



TOWN OF BURLINGTON SEWER ALLOCATION POLICY

Adopted (December 20th, 1999)

Amended (July 17, 2006)

Amended (October 15, 2007)

Amended (December 13, 2010)

Amended (January 14, 2013)

Amended (November 9, 2015)

Amended (April 11, 2016)

1.0 PREAMBLE

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

The Town was authorized by MassDEP to establish a so-called Sewer Bank which includes the total amount of new gallonage permitted to be connected on a 10:1 removal ratio based upon documented I/I removal. Further, the Town required any developer seeking to connect to the Town's system to conduct the 10:1 removal in order to obtain a new sewer connection.

Individual developers were credited with gallonage on the 10:1 removal ratio. To begin the process of building a "Town Sewer Bank" for additional sewer capacity that will serve residents and municipal needs, the Board of Selectmen required all petitioners to remove an additional 1 gallon for every 10 gallons removed to build this reserve capacity. On 3/16/06 the Deputy Regional Director of the MassDEP, Mr. Eric Worrall, signed an "amended" ACO (#ACO-NE-06-1N001) that recognized the Town's "considerable progress" in eliminating extraneous I/I from its collection system and revised the previously required 10:1 removal ratio for Infiltration and Inflow removal down to a 4:1 ratio. The Board of Selectmen requires the removal of an additional gallon of I/I from all petitioners to supplement the "Town Sewer Bank" with additional reserve capacity and to continue our aggressive removal of extraneous flow into the town-wide sewer system.

Because Burlington completed the orders under ACO-NE-06-1N001 and has continued extensive efforts to eliminate I/I, including a large funding commitment to an I/I mitigation project on a

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shared use Horn Pond interceptor in Woburn, MassDEP issued Burlington a new ACO (#ACO-NE-15-1N001) on 10/28/2015. The new ACO eliminates the requirement of a “Town Sewer Bank”. This ACO identifies a list of four I/I projects with completion deadlines, in addition to the Woburn Horn Pond project. The Board of Selectmen will continue to require a removal ratio of 5:1 for sewer increases.

2.0 ISSUING AUTHORITIES

1. DPW Director- To purchase of 50,000 gallons per day (gpd) and less
2. MassDEP and the BOS - To purchase 50,000 gpd or more with the recommendation of the DPW Director

3.0 USE CALCULATIONS

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

4.0 CHANGE IN USE

1. Any change in use for which sewer allocation was granted would be cause for reconsideration by the Board of Selectmen as MassDEP standards and sewer flow estimates vary for different uses.
2. Applicants are required to seek MassDEP (if required by the ACO or applicable regulations) and DPW Director approval prior to reconsideration by the Board of Selectmen.

5.0 TRANSFER

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

6.0 SEWER CAPACITY RECOVERY

1. An applicant seeking sewer allocation of 1,000 gpd and greater shall obtain at least 50 percent of the allocation through methods described in Section 6.2.a, or as determined by the Town. The remaining allocation needed may be purchased from the Town’s Sewer Bank if available as described in Section 6.2.c. If the Town cannot provide previously identified I/I sources under Section 6.2.b, the applicant may choose to purchase the full amount of sewer allocation needed for their development.
2. The sewer capacity recovery options are:
 - a. Identify & Mitigate I/I:
Developer identifies at his/her own risk the I/I removal sites for MassDEP assessment. All identified I/I removal sites shall be repaired or replaced by methods approved by the DPW Director and MassDEP. Removed quantities and justification

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

b. Previously Identified I/I Sources:

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

c. Sewer Allocation Purchases:

If the petitioner prefers to have the Town conduct the work and pay a flat fee based on the proposed flows, the Selectmen shall, from time to time, establish the cost per gallon for the removal of extraneous I/I. Such determination shall be made at least annually. This cost per gallon shall then be multiplied by the 5:1 ratio of removal. As an example, if the established cost per gallon is \$2.50 and if the petitioner chooses to have the Town complete the work for sewer capacity access, the fee for a requested 2,000 gallon allocation would be $\$2.50 \times 5 \times 2,000 = \$25,000$. This removal ratio and dollar cost calculation shall apply to all applicants for additional sewer capacity into the Town of Burlington sewer system **except** for additions to existing single-family homes and to existing single-family homes converting from a private onsite sewerage disposal system to the Town's sewerage disposal system provided the property owner has owned the property for 10 or more years and is 55 years of age or older whereas:

- i. Additions shall be assessed a flat rate fee of \$500 per bedroom addition.
- ii. Sewerage system conversions, for property owners with the aforementioned criteria, shall be assessed a flat rate fee of \$1,000 regardless of bedroom count. If property owners do not meet the criteria, the fee shall be based on the Town's standard formula of cost per gallon, removal ratio, and estimated flow based on bedroom count.

For cases which an existing house is being fully demolished, foundation included, and a new foundation and house is being constructed, sewer allocation shall be required if the newly constructed house has an increase in the number of bedrooms compared to the existing house. This applies only to cases where there has been an existing house which has been occupied within the last 2 years prior to the application of sewer allocation for new construction.

Examples of determining required sewer allocation fees for residential properties are:

#1 *Number of bedrooms in house being demolished = 2*

Number of bedrooms in newly constructed house = 2

Required sewer allocation = (2br x 110gal/br) - (2br x 110gal/br) = No sewer allocation required

#2 *Number of bedrooms in house being demolished = 3*

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Number of bedrooms in newly constructed house = 5

Required sewer allocation = (5br x 110gal/br) – (3br x 110gal/br) = 220 gallons required

$\$2.50 \times 5 \times 220 = \$2,750^*$

(Property converting from private sewerage system not meeting age and residency criteria)

#3 Number of existing bedrooms = 3

Estimated existing flow = 3br x 110gal/br = 330 gallons required

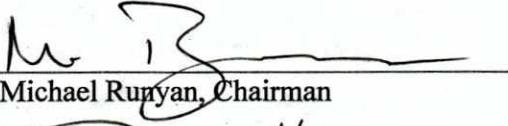
*Sewer allocation fee = \\$2.50/gal x 5 x 330gal = \\$4,125.00**

**The fees shall be due prior to the issuance of a permit from the Building Department or the Board of Health.*

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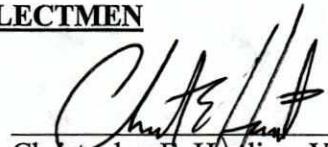
1. The Board of Selectmen will require a 5:1 removal ratio for sewer increases.
2. Should the developer choose to undertake the I/I removal work then the Developer must proceed with I/I removal in acceptance with MassDEP standards. The developer shall submit documentation of MassDEP sewer credit approval to the DPW Director.
3. Developers applying for sewer allocation of 1,000 gpd and more shall only be allowed to purchase a maximum of 50 percent of the requested amount from the Town, or as approved by the Town. The remaining balance shall be identified and removed by the developer as stated in 6.2.a.
4. Sewer allocation being purchased from the Town, as stated in 6.2.c, shall be paid prior to the issuance of a Building Permit from the Building Department.
5. Sewer allocation being obtained privately as stated in 6.2.a shall be complete with MassDEP approval of sewer credit quantities. Documentation from MassDEP shall be submitted to the DPW Director for approval prior to the issuance of a Certificate of Occupancy.

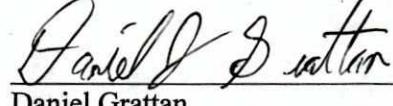
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