signed letter of intent signed by the affected property owner to give such a sewer easement to the City in a form approved by the City Attorney must accompany the application. A copy of the letter will be furnished by the Office of the Commissioner.
- D. If it is determined that the sewer service will connect to a public sewer main on private property other than the affected property, an easement from the property owner to connect to the sewer main must accompany the application.
- E. The application for a new connection permit shall be accompanied by no fewer than two copies of a design sketch. This document shall be drawn to scale with sufficient clarity and detail to demonstrate compliance with the requirements of these regulations.
- F. The Commissioner may reduce or waive the requirements for filing design sketch where the work involved is minor.

6.4 Permit Issuance

The application, letter of intent of easement and other data submitted shall be reviewed by the Commissioner. If the Commissioner finds that the proposed work conforms to the requirements of these regulations, and that the required fee has been paid, a permit shall be issued. The Commissioner's decision will be made within 30 days of the receipt of all required documentation.

6.5 Coordination with Other Authorities

The permit issued by the Commissioner shall only indicate compliance with these regulations. It does not indicate compliance with the permitting or other approval processes of any other authority having jurisdiction over the work, such as Dig Safe, traffic control requirement, state permitting, zoning or subdivision regulations. It shall be the responsibility of the permittee to insure that all required permits and other approvals are obtained.

6.6 Design Standards

Design and construction standards for a sewer service connection shall comply with these regulations and any special conditions as required by the Commissioner. The applicant is advised that the sewer service must also comply with the most recent versions of the Vermont Plumbing Rules and the State of Vermont Wastewater System and Potable Water Supply Rules.

6.7 Work Commencing Before Permit Issuance

- A. Any person who commences any work on a connection to the Sewer System before obtaining the necessary permit as described herein shall be subject to a fee equal to four (4) times the usual permit fee in addition to the required permit fee.
- B. If, in the opinion of the Commissioner, such unpermitted work constitutes, or may constitute, a hazard to persons, property, or the sewer system or the City's ability to remain in compliance with state and federal wastewater regulations, additional action may be taken against that person, including but not limited to disconnection of the extension or addition and legal action.

7. EXTENSIONS OR ADDITIONS TO THE SEWER SYSTEM

7.1 Responsibility

The City is not obligated to extend the sewer system to provide sewer service to any property within the city or outside of the city. When an extension or addition to the sewer system is required by any person other than the City, that person will be solely responsible for the extension or addition.

7.2 Permit Required

No person shall attach any pipe or other appurtenance to any public or private sewer main, or make any alterations or extensions of, or additional to, the sewer service line on his or her property without first applying to the Commissioner for a permit to do so. No work shall be started until the application has been approved by the Commissioner and a permit issued.

7.3 Application for Permit/Fees

- A. Each application for a permit, with the required fee, shall be filed with the Office of the Commissioner on a form furnished for that purpose.
- B. The application for a permit shall be accompanied by no fewer than two copies of design construction documents prepared by a Design Professional. These documents shall be drawn to scale with sufficient clarity and detail to demonstrate compliance with the requirements of these regulations and shall be under seal.
- C. The Commissioner may reduce or waive the requirements for filing Design Construction Documents where the work involved is minor.
- D. If it is determined that a public sewer main exists on private property, it must either be documented that there is an existing easement allowing the City to access and repair the sewer main or a signed letter of intent signed by the affected property owner to convey an

appropriate sewer easement to the City in a form approved by the City Attorney must accompany the application. A copy of the letter will be furnished by the Office of the Commissioner.

- E. Any new sewer main constructed and to be taken over and/or maintained by the City upon completion or any time thereafter must provide easements to the City across all private property for future cleaning, maintenance, and replacement.

7.4 Permit Issuance

- A. The application, design construction documents and other data submitted shall be reviewed by the Commissioner. If the Commissioner finds that the proposed work conforms to the requirements of these regulations, materials and construction methods are acceptable, and that the required fee has been paid, a permit shall be issued. The Commissioner's decision will be made within 60 days of the receipt of all required documentation.
- B. In cases where a state permit is required under the Vermont Environmental Protection Rules, a copy of the duly issued permit together with copies of the supporting documentation presented to the State in support of that permit application shall be submitted to the Commissioner for review prior to commencement of construction.
- C. When the Commissioner issues the permit, the approved design construction documents shall be stamped "APPROVED" and one copy retained, the other copies shall be returned to the permittee.

7.5 Coordination with Other Authorities

The permit issued by the Commissioner shall only indicate compliance with these regulations. It does not indicate compliance with the permitting or other approval processes of any other authority having jurisdiction over the work, such as Dig Safe, traffic control requirement, state permitting, zoning or subdivision regulations. It shall be the responsibility of the permittee to insure that all required permits and other approvals are obtained.

7.6 Design Standards

Design and construction standards for a sewer service connection shall comply with these regulations and any special conditions as required by the Commissioner. The applicant is advised that the sewer service must also comply with the most recent versions of the Vermont Plumbing Rules and the State of Vermont Wastewater System and Potable Water Supply Rules.

7.7 Inspections

A design professional or his/her designated representative shall periodically observe the construction of the sewer system components to determine if the construction is in conformance with the approved design construction documents. All discrepancies shall be brought to the attention of the contractor for correction. Records shall be kept of all inspections.

7.8 As-Built Construction Documents

- A. A design professional shall submit two copies of a final report in writing to the Commissioner upon completion of the work, certifying as to whether or not the installation complies with the approved design construction documents. If the installation does not fully comply, the report shall clearly indicate the areas of non-compliance. Failure to comply with the approved design construction documents may result in disapproval of the work by the Commissioner.
- B. The above mentioned report shall be accompanied by two copies of “As-Built” construction documents, drawn to scale and certified by a design professional as to their correctness. These documents shall clearly show the materials and locations of all portions of the work together with measurements from permanent objects (e.g. building corners) to the major components of the installation and the depths or elevations of those components. Where depths are shown, they shall be from a permanent reference point, such as final grade. Where elevations are shown, they shall be referenced to a permanent, conveniently located benchmark which shall be clearly shown on the documents.

7.8 Approval

Upon receipt of two sets of “As-Built” construction documents satisfactory to the Commissioner and subject to any review and field inspections deemed necessary by the Commissioner, a Notice of Approval together with one set of the “As-Built” construction documents shall be provided to the permittee. No extension, addition to the sewer system or new sewer service shall be put into service before such approval is granted by the Commissioner.

8. SERVICE LINES

8.1 Permit Required

A permit as described in section 6 is required before starting any repair and/or replacement of the sewer service line, whether on public or private property. Where all of the work is to be done by the permittee on private property, the cash bond will not be required. Except in cases of emergency, the permittee shall notify the Commissioner at least 7 days before the start of the work in order to allow ample time for the City to mark out its buried utilities, if any, in the area of the work. It shall be the responsibility of the permittee to coordinate with all other utilities or persons affected by the work and to provide the notification to “Dig-Safe” and/or other utility locating services as required by law, rule or other regulation(s). The City marks out only the utilities belonging to the City, typically sewer, water and storm sewer. The City does not mark out telephone, electric, cable TV or any other pipes, cables or conduits.

8.2 Service Line Requirements

- A. No more than one building shall be served by each sewer service line.

- B. Where specific portions of a single building are owned by different persons, (e.g. a condominium building) each portion shall be served by a separate sewer service connection. This requirement may be waived by the Commissioner in cases where, in his/her judgment, the installation of separate services is physically unfeasible, subject to the conditions cited in section 8.2 C.
- C. The requirements specified in section 8.2 B may be waived only when, in addition to meeting the physical unfeasibility requirement, a financially responsible organization exists (e.g. a Condominium Association) which will accept the responsibility for the maintenance of the sewer service and for the payment of all water and sewer charges which are based upon water use. In such cases, the bills will be sent directly to the responsible organization.
- D. Water and sewer usage bills are the responsibility of the owner of the property served and shall be sent to the property owner regardless of any agreement between landlord and tenant.

8.3 Installation

The service line shall be installed by the permittee at his or her expense.

8.4 Maintenance and Repair Responsibility

The City will be responsible for all maintenance and repair of the public sewer mains unless it is determined that another person, group or organization is responsible for damaging the sewer main. The City is not responsible for any maintenance and repair of the private sewer mains or sewer services unless it is determined that the City damaged said private sewer main or sewer service.

Before excavating and repairing a sewer within an accepted city street or a sewer right of way or easement, it should be determined who is responsible for the repair. If it is impossible to determine who is responsible without digging and inspecting the sewer system (i.e. the damage is in the vicinity of the sewer tap and it is possible that there is a problem with the main or a problem with the service) the City will excavate and determine the location of the problem. If it is determined that the sewer main is damaged, the City will complete the repair work at its own expense. If it is determined that the sewer service is damaged, the property owner will be billed by the City for the work completed by city workers at the currently accepted billing rates. The property owner may be responsible for hiring a contractor to complete the repair work.

Sewer service lines from the main to the structure are the responsibility of the property owner. The City will neither perform nor pay for repairs or replacement unless other arrangements are made in writing with the City. Any work performed by the City on private property will have a guarantee period of 5 years.

9. ABANDONED SEWER SERVICE LINES

9.1 Disconnection Required

All abandoned sewer service connections shall be sealed from the sewer main. The work shall be done by and at the expense of the permittee.

9.2 Permit Required

The disconnection requires a permit from the Commissioner

9.2 Application for Permit/Fees

- A. Each application for a permit, with the required fees, shall be filed with the Office of the Commissioner on a form furnished for that purpose.
- B. The required fee is:

A PERMIT FEE to cover the administrative costs of processing the permit.

10. INSPECTIONS

10.1 Right to Inspect

Any duly authorized employee or agent of the Rutland City Wastewater Department may, at reasonable hours and with proper notification, enter the premises of any person with a connection to the sewer system to inspect pipes, meters, fixtures, and other appurtenances which are used in connection with the sewer system and to inspect, repair or replace the meter. It shall be the duty of every person connected to the sewer system to answer inquiries made by the department or its agents in regard to the quantity, purposes and manner in which the sewer connection is used on the premises.

10.2 Failure to Allow Inspection

If any property owner shall refuse or fail to provide access and allow an inspection at a reasonable hour as described above, within seven days of a request to do so by the Commissioner, the billing procedure for that property will be changed to a schedule account at 450 gallons per day per residence; and/or the usage considered to be the estimated usage as shown in the Vermont State Environmental Protection Rules for non-residential users, to be billed at the current metered rates for water, sewer, and sewer treatment.

11. METERS

11.1 Installation of Meter

- A. Each sewer service without a meter to measure corresponding water use, shall have a water meter installed on its water supply. The property owner shall provide an accessible, secure, front-free location for the water meter. In cases where such a location cannot be provided, sewer for that property will be billed at the sewer schedule rates.
- B. Water meters and necessary appurtenances shall be supplied and maintained by the City.

- C. It shall be the responsibility of the property owner to provide and install valves necessary to isolate the water meter before the water meter is installed. Either one or two interior valves will be required, depending upon the size of pipe and the complexity of the plumbing system.
- D. Each water meter shall be sealed by the Water Department.

11.2 Protection of Water Meter

It shall be the property owner's responsibility to protect the water meter from damage, including damage from freezing.

11.3 Tampering with or Obstructing Water Meter

- A. No person shall tamper with, bypass, remove the meter seal or any part of the meter itself or in any way injure any water meter or any of its appurtenances.
- B. No person shall construct or place anything in any manner to obstruct or hinder free access to any water meter or water meter register.
- C. The property owner shall be responsible for the protection of the water meter and its seal from tampering, removal or injury.

11.4 Penalty for Water Meter Tampering

- A. First offense: The account holder shall be billed a penalty in the amount of four times the historic average usage over the period of tampering at the current sewer and sewer treatment rates. In no case shall the period of tampering be considered as being less than one billing quarter.
- B. Additional offense: The billing procedure will be changed from a metered account to a schedule account with the number of occupants to be considered as being two times the number of bedrooms, in the case of a residence; and/or the usage considered to be the estimated usage as shown in the Vermont State Environmental Protection Rules for nonresidential users to be billed at the current metered rates for sewer and sewer treatment.

12. SEWER MAINS AND APPURTENANCES – OPERATION, REPAIRS AND REPLACEMENT

The operation, repair, replacement and maintenance of all public sewer mains, manholes, and other appurtenances of the sewer system shall be done only by the City of Rutland or person as allowed by the Commissioner. The costs of such work on portions of the sewer system owned by the City of Rutland shall be paid by the City of Rutland. The costs of such work on portions of the sewer system owned by any other person shall be the responsibility of that person. Nothing herein shall prohibit the City of Rutland from recovering the costs of repairs or replacement and/or other damages resulting from the actions of any other person from that person in the same manner as sewer billings.

13. CONNECTIONS TO COMBINED SEWER

The connection of any storm water or groundwater drains, including, but not limited to catch basins, trench drains, roof drains, and sump pumps, to the sewer system is prohibited, and only in extreme circumstances will exceptions be made. Even if an exception is made, supplemental project may be required to reduce stress on the sewer system and wastewater treatment plant when a project will increase the load on the sewer system. This regulation is in compliance with City Ordinance, Title 17, Chapter 13, Sewage Collection and Treatment, City Ordinance, Title 17, Chapter 14, Sewer Discharge Capacity Allocation, City Ordinance, Title 17, Chapter 15, Sewers and Drains and Rutland City Stormwater/CSO Mitigation Policy.

14. GROUNDWATER REMEDIATION

The discharge being permitted must be part of a groundwater remediation or protection plan approved by the State of Vermont of Environmental Conservation. Evidence of such approval must be attached to this application. Additional details can be found in Policy Regarding: Discharge of Treated Groundwater to the Sanitary or Combined Sewer.

15. EMERGENCY RESPONSE

If emergency response is requested by a property owner for the services of the employees of the City of Rutland Department of Public Works, the City will perform all necessary work within its ability that does not jeopardize the health and safety of any person. The work will be billed at the standard rate of the Department of Public Works. In no way does the City accept responsibility of the cause of the emergency by performing such work. If it is determined that the City is responsible for the emergency, the property owner will not be billed for the emergency work completed by the City.

16. TAMPERING, ETC., WITH PROPERTY BELONGING TO CITY OF RUTLAND

No person shall damage, disturb, remove, or in any way injure any manhole, meter, pipe, tool, apparatus, fixture, building, machinery or fence belonging to the city water or wastewater department, nor place anything in such a manner as to obstruct or hinder free access to any manhole.

17. SEWER RATES/BILLING

17.1 Establishment of Sewer Rates

Under the terms of the Charter of the City of Rutland the Board of Aldermen establish rates to be paid for the use of sewer collected by the city sewer system.

17.2 Billing and Collection

Billing and collection procedures for sewer service shall be as described in the City Ordinances and as allowed by VSA Title 24, Chapter 129.

17.3 Estimated Bills

In cases where, for whatever reason, a reliable meter reading has not been obtained and an effort has been made by the meter reader to obtain such reading, an estimated billing for the quarter will be sent to the account holder. The estimated bill will be based upon the historical usage at the property in question and shall have the effect of an actual billing insofar as collection procedures are concerned.

17.4 Responsibility of Owners for Tenants

Property owners shall be responsible for the sewer rates of tenants. New tenants will not be entitled to service until all arrearages are paid.

17.5 Sewer Bills and Taxes and Tax Liens

Sewer bills shall be a tax and a lien on the real estate served, and may be collected in the same manner as other taxes of the city, and the owners of such real estate shall be subject to the same liabilities therefore as for other city taxes.

18. OTHER RULES AFFECTING CITY SEWER

Please refer to the City Ordinances cited in section 13, Connections to Combined Sewer regarding sewer service in the City of Rutland. The rules are the most current versions available at the time of printing of these wastewater collection regulations, however, the attached rules shall be updated automatically to the most current versions whenever they are modified.

19. OTHER PENALTIES

In addition to any enhanced billing authorized herein, the Board of Aldermen may, by ordinance, provide additional penalties for violation of any of the provisions of these regulations.

20. SEVERABILITY

The declaration of invalidity of any section, term or provision of these regulations shall not affect any other section, term or provision.

Appendix A: City Ordinance, Title 17, Chapter 13, Sewage Collection and Treatment

Chapter 13

Sewage Collection and Treatment

Section

- 3401. Construction with state law
- 3402. Purpose
- 3403. Sewage department; commissioners; superintendent; council committee
- 3404. User charge system
- 3405. Responsibility for costs of system expansion
- 3406. Use of proceeds
- 3407. Collection of charges, delinquent charges
- 3408. Capital reserve funds

§3401. Construction with state law

This chapter is enacted pursuant to chapter 79, title 24 V.S.A. §§ 3601-3619, and amendments thereto. In the enactment of this chapter, the board of aldermen shall be deemed to be exercising the powers vested in it by chapter 24 of V.S.A., both as the legislative body of the city and as sewage commissioners of the city.

§3402. Purpose

It is hereby declared to be needful to establish charges, rules and regulations for the control and operation of the municipal sewage department, and the charges, rules and regulations herein established are enacted for such purpose.

§3403. Sewage department; commissioners; superintendent; council committee

There is hereby established within the city a municipal sewage department of which the board of aldermen shall be commissioners. The commissioners shall have and exercise the various powers and duties conferred upon them by the statutes of Vermont. The commissioner of public works shall be the superintendent of the sewage department. The superintendent shall have general charge of the sewage department, subject to the ordinances of the city and the direction of the sewage commissioners. The commissioners may in their discretion appoint a committee of three from among their members whose function it will be to review and make recommendation on the various problems that may arise with reference to the operation and maintenance of the aforementioned sewage department.

§3404. User charge system

- (a) User charges shall be determined by the board of aldermen and are hereby imposed upon every user of the sewers and sewage treatment plant for the payment of costs of operating, maintaining and repairing said sewers and plant.
- (b) The user charges are a means of accounting to insure that each recipient of wastewater collection and treatment services will pay its proportionate share of the costs of operation and maintenance, including replacement. The intent of the user charges and user surcharge revenue structure is to equitably distribute the cost of operation and maintenance of the publicly owned sewage facilities to the pollutant source and to promote self-sufficiency of the facilities with respect to operation and maintenance costs.
- (c) The user charge system of the City of Rutland results in the distribution of treatment works operation and maintenance costs to each user in approximate proportion of the user's contribution to the total wastewater loading of the treatment works.
- (d) The total annual sewer user charges cannot be less than the annual cost of operating and maintaining the sewage facilities. Also, the charges must be sufficient to allow the treatment plant to be operated self-sufficiently.
- (e) The city uses its municipal accounting to account for revenue and expenditures. This system is audited periodically.
- (f) All users will be notified, at least annually, in conjunction with the regular bill, of the rates and that portion of the user charges which are attributable to wastewater collection and treatment services.
- (g) The user charges are determined as follows:
 - a) Metered users. User charges will be based on a per 100 cubic foot basis using water meter data to determine wastewater sewered from a user. The charges will be based upon the following standard relation: $SA = (TOM/TQ) * UQ + AC$
Where:
 - SA = Annual Sewer Assessment (dollars)
 - TOM = Total annual operation and maintenance costs including capital retirement, excluding total administrative charges
 - TQ = Total annual volume of water metered to users plus estimated flow to unmetered users
 - UQ = Annual water metered to a single user
 - AC = Administrative charge assessed to each user
 - b) Unmetered users. Charges for existing residential users currently without water meters will be based on a defined unit of service. The actual number of people residing at a particular location shall form the basis of the annual sewer assessment. This charge shall be based upon 15 cubic feet per person per day of metered water.
 - c) Exceptions
 - a) Users of more than 1,000,000 cubic feet per quarter can request to base the sewer assessment for all usage on the component charge method shown in Tables 1 and 2. All usage under this method (from users) shall be charged (based) using the required on a quarterly basis. The sampling will be done by the city and at the expense of the user. The testing will be accomplished at a laboratory of the city's choice, the testing for five day biological oxygen

demand, chemical oxygen demand and suspended solids concentration will be at the user's expense.

- b) Water users not discharging all water used to the sewer system can request an adjustment to the sewer charges for that portion of water which is not discharged to the sewer system. Any such adjustments will be allowed only under the following conditions:
 - 1. The applicant shall clearly demonstrate that the volume of water to be exempted from sewer charges is positively measurable by direct means and, if necessary, that the applicant has in place equipment capable of making those measurements. Estimation of water loss percentages prepared by the applicant or others, equipment manufacturers' specifications or other indirect volume calculations shall not be allowed;
 - 2. The applicant shall clearly demonstrate that the volume of water to be exempted is not discharged into the sewer system measurable by direct means and, if necessary, that the applicant has in place equipment capable of making those measurements. Typically, this requirement can be satisfied by the proven absence of a connection to the sewer system. However, other verifiable demonstrations will be considered; and,
 - 3. The applicant seeking an adjustment must be in compliance with the provisions of all ordinances and regulations of the City of Rutland and all applicable regulations and statutes of the State of Vermont relating to water supply and wastewater disposal.

Compliance with the above conditions shall be at the expense of the applicant and to the satisfaction of the commissioner of public works. Any additional meters required shall be subject to the administrative charge/meter fee as described in 3404(g)(5).

- c) Exceptions for non-essential water use. To promote water conservation and limit water waste, no exceptions will be provided for non-essential water use such as, but not limited to, lawn or garden watering, exterior washing and swimming pool filling. Therefore, exemptions shall generally not be considered for residential users.
 - d) Commercial and industrial exemptions. Exemptions for commercial and industrial facilities will be considered insofar as the use of the water is demonstrated to be essential to the operation of the commercial or industrial facility. Water used for activities such as decorative fountains, lawn watering, exterior washing, vehicle washing, etc. is considered non-essential and as such not eligible for exemption.
- (4) Surcharges.
- a) Users discharging strong or toxic pollutants into the treatment system which increase the costs of the treatment or the cost of managing the effluent or sludge from the treatment works, shall pay for these increased costs.
 - b) If the strength of the water sewerred from any user has five day biological oxygen demand (BOD5) above 220 milligrams per liter, chemical oxygen demand (COD) above 450 milligrams per liter or a suspended solids concentration above 300 milligrams per liter, the user will be assessed a surcharge. The amount of the surcharge will be a function of the additional

operation and maintenance costs necessary to treat the stronger wastewater. These charges will be based upon the BOD5, COD and suspended solids concentration of the wastewater sampled by the city and as actually determined by an independent testing laboratory selected by the city. The amount of the surcharge shall be as developed in Tables 1 and 2.

- c) Each user suspected of discharging strong or toxic wastes will be evaluated for user surcharges by the City of Rutland. These tests, including any BOD5, COD or suspended solid testing, will be performed by an independent testing laboratory selected by the city. If the tests indicate a toxic waste, a BOD above 220 mg/l, a COD above 450 mg/l or a suspended solids concentration above 300 mg/l, the user shall pay for all tests and charges. If the tests indicate toxic constituents are not present and BOD5, the COD and suspended solids concentrations are less than those stated, the city shall pay for all testing.
- d) Once it has been determined that a user is discharging strong or toxic wastewater in violation of these criteria, quarterly monitoring and surcharge assessments shall continue until such time as four consecutive quarterly tests indicate that the violation no longer exists. This testing will be done at the user's expense.

Table 1

Treatment cost per unit of flow, BOD, COD and Suspended Solids surcharge basis and/or users of more than 1,000,000 cubic feet per quarter which request method

UNIT COST DETERMINATION	FLOW GAL.	BOD5 BC	COD CC	SS SC
1. Percent O&M Allocation (a)	35%	25%	15%	25%
2. Total O&M cost less Administration cost Addressed to all users	(0.35xTOM)	(0.25xTOM)	(0.15xTOM)	(0.25xTOM)

NOTE:(a) Percent O&M allocation determined from data analyzed for similar plants.

**Table 2
Surcharge Computation**

And for users of more than 1,000,000 cubic feet per quarter requesting method

- 1. Flow $FC = [0.35xTOM)TQ]*UQ$
- 2. BOD $BC = [0.25xTOM)/P]*PU(B)$
- 3. COD $CC = [0.15xTOM)/R]*PU(C)$
- 4. SS $SSC=[0.25xTOM)/P]*PU(S)$
- 5. TSC $FC + BC + CC + SSC + AC$

Where:

FC = Flow component sewer assessment cost

TOM	=	Total operation and maintenance costs less administrative costs
TQ	=	Total annual volume of water metered to users plus estimated flow to unmetered users
UQ	=	Annual water metered to single user
BC	=	BOD5 component of sewer assessment cost
P	=	Total annual BOD5 loading at treatment facility
PU(B)	=	Annual BOD5 contributed from single user
CC	=	COD component sewer assessment cost
R	=	Total annual COD loading at treatment facility
PU(C)	=	Annual COD contributed from single user
SSC	=	Total annual suspended solids loading at treatment facility
PU(S)	=	Annual suspended solids contributed by single user
TSC	=	Total sewer charge
SA	=	Annual sewer assessment (based on standard relation)
SUR	=	Surcharge
AC	=	Administrative charge

(5) Administrative Charge/Meter Fee

Administrative charges will be assessed upon all users. The administrative charge will include all costs associated with administration not directly involved with the operation of the treatment plant but included in the yearly operation and maintenance budget for the plant.

These costs will include:

- a) Accounting and the processing of bills for payment and payrolls all done at the department of public works office.
- b) Expenses associated with metering.
- c) Accounting and billing expenses done at the city treasurer's office. These administrative expenses are periodically calculated based upon actual costs and are included in the billing for water use as a "meter fee".

§3405. Responsibility for costs of system expansion

The design, construction and development costs of a public sewage expansion and extension which have been approved by the City of Rutland shall be borne by the developers and property owners requiring, requesting or directly benefiting from such extensions and/or expansion. If the board of aldermen determine that substantial expansion or extension of the existing sewage system, or the purchase of an existing sewage system is in the best interest of the city, the board of aldermen shall determine whether to place a question on the ballot regarding the payment of all or a portion of the expansion, extension or purchase costs. When the voters of the city vote to assume all or a portion of the costs, such costs will be paid in the manner provided by law.

§3406. Use of proceeds

The charges and receipts of the municipal sewage department shall only be used and applied to pay the interest and principal of the sewage bonds of the city as well as the expense of maintenance and operation of the sewage department or other expenses of the sewage system.

§3407. Collection of charges, delinquent charges

(a) Types, purposes and use of funds

(1) Separate capital reserve funds may be utilized for:

- (a) Major maintenance/replacement expenditures associated with the sewers and plant and;
- (b) Expansion/upgrading expenses associated with the sewers and plant. (This shall include the purchasing of private sewer systems if authorized per section 3405).

(2) When capital reserve fund assets are not disbursed fully for major expenditures for which the funds were established, excess assets shall be re-deposited into the capital reserve funds for future eligible expenditures. Capital reserve funds established for plant expansion may be generated from general sewer benefit assessments and/or from connection/impact fees paid by prospective users to defray plant expansion costs, which fund shall not exceed the estimated future expansion costs for the plant. Impact fees assessed and collected by the city for sewers and plant expansion shall be deemed appropriated, encumbered and expended as of the date of receipt. When the city so votes, the expansion/upgrade capital revenue funds may be used to finance major sewer and plant maintenance/replacement expenditures, but under no circumstances shall the major maintenance/replacement capital reserve fund be used to finance plant expansion/upgrade expenses. Funds created under this section shall be maintained in segregated accounts and may be expended, together with accrued interests, only for the purpose for which each fund was established.

(3) Any capital reserve fund policy shall contain the following: major maintenance/replacement identification, estimated expenditures, estimated year of expenditure, payment amount, type of account used to accumulate capital reserve fund assets and source of funding.

(b) Reserve fund adjustments or withdrawals

The board of aldermen reserve the right to increase or decrease regular deposits to a capital reserve fund. Such deposits for any one year shall not exceed:

- (1) For the major maintenance/replacement fund; 15% of the normal total budgeted expenses for sewers and plant (including debt service);
- (2) For the expansion/upgrading fund; 5% of the normal total budgeted expenses for sewers and plant (including debt service).

The board of aldermen holding office have the authority to withdraw capital reserve fund amounts only for the purpose of paying for major expenditures for which the fund was established.

APPENDIX B: CITY ORDINANCE, TITLE 17, CHAPTER 14, SEWER DISCHARGE CAPACITY ALLOCATION

CHAPTER 14

Sewer Discharge Capacity

Section

- 3410. Definitions
- 3411. Ownership and permit
- 3412. Authority to allocate
- 3413. Application for allocation
- 3414. Requirements for approval
- 3415. Interim and final approval
- 3416. Authority to require connection
- 3417. Annual allocations
- 3418. Basis of calculation
- 3419. Severability

§3410. Definitions

As used in this ordinance, the following definitions shall apply:

- (a) “Affordable Housing”: Affordable housing shall be that housing, whether it be owner or renter occupied, that is affordable and available to individuals or households within Rutland County where the annual ownership or rental costs shall not exceed 30% of the median income level for the most recent reporting period within the County. In addition, subject to the discretion of the board of aldermen, affordable housing may include that housing which is available for financing under the current guidelines and rules promulgated by the Vermont Housing Finance Agency single family home ownership program.
- (b) “Allocation” and “gallonage” shall have the same meaning as those terms are used in the agreement dated January 18, 1984, by and between the City of Rutland and the Town of Rutland, and the Otter Creek wasteload allocation resolution adopted May 4, 1981, by the board of aldermen.
- (c) “Board of sewer commissioners” shall mean the board of aldermen of the City of Rutland convened as a board of sewage commissioners under 24 V.S.A., section 3614 and the powers granted to the BOA under chapter 24, section 24-7 of the revised charter of the City of Rutland, Vermont.
- (d) “Committed reserve capacity” shall mean the total amount of total equivalent daily flow (gallons per day) from all persons, projects, and/or buildings approved by the board and department for discharge to the treatment plant, but not yet discharging at the time of the calculation. (See also “Reserve Capacity”).

- (e) “Connection charge” shall mean a fee, hereby imposed, as set by the board of aldermen for each direct and indirect connection or attachment to sewers or plant, which fee approximately equals the costs incurred by the city in administering and inspecting such connections.
- (f) “Discharge permit” shall mean a permit issued pursuant to authority granted in 10 V.S.A., chapter 4.
- (g) “Equivalent daily flow” shall mean the project wastewater flow converted to equivalent gallons of sanitary wastewater based on the pounds of UOD/gallon of sanitary wastewater using generally accepted engineering procedures and formulas as determined by the city engineer.
- (h) “Impact fee” shall mean a fee imposed on applicants for capacity allocation equal to the capital cost per gallon of sewage treatment and disposal capacity attributable to the project.
- (i) “Person” shall have the meaning prescribed in 1 V.S.A. section 128.
- (j) “Reserve capacity” shall mean the permitted sewage treatment plant capacity minus the actual plant wastewater flow averaged over the preceding twelve months. As used in this ordinance, “reserve capacity”, “uncommitted reserve capacity”, and “committed reserve capacity”, shall mean the City of Rutland’s portion thereof as described in the Otter Creek wasteload allocation resolution adopted May 4, 1981 by the board of aldermen.
- (k) “Sludge” shall mean the solid or semi-solid waste product of the sewage treatment process which is not discharged together with plant effluent but is instead disposed of in another manner.
- (l) “Uncommitted reserve capacity” shall mean the reserve capacity minus the committed reserve capacity. (See also “Reserve Capacity”).
- (m) “Wastewater flow” shall mean the discharged liquid wastes from a property to a combined or sanitary sewer; such flow to be calculated as the average gallons per day on a yearly basis (365 days) as determined by reference to Table 7-A Flow Quantities adopted by the Vermont Agency of Natural Resources, department of environmental conservation, as promulgated at the time a connection permit application is made.

§3411. Ownership and permit

The City of Rutland owns and operates a sewage treatment plant (plant) and sewage collection system (sewers) as defined in 24 V.S.A., section 3501(6) and 3601. The plant is operated in accord with a discharge permit issued by the Vermont Agency of Natural Resources (agency) under authority granted in 10 V.S.A., chapter 47, which discharge permit establishes the plant treatment capacity. The city is obligated by law to comply with conditions of that permit, and to operate and manage the plant and sewers as governmental functions under and pursuant to 24 V.S.A., chapters 97 and 101.

§3412. Authority to allocate

The unreserved and unallocated capacity of the plant and sewers to adequately collect, treat and discharge sewerage is the property of the city, and shall be allocated by the board of aldermen in the manner prescribed herein. This ordinance is adopted pursuant to the provisions of 10 V.S.A. section 1263(g)(1), in the manner provided in 24 V.S.A., 4403, 4404, and shall not be construed

as an abandonment or relinquishment of the responsibility of the city to regulate, control, and supervise all means and methods of sewage collection, treatment and disposal within the city, nor shall it be construed to impair or inhibit the ability of the city to contract with persons for the collections, transmission and treatment of sewerage.

§3413. Application for allocation

- (a) Persons wishing to use uncommitted capacity of the plant and sewers, including any change in permitted volume or character of pollutants that are being discharged, shall apply to the board of aldermen. At the discretion of the commissioner of public works, applications may be required to be accompanied by a certification of a licensed or registered engineer attesting to the wastewater flows and ultimate oxygen demand (UOD) to be generated by the project which will be introduced into the plant and sewers.
- (b) Applications for reserve capacity shall be considered by the board of aldermen in the order in which they are received; providing, however, that the granting of any connection permit shall be conditioned upon the applicant either paying for or reimbursing the city for the cost of any sewer or plant improvement, replacements or enlargements necessary to implement or use such connection.

§3414. Requirements for approval

The board of aldermen may grant and approve a request for use of uncommitted capacity if all of the following facts are found:

- (a)
 - (1) The proposed wastewater is of domestic sanitary origin, or;
 - (2) The proposed wastewater is not of domestic sanitary origin but 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 waste cause a violation of the discharge permit or other pre-existing allocation, 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, and;
- (b) The priority and eligibility standards set forth in Section 3417 hereof have been met, and;
- (c) There is sufficient uncommitted reserve capacity to accommodate the volume and strength of the wastewater from the proposed connection.

§3415. Interim and final approval

The board of aldermen, on making the affirmative findings above, may issue an interim connection approval which shall:

- (a) Specify the volume, flow rate, strength and any other characteristics determined appropriate by the board of aldermen.
- (b) Prohibit the sale or other transfer of the interim connection approval by the applicant to any other person or location without written approval of the board of aldermen, except as

an appurtenance to the land and an integral part of the project approved in accordance with Section 3414 above.

- (c) Specify the period of time during which the interim connection approval shall remain valid and any specific conditions which must be fulfilled by the applicant to maintain validity of the interim connection approval, which conditions shall, as a minimum, include:
 - (1) Payment of all connection charges upon the granting of interim connection approval for the project;
 - (2) Payment of any other sewage charges, including but not limited to impact fees, shall be made no later than 30 days from the due date; and
 - (3) Completion of all construction associated with the project within a prescribed period of time from the date of the interim approval, which period of time shall be six months or as set by the board of aldermen, subject to renewal on application.
- (d) Be revocable upon failure of the applicant to fulfill requirements of the interim connection approval or upon expiration of the time limit of 3415(c)(3).
- (e) Become final and irrevocable upon compliance with the above conditions.

§3416. Authority to require connection

Nothing herein shall be construed as limiting or impairing the authority of the city or its board of aldermen to require connections to the plant and sewers under the general laws of the state.

§3417. Annual allocations

Allocations may be recalculated at the start of each calendar year based upon the uncommitted reserve capacity at that time. Allocations not assigned to a specific project will not be carried over from one allocation period to the next. Any allocation of uncommitted reserve capacity shall be made and promulgated by the board of aldermen in accordance with the following policies outlines in the sections (a), (b), and (c) that follow:

- (a) Within Rutland City. There is reserved for the benefit of all property within the plant's design service and located within the City of Rutland 65% of existing uncommitted reserve capacity, to be allocated as follows:
 - (1) No less than 23% of the above mentioned 65% shall be dedicated for unforeseen reserves and contingencies;
 - (2) Applications for reserve capacity allocation for industrial and commercial use within the city shall be afforded the highest priority.
 - (3) Applications for reserve capacity which directly or indirectly serve to redevelop properties within the city which have been determined by the building inspector to be blighted, abandoned, unsightly or deteriorated shall be afforded special preference.
 - (4) Applications for reserve capacity for residential purposes within the city shall be allocated in the following order of priorities:
 - a. Owner occupied: Attached
 - b. Owner occupied: Detached
 - c. Multi-family, Existing: 6 or fewer units
 - d. Multi-family, Existing: more than 6 units
 - e. Multi-family, New: 12 or more units

f. Multi-family, New: more than 12 units

- (5) Applications for reserve capacity to serve moderate income and elderly residential projects within the city shall be dedicated to the extent of 4% of the total existing uncommitted reserve plant capacity available for allocation with the City of Rutland.
 - (6) Applications for reserve capacity for municipal, publicly owned, and non-profit projects or developments providing essential or desirable public services within the city shall be dedicated to the extent of 4% of the total existing uncommitted reserve capacity available for allocation within the City of Rutland.
- (b) Outside of Rutland City. There is reserved for the benefit of all property within the plant's design service area and located without the City of Rutland 25% of uncommitted plant reserve capacity to be allocated in accordance with the following priorities:
- (1) Prior commitments made by the City of Rutland for extraterritorial sewage disposal services.
 - (2) Applications for reserve capacity which directly or indirectly result in the retention or expansion of existing industrial facilities located outside the City of Rutland.
 - (3) Applications for reserve capacity which directly or indirectly result in the creation of new industrial facilities which cannot reasonably or adequately be located within the boundaries of the City of Rutland. Such determination shall initially be made by the development review committee who shall forward their recommendation to the board of aldermen for the purposes of making a final determination.
 - (4) Applications for reserve capacity which directly or indirectly results in the construction of new affordable housing units as defined in Section 3410 herein.
 - (5) Applications for reserve capacity which, in the determination of the board of aldermen, will address unique circumstances in which regional environmental, public health or economic concerns can be resolved through the provision of municipal sewage treatment services as determined by the Board of Aldermen.
 - (6) Applications for reserve capacity which directly or indirectly result in the expansion, retention or creation of new publicly-owned, municipal or non-profit facilities which provide essential or desirable public services.
- (c) Outside of Rutland City – Sales. In addition to the reservation established in the preceding sub-sections, there is reserved for the benefit of all property within the plant's design service area and located outside the boundaries of the City of Rutland 10% of plant uncommitted reserve capacity which may be sold by the board of aldermen. Said shall be allocated at a rate not to exceed 25% of said 10% of such reserve capacity per calendar year. Such sales shall be consistent with but not limited by the following considerations:
- (1) The net financial benefit to be derived by the City of Rutland as a result of the city providing sewage treatment services;
 - (2) The number and type of employment opportunities within the region that will result from the provision of municipal sewage treatment services;
 - (3) The capacity of the City of Rutland's capital and transportation facilities to support the proposed development for which an application to purchase reserve capacity is made;
 - (4) The potential of the applicant for receiving all of municipal, state and federal permits and approvals required for the project or development for which an application to purchase reserve capacity is made.

§3418. Basis of calculation

The capacity allocations made herein by reference to gallonage quantities shall be converted to equivalent daily flow based upon pounds UOD/day using generally accepted engineering procedures and formulas, as determined and promulgated by the city engineer.

§3419. Severability

The declaration of invalidity of any section, term of provision or this ordinance shall not affect any other section, term or provision.

APPENDIX C: CITY ORDINANCE, TITLE 17, CHAPTER 15, SEWERS AND DRAINS

CHAPTER 15

Sewers and Drains

Section

- 3451. Definitions
- 3452. Use of public sewers as mandatory
- 3453. Private (rural) sewage disposal
- 3454. Building sewer connection requirements
- 3455. Use of public sewers
- 3456. Protection from damage; violations and penalties
- 3457. Powers and authority of inspectors
- 3458. Penalties

§3451. Definitions

As used in this ordinance the following definitions shall apply:

- (a) “BOD” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20° C, expressed in milligrams per liter.
- (b) “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 5 feet (1.5 meters) outside the inner face of the building wall.
- (c) “Building sewer” shall mean the extension from the building drain to the public sewer septic system distribution box, or place of disposal.
- (d) “Combined sewer” shall mean a sewer receiving both surface runoff and sewage.
- (e) “Commissioner” shall mean the commission of public works of the City of Rutland, or his duly authorized deputy, agent, or representative.
- (f) “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.
- (g) “Health Officer” shall mean the health officer of the City of Rutland, or his duly authorized deputy, agent, or representative.
- (h) “Industrial wastes” shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.
- (i) “Natural outlet” shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.
- (j) “Person” shall mean any individual, firm, company, association, society, corporation, or group.
- (k) “pH” shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (l) “Properly shredded garbage” shall mean the wastes from the preparation, cooking, and dispensing of food that have 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 ½ inch (1.27 centimeters) in any dimension.

- (m) “Public sewer” shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- (n) “Sanitary sewer” shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- (o) “Sewage” shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
- (p) “Sewage treatment plant” shall mean any arrangement of devices and structures used for treating sewage.
- (q) “Sewage works” shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
- (r) “Sewer” shall mean a pipe or conduit for carrying sewage.
- (s) “Shall” is mandatory; “may” is permissive.
- (t) “Slug” shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than 5 times the average 24 hour concentration or flows during normal operation.
- (u) “Storm drain” (sometimes termed “storm sewer”) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- (v) “Suspended solids” shall mean solids that either float on the surface or, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- (w) “Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- (x) “Secretary” shall mean the secretary of the agency of environmental conservation, State of Vermont, or his representative.

§3452. Use of Public Sewers as mandatory

- (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the city, or in any area under the jurisdiction of the city, any human, or animal excrement, garbage, or other objectionable waste.
- (b) It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sanitary sewage, industrial wastes, or other polluted waters.
- (c) The owner of any house, building or property used for human occupancy, employment, recreation, or other purpose, situated within the city and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer of the city is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided that such public sewer is within 100 feet of the property line.

§3453. Private (rural) sewage disposal

- (a) Where a public sanitary or combined sewer is not available under the provisions of section 3452(c), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.
- (b) Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the commissioner, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the commissioner.
- (c) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the commissioner. He shall be allowed to inspect the work at any stage of construction and in any event, the applicant for the permit shall notify the commissioner when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the commissioner.
- (d) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the department of public health and the agency of natural resources of the State of Vermont. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet (1858 square meters). No septic tank or cesspool shall be permitted to discharge to any outlet.
- (e) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.
- (f) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 3452(c), a direct connection shall be made to the public sewer in compliance with this ordinance within 90 days of the issuance of an order to do so by the commissioner. Any septic tanks, cesspools, and similar private sewage disposal facilities shall be cleaned of sludge and scum, abandoned and filled with suitable material.
- (g) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the health officer.

§3454. Building sewer connection requirements

- (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the commissioner and paying the required connection fee, deposit and any other fees as set by the board of aldermen. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the commissioner at least 45 days prior to the proposed change or connection.
- (b) All costs and expenses incident to the installation, connection, and repair of the building sewer shall be borne by the owner. Where the work involved will or may disturb public property, a monetary deposit in an amount to be determined by the board of aldermen shall be required. This deposit will be returned to the applicant upon satisfactory

restoration of the disturbed area or facilities. If the area or facilities are not satisfactorily restored, the deposit shall be applied towards completing the work, and any remaining money returned to the applicant. If the deposit is insufficient to complete the work, the applicant shall be billed for the shortfall. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

- (c) A separate and independent building sewer shall be provided for every building; except 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, court, 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.
- (d) The building sewer shall be push-on joint, gasketed cast iron, ductile iron, or SDR 35 PVC pipe installed per the manufacturer's recommendations. Joints shall be water tight. The use of other pipe may be considered by the commissioner on a case by case basis.
- (e) 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 size and slope of the building sewer shall be subject to the approval of the commissioner, but in no event shall the diameter be less than 4 inches. The slope of such 4-inch pipe shall be not less and $\frac{1}{4}$ inch per foot.
- (f) The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer is twelve inches in diameter or less, and no properly located "Y" branch is available, the owner shall at his expense install at "Y" branch in the public sewer at the location specified by the commissioner. Where the public sewer is greater than twelve inches in diameter, and no properly located "Y" branch is available, a neat hole may be cut into the public sewer and a saddle type "Y" connection or an "Insert-a-tee" type fitting installed. The invert of the building sewer at the point of connection shall be at a higher elevation than the invert of the public sewer. Other special fittings may be used for the connection only when approved by the commissioner. The connection to the sewer main shall be made watertight.
- (g) The applicant for the building sewer permit shall notify the commissioner when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the commissioner or his representative.
- (h) 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 city.
- (i) Whenever possible the depth of the building sewer shall be sufficient to afford protection from frost, when not possible, it shall be the owner's responsibility to protect the pipe from freezing. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe fittings, each fitting not to exceed a 45 degree bend. Cleanouts shall be installed at each change of direction which exceeds 45 degrees and at intervals of not more than 100 feet. Manholes may be used in lieu of cleanouts.

- (j) An approved backwater valve or trap shall be installed when necessary, as required by the commissioner, at the expense of the owner. It shall be the owner's responsibility to maintain such valve or trap in operating condition.
- (k) All work and materials are to be in compliance with applicable city, state and federal codes and regulations.

§3455. Use of public sewers

- (a) No person shall make connection of roof downspouts, exterior foundations drains, area way drains, or other sources of storm water, surface runoff or ground water to a building sewer, building drain or other pipe which in turn is connected directly to a public sanitary sewer.
- (b) No person shall make connection of roof downspouts, exterior foundation drains, area way drains, or other sources of surface runoff or ground water to a building sewer, building drain or other pipe which in turn is connected directly or indirectly to a public combined sewer. In special circumstances, where no storm sewer is available, the commissioner may authorize such connection to the combined sewer subject to any special conditions that he may determine to be appropriate.
- (c) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers unless authorization to discharge to a combined sewer has been obtained as required in section (b) above.
- (d) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
 - (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or creation any hazard in the receiving waters of the sewage treatment plant.
 - (3) Any waters or wastes having a pH lower than 5.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
 - (4) Any radioactive wastes or isotopes.
- (e) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the commissioner that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the commissioner will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:
 - (1) Any liquor or vapor having a temperature higher than 150 °F (65 °C).

- (2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150° F (0 and 65° C),
- (3) Any garbage that has not been properly shredded.
- (4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the commissioner for such materials.
- (6) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the commissioner as necessary, after treatment of the composite sewage to meet the requirements of the State, Federal, or other public agencies or jurisdiction for such discharge to the receiving waters.
- (7) Any waters or wastes having a pH in excess of 9.5.
- (8) Materials which exert or cause:
 - (a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - (b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works, may cause the effluent limitations of the discharge permit to be exceeded.
 - (d) Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.
- (9) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (10) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works.
 - (f) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection (d), and which in the judgment of the commissioner, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the commissioner may:
 - (1) Reject the wastes.
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers.
 - (3) Require control over the quantities and rates of discharge, and/or
 - (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this ordinance. If the commissioner permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the

commissioner, and subject to the requirements of all application codes, ordinances, laws and the municipal discharge permit. Further, such pretreatment installations must be consistent with the requirements of any state pretreatment permit issued to the industry.

- (g) Grease, oil, and sand interceptors shall be provided and maintained by the owner, when in the opinion of the commissioner, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the commissioner, and shall be located as to be readily and easily accessible for cleaning and inspection.
- (h) Where preliminary treatment or flow-equalizing facilities (including grease, oil and sand separators) are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- (i) When required by the commissioner, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters, and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the commissioner. The manhole shall be constructed in accordance with plans approved by the commissioner. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
- (j) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24 hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken). Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composites of all outfalls whereas pH's are determined from periodic grab samples.
- (k) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore, by the industrial concern.

§3456. Protection from damage; violations and penalties

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to a civil penalty of not more than \$500.

§3457. Powers and authority of inspectors

- (a) The commissioner and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The commissioner or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastes treatment.
- (b) The commissioner and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited, to inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

§3458. Penalties

- (a) Any person found to be violating any provision of this chapter except section 3456 shall be served by the city 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 all violations.
- (b) Any person who shall continue any violation beyond the time limit provided for in subsection (a) of this section shall be subject to a civil penalty of not more than \$500. Each day in which any such violation shall continue shall be deemed a separate offense.
- (c) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such offense.

Appendix D

Rutland City Stormwater/CSO Mitigation Policy

Where a proposed development within an impaired watershed within Rutland City cannot reasonable comply with State Stormwater Regulations due to the unavailability of stormwater offsets, the developer may apply to discharge stormwater to the combined sewer system.

The proposed discharge must not increase the peak flows in the combined system since such an increase would increase the chance of a Combined Sewer Overflow (CSO). Therefore, the peak flow rate of any new stormwater runoff discharged to the combined system under this policy must be offset by a reduction of peak stormwater runoff from an existing discharge to the combined system such that the net peak discharge of both discharges combined is a reduction by at least 10% of the existing discharge. Peak discharges shall be calculated based upon the 2.6 inch/24 hour storm event. Such a discharge to the combined sewer system will be designated a Stormwater/CSO Mitigation.

Calculations and designs for a Stormwater/CSO Mitigation must be prepared by a Vermont registered professional engineer. The plan, its supporting calculations and other documentation shall be reviewed by the City and an independent consultant selected by and under contract with the City who is knowledgeable of the City's combined sewer system. The City will be reimbursed by the developer for the costs of such review. The independent consultant shall certify that the plan complies with this policy. Such certification shall be delivered to the City under the seal of a Vermont registered professional engineer with a copy to the developer. A copy of the certification shall be forwarded by the City to the Vermont Wastewater Management Division.

The design engineer must demonstrate and the independent reviewing consultant must concur that:

1. The peak flow rate to the Wastewater Treatment Facility (WWTF) attributable to stormwater from the new development and the modified structure(s) combined after implementation of the Mitigation Project will be a reduction by at least 10% of the pre-development peak stormwater flow rate of the existing structure(s) prior to modification.
2. Storm water peak flow rates over the 2.5 inch/24 hour design storm will not be designed to be discharged to the combined system.
3. The proposed shifting of flows will not cause an overload or increased overflows of the combined sewer system.
4. Where the new stormwater flow into the combined system is upstream of the existing discharge to the combined system that is to be reduced, the piping between the locations is in good condition with no significant obstructions or structural damage. This must be verified by internal TV inspections.

Compliance with this policy does not relieve the developer from its obligation to comply with any other Local, State or Federal rule or regulation.

Effective Date: November 1, 2005

Last Revision: None

Appendix E

Policy Regarding: Discharge of Treated Groundwater to the Sanitary or Combined Sewer

When, in the opinion of the Commissioner of Public Works, the discharge of treated groundwater to the sanitary or combined sewer system will not adversely affect the sewer system or the operation of the sewage treatment facility, or cause a hazard to the public or the sewer department personnel, he/she may allow such discharge subject to the following conditions:

1. The discharge shall be as part of a groundwater remediation or protection plan approved by the State of Vermont Department of Environmental Conservation.
2. The applicant shall state in writing:
 - The date of the start of discharge
 - The estimated quantity to be discharged (if known)
 - The expected average and the maximum rate of discharge
 - A brief description of the treatment process
 - The estimated duration of the discharge project.
 - Upon completion, the date of termination of the discharge
3. The results of all water quality analysis of the discharge shall be provided to the Commissioner on a timely basis.
4. The discharge shall be accurately metered at the applicant's expense and the volume of discharge reported to the Commissioner no less often than once every ninety (90) days. Access to the meter for inspection or reading shall be provided to the City Water Department when requested.
5. The following fees and charges shall be paid and are the responsibility of the property owner:
 - A Groundwater Discharge Connection Fee:
\$100.00

The above fee shall be paid prior to any discharge and shall entitle the applicant to discharge up to 500 cubic feet (3,740 gallons) to the sanitary or combined sewer through the existing connection at the project site. If a new sewer connection is required, that connection shall be made and paid for as a regular new sewer connection. Any charges made for a new sewer connection shall be in addition to the above fee.

- For treated groundwater discharged in excess of 500 cubic feet (3,740 gallons):

\$0.005 per gallon to cover administrative, sewer collection and treatment costs.

Effective 8/6/1996