

TOWN OF WAITSFIELD
WASTEWATER ORDINANCE
COMMUNITY WASTEWATER SYSTEM

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APPENDIX A: TOWN OF WAITSFIELD WASTEWATER SERVICE AREA 34

The Town of Waitsfield (“Town”) Selectboard hereby ordains:

ARTICLE 1 - GENERAL PROVISIONS

SECTION 1. AUTHORITY

This is a civil ordinance adopted and enforced pursuant to the authority conferred by 24 V.S.A. Chapters 59¹, 95², 97³, and 101³ and such other enactments as are material hereto.

SECTION 2. PURPOSE

The goals of the Waitsfield Community Wastewater Project are the following:

- Support the implementation of the Waitsfield Town Plan
- Protect water quality in the Mad River and associated streams & wetlands.
- Protect human health from failing septic systems and situations where septic systems are close to potable water sources.
- Offset the economic hardships of replacing aging and/or failing private septic systems.
- Expand opportunities for new market rate and affordable housing occupied on a year-round basis in the Town’s designated growth centers.
- Support the economic viability of Valley businesses.
- Support the historic settlement pattern of concentrated villages surrounded by open countryside and forested mountains by providing critical infrastructure in Waitsfield Village and Irasville; and
- Construct and operate an efficient 21st century wastewater system with an affordable user rate.

SECTION 3. GENERAL PROVISIONS

1. All terms, conditions, rules and regulations contained herein, together with such additions and amendments as may be hereafter adopted, are hereby designated as the "Wastewater Ordinance," hereinafter also referred to as the “Ordinance.”
2. This is an Ordinance regulating the use of the public wastewater collection and treatment system; private sewage disposal, as relates to the use of the public wastewater collection and treatment system; the allocation of wastewater treatment capacity; the installation and connection of building wastewaters; the discharge of waters and wastes into the public wastewater collection and treatment system; and providing for enforcement actions and penalties for violations thereof; in the Town of Waitsfield, Vermont.

¹ Municipal & County Government; Adoption and Enforcement of Ordinances and Rules

² Municipal & County Government; Water Mains and Sewers

³ Municipal & County Government; Sewage System

³ Municipal & County Government; Sewage Disposal System

3. The Waitsfield Town Clerk shall file certified copies of this Ordinance, as well as certified copies of any additions and amendments to this Ordinance as may be hereafter adopted, in the municipal records and with the Board and the Health Officer.
4. The principal objective of the Community Wastewater System is to provide safe and sanitary management of domestic sewage, permitted by the State of Vermont, under efficiently managed conditions.
5. This Ordinance shall comply with Title VI of the Civil Rights Act of 1964 which prohibits discrimination in a Federally Assisted Program on the basis of race, color, or national origin.
6. The provisions of this Ordinance shall be reviewed periodically by the Water and Wastewater Commission to assess the continued applicability of these provisions, consider recommendations for their improvement, and to determine if, and what, changes are advisable due to advances in the technical methods or processes of wastewater treatment and sewage collection available to the Town.
7. In the event of conflict between the terms of this Ordinance and any other applicable regulation, bylaw, ordinance, or statute, the more restrictive terms shall apply.
8. As required by 24 VSA Chapter 59, this Ordinance is hereby designated a civil ordinance.
9. This Ordinance is adopted pursuant to the provisions of 24 V.S.A. Section 3625, in the manner provided in 24 V.S.A., Chapter 59, and shall not be construed as an abandonment or relinquishment of the authority or responsibility of the Board to regulate, control and supervise all means and methods of sewage collection, treatment and disposal within the Town, nor shall it be construed to impair or inhibit the ability of the Town's System to contract with persons for the collection, transmission and treatment of sewage.
10. Appendices are not part of the Ordinance. They are subject to the regulatory and policy making authority of the Water and Wastewater Commission and may be revised from time to time to meet the changing needs of the water system.

SECTION 4. DEFINITIONS

Unless specifically defined in this Ordinance, words and phrases used in this Ordinance shall have the following meaning:

"Allocated Capacity" shall mean the flow resulting or projected to result from full use of a development at its build out capacity, for which a Final Approval and Capacity Allocation has been issued by the Board or for which an approved Preliminary Approval and Capacity Allocation has been in effect for a period of one (1) year or more.

"Board" shall mean the Board of Water and Wastewater Commissioners of the Town of Waitsfield, comprised as the Sewage Disposal Board of Commissioners as provided in Title 24 Section 3614. Vermont Statutes.

"BOD₅" (*denoting Biochemical Oxygen Demand*) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° Centigrade, expressed in milligrams per liter.

"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 through the building wall to the Building Sewer. The Building Drain extends five feet beyond the outer face of the building wall.

"Building Sewer" shall mean that part of the sewage system which receives the sewage from the Building Drain and conveys it to the nearest end of the House Connection.

"Change of Use" shall mean any change of service in an existing building or other change of use which the Board of Water and Wastewater Commissioners determines will result in greater disposal of wastewater.

"Clerk" shall mean the Waitsfield Town Clerk

"Cluster System" shall mean an on-site wastewater disposal system serving two (2) or more properties.

"Completed Construction" shall mean (1) for building development, completion of construction of all foundations, framing, siding, and roofs; (2) for subdivision development, completion of infrastructure and subdivision improvements.

"Community Wastewater System or Facilities" shall mean all municipal facilities for collecting, pumping, treating and disposing of Sewage and is controlled, owned and operated by the Town of Waitsfield.

"Connection Fee" shall mean the financial amount due, as determined by the Board, that is imposed on an Owner for a Preliminary or Final Capacity Allocation.

"Debt Service Charge" shall mean the share of the cost of total Sewer debt which is due within the fiscal period, as set forth in the Schedule of User Charges and Fees.

"Department" shall mean the Vermont Department of Environmental Conservation.

"Development" shall mean the construction of improvements on a tract of land for any purpose, including, but not limited to, residential, commercial, industrial, manufacturing, farming, educational, medical, charitable, civic, recreational, religious uses, subdivisions, and the intent to subdivide.

"FOG" shall mean Fat, Oil and Grease.

"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.

"Gravity sewer pipe" shall mean an underground conduit that transports wastewater by natural gravitational flow, without the need for mechanical pumps or artificial pressure.

"Health Officer" shall mean the legally designated Health Officer or Deputy Health Officer of the Town of Waitsfield, Vermont.

"Home business" shall mean a business or home occupation, as defined in the Waitsfield Zoning Bylaws.

"House Connection" shall mean that part of the Sewage Treatment System that runs from the building sewer to the main sewer. See "Building Sewer" "Industrial Wastes" shall mean the

liquid waste from an industrial manufacturing process, trade or business. Industrial wastes do not include sanitary sewage.

"Initiate Construction" shall mean:

For building development; the completion of the foundation.

For subdivision development; substantial commencement of any site improvement(s) pursuant to the approved subdivision and infrastructure plans.

"Low Pressure Sewer" shall mean the sewer pipe that receives the effluent from a septic tank effluent pump system and transports the pressurized wastewater to an unpressurized sewer structure such as a gravity sewer, an open tank, or a force main.

"Main Sewer" shall mean the low-pressure sewers laid longitudinally along the center line or other part of the streets or other rights-of-way and which all owners or abutting properties have equal rights and which is controlled by public authority.

"Municipality" shall mean the Town of Waitsfield, Vermont.

"Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

"On-Site Sewage Treatment and Disposal System" or "On-Site Wastewater Treatment and Disposal System" shall mean a septic tank and leaching field system, or an alternative technology system, utilizing natural soil to treat and disperse Sewage effluent in such a manner as to protect public health, and both groundwater and surface water from contamination.

"Operations and Maintenance Charge" shall mean the share of the costs to operate and maintain the system, which may include the establishment of a Dedicated Fund, as set forth in the Schedule of User Charges and Fees.

"Overage Charge" shall mean an additional fee billed when customer usage exceeds a designated, allotted volume

"Owner" shall mean any person, who owns or possess any property connected to the municipal wastewater collection system or proposes to connect to the municipal wastewater system as an Applicant.

"Permittee" shall mean a person, business, or organization that has been issued a preliminary or final approval and allocation permit,

"Permitted Capacity" shall mean the total allowable discharge capacity of the Wastewater System as determined by applicable permits issued by the State of Vermont.

"Person" shall mean any individual, firm, company, association, society, corporation, institution, partnership, group, governmental entity or other entity.

"pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"Private Wastewater System or Facilities" shall mean all facilities for collecting, pumping, treating, and disposing of wastewater that is not owned or operated by the Town of Waitsfield.

“Public sewer system” shall mean centralized, municipally owned, and managed network of underground pipes and facilities designed to collect, transport, and treat wastewater from residential, commercial, and industrial properties.

“Residential Unit” – A residential Unit is calculated at 210 gpd based on the Vermont ANR Indirect Discharge Rules.

"Reasonable access" shall mean giving advance notice (often 24 to 48 hours) and schedule visits during standard business hours.

“Sanitary Sewer” shall mean a sewer/house connection which carries Sewage and to which storm, surface, and ground waters are not admitted.

“Sanitary Wastewater” shall mean wastewater of the same character and range of strength as expected from residential uses including but not limited to homes, apartments and mobile homes.

“Secretary” shall mean the Secretary of the Agency of Natural Resources of the State of Vermont or her/his representatives.

“Sewage” or “Wastewater” shall mean a combination of the water-carried wastes, or wastewater, from residences, non-residential uses, institutions, and industrial establishments. The word

“Sewage” shall be synonymous with the word “wastewater.”

“Sewage Treatment System” shall mean any arrangement of devices and structures used for treating sewage

“Sewage Works” shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

“Sewer” shall mean a pipe or conduit, including manholes, for carrying sewage.

“Sewer Connection Fee” shall mean the financial amount due, as determined by the Board, charged to property owners for the benefit to connect to the municipal wastewater system.

“Sewers” shall mean the Sewage collection and transmission system owned by the Town of Waitsfield. The Sewage collection system may include house connections, STEP systems, Wastewaters, force mains, pump stations, Main Sewers, and low-pressure Sewers.

“Shall” is mandatory; “may” is permissive.

“Short Term Rental (STR)” a furnished house, condominium, or dwelling unit (or portion thereof) rented to the, traveling, or vacationing public for fewer than 30 consecutive days and for more than 14 days per calendar year.

“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 fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

“Storm Drain” shall mean a sewer which carries storm and surface waters and drainage but excludes Sewage and Industrial Wastes.

“Stormwater” shall mean excess water from rainfall and snow melt that does not evaporate or penetrate into the ground, which flows overland and is collected and transported to waters of the State of Vermont or the United States by a stormwater treatment, management or conveyance system, together with any material that becomes dissolved or suspended in such water during overland flow.

“Subdivision” shall mean a tract of land, which has been divided or is intended to be divided into two (2) or more lots for any purpose, in accordance with the Town’s current Land Use and Development or Subdivision Regulations.

“Subsurface Sewage Disposal System” shall mean any Sewage treatment system whereby the septic tank or System effluent is leached into the ground by subsurface disposal or spray disposal.

“Superintendent” shall mean an employee of the Town of Waitsfield, or a contracted consultant, who shall be designated by the Board to operate and maintain the Community Wastewater facilities, oversee wastewater connections, and other activities stated within this Ordinance.

“Suspended Solids” shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

“System” shall mean the municipal wastewater treatment system owned and maintained by the Town of Waitsfield.

“Town” shall mean the Town of Waitsfield, Vermont.

“Town Reserve Capacity” shall mean the portion of the Permitted Capacity of the System “set aside” by the Selectboard in Appendix B of the Community Wastewater Capacity Allocation Policy.

“Uncommitted Reserve Capacity” shall mean the portion of the Permitted Capacity remaining after subtracting from the Permitted Capacity of the System: (1) Town Reserve Capacity (if any), (2) the wastewater flow of all projects approved by the Board but not yet discharging to the System (3) the wastewater flow of projects approved through Final Approval and Capacity Allocation, and (4) the wastewater flow of projects for which an approved Preliminary Approval and Capacity Allocation has been in effect for one (1) year or more.

“Wastewater Board” (or “Board”) shall mean members of the Waitsfield Water and Wastewater Commission and/or the group of individuals who shall be designated from time to time by the Selectboard to have that title, or their authorized designee, deputy, agent or representative.

“Wastewater Service Area” shall mean the areas of the Town of Waitsfield that are authorized to be served by the municipal wastewater system. The Service Area is depicted on the map entitled “Town of Waitsfield Wastewater Service Area” attached hereto as Appendix A.

“Wastewater System” shall mean any piping, pumping, treatment or disposal system owned and/or operated by the Town of Waitsfield used for the conveyance, treatment and disposal of domestic, commercial or industrial waterborne wastes.

“Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently.

SECTION 5. ABBREVIATIONS

For the purposes of this Ordinance, the following abbreviations shall have the meaning set forth below.

References to standards of organizations included herein shall refer to the most recent edition or publication.

ANSI shall mean American National Standards Institute.

ASCE shall mean the American Society of Civil Engineers.

ASME shall mean American Society of Mechanical Engineers.

ASTM shall mean American Society for Testing and Materials.

AWWA shall mean American Water Works Association.

CS shall mean Commercial Standards.

Degrees C shall mean degrees Centigrade.

Degrees F shall mean degrees Fahrenheit.

gpd shall mean gallons per day.

IDP shall mean Indirect Discharge Permit

LPS shall mean Low Pressure Sewer.

mg/l shall mean milligrams per liter. 1 mg/l equals 1 ppm.

NPC shall mean milligrams per liter. 1 mg/l equals 1 ppm.

ppm shall mean parts per million. 1 ppm equals 1 mg/l

STEG shall mean Septic Tank Effluent Gravity System.

STEP shall mean Septic Tank Effluent Pump System.

WEF shall mean Water Environment Federation

ARTICLE 2 - USE of the WASTEWATER SYSTEM

SECTION 6. UNLAWFUL ACTS: COMPLIANCE WITH REGULATIONS REQUIRED

1. **Unlawful discharges prohibited.** It is unlawful for any Person to place, deposit or permit to be placed or deposited, upon public or private property within the Town, or in any area under the jurisdiction of the Town, any human excrement, garbage, sewage, or other objectionable waste, except through a Public Sewer System or other approved system.
2. **Treatment required.** It is unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of the Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter and the laws of the State of Vermont
3. **Private wastewater systems:** compliance with applicable regulations required. The type, capacities, location, and layout of any Private Wastewater System shall comply with all mandates of the State of Vermont, including, but not limited to those regarding

wastewater treatment and disposal by individual on-site systems, and all other applicable federal, state and local regulations. No septic tank, cesspool, mound system or sewage leach field shall be permitted to discharge to any Natural Outlet. The owner shall operate and maintain the Private Wastewater System in a safe and sanitary manner at all times, at no expense to the Town.

SECTION 7. CONNECTION TO MUNICIPAL WASTEWATER SYSTEM

1. **Board established.** The Town of Waitsfield owns and operates a municipal wastewater treatment system (the “Community Wastewater System” or “System”), being also a sewage treatment or disposal plant, and a sewage collection and transmission system (“Sewers”), all as defined in 24 V.S.A. Section 3601. The System has a Permitted Capacity and is operated in accordance with permits issued by the Vermont Department of Environmental Conservation (Department). The Selectboard, in its capacity as the body which shall organize and appoint the Board of Water and Wastewater Commissioners (Board), is obligated by law to comply with conditions of those permits.
2. **Service area established.** The boundaries of the Wastewater Service Area (Service Area) are depicted on the map entitled “Town of Waitsfield Wastewater Service Area” attached hereto as Appendix A.
3. **Existing private wastewater systems.** Within the Service Area boundaries, any on-site sewage system lawfully operating as of the Effective Date of this Ordinance, including any system serving multiple properties (Cluster System), may continue to be so operated.
4. **New and replacement of failed private wastewater systems.** Within the Service Area boundaries, a properly permitted new or replacement On-Site Sewage Treatment and Disposal System or Cluster System may be constructed provided the system
 - a. Is not located in the flood plain
 - b. Is not located in the river corridor
 - c. Is located within the properties zoning setbacks
 - d. Is not overlapped by an existing well shield
 - e. Receives an applicable State permit.
5. **Connection to Water System.** Any Owner of a parcel of land located wholly or partially within the Wastewater Service Area boundaries who wishes to connect to the Community Wastewater System shall also be connected to the Community Water System.
6. **Application for connection to the System.** Any Owner of a parcel of land located wholly or partially within the Wastewater Service Area boundaries who wishes to connect to the Community Wastewater System may apply, by way of an accurate, complete, and proper application, to be connected in accordance with the terms, regulations, and procedures set forth elsewhere in this Ordinance, subject to the following conditions:
 - a. Any Owner who applies for and receives a Final Approval and Capacity Allocation for connection to the System prior to the date of the contract for initial construction being awarded may not be required to pay a Sewer Connection Fee and may not be responsible to schedule and pay for the

physical construction of its Building Sewer, House Connection, or the municipal sewer extension, as otherwise required under Subsection (8), below.

- b. Any Owner who applies for and receives approval for a Final Approval and Capacity Allocation for connection to the System after the date of initial construction and operation of the System shall pay all applicable fees and charges, and shall be responsible for scheduling of and payment for physical construction of the Building Sewer and House Connection, as set forth in Subsection (8), below.

7. Design Flow Basis for Wastewater Capacity Allocation.

- a. **Flow determined by Vermont rules.** Daily flows into the Wastewater System from any connected or prospective use shall be established per the

Design Flows specified in Subchapter 8, General Technical Standards for Wastewater

Systems and Potable Water Supplies of the State of Vermont Agency of Natural Resources Department of Environmental Conservation Drinking Water and Groundwater

Protection Division Environmental Protection Rules Chapter 1 Wastewater System and

Potable Water Supply Rules Effective: November 6th, 2023, or as most recently amended (the “Rules”). Where a Design Flow for a connected or prospective use is not specified in the aforesaid Rules, the Town shall use the maximum daily demand in gpd for the use as estimated by the Town’s engineer or designer as the Design Flow.

8. Flows for residential users.

- a. Notwithstanding the provisions of Section 7(6)(a) above, the following flows shall be utilized as the allocated capacity for dwelling units operated by a single household unit within the service area.

<u>Number of Bedrooms</u>	<u>Allocated Capacity</u>
<u>Single Family Residence</u>	<u>1.0 Residential Unit</u>
<u>Single Family Residence + ADU</u>	<u>1.5 Residential Units</u>
<u>Studio or one-bedroom apartment</u>	<u>0.5 Residential Units</u>
<u>Two-bedroom apartment</u>	<u>0.75 Residential Units</u>
<u>3 or more bedroom apartment</u>	<u>1.0 Residential Units</u>

- b. Subdivision of a residential structure into separate dwelling units shall require assignment of a separate Allocated Capacity based on the number of bedrooms in the duly issued Zoning Permit, as set forth in table 8(a) above.
- c. An accessory dwelling unit to a Single-Family Residence shall be assigned an Allocated Capacity based on the number of bedrooms in the duly issued Zoning Permit, as set forth in table 8(b)(i) above.

- d. Allocated capacity for any structure utilized in whole or part for occupancy by more than one household unit, including but not limited to use as a rooming house, or other group quarters, shall be calculated using the provisions of the Vermont Rules as set forth under Section 7(a) above.
- e. A residence meeting the definition of a short-term rental shall be assigned an allocated capacity based on the number of bedrooms and shall be calculated using the provisions of the Vermont Rules as set forth under Section 7(a) above.

SECTION 8. BUILDING SEWERS AND CONNECTIONS

1. **Unauthorized connection prohibited.** No unauthorized person shall uncover, make any connection(s) with or make any opening into, use, alter, or disturb in any manner any Community Wastewater System or appurtenance thereof without first obtaining a permit, in writing, from the Board, and paying to the Town any fee required and imposed by the Town against the Owner.
2. **Costs of connection; fees to be paid prior to connection**
 - a. All costs and expenses incidental to the installation, collection, maintenance, and repair of the Building Sewer shall be borne by the Owner of the property served or to be served.
 - b. The Owner shall indemnify and save harmless the Town, including but not limited to its board members, elected and appointed officials, administrators, managers, employees, volunteers and agents, from any and all loss or damage that may directly or indirectly be occasioned by any installation, connection, maintenance, repair of the Building Sewer or its connection to the Sewage Works (whether any work done was done by the Town or in accordance with its requirements).
 - c. However, as a part of the initial construction of its Sewage Works for the Service Area, the Town may, at its expense, initially construct a portion or the whole of any Building Sewer or House Connection to the extent and manner determined by the Board.
 - d. All applicable fees shall be paid in full to the Town prior to connection.
3. **Separate Building Sewers required.**
 - a. A separate and independent Building Sewer shall be provided for each building. Grouping of more than one (1) building on one (1) Building Sewer shall not be permitted; except where one building stands behind another and no Private Wastewater System 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.
 - b. This requirement may be waived by the Board where the Board finds that strict application of this policy is infeasible or if shared connections are in the best interest of the Town.
4. **Use of pre-existing Building Sewers.** Pre-existing Building Sewers may be used in connection with new buildings only when they are found, on examination and test by an engineer licensed to practice in the State of Vermont and submittal of a duly notarized statement to this effect, provided and paid for by the Owner, to meet all requirements of this Ordinance.

5. **Technical standards.** The size, slope, alignment, materials of construction of a Building Sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town and State of Vermont. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WEF Manual of Practice No. 9 shall apply.
6. **Elevation.** Whenever possible, the Building Sewer shall be brought to the building at an elevation meeting the required standards for a gravity sewer pipe. In all buildings in which any Building Drain is too low to permit gravity flow to the System, Sewage carried by such Building Drain shall be lifted by an approved means and discharged to the Building Sewer.
7. **Clear water connections prohibited.** No person(s) shall make connections of roof downspouts, foundation drains, areaway drains, basement sumps, or other sources of surface runoff or ground water to a building sewer or building drain which, in turn, is connected directly or indirectly to the System.
8. **Plumbing code applies.** The connection of the Building Sewer into the System shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town and State of Vermont, or the procedures set forth in appropriate specifications of the ASTM and WEC Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Town before installation.
9. **Notification to Town; inspection.** Prior to any connection of a Building Sewer to the System, the Town shall be given five (5) working days' notice in order that such work may be supervised or inspected by the Town's designee. All connections will be made during normal workday hours, and no connections may be allowed Saturday, Sunday, or legal holidays. If the Town has not been properly notified, the Town may at its discretion require the completed work to be uncovered for examination, inspection and/or testing and sampling, at the Owner's expense.
10. **Sewer clean-outs.** Clean outs shall be installed where the distance from the building to the Community Wastewater System is greater than one hundred (100) feet or where bends greater than forty-five (45) degrees are used in the Building Sewer, or as required by the State wastewater rules. Clean outs may be made by installing a "Y" and one-eighth (1/8) bends of the same diameter as the Building Sewer. The clean outs shall ordinarily be installed at the point of connection between the Building Sewer and the Building Drain, at curves on the Building Sewer and on the straight part of the Building Sewer. The clean out shall be brought up from the Building Sewer to four (4) inches (10.2 cm) below ground level to be properly capped. Locations of all clean outs shall be recorded on a plan and filed with the Town.
11. **Plumbing connections.** Before any portion of the existing plumbing system outside of the building is connected to the Building Sewer, the Owner shall demonstrate, to the satisfaction of the Town, that it is clean and conforms in every respect to this Ordinance and that all joints are watertight. The time frame for notification prior to inspection shall be as set forth in Subsection (9) above. Where pipe is installed for Building Sewers,

such work shall be performed by a plumber licensed by the State of Vermont if required by State law.

12. **Pipe testing required.** The party responsible for the installation of the pipe, shall furnish all necessary tools, labor, materials, and assistance to apply appropriate tests to the piper and shall remove or repair any defective materials when ordered to do so by the Town, at their own expense.
13. **Excavation protection and safe egress required.** All excavations for Building Sewer installation shall be adequately guarded with physical barricades and sufficient 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 to their prior condition in a manner satisfactory to the Town at the Owner's sole cost and expense.
14. **Movement of traffic during construction.** Neither the Owner nor their contractor shall block any driveway, street, road, or means of egress to a public facility at any time without permission of the Town and other controlling agencies. Every effort shall be made to permit the movement of vehicular traffic at all times. Whenever it becomes necessary to cross or interfere with roads, walks, or drives, whether public or private, the Owner and contractor shall maintain, at their own expense, and subject to the approval of the Town, safe bridges or other means of egress.

ARTICLE 3 - CAPACITY ALLOCATION

SECTION 9. ALLOCATION OF CAPACITY; TOWN RESERVE

1. **Town ownership of Town Reserve and Uncommitted Reserve Capacity.** The Town Reserve Capacity and Uncommitted Reserve Capacity of the System and Sewers is the property of the Town of Waitsfield. Recognizing that the load on the Wastewater System must be controlled, that there is insufficient capacity to service the entire Town, that controlled assignment of capacity is necessary to maintain a balance of residential and nonresidential uses and further the policies and goals of the Waitsfield Town Plan, the Board shall allocate pursuant to this Ordinance the uncommitted reserve capacity by type of use and at a rate as specified below.
2. **Town Reserve Capacity.** The Selectboard may maintain a portion of the Permitted Capacity as Town Reserve Capacity for specific purposes it has determined are in the public interest. The Town Reserve Capacity shall not be allocated pursuant to the procedures outlined in this Section without action of the Selectboard.
3. **Determination of Two-Year Capacity Allocation.** The Board shall determine the remaining Capacity to be allocated within the Two-Year Capacity Allocation by 1) subtracting the Allocated Wastewater Flow, from the Permitted Wastewater Flows, 2) subtracting the Town Reserve Capacity.
4. **Two-Year Capacity Allocation.** The Two-Year Capacity Allocation shall be set forth in a document entitled "Attachment C: Two-Year Sewage Treatment Capacity Allocation Policy". Appendix C shall be updated by the Selectboard after a duly warned public hearing for that purpose, prior to the expiration of the Initial Two-Year Capacity Allocation and prior to the expiration of subsequent Two-Year Allocations.
5. **Initial Two-Year Capacity Allocation for the years 2026-2028.**

- a. **Residential Allocations:** In each allocation period eighty per cent (85%) of the Two-Year Capacity Allocation shall be distributed to residential uses.
- b. **Nonresidential Allocations:** In each allocation period 15% of the Two-Year Capacity Allocation shall be distributed to nonresidential uses.

6. Insufficient Two-Year Capacity Allocation

- a. **Full Distribution:** If a Two-Year Capacity Allocation block has been fully distributed, no additional allocations shall be granted throughout the remainder of that period. If the remainder of a Two-Year Capacity Allocation block is less than a complete unit of Development Wastewater Flow (a bedroom, employee, etc., as appropriate), the Two-Year Capacity Allocation block shall be considered fully distributed.
 - b. **Use of Town Reserve Capacity.** If a Two-Year Capacity Allocation block has been fully distributed the Board may request from the Selectboard an allocation from the Town Reserve Capacity.
- 7. Allocation of Uncommitted Reserve Capacity.** Uncommitted Reserve Capacity in the System shall be allocated according to the following procedure:
- a. Once sewer connection applications have been received at the Town office and marked with the date received by the person receiving the application, the Board shall review the applications on a first come, first served basis.
 - b. In the event of conflict between the terms of the capacity allocation in this Ordinance and the Waitsfield Capacity Allocation Policy the Board shall refer the conflict to the Selectboard.
 - c. If an application requires an amount greater than the remaining 2-year allocation, the application shall be referred to the Selectboard.

SECTION 10. CAPACITY ALLOCATION PROCEDURES

1.Application form. Owners of real property within the Service Area (also referred to herein as “Applicants”) wishing to use the System shall apply to the Board on a form prescribed by the Town.

2.Application for Preliminary Approval and Capacity Allocation. An Applicant may apply for Preliminary Approval and Capacity Allocation through submittal of all of the following information on a form prescribed by the Town:

- a. A description of the development to be served, including any current wastewater permit(s) for the property issued by the Department, and any current allocated capacity within the System.
- b. Calculation of the wastewater flow to be generated by the building, project or development, pursuant to Section 7.9 of this Ordinance.
- c. Calculation of the volume, flow rate, strength, infiltration/inflow, characteristics, and any additional information requested by the Town, in order to demonstrate compliance with this Ordinance.
- d. Unless waived by the Board, certification of the above information by a Vermont registered Professional Engineer or a Vermont-licensed Wastewater System Designer.

- e. Plans and specifications for the construction of building sewers (i.e., from the buildings to house connections/main sewers) and any municipal sewer extensions, including pump stations, required to service the development/proposed connection. Such plans and specifications shall be prepared by a Vermont registered Professional Engineer or a Vermont-licensed Wastewater System Designer.
- f. Payment of all applicable fees as set forth in the most current Appendix B Schedule of Rates and Fees for the System.
- g. If the Preliminary Application is less than 500 gpd or 2 ERU, the Board's Designated Authority may grant Preliminary Approval and Capacity Allocation.

3. Duration of approval. A Preliminary Approval and Capacity Allocation shall, upon approval and payment of the associated fee(s), constitute a binding commitment of reserve capacity for a period of two (2) years from the date of approval by the Board.

4. Findings required. Upon receipt of an acceptable, complete application and supporting documents, including payment of all required fees, the Board may issue a Preliminary Approval and Capacity Allocation upon making affirmative findings that:

- a. The proposed wastewater is of domestic, sanitary origin and that there is sufficient Uncommitted Reserve Capacity to accommodate the volume and strength of the proposed connection; or
- b. The proposed wastewater is not of domestic sanitary origin, and that sufficient evidence has been presented by the Owner to demonstrate that the flow and character of the wastewater is compatible with the proper operation of the System and Sewers; and that the proposed wastewater shall not alone or in combination with other wastes cause a violation of the Department's permit, pass through the System without treatment, interfere or otherwise disrupt the proper quality and disposal of System sludge, or be injurious in any other manner to the System or Sewers; and that there is sufficient Uncommitted Reserve Capacity to accommodate the strength and volume of the proposed connection; and
- c. The proposed use of municipal wastewater capacity complies with the allocation procedures set forth in this Ordinance and is not in conflict with any other provisions adopted by the Board.

5. Issuance of approval. The Board, after making the approval findings above, shall issue a Preliminary Approval and Capacity Allocation, which approval shall be a binding commitment of capacity to the Applicant contingent upon compliance with any conditions attached thereto, and subsequent issuance of a Final Approval and Capacity Allocation. The Preliminary Approval and Capacity Allocation conditions may include:

- a. **Specification that the Preliminary Approval and Capacity Allocation shall remain valid for two (2) years from the date of the Board's approval.**

- i. The Board may issue a time extension upon written request of the Applicant for a period of up to one (1) additional year, provided such request is received by the Town no less than thirty (30) days in advance of the expiration of the Preliminary Approval. Any such extension shall require payment of an additional fee as set forth in the most current Schedule of Rates and Fees.
 - ii. The maximum length of time per extension shall be one (1) year, with a maximum cumulative period of Preliminary Approval of four (4) total years during which the Preliminary Approval and Capacity Allocation shall be valid before reapplication is required.
 - iii. Any extension of a Preliminary Approval and Capacity Allocation beyond two (2) years of the original date of the Board's approval shall require ongoing payment by the Applicant of the applicable Debt Service Charge portion of the User Fees, as set forth in Section 12.3, 12.4, and 12.5, commencing one (1) month after the date of issuance of the extension, unless the Board waives or modifies the fees based on a determination of financial hardship pursuant to Section 10.9.
- b. Incorporation of specific conditions which must be fulfilled by the Applicant to maintain validity of the Preliminary Approval.
 - c. Provision for revocation by the action of the Board upon failure of the Applicant to fulfill requirements of the Preliminary Approval.
 - d. Specification that the recipient of the Preliminary Approval may not transfer, by any means, the Preliminary Approval to any other person or persons, and may not connect to the Sewer until Final Approval is granted.
 - e. Specification that in the event of a material change in the original application, the Applicant must re-apply for Preliminary Approval, and the revised project shall be considered a new project.
 - f. Notwithstanding the foregoing in this Subsection (5), the issuance of a Preliminary Approval shall not constitute a binding commitment of capacity to the Applicant and may be revoked by the Town before a Final Approval and Capacity Allocation is granted if Uncommitted Reserve Capacity ceases to be available for any reason.

6. Application for Final Approval and Capacity Allocation. Prior to Final Approval of Allocated Capacity, the Applicant shall provide the Board with written demonstration of the following:

- a. Applicable local, State and Federal permits have been secured for the project;
- b. Plans and specifications for connection to and, if necessary, extension of the municipal sewers, meeting the conditions set forth in Section 10.5 above, have been submitted and are acceptable to the Board.

- c. All applicable fees as set forth in the most current Appendix B: Schedule of Rates and Fees have been paid in full to the Town.

7. Final Approval and Capacity Allocation.

- a. A Final Approval and Capacity Allocation is an agreement between the Town and the Applicant. The Applicant who is issued the Final Approval does not own the capacity.

The Applicant forfeits all rights to capacity if the conditions of the Final Approval are not met within the timeframes set forth herein.

- b. Unless waived or modified pursuant to Section 10.9, a Final Approval and Capacity

Allocation shall require on-going payment by the Applicant of the Debt Service Charge portion of the User Fees, as set forth in Sections 12.3, 12.4, and 12.5, commencing one (1) month after the date of issuance of the Final Approval and Capacity Allocation.

- c. The Board, upon making affirmative findings that all conditions of the Preliminary Approval and all conditions of Section 10.5 have been met, if applicable, shall issue the Final Approval and Capacity Allocation, which may be conditioned as follows:

- i. Specification of the allowed volume, flow rate, strength frequency and any other characteristics of the proposed discharge
- ii. Incorporation of specific conditions which must be fulfilled by the Applicant to maintain the validity of the Final Approval.
- iii. Provision that construction of the House Connection and, if necessary, the extension of the Sewers, must be overseen by the Town to assure compliance with the approved plans and specifications and with good construction practice, in a manner acceptable to the Board.
- iv. Provision that the Applicant shall be responsible to schedule and pay for the physical construction of its Building Sewer, House Connection, and if necessary, the extension of the System, unless explicitly provided otherwise by the Board.
- v. Provision for revocation by the action of the Board upon the discovery of any misrepresentation by the Applicant or any failure of the Applicant to fulfill requirements of the Final Approval.
- vi. Provision that any Final Approval and Capacity Allocation in conjunction with issuance of a zoning permit by the Town of Waitsfield shall revert to the Town if the Applicant has failed to initiate construction within two (2) years of the date of the Final Approval and Capacity Allocation, as further set forth under Section 10.8.c, below.

8. Expiration and Extension of Final Approval and Capacity Allocation

- a. Unless otherwise amended or extended by the Board pursuant to this Ordinance, a Final Approval and Capacity Allocation shall expire two (2) years from the date of issuance if the Development for which the Final

Approval was obtained has not connected to, or is not yet discharging Sewage into, the System.

b. The Board may extend the expiration date of the Final Approval and Capacity Allocation, upon written request of the request of the Applicant, for a period of up to one (1) additional year, provided such request is received by the Town no less than thirty (30) days in advance of the expiration of the Final Approval and Capacity Allocation. The maximum length of time per extension is one (1) year, with a maximum cumulative total of two (2) years, i.e. a maximum of two (2), one-year extensions, during which the Final Approval and Capacity Allocation shall be valid before re-application is required. Each extension shall require payment of an additional fee as set forth in the most current Schedule of Rates and Fees.

c. Notwithstanding the foregoing, the Board may extend the expiration date of the Final Approval and Capacity Allocation for a longer period upon written findings that this action is in the best interest of the Town. Such extensions may be granted based on factors and circumstances including, but not limited to, an appeal of the Development Review Board or other land use permit necessary for construction of the associated project, the amount of capacity requested, the timing and phasing of construction, the amount of Uncommitted Reserve Capacity available, and the benefit of the Development to the Town.

d. If a Final Approval and Capacity Allocation expires after two (2) years, or after any extension of time approved by the Board, whichever is longer, the unused portion of the Capacity Allocation at the time of expiration shall revert to the Town and become part of the Uncommitted Reserve Capacity, and there shall be no refund of allocation, permit, or other fees paid.

9. Allowance for financial hardship. The payment of fees pursuant to Sections 10.5.a, 10.7.b, or 10.8.b may be extended or waived by the Board if the Owner demonstrates an inability to pay the associated fees. The Applicant may file its request in writing to the Board for Board consideration and action. However, all fees as set forth in the most current Schedule of Rates and Fees shall be paid by the Owner prior to connection to the System.

10. Amendment of Preliminary or Final Capacity Allocation and Approval

a. Any Applicant may, at any time, make an application to the Board to issue a revised Preliminary or Final Approval and Capacity Allocation. Any such revised applications shall be made in conjunction with an application for approval or amendment of an approval under all applicable local, State, and Federal bylaws and regulations, subject to the following limitations:

i. Requested modifications generally shall be in keeping with the nature of the proposed uses and intensity of development in the original application and shall not involve materially significant changes. If the Board finds that the modifications are not in keeping with the original application, they shall require the Permittee to submit a new application.

- ii. Any request to increase the Capacity Allocation by more than the greater of five percent (5%) or two hundred ten (210) gpd shall require a new application.
- b. The Board may, at its sole and absolute discretion, determine that an application for revision constitutes a materially changed application, and require the Applicant to submit a new application for Preliminary Approval and Capacity Allocation. Such determination shall not invalidate a pending or issued Preliminary or Final Approval unless the underlying application is withdrawn by the Applicant.
- c. If the Board approves a revised Preliminary or Final Approval and Capacity Allocation, the Board may issue a revised Capacity Allocation with a reduced or increased capacity allocation determined in accordance with the procedures set forth in this Ordinance. Where a reduced Capacity Allocation is granted, any unused capacity from the original approval shall revert to ownership by the Town and become part of the Uncommitted Reserve Capacity.
- d. The original Preliminary or Final Approval and Capacity Allocation date is maintained when a revised revised Preliminary or Final Approval and Capacity Allocation is permitted.

11. Recording of Approval.

A Final Approval and Capacity Allocation shall be recorded in the land records of the Town, along with evidence or a statement from the Town indicating all fees have paid, and with reference to the location where approved plans and specifications are filed.

SECTION 11. TRANSFER OF CAPACITY ALLOCATION; SUBDIVISIONS

1. **Preliminary and Final Approval and Capacity Allocations non-transferable.** Except as provided under Section 11.2 and Section 11.3 below, Preliminary or Final Capacity Allocation shall not be transferable to any other person, property or project. Transfer of a Capacity Allocation shall require submittal of a new application and approval by the Board.
2. **Final Approval and Capacity Allocation transfer in Subdivisions.**
 - a. Any Applicant for a Final Approval and Capacity Allocation for a Subdivision must indicate the Development planned for each lot and the permits to be issued by the Town of Waitsfield therefor.
 - b. If all prerequisites defined for Final Approval and Capacity Allocation herein are met, approval shall be issued to the Subdivision Owner for each lot, and a specific Capacity Allocation shall be associated with the proposed Development.
 - c. In the event a lot in a Subdivision benefited by a Final Approval and Capacity Allocation is sold or transferred, the portion of the Final Approval and Capacity Allocation attributable to the lot shall transfer when the property transfers. At such time, the Owner of said lot becomes bound to comply with all permits issued and the plans and specifications for connecting to the System.

- d. Any Final Approval and Capacity Allocation so transferred shall be considered a new Final Approval and Capacity Allocation, and it shall be deemed to be issued on the date of the property transfer or sale.
 - e. Such Final Approval and Capacity Allocation shall expire two(2) years from the date of issuance unless the Applicant has sold or otherwise conveyed the lot for Development or has completed construction in accordance with the approved plan. If the Applicant has sold or otherwise conveyed the lot for Development, then the Final Approval for that lot shall expire two (2) years after the date of sale or conveyance to the first new owner other than the Applicant, assuming the Final Approval and Capacity Allocation has still not been used by the subdivided lot that was originally allocated the capacity.
- 3. Expiration: capacity reverts to Town upon expiration.**
- a. The expiration of a Final Capacity Allocation at two (2) years from the original date of issuance shall not be modified by any revisions to the Subdivision or Development plan subsequent to the Preliminary Approval.
 - b. Any reserve capacity allotted to lots that are unsold or on which building construction has not been completed at the time of expiration shall revert to the Town, without refund of any fees paid, and become part of the Uncommitted Reserve Capacity.

ARTICLE 4 - USER CHARGES and FUND MANAGEMENT

SECTION 12. USER CHARGES and FEES

1. Authority to Establish User Charges and Fees

- a. The Board shall have the authority to establish reasonable charges (also known as rents, rates, or sewage disposal charges) through a User Charge System for the purpose of producing adequate revenues to cover the costs of construction, operation, and maintenance of the Sewers and the System.
- b. The Board also shall have the authority to establish a schedule of fees, including but not limited to fees for applications for System Connection and Capacity Allocation; application for extension or revision; application for transfer of capacity allocation; and connection to the municipal wastewater system.
- c. Appendix B: Schedule of User Charges and Fees shall be adopted by Resolution of the Board. User Charges and Fees may be adjusted from time to time by Resolution of the Board.

2. Sewer Connection Fee.

- a. For new connections to the System, the Board may set a Sewer Connection Fee in an amount determined by Resolution from time to time. Any such fee shall be included in the Schedule of Fees and shall be paid in full prior to any new connection to the System.
- b. Properties connecting to the System at the time of the System's initial construction shall be exempt from payment of a Sewer Connection Fee.
- c. Upon receipt of a written request, the Board have the authority to reduce or waive the Sewer Connection Fee for affordable housing as defined in 24 VSA §4303, and for any other use for which the Board determines that reduction or

waiver of the Sewer Connection Fee is in the public interest, including consideration of such factors, such as, the amount of fee waiver or reduction requested, the timing of connection, and the benefit of connection to the Town.

3. Basis for User Charges.

- a. The User Charge shall be based on an annual estimate by the Board of the projected annual cost of operations and maintenance, and repayment of any bonded indebtedness related to construction of the System, as further described under Section 12.5.
- b. Adjustments for additions and/or omissions, or other changes, shall be made by the Board to the User Charge System as necessary to ensure that charges remain equitable and sufficient to cover such costs, either during a year or from year to year.

4. Determination of User Charges for Allocated Capacity

- a. The User Charge System shall impose a charge per gallon of Allocated Capacity assigned to each System user per the user's individual Final Approval and Capacity Allocation, as determined in Section 10.7 of this Ordinance and maintained by the Town, or as set forth in a Preliminary Approval and Capacity Allocation.
- b. The **total Allocated Capacity** of the System shall be the sum of all specifically Allocated Capacity, including allocations granted through:
 - i. Permits issued to connected users of the System; and
 - ii. Capacity reserved through issuance of a Preliminary Approval and Capacity Allocation for one (1) year or more; and
 - iii. Capacity reserved through issuance of a Final Approval and Capacity Allocation.

5. Debt Service, Operations and Maintenance and Overage Charges. The User Charge System may consist of three components: a debt service charge, an operations and maintenance charge and an overage charge

- a. Debt Service Charge
 - i. The Debt Service Charge shall be based on the share of the cost of total Sewer indebtedness which is due within the fiscal period as set forth in the Schedule of User Charges and Fees.
- b. Operations and Maintenance Charge.
 - i. The Operations and Maintenance Charge shall be based on the share of the costs to operate and maintain the system.
 - ii. The Operations and Maintenance Charge shall be based on a yearly estimate by the Board of the projected annual costs to operate and maintain the System, including but not limited to costs for contract operations, permit compliance, regular maintenance, utilities, materials, inspections, or legal and professional services.
 - iii. If a Dedicated Fund has been established pursuant to Section 13 below, the Board may at its discretion allocate all or a portion of an annual contribution to the Dedicated Fund to the total annual estimated cost on which the Operations and Maintenance Charge is based.

6. Monitoring Final Flows, Adjustments to Fees and Change in Discharge

- a. When a project that has received a Final Sewer Allocation has been completed and on line for at least one year, the Town shall monitor its actual wastewater flows and determine the actual average daily flow. This will be compared with the estimated Development Wastewater Flow on which the allocation was based, and the capacity allocated to the project.
- b. If the actual average daily flow exceeds the allocation by an amount greater than 5%, the Permittee shall apply for an allocation equal to the difference and shall pay the standard allocation fee assessed by the Town at that time.
- c. If the actual average daily flow is less than the allocation, the difference, in gallons per day, shall be added to the Town's unallocated reserve capacity. There shall be no refund of previously paid allocation fees or holding fees.
- d. Any Person proposing a change of use, a new discharge into the System, a modification to the Building Sewer Line or other Private Wastewater Facilities, or a change in the volume or character of the Sewage that is being discharged into the System shall notify the Town and may be required to submit new or amended applications and fees for such change in Sewage discharge into the System. No connection, modification or change in the volume or character of the Sewage that is being discharged into the System shall be made without written approval from the Town.

SECTION 13. DEDICATED FUND FOR MAJOR EXPENSES

- 1. **Dedicated fund authorized.** A separate dedicated fund and associated accounts (i.e., a reserve fund) is authorized and may be utilized for major rehabilitation, major maintenance, emergency repairs, upgrade expenditures associated with the System, and/or other purposes as identified by the Board (the “Dedicated Fund”). The establishment of such a Dedicated Fund and associated accounts shall be done through a written policy adopted by the Board, and any such fund shall be established and maintained in accordance with 24 V.S.A. § 3617 and 24 V.S.A. § 2804.
- 2. **Required content of a dedicated fund policy.** Prior to depositing funds in any Dedicated Fund, the Board shall enact a policy, which shall contain at least the following:
 - a. identification of the major rehabilitation, major maintenance, upgrading needs anticipated, and/or other purpose as identified by the Board;
 - b. estimated expenditures and estimated year of expenditure,
 - c. the type of account used to accumulate the dedicated funds,
 - d. estimated payment amount(s) and sources of funding, and
 - e. estimated time payments are to stop.
- 3. **Authority of the Board.** The Board shall have the authority to increase, decrease, stop and / or maintain regular deposits to the Dedicated Fund.
- 4. **Withdrawals from the Dedicated Fund.** The Board shall have the authority to withdraw amounts from the Dedicated Fund only for a purpose for which the fund was established. However, when Dedicated Fund assets are not disbursed fully for the expenditures for which the fund was established, excess money shall remain available in the Dedicated Fund for other future related expenditures similar in nature.

SECTION 14, APPLICABILITY OF CHARGES; BILLING

1. Applicability of Charges.

- a. The User Charges shall be applicable to:
 - i. All connected users of the System.
 - ii. All properties owned and operated by the Town that are connected to the System shall be subject to the User Charges established in this Ordinance.
- b. The Debt Service Charge portion of the User Charge shall be applicable to:
 - i. All holders of a Preliminary Approval and Capacity Allocation for two (2) years or more, as of the date of approval, per Section 10.5.a.3 of this Ordinance.
 - ii. All holders of a Final Approval and Capacity Allocation, as of the date of approval, per Section 10.7.b of this Ordinance.
- c. The Town shall be responsible for payment of the User Charges applicable to:
 - i. Properties owned and operated by the Town connected to the System, based on the properties' Allocated Capacity;
 - ii. Town Reserve Capacity;
 - iii. Capacity reserved through issuance of a Preliminary Approval and Capacity Allocation for a period of less than two (2) years; and
 - iv. Uncommitted Reserve Capacity.
- d. In the event the Board has waived or modified User Charges applicable to a Preliminary or Final Approval and Capacity Allocation under Section 10.9, the Town shall be responsible for payment of the unpaid share of User Charges associated therewith.

2. Surcharges for High Strength Waste

- a. Users that discharge any toxic pollutants, high strength wastes (i.e., regular, meaning at least three days in a seven-day period, discharge of Sewage of greater than 200 mg/L of BOD₅)⁴ or other detrimental or potentially damaging Sewage to the System shall be required to pay a surcharge directly related to the anticipated costs to be incurred by the Town to manage the abnormal wastes including management of both the liquid effluent and wasted sludge portions of such high strength wastes.
- b. This section shall not be construed as to create a right to such discharge.
- c. The Board shall adopt a surcharge system and policy for handling abnormal wastes at such time as the need develops. The surcharge system shall use the parameter of 200 mg/L of BOD₅ of as a comparative base.
- d. Nothing in this section shall exempt a user from compliance with other conditions or requirements for use of the System imposed pursuant to this Ordinance.

3. **Use of Excess Revenues.** Excess Operations and Maintenance Charge or Debt Service Charge revenues, or other excess income, may be placed into the Dedicated Fund, or otherwise applied to reduce the Debt Service Charge or Operations and Maintenance Charge, as determined by the Board.

4. Payment of Charges; delinquency; billing

⁴ <https://doh.wa.gov/sites/default/files/legacy/Documents/Pubs//337-107.pdf>

- a. **Billing frequency.** User Charges shall be invoiced no less than quarterly by the Town. User Charges shall be payable on or before the thirtieth (30th) day following the date of the invoice, or a later date as shown on the invoice.
 - b. **Penalty for late payment.** In the event that such charge is not paid when due, a penalty of one percent (1.5%) per month shall be added to the total amount due.
 - c. **Delinquency.**
 - i. If any account remains delinquent after thirty days, the Board may take any action that is consistent with the provisions of 24 V.S.A. Chapter 129, Uniform Water and Sewer Disconnect, as presently constituted and as amended from time to time, to obtain payment of delinquent charges or to discontinue all services.
 - ii. Such charges shall be a lien upon the real estate under 32 V.S.A. § 5061 and may be enforceable and collected in the same manner and to the same effect as taxes are a lien on real estate are collected as provided in 24 V.S.A. § 3614 and 5151
 - d. **User Charges for new connections.** New sewer connections made during a billing period shall be billed on the following basis:
 - i. Debt Service Charges for the entire billing period in which the connection occurs, regardless of date of hookup within the period;
 - ii. Operations and Maintenance Charges pro-rated for the period from the date of hookup to the end of the billing period.
5. **Owners' responsibility for payment; assignment of billing.** All User Charges and other applicable fees will be billed to the owner of record of the building or buildings served by the System, unless the owner of record provides written documentation to the Town accepting responsibility for payment but identifying other person(s) for receipt of billings.

ARTICLE 5 - USE OF THE PUBLIC SEWER

SECTION 15. WASTE RESTRICTIONS

- 1. **Prohibited discharges to sanitary sewers.** No person shall discharge or cause or allow to be discharged any Stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or industrial waste to any Sanitary Sewer.
- 2. **Dilution prohibited.** It shall be illegal to meet requirements of this Sewer Ordinance by diluting wastes in lieu of proper pretreatment.
- 3. **Discharge of certain waters or wastes prohibited.** No person shall discharge or cause or allow to be discharged any of the following described waters or wastes to any public sewer(s) or sewage works:
 - a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 - b. 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 waste treatment process, constitute a hazard to

humans or animals, create a public nuisance, create any hazard in the receiving waters of the System.

c. Any waters or wastes having a pH lower than five point five (5.5) or higher than nine (9), or having any corrosive property capable of causing damage or hazards to structures, equipment, or personnel operating or maintaining the System.

d. 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 such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, garbage, whole blood, paunch manure, hair and fleshings, entrails, flushable wipes, paper dishes, cups, or milk containers, either whole or ground by garbage grinders.

e. Any wastewater containing toxic pollutants in sufficient quantity, either single or by interaction with other pollutants, to injure, pass through, or cause interference with any sewage treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the System.

f. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or sufficient to prevent entry into the Sewers for maintenance and repair. For the purposes of this paragraph, an odor shall be considered as creating a public nuisance when it exists at a sufficient intensity or duration to cause residents within 500 feet of the source of the odor to file complaints to the Town.

g. Any substance which will cause the System to violate its State Disposal System Permit or the receiving water quality standards.

h. Water sufficiently hot to cause the influent at the Sewers to exceed one hundred four (104) degrees F (forty (40) degrees C) or cause inhibition of the System.

i. Quantities of flow, concentrations or both constitute a "Slug" as defined herein.

j. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town in compliance with applicable State or Federal regulations.

k. Any wastewater which causes a hazard to human life as defined by the Environmental Protection Agency, or which creates a public nuisance.

l. Wastes from the preparation, cooking, and dispensing of food that have been shredded. The installation of any garbage grinder shall not be permitted.

4. **Discharge of certain substances prohibited.** The following described substances, materials, waters or waste shall be limited in discharges to the Sewers to concentrations or qualities which will not harm either the Sewers, the System and its sewage treatment process or equipment, will not have an adverse effect on the receiving waters and/or will not otherwise endanger lives, limb, public property or constitute a nuisance. The Board may set limitations lower than the limitation established in these regulations if more active limitations are necessary to meet the above objectives. In determining such limitations, the Board will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the Sewers, materials and construction of the System and its sewage works, degree of treatability of the waste in the System, prevailing State and Federal regulations, and other pertinent factors. The limitation or restrictions on materials or characteristics of substances, materials, waters, waste or wastewaters discharged into the Sanitary Sewers which shall not be violated without approval of the Board are as follows:

- a. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F (sixty-five (65) degrees C).
- b. Any water or wastes containing fats, wax, grease, or oils whether emulsified or not, in excess of twenty-five (25) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (zero (0) and sixty-five (65) degrees C).
- c. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- d. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite Sewage at the System's disposal field exceeds the limits established by the Board for such materials
- e. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Board as necessary, after treatment of the composite sewage to meet the requirements of the State, Federal, or other public agencies having jurisdiction for such discharge to the receiving waters.
- f. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Board in compliance with applicable State or Federal regulations.
- g. Any waters or wastes having a pH in excess of 9.0.
- h. Materials which exert or cause:

- i. 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).
 - ii. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - iii. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the System, or that cause provisions of the discharge permit to be exceeded.
 - iv. Unusual volume of flow or concentration of wastes constituting "Slugs" as defined herein.
- i. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or which are amenable to treatment only to such degree that the System effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

5. **Authority of Board to reject wastes or impose additional controls.** If any waters or wastes are discharged, or are proposed to be discharged to the System, which waters contain the substances or possess the characteristics enumerated in (3) or (4) above, and which in the judgment of the Board or its designee, may have a deleterious effect upon the Sewers, System, or receiving waters, which otherwise create a hazard to life, health or constitute a public nuisance, the Board may:

- a. Reject the wastes;
- b. Require pretreatment to an acceptable condition for discharge to the System; and/or
- c. Require control over the quantities and rates of discharge.

SECTION 16. PRE-TREATMENT and FLOW EQUALIZATION

1. **Pre-treatment and flow equalization installations.** If the Town 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 Board, and subject to the requirements of all applicable codes, ordinances, and laws and to all applicable permits governing the System. Such pretreatment installations must be consistent with the requirements of any state pre-treatment permit issued to the industry.

2. **Interceptors may be required.** Grease, oil, hair, and sand interceptors shall be provided when, in the opinion of the Board or as required by State regulations, these are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, large particulate matter greater than one-half (1/2) inch (1.27 centimeters) in diameter, sand and other harmful ingredients. All interceptors shall be of a type and capacity that comply with State regulations and shall be located as to be readily and easily accessible for cleaning,

maintenance, repair, replacement and inspection. Interceptors shall not be required for private living quarters but may be required for residential properties with in-home businesses depending on the nature of the business and the waste generated.

3. Construction of interceptors.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. Interceptors shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

Interceptors shall be installed in the sewer service line serving only the plumbing fixtures within a building or structure with non-residential uses where the wastewater from the fixtures, such as sinks and dishwashers in restaurants, cafeterias, and kitchens, may include fats, oils, and grease.

All wastewater flows connected to an interceptor shall be screened to prevent excessive solids from entering the interceptor.

All interceptors shall be of a type and capacity approved by the Town of Waitsfield Water and Wastewater Commission and shall be located as to be readily and easily accessible for cleaning and inspection.

For food service establishments, gravity grease tank interceptors shall be sized based on Section 1-0909 of the Vermont Environmental Protection Rules, Wastewater System and Potable Water Supply Rules, effective November 6, 2023, or as amended.

Specifically: Meals per peak hour (A) x Wastewater Flow Rate (B) x Retention Time (C) x Storage Factor (D) = Size Requirement in Liquid Capacity in Gallons.

4. Owners responsible for maintenance of interceptors and pre-treatment.

- a. All interceptors shall be inspected routinely, maintained, and operated as efficiently as possible at all times at the expense of the Owner. Collected materials shall not be discharged into the collection system.
 - I. A routine cleaning schedule for the interceptors shall be developed. For restaurants this shall be based on the storage volume of FOG in the interceptor, the number of meals served per day, and the typical grease generation per meal based on meal type.
 - II. For inground gravity interceptors it is recommended that the interceptor be cleaned when the collected sum of FOG and settled solids reaches 25% operating depth of the interceptor.
 - III. Documentation of interceptor maintenance and pumping shall be provided by the Owner to the Town of Waitsfield Water and Wastewater Commission upon request and shall be kept for a minimum of three (3) years.
 - IV. At a minimum, these records shall include the name of the person and company completing the inspection or cleaning, date and time of the inspection and/or maintenance, the volume of waste removed, waste hauler if different from inspection/cleaning entity, and disposal location.
- b. Prior to discharging wastewater into a FOG or grit interceptor, all reasonable pollution prevention practices (i.e. composting, side streaming for off-site disposal, reuse, or recycling) shall be implemented to minimize the volume of FOG or grit

discharged into the interceptor to ensure the proper long-term operation of the interceptor and to reduce the discharge of these pollutants into the collection system and the wastewater system.

- c. All materials used in the cleaning of interceptors as well as the residual FOG materials removed during the cleaning, shall be disposed of at a proper waste disposal facility and shall not be rinsed or otherwise introduced into the collection system. The use of excessively hot water or steam that would release FOG or grit into the collection is not permitted.
- d. If the Board determines that the discharge from an interceptor is adversely impacting on the proper operation of the collection system or the WWTF, then the Board may require the owner to:
 - i. improve or increase pollution prevention and waste separation procedures to minimize the volume of wastes discharged into the interceptor;
 - ii. increase the inspection, cleaning, or maintenance of the interceptor;
 - iii. modify the design of the interceptor to ensure improved or proper operation;
 - iv. replace the deficient interceptor with a properly designed and approved interceptor; or
 - v. any combination of the above.
- e. The owner shall be liable for any costs necessary to ensure the proper operation, modification, or replacement of the interceptor.
- f. The owner shall be liable for any costs incurred by the Town of Waitsfield to maintain or repair the sewer system or the wastewater system due to adverse impacts attributed to the discharge of FOG or grit.
- g. Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, such facilities shall be maintained continuously in satisfactory and effective operation by the Owner at the Owner's sole cost, expense and risk.

SECTION 17. MONITORING and TESTING

- 1. **Access for monitoring of wastes.** Authorized representatives of the Town shall, upon provision of reasonable notice to the Owner, be permitted to enter into, upon, or through the premises of any property discharging into the System to have access to and copy any record, to inspect any monitoring equipment or method, and to sample any discharge into the System.
- 2. **Control manholes.**
 - a. When required by the Board, the Owner of any property serviced by a Building Sewer carrying non-residential 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.
 - b. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved at the Owner's cost, expense and risk, and shall be maintained by the Owner so as to be safe and accessible at all times.
- 3. **Monitoring of discharges; record keeping.**
 - a. All non-residential discharging into the System shall perform such monitoring of their discharges as the Board or its designee may reasonably require, including

- installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Board.
- b. Such records shall be made available, upon request, by the Board, to other agencies having jurisdiction over the System.
 - c. Where pretreatment permits are issued by the State of Vermont, monitoring records must also be submitted to the Secretary in accordance with such permit.
4. **Methods for measurements, tests, and analyses.**
- a. 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 such control manhole. In the event no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the System to the point at which the Building Sewer is connected.
 - b. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the Sewers and System and to determine the existence of hazards to life, limb, and property.

SECTION 18. ACCEPTANCE OF HIGH-STRENGTH WASTE

Nothing in this Ordinance shall be construed as prohibiting any special agreement between the Town and any Owner through which an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment by the Owner, provided that such agreements do not contravene any requirements of existing federal and state laws and regulations and sound engineering practice, and are compatible with any user charge and cost recovery system in effect.

ARTICLE 6 - ADDITIONAL PROVISIONS

SECTION 19. PROTECTION FROM DAMAGE

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the System. Any person violating this provision shall be subject to immediate arrest under the charge of unlawful mischief as set forth in Title 13, Section 3701 of the Vermont State Statutes Annotated. Any person violating this Article on conviction thereof shall be fined and/ or shall owe a penalty in an amount not less than One Hundred Dollars (\$100.00) per day for each violation with each day counting as a separate violation.

SECTION 20. POWERS AND AUTHORITY OF INSPECTORS

1. Right of Entry.

- a. The Health Officer and other duly authorized employees, agents or representatives of the Town bearing proper credentials and/or identification shall be allowed to enter all properties for the purposes of inspection,

observation, measurement, sampling and testing in accordance with the provisions of this Ordinance.

- b. The Health Officer or the Board's designee 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 the System.
- c. Delays by the Owner in providing reasonable access to duly authorized employees, agents or representatives of the Town enforcing the provisions of this Ordinance may be considered a violation of this Ordinance, subject to penalties outlined in Section 21 of this Ordinance.

2. Liability and Indemnification. While performing necessary work on private properties referred to in (1), the Health Officer and duly authorized employees, agents or representatives of the Town shall observe all safety rules applicable to the premises established by any company operating on a premises inspected; and the individual or entity shall be held harmless for injury or death to the Town employees, agents or representatives, and to the extent provided by law, the Town shall indemnify the individual or entity against liability claims and demands for injury or property damage asserted against the individual or entity arising from the gauging and sampling operation, except as such may be caused by negligence or failure of the individual or entity to maintain safe premises or conditions, including conduct of agents or employees of the company.

3. Access to Easements. The Health Officer and other duly authorized employees, agents or representatives of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. Routine maintenance requirements on the premises of a property discharging into the system may include, but not be limited to, regular pumping of the STEP systems and maintenance of the pump system. 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 property involved.

SECTION 21. VIOLATION; PENALTIES

- 1. **Notice of violation.** Any person found to be violating any provision of this Ordinance except Section 19, Protection from Damage, shall be served by the Town with written notice stating the nature of the violation and providing a time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- 2. **Violation—Penalty.**
 - a. Any person who shall continue any violation beyond the time limit provided for in Section 21.1 shall be fined the maximum amount allowable under 24 V.S.A. Chapter 59 for civil ordinance violations, as amended. Each day in which any such violation shall continue shall be deemed a separate offense.

- b. In addition to any fine imposed under Section 21.2, any person violating any of the provisions of this Ordinance shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such offense, including but not limited to sampling, testing, inspection, repair, maintenance and replacement expenses.
- 3. **Remedies nonexclusive.** Notwithstanding any of the foregoing provisions, the Town may institute any appropriate action including injunction or other proceeding to prevent, restrain or abate violations of any provisions of this Ordinance, including termination of sewer service.

SECTION 22. SEVERABILITY

- 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- 2. The invalidity of any section, clause, sentence, phrase, term or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part or parts.

Adopted by the Town of Waitsfield Selectboard at its meeting held on the ____ day of _____, 2026. Effective date: _____ 2026

APPENDIX A: Town of Waitsfield Wastewater Service Area



APPENDIX B: Schedule of Rates and Fees

See - Waitsfield Community Wastewater System – Draft Methodology for Fees and Billing

Draft

APPENDIX C: Two-Year Sewage Treatment Capacity Allocation Month 2026 to Month 2028

DRAFT TABLE

Munns Site		
Permitted Disposal Capacity		95,040
Less Infiltration		-6,041
Net Permitted Disposal Capacity		88,999
Less		
Allocated Wastewater Flows		-56,693
Less		
Town Committed Reserve Capacity		-1,500
Remaining Disposal Capacity		30,806
2-year capacity allocation		30,806
Initial Distribution of 2-year capacity		
Residential	85%	26,185
Non-Residential	15%	4,621