

CHAPTER 11: SEWER REGULATIONS

SECTION 1101: SEWER USE RULES AND REGULATIONS

A. Building Sewers and Connections. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Village. Any persons proposing a new discharge into the system, or a substantial change in the volume or character of pollutants that are discharged shall notify the Village at least forty-five (45) days prior to the proposed change or connection.

There shall be three (3) classes of building sewer permits:

1. For Residential service;
2. For commercial service; and
3. For service to establishments producing Industrial Wastes.

In all cases, the owner or agent shall make application to the Village. The application shall be supplemented by plans, specifications, or other information pertinent to the application.

All expenses incidental to the installation, maintenance and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be caused by the installation of the building sewer.

A separate and independent building sewer shall be provided for all buildings; However, if one building is at the rear of another on an interior lot the sewer may be extended if the following conditions are met:

1. No private sewer is available; and
2. A private sewer can not be constructed to the rear building through an adjoining alley, court, yard, or driveway.

Old building sewers may be used in connection with new buildings if they meet all requirements of this Chapter after examination and test by the Village.

The size, slope, alignment, materials of construction, and the methods to be used in excavating, laying 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 Village. In the absence of code provisions, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall be followed. All such connections shall be made gas-tight and water-tight. Any deviation from the prescribed procedures and materials must be approved by the Village Engineer before installation.

If possible, the building sewer shall enter the building at an elevation below the basement floor. If the building drain is too low to permit gravity flow, sanitary sewage flow shall be lifted by an approved means and discharged to the building sewer.

No person shall connect roof downspouts, exterior foundation drains, area way drains, other sources of surface runoff, open floor drains, or ground water to a building sewer or building drain which directly or indirectly connects to a public sanitary sewer.

All connections to the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village or the procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas-tight and water-tight. Any deviation from the prescribed procedures and materials must be approved by the Village Engineer before installation.

The applicant for the building sewer permit shall notify the Village when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Village Engineer or its representative.

Excavations for building sewer installations shall be guarded with barricades and lights to minimize safety hazard. Streets, sidewalks, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village Engineer.

B. Use of Sewers. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, floor drain, uncontaminated cooling water, or unpolluted industrial process water to any sanitary sewer.

Storm water and other unpolluted drainage shall be discharged to such sewers, which are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Village Engineer. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Village Engineer, to a storm sewer, combined sewer, or natural outlet.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Any gasoline, benzene, naphtha, fuel oil, dry cleaning fluid, or other flammable or explosive liquid, solid, or gas.
2. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
3. Any waters or wastes having a pH lower than five (5.0), nor greater than nine and one half (9.5), or having corrosive property capable of causing damage or hazard to structures, equipment, and personnel.
4. Solid or viscous substances in quantities or sizes capable of obstructing sewer flow or interfering with the operation of the treatment plant. Substances include, but are not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper products, either whole or ground by garbage grinders.

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes, if in the opinion of the Village Engineer such wastes can harm the sewer, sewage treatment process, or equipment, adversely effect the receiving stream, or endanger life, limb, public property, or constitute a nuisance. Discharge to drain of an otherwise regulated material through an unapproved pretreatment unit is specifically prohibited. In determining the acceptability of these wastes, the Village Engineer will consider such factors as

the quantities of subject wastes in relation to sewer flows and velocities, sewer construction materials, the sewage treatment process, sewage treatment plant capacity, ability to treat wastes in the sewage treatment plant, and other relevant factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty five (65) degrees Celsius).
2. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (zero (0) and sixty-five (65) degrees Celsius).
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of Staff.
4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
5. Any water or wastes containing iron, cadmium, lead, mercury, selenium, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Village Engineer for such materials or is proven to provide for significant degradation of the byproduct sludge from the treatment process.
6. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Village as necessary, after treatment of the composite sewage to meet the requirements of the State, Federal, or other public agencies or jurisdiction for such discharge to the receiving waters.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village Engineer in compliance with applicable State or Federal regulations.
8. Any waters or wastes having a pH in excess of nine and one half (9.5).
9. Materials, which exert or cause:
 - (a) Unusual concentrations or inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as but not limited to sodium chloride and sodium sulfate).
 - (b) Excessive discoloration (such as, but no limited to, dye wastes and vegetable tanning solutions).
 - (c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works, may cause the affluent limitations of the discharge permit to be exceeded.
 - (d) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
10. Water or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or which cannot meet the regulations of agencies with authority over discharge to the receiving waters.

If any waters or wastes are discharged, or proposed for discharge to the public sewers, which contain the substances or characteristics enumerated in Section B of this Chapter,

and which in the judgment of the Village Engineer, may have a deleterious effect upon the sewage works, processes, equipment, sludge quality, or receiving waters, or which may create a hazard to life or constitute a public nuisance, the Village Engineer may:

- (a) Reject the wastes,
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers,
- (c) Require control over the quantities and rates of discharge.

If the Village Engineer permits the pretreatment or equalization of waste flows, the design and installation of plants and equipment shall be reviewed and approved by the Village Engineer, subject to the requirements of applicable codes, ordinances, laws, and the municipal discharge permit. Further, such pretreatment installations must be consistent with the requirements of any state pretreatment permit issued.

Grease, oil, and sand interceptors shall be provided if, in the opinion of the Village Engineer, they are necessary to properly handle liquid wastes with excessive amounts of grease, flammable wastes, sand, or other harmful ingredients; Interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village Engineer, and shall be located as to be readily and easily accessible for cleaning and inspection. Installation of an interceptor does not infer an obligation by the Village Engineer to accept segregated material for further treatment or disposal.

If preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained in satisfactory and effective operation at the owners expense.

If required by the Village Engineer, the owner of property served by a building sewer, which carries industrial wastes, shall install a control manhole together with meters and appurtenances as necessary to facilitate observation, sampling, and measurement of wastes. The manhole shall be located and constructed in accordance with plans approved by the Village Engineer. The manhole shall be installed at the owners expense, and shall be maintained to be safe and accessible at all times.

All industries discharging into a public sewer shall monitor their discharges as reasonably required by the Village Engineer. Participating industry shall be responsible for reasonable expenses incurred by the Village Engineer for unusual sampling by the Village Engineer in determining conformance with these sewer regulations. Such instances can include, but shall not be limited to, compliance monitoring, duplicate analysis check samples, or random sampling for compliance. Where industrial pretreatment permits are issued by the State of Vermont, monitoring records must also be submitted to the Secretary in accord with such permit. Records of any other monitoring shall be made available upon request by Staff to the Secretary or agency with jurisdiction over discharges to the receiving waters.

All measurements, tests, and analyses of the characteristics of waters and wastes 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 samples taken at said control manhole. If no special manhole has been required, the control manhole shall be the nearest downstream manhole from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate, or whether a grab sample or samples should be taken). Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.

Any industry in violation of the provisions of this Chapter may have its disposal authorization terminated.

Nothing in this Chapter shall be construed to prevent a special agreement or arrangement between the Village, other cities or towns and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment. Any special agreement may be subject to payment by the industrial concern and no agreements shall contravene any requirements of existing Federal or State laws. Except as specifically provided, no privy, privy vault, septic tank, cesspool, or other facility intended or used for sewage disposal may be constructed.

Any house, building, or property used for human occupancy, employment, recreation, or other purposes, which abuts an alley, street, or right-of-way with a sewer (or which will abut a sewer line in the future) shall install toilet facilities and connect said facilities to the proper public sewer in accordance with the provisions of this Chapter, within ninety (90) days after receipt of official notice.

C. Use of the Public Sewers. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

D. Powers and Authority of Inspectors. Any duly authorized employee of the Village shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Chapter. The Village shall have no authority to inquire into any processes (including metallurgical, chemical, oil, refining, ceramic, paper, or other industries) except as the process has a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

While performing the necessary work on private property referred to in this Chapter, duly authorized employees of the Village shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Village employees. The Village shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the

company to maintain safe conditions.

The Village shall be permitted to enter all private property over which the Village holds an easement for the purposes of, but not limited to inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work within said easement, shall be completed in accordance with the terms of the easement.

E. Penalties. Any person violating any provision of this Chapter shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the time stated in such notice, permanently cease all violations.

Any person who shall continue any violation beyond the time limit specified, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in an amount not exceeding five hundred (500) US dollars for each violation. Each week in which any such violation shall continue shall be deemed a separate offense.

Any person violating any of the provisions of this Ordinance shall become liable to the Village for any expense, loss, or damage occasioned the Village by reason of such offense.

F. Validity. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

The invalidity of any section, clause, sentence, or provisions of this Chapter shall not affect the validity of any other part of this Chapter, which can be given effect without such invalid part or parts.

G. Charges for Debt Service and Operation/Maintenance. The Trustees shall include in the annual Village general, wastewater and sanitation budgets, an amount sufficient to repay the cost of development and construction of the Village of Essex Junction public sewer system.

Tax exempt property and Federal, State and municipal properties connected to the Village of Essex Junction public sewerage system shall be subject to sewer rents for the discharge of debt service.

The Trustees shall annually establish a user charge rate in US dollars per one thousand (1,000) gallons of water consumed for all premises connected to the Village public sewer system for the payment of operating costs, maintenance and repair of the system. The established annual user charge rate shall be made known to each user of the system.

The user charge rate established by the Trustees shall be applied to the annual consumption of water by the user as metered by the Village and the wastewater quantities transmitted to the Village for treatment by the Towns of Essex and Williston measured in accordance with the prevailing inter-municipal agreement.

The Trustees reserve the right to assess charges in a fair and equitable manner for use of the public sewer system by metered water usage or by contract in the event a user does not fall within

any of the classifications listed in this Chapter.

Failure of any owner or agent to receive a bill shall not excuse non-payment. If the owner fails to receive a bill, he/she shall obtain a bill from the Village Clerk.

Collection of delinquent charges may be enforced by the Village pursuant to 24 V.S.A. 3612, 24 V.S.A. 2615, and 24 V.S.A. Chapter 129.

The Village Clerk shall file all delinquent charges in accordance with 24 V.S.A. Chapter 129, Uniform Water and Sewer Disconnect.

The Trustees shall have the right to abate any and all delinquent penalty charges, which, in their sole and uncontrolled discretion, deem to be in the best interest of the Village to abate.

Pursuant to 24 V.S.A. 3611 all revenues received from sewer rents including interest and penalties thereof shall be credited to the Village general fund for the payment of debt service and all revenues received from the user charges shall be credited to a special fund to be known as the "Public Sewerage System Operations and Maintenance Account".

A user of the public sewerage system identified as a contributor of a toxic substance to the sewerage system shall be assessed a charge equal to the added cost of processing that waste.

H. Commercial and Industrial Cost Recovery System. All wastewaters entering the Village of Essex Junction public sewerage system are domestic type wastes. The Village retains the right to surcharge as allowed by State and Federal law, all waste streams consistently to be stronger than domestic type wastes. Surcharges imposed will be in proportional increments in relation to typical domestic sewage normally measured at two hundred and twenty (220) mg/l each five (5) day BOD and/or total suspended solids.

I. Private Sewage Disposal. Off-Site - All new development shall be directly connected to a public sewer. Existing state and federal approved private waste water treatment systems in the Light Industrial District are exempt from this requirement. The developer is required to provide such pumping and other facilities as necessary. Improvements to existing Village facilities may be required when significant impact to sanitary sewage infrastructure is determined through the subdivision permitting review. The Commission may require at the applicants expense, the installation of larger sewer lines, pumping and other facilities, outside the development, if the sewer service would otherwise be inadequate.

This exception shall not apply when lots are created as part of a major subdivision. Major subdivisions shall discharge to the public sewer system. An exception may be granted by Trustees for the development of one single-family residence, commercial or light industrial use estimated to discharge under five thousand (5,000) gallons per day per unit if the applicant meets all of the following requirements:

1. The lot to be developed is more than one thousand (1,000) feet from an existing public sewer line having capacity to serve those lots, or that there are unique physical conditions that prohibit or severely restrict the connection to a public sewer; for example, class one or two wetland, steep slope in excess of twenty (20) percent, ledge material.
2. The lot has a minimum acre of three (3) acres.

3. Facilities will be designed and installed as specified in all applicable Village and State regulations and standards.

Prior to construction of a private sewage disposal system, the owner shall obtain a written permit. The applicant shall supplement the permit with plans, specifications, and other information as deemed necessary by the Village.

A permit for a private sewage disposal system shall not be effective until installation is completed to the satisfaction of the Village Engineer. The Village Engineer shall be allowed to inspect the work at any stage of construction. The applicant shall notify Staff when the work is ready for final inspection, prior to covering any underground portions. The inspection shall be made within twenty-four (24) hours of receipt of notice by the Village Engineer.

Construction Drawings and Technical Specifications shall include: Details of proposed connections with the existing sewage disposal system or adequate provisions for on-site disposal or septic waste disposal. If on-site sewage disposal is proposed, the locations and results of tests to ascertain subsurface soils, rock and groundwater conditions shall be provided. All tests and design criteria shall be in accordance with applicable State and local regulations or standards (See State Health Regulations).

When a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this Chapter. Any septic tanks, cesspools, or similar disposal facilities shall be abandoned and filled with suitable material.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Village.

No statement contained in this Chapter shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

When an existing on-site system is abandoned, it must be cleaned of sludge and filled with clean bank-run gravel or dirt within ninety (90) days from the date the septic system was abandoned. Whenever an existing septic system fails, as determined by the Health Officer, the property owner(s), at their expense, will be required to connect to the public sewer within ninety (90) days, unless the property owner receives an exception from the Trustees and complies with all of the following requirements:

1. The lot is more than three hundred (300) feet from a public right of way with an existing public sewer main having capacity to serve the use in question, or that there are unique physical conditions that prohibit or severely restrict the connection to a public sewer, for example, class one or two wetlands, steep slope in excess of twenty (20) percent, ledge material; and
2. Facilities will be designed and installed as specified in all applicable Village and State regulations and standards.

If any septic system fails and the property owner does not receive an exemption from the Trustees, the septic system shall be cleaned of sludge and filled with clean bank-run

gravel or dirt within ninety (90) days from the date that the septic system was determined to have failed by the Health Officer.

J. Private Sewers. "Private sewers" shall mean a sewer in which all owners of abutting properties have equal rights through an association of abutting property owners or any sewer line that is not owned and maintained by the Village. Private sewers shall be permitted only when:

1. The sewer serves buildings which front on an approved road; or
2. The elevations of the building drains for a series of buildings are too low to permit gravity flow directly to the public sewer and a private sewer is the most economical means for connecting the building drains to the public sewers.
3. The private sewer serves no more than three (3) lots.
4. Plans of the private sewer are provided which accurately show the location, elevation and size of mains and laterals.
5. The private sewer has sufficient capacity for all users connected to it, as certified by a registered engineer.
6. Written permission is obtained from all property owners presently connected to the line.
7. All private sewers shall be located outside the Village Right-of-way and shall be designed by a registered engineer licensed to practice in the State of Vermont, and constructed to Village standards (subject to the approval of the Village Engineer).

Bylaws for the association of owners controlling the private sewer shall:

- (a) Be subject to approval by the Commission;
 - (b) Be included in the deed for each property abutting the private sewer in perpetuity; and
 - (c) Include a statement absolving the Village from any responsibility for the operation and maintenance of the private sewer and indemnify the Village for any liability for damage associated with the private sewer.
8. All private sewers shall be connected to the public sewer system, existing state and federal approved private waste water treatment systems in the Light Industrial District are exempt from this requirement.
 9. After a private sewer system has been approved as specified herein, additional connections to that private sewer system shall be prohibited unless they are approved by the Commission and the Village Engineer.
 10. The Village Engineer will have the authority to require any necessary repairs to private sewer laterals or lines (including the connection to the Village main). All laterals and services from the main to the building are private. If the private owner refuses to repair the lateral when requested to do so by the Village Engineer, the Village Engineer can contract for these repairs and bill the private owner for all actual costs. These charges will become part of the sewer bill.

K. Pump Stations. Sewage Lift Stations shall be constructed when topography/or other relevant site conditions warrant. Sewage to be centrally collected and "raised" to the surface for continued gravity flow to the central treatment facility. Any constructed sewage lift station shall be owned and maintained by the site developer, homeowners association, or other private entity unless the Sewage Lift Station is built in accordance with these general specifications and the Village agrees to accept the Lift Station upon completion of the installation. Acceptance shall include all appurtenant structures, applicable warranties and sureties. Acceptance shall include

and be concluded with transfer of the station and its property where installed, by warranty deed to the Municipality.

Whereas reliability is important to protect the public health, facilities constructed to transmit sewage from a service area greater than ten (10) homes shall be of the following general type and configuration: (Note: The Village will not accept for ownership any Wet Pit Submersible Pump stations).

Wet Well/Dry Pit: For capacity of output less than one hundred (100) gallons per minute a duplex station.
For capacity of output greater than one hundred (100) gallons per minute a vacuum primed or a flooded suction duplex centrifugal pump stations will be considered. No suction lift shall be greater than nineteen (19) feet.

Design considerations shall be based on the most current Agency of Natural resources Sewage Flow Estimating Tables - Environmental Protection Rules and be designed in accordance with the "Recommended Standards for Wastewater Facilities" (commonly known as the Ten State Standards) as the Vermont Department of Environmental Conservation, Wastewater Management Division. Emergency storage or pumping provisions shall be provided as required by the Regulators.

Wet well design shall be such that pump cycles shall run for approximately five (5) minutes with a minimum force main velocity of two (2.0) ft/second without using gravity lines for available storage.

Level control shall be by an integrated, submerged level transducer with field adjustable set points. Control shall provide for LED Readout of wet well level and provide for set points for high level alarm and low level alarm. Also, integrated into the control system will be a redundant iron construction control operated by a wet well float switch with adjustable time out from zero (0) to five (5) minutes when the float switch contact opens. A proportional signal output of four (4) to twenty (20) milliamps shall be provided. Signal output shall be proportional to level indicator.

1. Flooded Suction Non Clog Sewage Pump Station.
 - (a) Close coupled motor driven with mechanical seal lubricated and pressurized from backhead.
 - (b) Non clog.
 - (c) Able to pass a sphere of three (3) inches diameter.
 - (d) Heavy cast iron construction.
 - (e) Motors shall be three (3) phase premium efficiency with the bearing nearest the motor as radial and thrust load and upper bearing radial only.
 - (f) Closed cast iron impeller.
 - (g) Factory built in one (1) complete assembly.
2. Wet Well Mounted Duplex Pump Station.
 - (a) Close coupled motor driven with mechanical seal lubricated and pressurized from backhead..
 - (b) Non-clog.
 - (c) Able to pass a sphere of three (3) inches diameter.

- (d) Heavy cast iron construction.
 - (e) Motors shall be three (3) phase premium efficiency with the bearing nearest the motor as radial and thrust load and upper bearing radial only.
 - (f) Closed cast iron impeller.
 - (g) Factory built in one (1) complete assembly.
 - (h) Vacuum primed.
 - (i) Hinged fiberglass cover with drip edge - lockable with integrated latch to keep hatch in open position.
 - (j) Adjustable/closeable vent louvers.
 - (k) Pumps shall be designed for the use of vacuum priming and mechanical sealing.
3. Wet Well Mounted Pump Station with Duplex Recessed Impeller Type.
- (a) Close coupled motor driven with mechanical seal lubricated and pressurized from backhead.
 - (b) Non-clog.
 - (c) Able to pass a sphere of three (3) inches diameter.
 - (d) Heavy cast
 - (e) Motors shall be three (3) phase premium efficiency with the bearing nearest the motor as radial and thrust load and upper bearing radial only.
 - (f) Closed cast iron impeller.
 - (g) Factory built in one (1) complete assembly.

SECTION 1102: SEWER ALLOCATION

A. Allocation of Capacity. Discharge capacity shall be allocated to any applicant who has, at the time of application for an allocation, obtained a Zoning Permit, Sketch Plan Approval or Site Plan Approval for a proposed project (regardless of whether such approval is subject to appeal) and has complied with all requirements established by the Village wastewater treatment facility to obtain an allocation of capacity from such facility. Applicants under this section shall be allocated capacity according to the date they apply for an allocation of capacity under this Chapter in an amount equal to that approved by the Village wastewater treatment facility.

B. Expiration of Allocations. Any allocation of capacity shall expire two (2) years from the date such allocation is made if the improvements needing such capacity are not substantially completed within such two (2) year period. For good cause shown, Staff may approve one extension of one (1) year provided a request for such extension is filed with Staff at least thirty (30) days prior to the expiration of the initial two (2) year period. Allocation will be issued (awarded) upon the applicant's signature on a State of Vermont "Voluntary Request Permit Revocation" form specifically related to the permitted project. The Village of Essex shall execute the Voluntary Request for Permit Revocation only if improvements are not substantially completed within a two (2) year period or when any extension as expired.

Any amendment regarding expiration of allocations can be made applicable to allocations already granted under this Chapter provided such amendment grants those holding allocations under this Chapter at least six (6) months from the date of any such amendment to utilize such allocation.

For the purposes of this Chapter improvements shall be substantially completed when they are

capable of being utilized for their intended purpose.

C. Assignability of Allocations. Allocations of capacity is not alienable, assignable or transferable without written approval of the Village, may not be sold or transferred for use on property other than that for which the allocation is initially granted. Allocations may not be used for substantially different projects on the same property for which an allocation is initially granted.

D. Administration. Requests for allocation of capacity under this Chapter shall be submitted on a standard form and shall be accompanied by an application fee established by the Trustees.

Except as provided below, the Staff shall act to approve or deny any request for allocation of capacity within thirty (30) days of the receipt of said application. Failure to act within said thirty (30) day period shall not constitute approval of an application.

A decision of the Staff to approve or deny an allocation of capacity under this Chapter shall be appealable to the Trustees.

Staff shall have no authority to approve a request for allocation of capacity in an amount of ten thousand (10,000) gallons per day or greater. Staff shall forward a request for such allocation to the Trustees who shall hold a public hearing. The Trustees shall give due consideration to the following:

1. Whether the proposed project complies with the Plan and Village Ordinances in effect, or which have been warned for public hearing before the Trustees.
2. Ability of the Village's Wastewater Treatment facility and collection system to accommodate the proposed discharge.
3. Impact of the proposed allocation on the Village's ability to sustain balanced growth within the limits of remaining available capacity.