

ORIGINAL



TOWN OF BURLINGTON
SEWER ALLOCATION POLICY
Adopted (December 20th, 1999)
Amended (July 17, 2006)
Amended (October 15, 2007)
Amended (December 13, 2010)

1.0 PREAMBLE

Since 1986, Burlington has been under an Administrative Consent Order from the Massachusetts Department of Environmental Protection (MassDEP) which established a moratorium on new connections to, and extensions of, the Burlington Sanitary Sewer System and required the Town to undertake certain steps to eliminate inflow and infiltration (I/I) from the Town's sewer system. The MassDEP issued the first "amended" ACO on August 1, 2001 (#ACO-NE-01-1004) that recognized the Town's consistent and aggressive efforts to remove I/I from its system and established various timelines for the Town to complete tasks assigned by MassDEP staff and comply with a new schedule of document submittals.

The Town was authorized by MassDEP to establish a so-called Sewer Bank which includes the total amount of new gallonage permitted to be connected on a 10:1 removal ratio based upon documented I/I removal. Further, the Town required any developer seeking to connect to the Town's system to conduct the 10:1 removal in order to obtain a new sewer connection. Individual developers were credited with gallonage on the 10:1 removal ratio. To begin the process of building a "Town Sewer Bank" for additional sewer capacity that will serve residents and municipal needs, the Board of Selectmen required all petitioners to remove an additional 1 gallon for every 10 gallons removed to build this reserve capacity. On 3/16/06 the Deputy Regional Director of the MassDEP, Mr. Eric Worrall, signed an "amended" ACO (#ACO-NE-06-1N001) that recognized the Town's "considerable progress" in eliminating extraneous I/I from its collection system and revised the previously required 10-1 removal ratio for Infiltration and Inflow removal down to a 4-1 ratio. The Board of Selectmen will continue to require the removal of an additional gallon of I/I from all petitioners to supplement the "Town Sewer Bank" with additional reserve capacity and to continue our aggressive removal of extraneous flow into the town-wide sewer system.

2.0 ISSUING AUTHORITIES

1. DPW Superintendent
 - a. The purchase of 499 gallons per day (gpd) and less
 - b. To reserve 499 gpd and less
2. Board of Selectmen (BOS) upon DPW Superintendent recommendation

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- a. The purchase of more than 499 gpd and less than 50,000 gpd
- b. To reserve more than 499 gpd and less than 50,000 gpd
3. MassDEP and the BOS
 - a. To purchase 50,000 gpd or more with the recommendation of the DPW Superintendent

3.0 SEWER BANK

1. The Engineering Division keeps tabulations on all increases and decreases to the Town's Sewer Bank and any applicable private sewer bank.
2. Applicants with a proposed project requiring Planning Board approval, which would require sewer allocation from the Town's Sewer Bank, may reserve sewer allocation for a period of six (6) months while actively pursuing Planning Board approval.
3. Applicants requesting to reserve sewer allocation shall provide the DPW Superintendent existing and proposed estimated sewer flow calculations. A portion, up to a 100 percent as determined by the Town, of the net increase in estimated sewer flow for the proposed project shall be the reserved quantity.
4. Applicants may be granted an extension to the six (6) month reservation period with the approval of the Board of Selectmen. The applicant shall obtain the extension approval prior to the expiration date and shall demonstrate to the Board of Selectmen that the project is currently active and progressing towards Planning Board approval.
5. Applicants with reserved sewer allocation shall purchase the allocation within one (1) month of acquiring Planning Board approval.
6. If there is an insufficient balance in the Town Sewer Bank for a given applicant, purchase or reserve request, allocation shall not be granted or reserved. Sewer Bank balance for this Section shall be defined as all the Town's Sewer Bank credits minus purchased allocation, reserved allocation, and reserved single family residential allocation if applicable.

4.0 USE CALCULATIONS

Estimated sewer flow rates shall be determined based on MassDEP guidelines as established under current Title V: 310 CMR 15.00 as amended.

5.0 UNUSED ALLOCATIONS/RESERVED ALLOCATIONS

Sewer allocations which were recovered from Inflow/Infiltration (I/I) removal paid for by private developers are not subject to the following unused allocation return policies:

1. For purposes of this Section, an allocation shall be considered "used" if the developer has taken actions in reliance upon such allocation including, but not limited to, the filing of permit applications or the installation of required infrastructure associated with the project.
2. Sewer allocations reserved from the Town Sewer Bank for a project which has not been approved by the Planning Board within 6 months from date of reservation, or after the expiration of said 6 months upon a determination by the Selectmen that the project for which such allocation was reserved has been abandoned, will be returned to the Town Sewer Bank;

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voluntary returns will be accepted at any time. The developer shall request a hearing prior to the expiration of such 6 month period to extend the expiration date. If, the Selectmen, after holding the extension hearing, believe the project for which such reserved allocation was granted has been abandoned by the developer the reserved allocation will be returned to the Town Sewer Bank. The burden of establishing that the project has not been abandoned shall be on the developer.

3. Sewer allocations granted from the Town Sewer Bank which are not used within 7 years from final approval by DPW, or after the expiration of said 7 years upon a determination by the Selectmen as provided below that the project for which such allocation was granted has been abandoned, will be returned to the Town Sewer Bank; voluntary returns will be accepted at any time. The developer shall request a hearing prior to the expiration of such 7 year period to extend the expiration date. If, the Selectmen, after holding the extension hearing, believe the project for which such allocation was granted has been abandoned by the developer the allocation will be returned to the Town Sewer Bank. The burden of establishing that the project has not been abandoned shall be on the developer.

6.0 CHANGE IN USE

1. Any change in use for which sewer allocation was granted, whether it be from the Town's Bank or through private I/I removal, would be cause for re-consideration by the Board of Selectmen as MassDEP standards and sewer flow estimates vary for different uses.
2. Applicants are required to seek MassDEP (if required by the ACO or applicable regulations) and DPW Superintendent approval prior to reconsideration by the Board of Selectmen.

7.0 TRANSFER

1. Sewer allocations granted from the Town's Bank are not transferable between properties, even if same owner or developer, but are granted as separate transactions.
2. Developers who have done I/I removal and received MassDEP "credit" but did not use it all may apply to the Board of Selectmen for a transfer of such "credit" for other sites following approval from MassDEP (if required by the ACO or applicable regulations) and DPW Superintendent.

8.0 SEWER CAPACITY RECOVERY

1. The current sewer capacity recovery amounts are based on the original attached MassDEP Administrative Order 618 issued May 2, 1986, the amended Order of August, 2001 and the recent final amendment of March, 2006.
2. An applicant seeking sewer allocation of 1,000 gpd and greater shall obtain at least 50 percent of the allocation through methods described in Section 8.3.a, or as determined by the Town. The remaining allocation needed may be purchased from the Town's Sewer Bank if available as described in Section 8.3.c.
3. The sewer capacity recovery options are:
 - a. Identify & Mitigate I/I:
Developer identifies at his/her own risk the I/I removal sites for MassDEP assessment.
All identified I/I removal sites shall be repaired or replaced by methods approved by the

DPW Superintendent and MassDEP. Removed quantities and justification for these quantities must be provided to the Town by the Developer. Final approval to connect to the system will not be approved until the DPW Superintendent and MassDEP verifies the removal quantities and certifies that the requested gallonage is available to the petitioner.

b. Previously Identified I/I Sources:

The DPW Superintendent will identify areas for remediation based upon most recent system-wide studies conducted by the Town and select I/I sources for remediation within the identified sewer sub-regions. The petitioner will pay the actual cost of the I/I remediation. The Town may also require the petitioner to remove identified illegal connections to the sewer system as determined by the Public Works Engineering Division with the approval of the Superintendent of Public Works.

c. Sewer Bank Purchases:

If the petitioner prefers to have the Town conduct the work and pay a flat fee based on the proposed flows, the Selectmen shall, from time to time, establish the cost per gallon for the removal of extraneous I/I. Such determination shall be made at least annually. This cost per gallon shall then be multiplied by the 5-1 ratio of removal recently approved for the Town by the MassDEP (4-1 ratio approved by the MassDEP and 1 additional gallon for the Town Sewer Bank). As an example, if the established cost per gallon is \$2.25* and if the petitioner chooses to have the Town complete the work for sewer capacity access, the formula for a requested 2000 gallon allocation would be $\$2.25 \times 5 = \$11.25 \times 2000 = \$22,500$. This removal ratio and dollar cost calculation shall apply to all applicants for additional sewer capacity into the Town of Burlington sewer system **except** for additions to existing homes. Bedroom(s) additions to existing homes shall be charged a rate of \$500* per bedroom.

For cases which an existing house is being fully demolished, foundation included, and a new foundation and house is being constructed, sewer allocation shall be required if the newly constructed house has an increase in the number of bedrooms compared to the existing house. This applies only to cases where there has been an existing house which has been occupied within the last 2 years prior to the application of sewer allocation for new construction. An applicant applying to connect to the Town's sewer system which was previously serviced by a private onsite sewerage disposal system, whether the house is remaining or being reconstructed, shall be charged a rate based on the calculated sewerage flow of the property at a 5 to 1 removal ratio and based on the current cost per gallon consistent with the aforementioned formula. Examples of determining required sewer allocation for houses being demolished and reconstructed are as follows.

(Examples for calculating fees to connect a newly constructed house where an existing house was demolished, as previously described)

#1 Number of bedrooms in house being demolished = 2

Number of bedrooms in newly constructed house = 2

Required sewer allocation = $(2b \times 110g) - (2b \times 110g) = \text{No sewer allocation required}$

#2 Number of bedrooms in house being demolished = 3

$$\begin{aligned} \text{Number of bedrooms in newly constructed house} &= 5 \\ \text{Required sewer allocation} &= (5b \times 110g) - (3b \times 110g) = 220 \text{ gallons required} \\ &\quad \$2.25 \times 5 \times 220 = \$2,475* \end{aligned}$$

New homes and sub-divisions of one or more homes shall be charged a connection fee consistent with the formula explained herein.

(Examples for calculating fees to connect new houses to the sewer system)

$$\begin{aligned} \#1 \text{ 1 Home - 4 Bedrooms} &= 1h \times 4b \times 110g = 440 \text{ gallons required} \\ &\quad \$2.25 \times 5 \times 440 = \$4,950* \end{aligned}$$

$$\begin{aligned} \#2 \text{ 2 Homes - 4 Bedrooms per house} &= 2h \times 4b \times 110 \text{ gal} = 880 \text{ gallons required} \\ &\quad \$2.25 \times 5 \times 880 = \$9,900* \end{aligned}$$

$$\#3 \text{ 10,000 gallons requested} = \quad \$2.25 \times 5 \times 10000 = \$112,500*$$

**The fees that apply to the sewer allocation will be the ones in effect at the time of the issuance of the building permit.*

9.0 SEWER ALLOCATION POLICY

1. On a case-by-case basis, the Board of Selectmen would determine who could proceed to the submittal process based on the following priorities:
 - 1st – municipal projects
 - 2nd – residential developments requiring more than 499 gpd (includes apartments, condos, single family home sub-divisions, mixed use residential development, private residential home associations etc., etc., etc.
 - 3rd – all other projectsAny exceptions to the above prioritization will require Board of Selectmen's approval.
2. Should the Town's Sewer Bank reduce below a quantity deemed critical by the Town, a portion of the remaining Sewer Bank will be reserved for the sole use of single-family residential developments such as additions and individual demolition and reconstructions of single-family houses. The aforementioned reserved quantity shall not apply to subdivisions and other large-scale residential developments.
3. Board of Selectmen will require an additional minimum of one (1) gallon of recovery for every four (4) removed be credited to the Town's Sewer Bank.
4. Should the developer choose to undertake the I/I removal work then the Developer must precede with I/I removal in acceptance with MassDEP standards. The developer shall submit documentation of MassDEP sewer credit approval to the DPW Superintendent.
5. Developers applying for sewer allocation of 1,000 gpd and more shall only be allowed to purchase a maximum of 50 percent of the requested amount from the Town's Sewer Bank, or as approved by the Town. The remaining balance shall be identified and removed by the developer as stated in 8.3.a.

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6. Sewer allocation being purchased from the Town's Sewer Bank, as stated in 8.3.c, shall be paid prior to the issuance of a Building Permit from the Building Department.
7. Sewer allocation being obtained privately as stated in 8.3.a shall be complete with MassDEP approval of sewer credit quantities. Documentation from MassDEP shall be submitted to the DPW Superintendent for approval prior to the issuance of a Certificate of Occupancy.

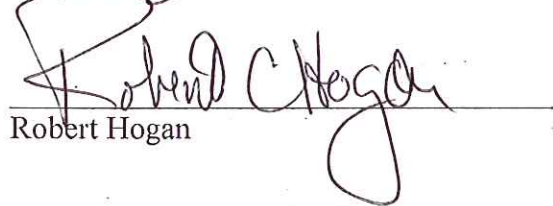
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