

LEGAL NOTICE

TOWN OF CHATHAM "SEWER BANK" ALLOCATION & PERMIT POLICY

At their meeting on Tuesday, November 17, 1998, the Board of Selectmen voted to adopt the following policy governing the allocation and permitting of the 50,000 gallons per day (gpd) "Sewer Bank" authorized pursuant to the Administrative Consent Order ACO-SE98-1002 (A.C.O.). This policy received the Commonwealth of Massachusetts Department of Environmental Protection's (DEP) approval on March 10, 1999 and the Town is now in the position to issue sewage flows from the sewer bank and may approve sewage flow transfers from a property connected to the Town sewer system to another property.

Beginning 9:00 a.m., Tuesday, June 1, 1999, the Town will be accepting applications for sewage flow withdraws from the sewer bank and applications for sewage flow transfers. Applications can be picked up and delivered at the Water and Sewer Departments Office located at 127 Old Harbor Road, Chatham, MA. 02633.

The Massachusetts Department of Environmental Protection (DEP) has restricted sewage flow to the Chatham Wastewater Treatment Facility at 100,000 gallons annual daily average. DEP issued this 1987 restriction under the original Administrative Consent Order, Docket Number 700 to prevent the possible contamination of the Town's public water supplies. The wastewater treatment facility has subsequently undergone renovations to incorporate a nitrogen control system into the treatment process. DEP has issued the revised Administrative Consent Order ACO-SE98-1002 that allows the Town to increase the sewage discharge flow from the treatment facility by 50,000 gallons annual daily average.

PART #1: ALLOCATION OF SEWER BANK

Whereas the increase in sewage discharge flow does not remove the Administrative Order, nor can it solve the entire Town's overall sewage flow needs, the following policy for allocation of the increase sewage flow has been established:

Note: Public health or environmental problems or emergencies will be determined by a committee comprised of the following: the Water and Sewer Departments' Manager, Water Quality Laboratory Director, Board of Health Agent, Town Planner, and Director of Community Development, or their designees.

- 10,000 gpd of the wastewater treatment facility's permitted discharge flow shall be reserved as a contingency for unforeseen public health or environmental emergencies;
- 12,000 gpd shall be used to correct septic problems posing immediate environmental or public health problems, or to prevent potential environmental or public health problems from existing septic systems;
- 18,000 gpd shall be used for connecting existing and future public facilities, such as, schools, Police Station, Fire Station, and public restroom facilities;
- 5,000 gpd shall be allocated for the expansion of existing connections as follows: 1210 gpd for residential properties and 3790 gpd for commercial properties, under the following conditions:

No more than one application per property parcel shall be accepted;

No existing connection shall be permitted to increase their existing sewage discharge flow(s) by more than 10% or add more than one bedroom, with flow calculated using Title 5 design criteria;

No person or entity shall be granted a permit or permits which exceed 10% of the original set-aside allocation for each category;

If an approved sewage flow increase is not used (all federal, state, and local permit approval's issued and facility construction started) within one year from the date flow increase was approved, the sewage flow increase shall revert back to the Town automatically unless the Board of Selectmen, in its sole discretion, grants an extension of time for good cause shown prior to the expiration of the one year period from the approval of the sewer bank withdrawal.

The above allocations may be adjusted from time to time by a committee comprised of the following: the Manager of the Water and Sewer Departments, Director of Community Development, Board of Health Agent, Town Planner, and Water quality Laboratory Director, or their designees.

When the wastewater treatment facility's annual daily average discharge equals or exceeds 135,000 gallon per day, no new connection or no increase in sewage flow under existing permits shall be allowed, except the 10,000 gpd of flow

reserved for unforeseen public health or environmental emergencies may be used as required.

Under no circumstances shall the Town allow new connections to or extensions of its sewer system, nor allow increase in flow from existing connections when the wastewater treatment facility's annual daily average discharge equals or exceeds 145,000 gallons per day.

To begin the process of issuing sewer bank allocation or sewage flow transfer permits, the Water and Sewer Department shall issue a public notice in a newspaper with general circulation in the Town of Chatham informing the property owners of the opportunity to submit an application for sewage flow under this policy. In addition, the Town shall post a notice in Town Hall Office, Water and Sewer Departments' Office, and Town Annex.

PART #2 - SEWAGE FLOW TRANSFER

NOTE: Sewage Flow Transfer Applications will not be accepted. Sewage flow transfers are under an 18 month moratorium vote by a majority of the Selectmen on November 2, 1999.

Any person desirous of transferring existing sewage flow from one property to another shall file an application for such transfer with the Water and Sewer Department Manager. Which application, when complete and technically accurate, shall be acted upon by the Manager within 45 days. The applicant shall have the burden of establishing by a fair preponderance of the evidence, the following:

- 1) That the transfer is in the public interest benefiting not only the applicant, but also the general public
- 2) That the transfer is more environmentally advantageous than the status quo or the installation of an onsite septage disposal system at the property receiving the enhanced sewage flow
- 3) That such transfer shall not adversely impact the economic well-being of those who receive reduced sewage flow allotments from the transferring property

The Manager shall make findings on each of the above criteria and shall, within 45 days, transmit those findings and his recommendations to the Water and Sewer Commissioners for their ratification. Should the Commissioners, by a majority vote, fail to ratify the recommendation of the Manager, within 14 days, they shall notify the applicant and the applicant shall have the right to a public

hearing before the Water and Sewer Commissioners to request their approval of the proposed transfer.

Under this policy, the transfer of existing sewage flow(s) from one property to another property may be allowed, subject to the following:

- 1) Ten percent (10%) of the transferred sewage flow shall be given to the Town for redistribution or for retention should the Town deem it to be in its best interest
- 2) The property transferring the sewage flow shall retain for its use the greater amount of the following:
 - a) Sewage flow required for each proposed use remaining on the property plus 25% (based on current Title 5 design criteria); or
 - b) 350 gallons per day
- 3) No sewage flow transfers shall be allowed when the Wastewater Treatment Facility's annual daily average discharge equals or exceeds 135,000 gallons per day

PART #3 CHANGES IN USE

Changes in use of an existing connection's allocated flow(s) that do not result in any increase in wastewater flow to the sewer system are permitted with the approval of the appropriate Town Departments. The request shall be made in writing to the Water and Sewer Departments' Manager indicating existing use(s) and flow(s) and the proposed use(s) and flow(s).

PART #4 APPLICATION

To conform with Section 1 of Article II, Building Sewers and Connections of the Regulation of Sewer Use Rules and Regulations, adopted by the March 13, 1972 Annual Town Meeting, which requires a written permit from the Water and Sewer Department Manager (Superintendent) before any person discharges sewage to or changes the sewage discharged into the Town's sewer system, applications shall be reviewed by the Water and Sewer Departments' Manager for completeness and technical accuracy in order in which they are received. No application shall be acted upon until the Manager has determined it to be complete and technically accurate. If an application is incomplete or incorrect the Manager shall notify the applicant in writing. Complete and technically accurate applications shall be acted upon by the Water and Sewer Departments' Manager in the order in which they are received.

The Water and Sewer Departments' Manager shall review the application to verify the following:

1. Requested flow is based on current Title 5 design criteria;
2. Existing flow(s) from the property do not exceed any previously issued sewer connection permit's flow(s); and
3. The property's sewer discharge is in compliance with the Town's "Regulating of Sewer Use Rules and Regulations" adopted by the March 13, 1972, Annual Town Meeting.
4. All other required Town permit applicants must be submitted to the appropriate department(s) or board(s) and receive approval or will receive approval, pending approval of an allocation from the sewer bank, sewage flow transfer or sewage flow change in use. Approval of a sewer permit will not supersede the issuance of any other required Town permit." This policy shall be implemented on a one year basis at which time it shall be reviewed by the Board of Selectmen acting as the Water and Sewer Commissioners.

By the execution and submittal of a request for a sewer bank allocation or sewage flow transfer by the applicant, the applicant agrees to the following process and actions in the event any unauthorized changes in currently permitted uses are discovered or the sewage flow from the property exceeds the amount stated on the permit issued by the Town.

If a quarterly or monthly meter reading reveals that 85% of the water usage exceeds the sewage flow stated on the permit (as averaged over the billing period) or if any unauthorized increase or change in sewage flow is detected, the Manager of the Water and Sewer Departments shall notify the property owner in writing. Upon receipt of the notice, the property owner shall take whatever corrective action is deemed necessary to reduce the sewage flow in accordance with the limits of the permit within 30 days. Monthly water meter readings shall be initiated by the Water and Sewer Departments where violations occur. Failure to take appropriate corrective action within 30 days to reduce the sewage discharge to within the permitted limit or limits, the property will be physically disconnected at the property line from the Town's water and sewer system, and/or other serious sanctions will be imposed to assure satisfactory compliance with the terms and conditions of the permit.

APPLICATION FOR SEWER BANK ALLOCATION OR SEWAGE FLOW TRANSFER AND/OR CONNECTION TO SEWER

Town of Chatham Water and Sewer Dept
127 Old Harbor Road
Chatham, Ma 02633

Fee Paid _____
Check No _____
Year Approved _____
Permit Number _____

The undersigned agrees to conform with all laws, rules, regulations, and ordinances relating to pumping, sewers, and sewer use now in force, or which may be adopted by the Town of Chatham in relation thereto. The undersigned further agrees to provide access, at all reasonable hours, for the purpose of inspection by authorized agents of the Town and agrees to maintain the building sewer at no expense to the Town. This application, at minimum, shall be filled out completely and submitted with four sets of drawings with the following, if applicable:

- _____ The name of the person or entity owning the property;
- _____ The location of the proposed sewer connection;
- _____ The requested amount of withdrawal from the sewer bank or sewage flow transfer;
- _____ A letter stating the basis of the sewer bank withdrawal or sewage flow transfer amount projection. If the application is for a sewage flow transfer, a letter stating from which property the flow will be transferred from, the existing permitted amount of flow at the property transferring flow, and name of owner(s) of the property transferring flow and a letter from the owner(s) approving the transfer and showing proof of ownership;
- _____ Four (4) sets of an engineered plot plan of the property showing building (s), streets and roads, property bounds, water supply, water supply wells, and sewer connection (s) and/or sewer extension (s). Said plot plan shall be prepared, signed, and stamped by a Massachusetts Registered Professional Engineer or Land Surveyor;
- _____ Four (4) sets of the existing and proposed floor plans.
- _____ If required, a DEP approved 314 CMR 7.00, Sewer Extension or Industrial Connection Permit;
- _____ If a new sewer connection is to be made on a Massachusetts state highway, a Mass. Highway approved highway opening permit or if on a Town of Chatham public way, an approved Chatham Highway opening permit;
- _____ A one time non-refundable application fee of \$100.00; plus \$1.00 per gallon of flow being requested from the sewer bank or being transferred from an existing connection.

If this application is for a new connection, the undersigned agrees to pay the entire cost of the particular sewer from the street main to the building, and proposed to employ _____ to do the work.

The undersigned applies for permission to connect to the common sewer and to construct a particular sewer or increase sewage flow from the _____ at number _____
(dwelling, store, factory, etc.) (street, avenue, road)

Sewer bank withdrawal or Sewage flow transfer

Additional Number of Bedroom _____ x 110 GPD= _____ or _____
Additional Number of Restaurant seats _____ x 35 GPD= _____ or _____
Additional Retail Square Footage _____ x 5 GPD= _____ or _____
Other _____ = _____ or _____

Existing Number of Bedrooms, Seats, Retail space or other _____

Signed by: _____ Address: _____
(owner) (Print or type) _____

(print or type owner's name)

Tel: _____

Date: _____

Permit granted date: _____

Technically approved

By _____
Director

Date: _____