

ARTICLE III

USE OF THE MUNICIPAL WASTEWATER COLLECTION SYSTEM

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3.01 Purpose

The intent of this policy is to establish rules and regulations for the connection and use of the municipal sanitary wastewater collection system and will supersede any previous rules and regulation. The requirements outlined in this Regulation shall apply to new permits and change of use applications.

3.02 Use of the Municipal Wastewater Collection System

The use of all public sanitary wastewater collection system in the Town of Tisbury, shall be controlled by the Select Board, as Wastewater Commissioners. The Owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the Town, and abutting on any street, alley, or right-of-way in which there is located a public sanitary wastewater collection system within a Sewer District approved by Town Meeting and obtain a permit, shall connect to the collection system within one hundred and eighty (180) days.

1. No unauthorized person shall uncover, make any connections with, or opening into, use, alter or disturb any public wastewater collection system or appurtenance thereof without first obtaining a written permit from the Select Board.
2. No person shall discharge or cause to be discharged to the POTW any substance, materials, or wastewaters that can harm the collection system, wastewater treatment process, or equipment, have an adverse effect on the receiving waters or otherwise endanger life, limb, public property, or constitute a nuisance as outlined in Article 6 Sections (3), (4), and 314 CMR 12.08.
3. Stormwater and all other unpolluted drainage shall be discharged to storm drains or to natural outlets approved by the Department of Public Works (DPW). Non-contact cooling water or treated process waters may be discharged, on approval of the DPW, to a storm drain, or natural outlet. Such discharges may also require approval under the National Pollutant Discharge Elimination System (NPDES) Program.

3.03 Right to Connect to the Municipal Wastewater Collection System

Provided that the discharge from the Wastewater System has not reached the flow limit established by the DEP through its current Groundwater Discharge Permit, or any limit lower than the Groundwater Discharge Permit as approved by the Select Board, the properties within the Sewer District approved by Town Meeting and directly abutting the collection system will be permitted to connect to the municipal sanitary wastewater collection system to

serve the use of those properties. Whether a property is commercial, institutional, industrial, or residential, the estimated usage will be determined by matching the properties usage against one of the listed usages on the list.

3.04 Wastewater Connections

1. No person shall alter, disturb, connect, or install equipment into the Town's public sanitary wastewater collection system without first obtaining approval from the Select Board. The Select Board will have final approval of all connections and change-of-use requests. Expansions of the municipal sanitary wastewater collection system, beyond the limits of the approved Sewer District, shall be subject to the final approval of the Town through a vote at a duly assembled Town Meeting.
2. All proposed connections to the Town's public sanitary wastewater collection system or change of use of a previously approved connection must meet all the requirements of this regulation before any approval shall be granted.
3. Connections to the Town's sanitary wastewater collection system shall be subject to the availability of capacity in the system as determined by the Town through the Wastewater Superintendent. Determination of available capacity shall be made by the Wastewater Department using standard engineering calculations, evaluation of flow meter data, projected future system flows, or other appropriate methods, as determined in the Town's Comprehensive Wastewater Management Plan. Available capacity shall be subject to approval by the Select Board.
4. The Select Board shall not issue an approval for any connection or change of use to the Town of Tisbury's sanitary wastewater collection system and its facilities unless there is available capacity not legally committed to other users of the POTW.
5. The Select Board shall not grant an approval to any applicant that does not meet any of the following conditions:
 - (a) Legally owns the facilities listed on the application at the time submitted; or
 - (b) Possesses a signed lease agreement between the applicant and the landlord of the facilities listed on the application at the time submitted.
 - (c) Has paid all fees required by the connection application
 - (d) Is not in arrears for payments to the Wastewater Department
 - (e) Is not in arrears for any betterments associated with the Wastewater Collection System

3.05 Special Facilities

1. When required by the Select Board, a User/Owner shall design, construct, install, operate, and maintain special facilities which will provide for the regulation and control of the rate, volume, and characteristics of the wastewater discharge to the POTW.
2. The design of such special facilities shall be subject to the approval of the Town.
3. Prior to the startup of the Special Facilities, the user/owner shall prepare and submit an operation and maintenance plan, including as-built plans of Special Facilities, prepared, and stamped by a Massachusetts Registered Professional Engineer to the Wastewater Department.
4. The user/owner shall submit an annual report to the Wastewater Department that provides information, data, testing reports, or other information necessary to document that the special facilities are performing as designed and are being operated and maintained in conformance with the operation and maintenance plan.

3.06 Ownership and Maintenance of Building Collection System

1. Building collection systems, also called building sewers, whether located on public or private property, are owned by the Owner of the premises served. In the case where more than one premises is connected to the same building sewer, depending on the form of ownership, the Owner of the respective premises shall be jointly and severally responsible for the maintenance and repair of the building collection system.
2. The Owner of a building collection system shall at the times keep such sewers clean and in good repair in order not to cause excessive infiltration, exfiltration or inflow, depletion of groundwater, damage to property, odor, or harm to the Town's collection system. The Owner shall maintain, repair, modify or replace an existing building sewer whenever it is determined by the Town that such collection system may endanger public health, create a public nuisance, resulting public or private property damage, harm the Town's sanitary wastewater collection system, or impair water quality or the environment, and in such other circumstances as the Town deems appropriate. Building sewers shall be maintained, repaired, modified, or replaced at the Owner's expense.
3. The Wastewater Department, working in conjunction with the Board of Health, for specific purpose, may repair, modify, or replace portions of privately owned building collection system, where it is in the public interest to do so. These specific purposes may include:
 - (a) The replacement and/or rehabilitation of public sewerage system.
 - (b) The mitigation of damage to the public sewerage system that may occur due to the failure of any Owner to repair or maintain a Building sewer.
 - (c) Any Wastewater Department project involved in the repair, replacement, or maintenance of the public infrastructure system.
 - (d) Those where public safety or public health is concerned.
 - (e) As part of any project to improve the function and operability of the wastewater system.
4. The instances listed above, or other specific purposes not specified, shall not be construed to mandate the Wastewater Department to perform work on building collection systems. The repairs, modifications, and/or replacements shall be performed at the Owner's expense and billed to the Owner and shall not set precedent or equate public control.

3.07 Procedures

1. The following procedures are to be followed when requesting a new connection or a change of use to the municipal sanitary wastewater collection system:
 - (a) The applicant begins the process by first completing the Application for Wastewater Service Permit (Appendix A). The application will include the property address, applicants name, applicants phone number, and the applicants mailing address.
 - (b) Once the applicant has completed the application, he/she will submit the application to the Tisbury Wastewater Department Superintendent for review along with all fees and supporting documentation.
 - (c) The Tisbury Wastewater Superintendent will review the application and supporting documentation. The Superintendent will calculate the estimated flow, using the information provided by the applicant and the Tisbury Wastewater Collection System Connection Flow Estimation Worksheet (Appendix B). The Wastewater Superintendent will take one of the following actions:
 - (i) Request additional information from the applicant.
 - (ii) Forward the application to the Sewer Advisory Board with a recommendation.
 - (iii) Forward the application to the Sewer Advisory Board without a recommendation.

- (d) Upon receipt of the application by the Sewer Advisory Board, the chair will determine the date of the meeting that the application will be reviewed and post the application on the agenda for that meeting. The chair will then notify the applicant of the date and time of the meeting that the application will be reviewed. The Sewer Advisory Board will take one of the following actions:
 - (i) Request additional information from the applicant.
 - (ii) Forward the application to the Select Board with a recommendation.
 - (iii) Forward the application to the Select Board without a recommendation.
- (e) The Select Board, upon receipt of the application will determine the date of the meeting in which the application will be reviewed and post it on the agenda for that meeting. The Select Board will take the following action:
 - (i) Request additional information from the applicant.
 - (ii) Approve the application.
 - (iii) Deny the application.
- (f) The Select Board shall notify the applicant in writing of the decision of the Board within fifteen (15) days of the decision.
- (g) Once approved by the Select Board, the applicant has one (1) year with which to complete the connection to the sanitary collection system or the Select Board may rescind the permit. The applicant shall be responsible for procuring, design and construction of all infrastructure improvements required to accommodate the applicant's request. All design and construction improvements and modification of the existing wastewater collection system must be approved by the Wastewater Superintendent.

3.08 Validity

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