

Board of Sewer Commissioners Meeting Agenda



Date
May 31, 2022

Time
7:00 PM

Location
Bourne Community Center
239 Main St., Buzzards Bay

Note this meeting is being televised, streamed or recorded by Bourne TV. All items within the meeting agenda are subject to deliberation and vote(s) by the Board of Sewer Commissioners.

7:00 P.M. Call Public Session to Order in Open Session

1. Moment of Silence to recognize our Troops and our public safety personnel
2. Salute to the Flag
3. Vision: Bourne is a proud community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community and the amenities that it affords. Bourne embraces excellent education, and offers to citizens a healthy, active lifestyle.
4. Mission: Bourne will maximize opportunities for social and economic development while retaining an attractive, sustainable and secure coastline and environment for the enjoyment of residents and visitors. Through responsible and professional leadership and in partnership with others, Bourne will strive to improve the quality of life for all residents living and working in the larger community.
5. Public Comment on Non-Agenda Items: Public comments are allowed for up to a total of 12 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for comment. Based on past practice, members of the Board are not allowed to comment or respond.
6. Minutes: 3/29/22
7. Board of Sewer Commissioners Business
 - a. FY22 budget review
 - b. First Reading - Draft Sewer Rules & Regulations (Sections 1-11)
 - c. Update on WWTP – budget, operations & noise complaint
 - d. Review allocation spreadsheet
8. Reorganization of Officers after Annual Town Election
 - a. Appoint members to the Board of Sewer Commissioners Policy Sub-Committee
9. Future Agenda Items
10. Committee Reports
11. Correspondence
12. Adjourn

RECEIVED
2022 MAY 25 PM 2:10
TOWN CLERK BOURNE

**Board of Sewer Commissioners
Minutes of Tuesday, May 31, 2022
Bourne Veterans' Community Center
Buzzards Bay, MA**

RECEIVED
2022 AUG 31 PM 2:14
TOWN CLERK BOURNE

TA Marlene McCollem

Board of Sewer Commissioners

Mary Jane Mastrangelo, Chair
Jared MacDonald, Vice Chair
Judith Froman, Clerk
Melissa Ferretti
Peter Meier

Others: Gary Maloney, Shawn Patterson, and Paul D'Angelo.

7:00 PM Call Public Session to Order in Open Session

Chair Mastrangelo called the meeting of the Sewer Commissioners to order.

- 1. Moment of Silence to recognize our Troops and our public safety personnel.**
 - 2. Salute to the Flag.**
 - 3. Vision:** Bourne is a proud community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community and the amenities that it affords. Bourne embraces excellent education, and offers to citizens a healthy, active lifestyle.
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 - 5. Public Comment on Non-Agenda Items**
 - a. Public comments are allowed for up to a total of 12 minutes at the beginning of each meeting. Each speaker is limited to 3 minutes for comment. Based on past practice, members of the Board are not allowed to comment or respond.
 - 6. Minutes: 3/29/22**
- Voted:** Peter Meier moved, and Judith Froman seconded to accept the minutes of March 29, 2022.
Vote: 4-0-0. Melissa Ferretti abstained.
- 7. Board of Sewer Commissioners Business**
 - a. **FY22 budget review.**
 - b. **First Reading – Draft Sewer Rules & Regulations (Sections 1-11).**

- c. **Update of WWTP – budget, operations & noise complaint.**
- d. **Review allocation spreadsheet.**

7.a. FY22 budget review.

Town Administrator Marlene McCollem said that she had requested a reserve fund transfer from the Finance Committee for the design of the project to replace the manholes at Taylor's Point Marina and the Way-Ho. She said the Town held a kick-off meeting onsite with the electrical contractor and the designer. She said they are in the process of preparing the base plans and specs to put the project out to bid and the design engineer has a meeting scheduled tomorrow with Liberty Pumps to talk about supply and if any adjustments need to be made in the plan for equipment. She said the cost of the Cataumet Wastewater Treatment Plant Feasibility Study is being absorbed by the Town Administrator's Office budget.

Ms. McCollem said that the FY22 Sewer budget also has absorbed for this year a \$40,375.11 payment for Wareham for and EQ basin water project that Wareham is doing. She does not recommend that in FY23 these keep getting absorbed in the operating budget. The amount for FY23 will be \$35,551.00. The Board of Sewer Commissioners will receive a bill for this project for ten years when the note will be paid off. Bourne's share of this project is 17.91%. There was some discussion on Bourne's share compared to Wareham's share and about keeping an eye on what Bourne is receiving and putting forth as Wareham grows.

Ms. McCollem also said that the Board should be prepared to not see as large of an amount of retained earnings at the end of this fiscal year. She said that they have been concerned that things have been very tight. On the revenue side, however, things have been going well. There should be a modest amount left in retained earnings but not what is typically seen.

7.b. First Reading – Draft Sewer Rules & Regulations (Sections 1-11).

Ms. McCollem said she has taken the last version of what EP did. She said she accepted their changes and reworked certain sections. She said that what she is trying to do with these rules and regulations is to describe to a property owner or potential developer, if they came in today, how they would be looked at. She said she wants to continue to collect the Boards thoughts and recommendations to continue with the draft. There was some discussion about the draft.

Peter Meier asked when will the Board approve a new sewer rate schedule. Chair Mastrangelo said that there will be a rate schedule for this year, but she doesn't think it will be the new rate schedule. Ms. McCollem said that something in the interim is going to need to be done. Chair Mastrangelo thanked Ms. McCollem for doing a great job on the draft.

Voted: Peter Meier moved, and Melissa Ferretti seconded to move the draft of Sewer Rules & Regulations (Sections 1-11), as presented on May 31, 2022, from first reading to second reading.

Vote: 5-0-0.

7.c. Update of WWTP – budget, operations & noise complaint.

Ms. McCollem said that last week there was a meeting of the Wastewater Treatment Plant Building Committee and the project design team moved forward with a proposal for exterior ductwork with a damper for the fan that is causing noise disturbances. The area has been loamed and seeded and they are doing their best to keep the area watered to establish the seeds. She said the punch list has been reduced to about \$2,000.00 worth of outstanding work and the OPM and contractor are working to reconcile those last few items. There has been some variation in the average daily flow at 35,000 to 55,000 gallons per day. The treatment plant can handle the high end of the daily flow.

7.d. Review allocation spreadsheet.

Ms. McCollem said that she does not believe that an allocation letter was sent to Domino's, so there is one that is prepared, and it will go out this week. Chair Mastrangelo said that the minutes from that meeting need to be done because there were conditions, and the conditions should go in the letter. There was some discussion about letters that need to go out.

8. Reorganization of Officers after Town Election

Voted: Peter Meier moved, and Judith Froman seconded to appoint Mary Jane Mastrangelo as Chair of the Board of Sewer Commissioners for the next election calendar year.

Vote: 5-0-0.

Voted: Judith Froman moved, and Melissa Ferretti seconded to nominate Jared MacDonald as Vice Chair of the Board of Sewer Commissioners for the next election calendar year.

Vote: 5-0-0.

Voted: Peter Meier moved, and Melissa Ferretti seconded to nominate Judith Froman as Clerk of the Board of Sewer Commissioners for the next election calendar year.

Vote: 5-0-0.

a. Appoint members to the Board of Sewer Commissioners Policy Sub-Committee

Chair Mastrangelo said that last year the members of the Board of Sewer Commissioners Policy Sub-Committee were George Slade, Jared MacDonald, and herself.

Voted: Peter Meier moved, and Melissa Ferretti seconded to nominate Mary Jane Mastrangelo, Jared MacDonald, and Judith Froman as members of the Board of Sewer Commissioners Policy Sub-Committee.

9. Future Agenda Items

Ms. Froman would like to see ARPA on a future agenda.

10. Committee Reports

Chair Mastrangelo said that the Wastewater Advisory Committee has met and done some tours and they have set up a group of two people to work with staff on some issues. She said they are working on identifying the matrix by watershed and they are creating a rating system.

11. Correspondence

There was no correspondence to report.

12. Adjourn

Voted: Peter Meier moved, and Judith Froman seconded to adjourn.

Vote: 5-0-0.

This meeting of the Bourne Board of Sewer Commissioners was adjourned at 8:00 PM.

Respectfully Submitted,

Kim Johnson, Recording Secretary

DRAFTdD

**Board of Sewer Commissioners
Minutes of Tuesday, March 29, 2022
Bourne Veterans' Community Center
Buzzards Bay, MA**

TA Marlene McCollem

Board of Selectmen

Peter Meier
George Slade, Clerk
Judy Froman
Mary Jane Mastrangelo, Chair
Jared MacDonald, Vice Chair

Other present: Helen Gordon, Kate Roosa, and Bob Rafferty of Environmental Partners.

7:00 PM Call Public Session to Order in Open Session

- 1. Moment of Silence to recognize our Troops and our public safety personnel.**
- 2. Salute to the Flag**
- 3. Vision:** Bourne is a proud community that embraces change while respecting the rich heritage of the town and its villages. It is a municipality based on strong fiscal government with a durable economy that recognizes the rights of all citizens, respects the environment, especially the coastal areas of the community and the amenities that it affords. Bourne embraces excellent education, and offers to citizens a healthy, active lifestyle.
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- 6. Approval of Minutes:** Deferred
- 7. Board of Sewer Commissioners Business**
 - a. Update on WWTP – budget, operations & noise complaint** – Chair Mastrangelo said that she talked to Stanley Andrews because Corey Repucci of Weston & Sampson has been on vacation. Mr. Andrews said that they have completed the plans for mitigating the noise that has been happening, and the plans are with Robert B. Our, the general contractor. The estimate was expected this week and it should take 4 to 6 weeks to get that rectified once the estimate is accepted. She said that they are addressing some of the other issues such as

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grading the field, and some other concerns that they have. The budget and operations are in the process of being turned over to the Sewer Enterprise Fund since the certificate of completion has been done. The budget is running at about \$15,000. a month.

b. Update by Helen Gordon of Environmental Partners

- (i) **CWMP quarterly report** – Helen Gordon said that they have finished the draft of the Needs Assessment. The next phase is the alternatives. Kate Roosa, the Senior Project Engineer of Environmental Partners on this project, presented the CWMP Quarterly Update 3. This update includes the Fall of 2021 to the Winter of 2022. Ms. Roosa said that in addition to finishing the draft Needs Assessment, they have started the alternatives analysis, starting with a lot of different technologies.

Ms. Roosa said that as part of the Needs Assessment, they identified nitrogen loading reduction requirements for all watersheds and analyzed current and future wastewater needs using current zoning. She explained a chart and explained what would be considered nutrient impaired and what would not.

She said that regarding the alternative, they have whittled down the list of approximately 100 technologies to pick about 15 technologies that would best work with each watershed. She said the next step was the activation of the Wastewater Advisory Committee (WWAC), and the first workshop is scheduled for April 11th, and they have 6 meetings set up for the next year with the WWAC.

She said they are planning to present their initial findings to the community in July. They plan to have the draft recommended plan in the Fall of this year, and they plan to submit the final at the start of Winter of 2023. Ms. Gordon said that all deliverables about the draft will be given to Town Administrator McCollem, and she will update the website accordingly.

- (ii) **Cataumet treatment plant – Phase 1** – Ms. Roosa said that they are 70% complete and she said they have received information and are working with the Kingman Yacht Club and with the Cataumet Treatment plant operator. She said the goal is to outline consideration for the next steps in a potential transition plan. She said they expect to have a meeting to review the Draft Technical Memorandum with staff by mid-April.

Ms. Gordon said that their recommendation is to go to the next phase and start looking at more detail about what the legal requirements would be to take it over and what the financial impacts would be. There was some discussion about discharge capacity and what they are currently using. Ms. Roosa said that the main users of this plant are the marina and the business buildings.

- (iii) **Draft Sewer Rules & Regulations** – Ms. Gordon talked about the draft sewer rules and regulations. She said that the policy subcommittee met on March 24th, and they talked about coming up with a flow chart to follow and then created this draft. She explained how they came up with the characterizations on the chart and the process for the users in Bourne. She said that instead of having various applications, there will be one document. There

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was some discussion about the steps and the onus of the applicants regarding meeting the requirements.

- c. Wareham**
 - (i) Capital assessments & debt schedule –**
 - (ii) Communication protocols**
 - (iii) Possible creation of a Town Administrator's working group**

Ms. McCollem said that she would address all three items regarding Wareham at the same time. She said that in her opinion there does not always seem to be enough or clear communication between Wareham and Bourne. She would like to rectify this situation and she needs some more background and information to move forward. She feels that there could be some capital assessments after the expiration of the FY23 budget. She said it would be beneficial to her for the Board of Sewer Commissioners to appoint a working group to assist her in navigating how to best approach the Wareham Town Administrator and Board of Sewer Commissioners.

Jared MacDonald said that the Wareham Board of Sewer Commissioners cannot make decisions, they must go through their Select Board, and he said that they need to be kept tied in. Mr. MacDonald said that two of Bourne's Sewer Commissioners were meeting regularly with the Wareham Sewer Commissioners and one of Wareham's Selectmen and said that maybe they could continue that subcommittee. Chair Mastrangelo said she thinks that they may want to avoid having a subcommittee. She agrees with Ms. McCollem about the idea of an advisory type of a working group.

Chair Mastrangelo suggested that she act as Chair and that Jared MacDonald will be a member to start the working group. There was some discussion about the role Environmental Partners will play with this group and about them being kept in the loop regarding conversations about rates and options. Peter Meier said that communication and transparency are very important in these discussions with Wareham.

- d. FY22 Year-To-Date budget review –** Ms. McCollem said she sees no issues with the current budget.
- e. FY23 operating & capital budget -** Ms. McCollem said that she and the Finance department looked at both the FY22 and FY23 budgets and with the new treatment plant just coming online there will be some flux for a little bit. She said that she discussed the electricity portion of the plant with the Finance Committee, and she has decided not to amend the electricity line of the FY23 budget at this time.

Peter Meier asked if they will be staying with Weston & Sampson for the operating and maintenance or will they be assigning a Plant Operator at some point. Ms. McCollem answered that she has the Weston & Sampson contract, and she is reviewing it and she said that it is a 3-year agreement. She said that when they start building the budget for FY24, they will explore and analyze it.

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- f. ARPA funding priorities** – Ms. McCollem said that ARPA is something to discuss more in-depth later as the Board of Sewer Commissioners and as the Board of Selectmen. She said they will need to discuss the requirements to be able to use ARPA funds and the procuring process for services and materials using ARPA funds.

There was some discussion about the Sewer Capital Stabilization Fund. Ms. McCollem said that right now the motion to go before Town Meeting has a \$50,000.00 offset from retained earnings, and the question is if that should be raised to \$74,000.00.

Peter Meier said he would like to speak to Town Counsel about getting a real answer from the Ethics Commission related to him being able to vote on any rate increases or decreases.

There was more discussion about raising the amount of retained earnings, and about more users being added to the system.

Voted: Jared MacDonald moved, and George Slade seconded to increase the use of retained earnings as revenue for the FY 23 Sewer Enterprise Budget to \$74,000.00. **Vote:** 4-0-1. Peter Meier abstained.

- 8. Future Agenda Items** - Chair Mastrangelo said that if anyone has any items to discuss in the future to let her know.

- 9. Committee Reports** – None.

10. Correspondence

George Slade said there were two letters from sewer users in Hideaway Village about the rate and one letter from Barry Johnson from Bourne Scenic Park seeking a meeting to consider them hooking up to the sewer system.

11. Adjourn

Voted: Jared MacDonald moved, and Judy Froman seconded to adjourn. **Vote:** 5-0-0.

The meeting was adjourned at 8:58 PM.

Respectfully Submitted,

Kim Johnson, Recording Secretary

[Wire Inbox](#)[Parity Calendar](#)

11:00:21 a.m. EDST

[Upcoming Calendar](#)[Overview](#)[Compare](#)[Summary](#)**Bid Results****Wareham (Town)****\$1,650,000 General Obligation Wastewater Bonds of 2020**

The following bids were submitted using **PARITY**[®] and displayed ranked by lowest TIC.
Click on the name of each bidder to see the respective bids.

Bid Award*	Bidder Name	TIC
<input type="checkbox"/>	Fidelity Capital Markets	0.533027
<input type="checkbox"/>	StoneX Financial Inc.	0.590654
<input type="checkbox"/>	Robert W. Baird & Co., Inc.	0.615777
<input type="checkbox"/>	Bernardi Securities, Inc.	0.833118

*Awarding the Bonds to a specific bidder will provide you with the Reoffering Prices and Yields.

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BOND DEBT SERVICE

Town of Wareham, Massachusetts
General Obligation Wastewater Bonds dated December 17, 2020

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
10/01/2021	140,000	5.000%	54,433.33	194,433.33	-
04/01/2022	-	-	31,000.00	31,000.00	-
06/30/2022	-	-	-	-	225,433.33
10/01/2022	140,000	5.000%	31,000.00	171,000.00	-
04/01/2023	-	-	27,500.00	27,500.00	-
06/30/2023	-	-	-	-	198,500.00
10/01/2023	140,000	5.000%	27,500.00	167,500.00	-
04/01/2024	-	-	24,000.00	24,000.00	-
06/30/2024	-	-	-	-	191,500.00
10/01/2024	140,000	5.000%	24,000.00	164,000.00	-
04/01/2025	-	-	20,500.00	20,500.00	-
06/30/2025	-	-	-	-	184,500.00
10/01/2025	140,000	5.000%	20,500.00	160,500.00	-
04/01/2026	-	-	17,000.00	17,000.00	-
06/30/2026	-	-	-	-	177,500.00
10/01/2026	140,000	5.000%	17,000.00	157,000.00	-
04/01/2027	-	-	13,500.00	13,500.00	-
06/30/2027	-	-	-	-	170,500.00
10/01/2027	135,000	5.000%	13,500.00	148,500.00	-
04/01/2028	-	-	10,125.00	10,125.00	-
06/30/2028	-	-	-	-	158,625.00
10/01/2028	135,000	5.000%	10,125.00	145,125.00	-
04/01/2029	-	-	6,750.00	6,750.00	-
06/30/2029	-	-	-	-	151,875.00
10/01/2029	135,000	5.000%	6,750.00	141,750.00	-
04/01/2030	-	-	3,375.00	3,375.00	-
06/30/2030	-	-	-	-	145,125.00
10/01/2030	135,000	5.000%	3,375.00	138,375.00	-
06/30/2031	-	-	-	-	138,375.00
	1,380,000		361,933.33	1,741,933.33	1,741,933.33

SOURCES AND USES OF FUNDS

Town of Wareham, Massachusetts
General Obligation Wastewater Bonds dated December 17, 2020

Sources:	Weather Equalization Basin
Bond Proceeds:	
Par Amount	1,380,000.00
Premium	320,167.20
	<u>1,700,167.20</u>
Uses:	Weather Equalization Basin
Project Fund Deposits:	
New Monet	1,650,000.00
Delivery Date Expenses:	
Cost of Issuance	43,270.00
Underwriter's Discount	<u>2,835.90</u>
	46,105.90
Other Uses of Funds:	
Rounding Amount	4,061.30
	<u>1,700,167.20</u>



BOARD OF SEWER COMMISSIONERS

6 Tony's Lane
Wareham, MA 02571
Telephone (508) 295-6144
TTY (800)439-2370

James R. Giberti, Chairman
Malcolm R. White, Vice-Chairman
Sandra L. Slavin, Clerk
Donna M. Bronk
Peter G. Dunlop

December 2, 2021

Board of Selectmen/Sewer Commissioners
Town of Bourne
24 Perry Street
Buzzards Bay, MA 02532

Town of Bourne FY2022 Capital Costs EQ Basins

Treatment Plant Upgrade	\$40,375.11
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Amount Due	<u>\$40,375.11</u>
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Make Check Payable to the Town of Wareham
54 Marion Road Wareham, MA 02571

This amount was agreed upon mutually by Bourne and Wareham

1 ADOPTION AND IMPORT

1.1 ADOPTION

The **Bourne Board of Sewer Commissioners (BOSC)** held a public hearing on _____, 2022 at the _____ and then and there adopted the following **Interim Sewer Use Rules and Regulations** related to the connection of properties to the municipal sewer system and to the use, operation and administration of the municipal sewer system. These **Interim Sewer Use Rules and Regulations** may be amended by the BOSC as they deem necessary. However, any modification to these **Interim Sewer Use Rules and Regulations** is subject to federal and state rules, regulation and funding programs including the State Revolving Fund.

Chair

Vice Chair

Clerk

Member

Member

DATE ADOPTED:

2 INTRODUCTION

The Town of Bourne Board of Sewer Commissioners (BOSC) manages the municipal sewer system in the village of Buzzards Bay, providing sewer services to more than one thousand units daily. The BOSC oversees the allocation of the availability of wastewater disposal and in turn guides the approved development and redevelopment in the Town of Bourne.

The BOSC was created due to a critical environmental need for municipal sewer in the Town, replacing separate septic systems on individual properties in the Buzzards Bay village that contributed to severely degraded water quality. The BOSC is a five-member board that is comprised of the elected board of selectmen and shall serve until such time as the town adopts legislation creating a board of sewer commissioners.

In 2019, the BOSC set out to codify and amend its various regulations, procedures and policies, and these regulations are a result of comprehensive and extensive review. The Department of Public Works, Engineering Office, Board of Health, Town Administration and its consultants have contributed wholly or partly to provide the residents and business owners of Bourne with a safe, practical, and pragmatic document to guide current use and future growth of the municipal sanitary sewer in Bourne.

In April 2022, the BOSC, sitting jointly as the Board of Selectmen, voted to allocate a portion of the Town's American Rescue Plan Act (ARPA) funds to rehabilitate and standardize the low-pressure collection system. Many of the components have reached the end of their useful life, have failed, and are in need of immediate repair. In addition, many of the individual grinder pumps have failed and must be replaced. Alarm panels and have also due for upgrade.

It was determined that the best course of action is to adopt this set of interim rules and regulations to govern the system while the low-pressure components are upgraded. After this capital investment is complete, the system components will be standardized and a new baseline condition will be established. After the rehabilitation, these interim rules and regulations will be updated accordingly to reflect the rebuilt system, and a new set of revisions will be considered and voted by the BOSC.

2.1 GOALS

The goal of the BOSC is to provide residents and businesses in the Town of Bourne with high quality sewer service that both protects the environment and is financially efficient. Expansion of the municipal system by the Town will be guided by the most recently adopted Comprehensive Wastewater Management Plan (CWMP) which is currently underway in 2022.

2.2 HISTORY

For over 30 years the BOSC has consistently delivered efficient sanitary sewer services to over a thousand units every day with fiscal integrity in a manner that protects and promotes public and environmental health. BOSC's system comes from an extensive focus on water quality and a desire to promote business growth in the downtown village of Buzzards Bay. Since 1990, the Town of Bourne has sent up to 200,000 gallons per day (gpd) to the Town of Wareham Wastewater Treatment Plant (WWWTP) on the Agawam River. In 2015, the Town undertook the responsibility of constructing its own WWTP at Queen Sewell Park (BWWTP) after several feasibility studies dating back to 2005. The BWWTP has a discharge permit for up to 100,000 gpd, and began operating in August 2021.

2.3 WAREHAM REGULATIONS

No provision of these Regulations shall be deemed to contravene or render ineffective any valid Wareham regulation, with regard to areas connected to the Wareham Sewer system.

2.4 SUPERSEDES PRIOR REGULATIONS

These Regulations take precedence over any prior Bourne Sewer Commissioner and Town of Bourne DPW sewer (or drain) regulations.

2.5 SEVERABILITY

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

2.6 RIGHT TO AMEND REGULATIONS

The Sewer Commissioners reserve the right to amend these Regulations in any manner and to establish any more stringent limitations or requirements as are deemed necessary or appropriate.

3 SEWER USE POLICY

These Sanitary Sewer Regulations are promulgated pursuant to M.G.L. Ch. 83, §10, and shall also constitute a pricing structure adopted pursuant to M.G.L. Ch. 40, §39J.

The use of all public sewers in the Town shall be controlled by the Department of Public Works (DPW), subject to policy direction by the Board of Sewer Commissioners. No person shall, without prior authorization from the DPW, uncover, make any connection with or opening into, alter, or disturb the Town's sanitary sewer system.

The purpose of these Sewer Use Rules and Regulations is to provide for the optimum beneficial public use of the Town's sewer system through regulation of sewer installation; connection; sewer use; and wastewater discharges; inspection of public and private sewers; to justify and evenly distribute the costs to operate, maintain and improve the Town's sewer system; and to provide procedures for complying with the requirements contained herein including fines and penalties for violations thereof.

In general, the Sewer Service Area consists of the properties abutting the existing wastewater system and the properties abutting proposed extensions as determined from the Town's approved planning documents. The Town quantified anticipated wastewater flows from the Sewer Service Area based on water usage records, Title 5 (310 CMR 15), and current zoning. See Attachment A – Buzzards Bay Sewer Infrastructure Sewer Service Area.

Properties located within the Sewer Service Area are required to connect to the Town's sanitary sewer system in accordance with these Sewer Use Rules and Regulations.

3.1 APPLICABLE REGULATIONS

Any user of the Town's sewer system shall be subject to Town rules and regulations and to any charges, rates, fees, and assessments which are or may be established by the Town. Any user of the Town's sewer system shall also be subject to applicable Federal and State regulations. In instances where various regulations contain different requirements, the most stringent requirements shall be met.

3.2 WASTEWATER CONNECTIONS

The DPW requires that wastewater disposal facilities be connected to the municipal sewer system whenever the lack of such connections would endanger public health, create a public nuisance, or impair water quality. Connection to the sewer system shall be subject to the available capacity in the system as determined by the Board of Sewer Commissioners. The Commissioners may require that any Applicant perform an analysis to show that the Town sewer system has adequate capacity to accept the additional proposed flow. Connections shall be made in compliance with all DPW rules, regulations, and specifications, and at the owner's expense.

3.3 SEWER CONNECTION APPLICATION FLOW CHART

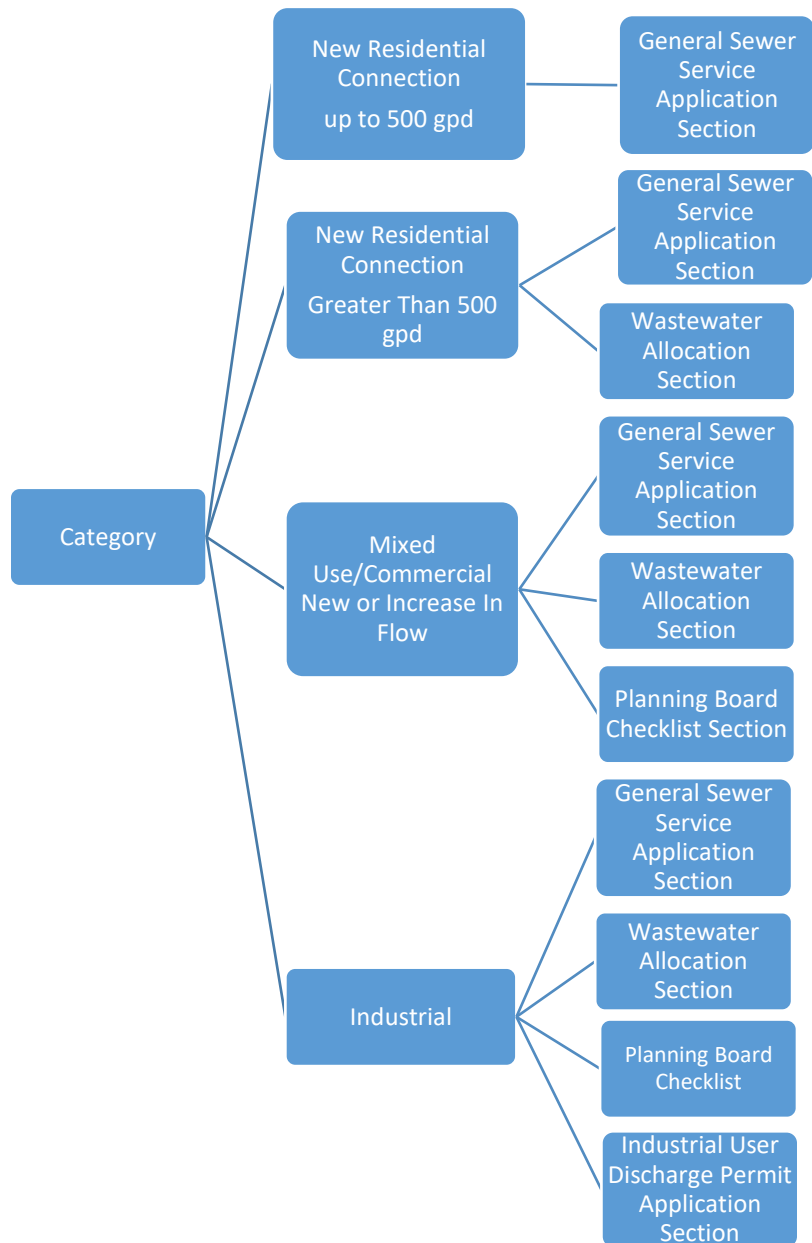
The sewer connection application is dependent on the type of use associated with the proposed sewer connection. Every sewer connection requires a permit. Permits to connect are issued by the Department of Public Works.

The applicant will identify the category of application at the time of filing. Categories include:

- Residential; New connection under 500 gpd
- Residential; New Connection over 500 gpd
- Mixed Use/Commercial new or increase in flow
- Industrial.

Table 3-1 presents the Sewer Connection Application Flow Chart to follow when filling out a Sewer Connection Application for a property in the Town of Bourne Sewer Service areas.

Table 3-1: Sewer Connection Application Flow Chart



4 CONNECTION APPLICATION PROCESS

4.1 APPLICATION REQUIRED FOR BUILDING SEWER

The property owner shall complete a General Sewer Service Application prior to construction, reconstruction, abandonment, repair, or modification of a new or existing building sewer which connects to the Town's sanitary sewer system. The application shall include building site plans as required by the DPW, and by such other permits, plans, specifications, and information as the DPW requires. An application/design review fee, as defined in Section 5 shall be paid at the time the application is filed. Construction, reconstruction, repair, or modification of the building sewer shall not proceed without authorization by the DPW. A DPW inspector will be assigned to inspect the building sewer and connection to a public sanitary sewer.

The property owner shall specify the nature of the work to be performed, including the proposed flow to be discharged into the sewer (calculated in accordance with Title 5 (310 CMR 15)) and the size, material, mode of construction, location, direction and grade of all pipes and appurtenances to convey those flows to the public sewer. The DPW may require the applicant to hire a Massachusetts Registered Professional Engineer (Design Engineer) to evaluate the public sewer downstream of the proposed connection to demonstrate that adequate hydraulic capacity exists in the public sewer system. The DPW may also require that the Applicant perform a condition assessment of sewer infrastructure in the downstream flow path of the proposed connection. If, in the opinion of the DPW, flow from the proposed project may cause system surcharges and/or overflows, or existing sewer deficiencies in the downstream flow path to further deteriorate, rehabilitation of the downstream infrastructure may be required prior to connection.

The DPW has the discretion to deny the owner's request to extend, replace or relocate a public sewer, or private sewer.

4.2 CONNECTION PERMIT REQUIRED

No user shall connect to the public sewer without a Connection to Sewerage System Permit issued and approved by the DPW and issued by the Massachusetts Division of Water Pollution Control, if applicable. See General Sewer Service Application Form Attachment B.

Prior to issuance of a permit, the DPW shall require the Applicant to demonstrate review of and, if applicable, compliance with the requirements of the following, as well any other applicable state or local regulations:

- 301 CMR 11.00, Massachusetts Environmental Policy Act
- 310 CMR 10.00: Wetlands Protection Act Regulations
- 314 CMR 7.00, Sewer System Extension and Connection Permit Program
- 314 CMR 12.00, Operation & Maintenance & Pretreatment Standards for Wastewater Treatment Works and Indirect Dischargers
- Cape Cod Commission

4.3 SPECIAL CONDITIONS

4.3.1 Connections to Wareham WWTP Service Area

For permits associated with flow to the Wareham WWTP, in order to comply with Special Grant Condition No. 25 of the Federal Grant Offer for Project C-250 476-02 dated September 30, 1988, the BOSC will not permit the following:

- a) The connection of any house, business or other structure located in the Flood Hazard Velocity Zones on Taylors Point and in Hideaway Village to the wastewater system unless that house, business or other structure was in existence prior to the effective date of 310 CMR 15.00, Title V, July 1, 1977. The Flood Hazard Velocity Zone is defined by FEMA's most recent terms. FEMA is a federal agency within the US Department of Homeland Security.
- b) The construction of additional living space to any house, business or other structure located in the Flood Hazard Velocity Zones on Taylors Point and in Hideaway Village connected to the wastewater system. Living space shall not mean porches, decks, garages or buildable space not suitable for human habitation.

Attachment A shows the Wareham Sewer Service Area boundaries and the statutory limits of the service area based on the Intermunicipal Agreement between Wareham and Bourne.

4.4 ALLOCATION FORM REQUIRED

The Bourne Board of Sewer Commissioners shall require any property owner who is requesting: change of use for a business currently connected to the sewer, increasing proposed flow, or a new connection to fill out an Allocation Form (See Table 3-1 Flow Chart).

4.5 INDUSTRIAL DISCHARGE PERMIT

A non-transferable industrial discharge permit shall be issued to all Significant Industrial Users (SIU) for a period not to exceed five (5) years. It will contain, at a minimum, operational parameters, sampling requirements and schedules, discharge limitation, and statement of violation penalties.

A significant industrial user shall mean any industrial user discharging to the Town's wastewater system that meets any of the following criteria:

- The user is regulated by the National Categorical Pretreatment Standards.
- The user discharges an average of ten thousand (10,000) gallons or more per operational day of wastewater.
- The user discharges wastewater that makes up to five (5) percent or more of the average dry weather hydraulic or organic capacity of the Town's wastewater system.
- The user has a reasonable potential for upsetting the operational process of the Town's wastewater system or violating any pretreatment standard.

5 ALLOCATION POLICY

5.1 PURPOSE

The Town of Bourne, through an Inter-Municipal Agreement, may send up to 200,000 gallons per day (gpd) of wastewater for treatment and disposal to a plant owned by the Town of Wareham. Another 100,000 gpd is also available for allocation from the Town's Queen Sewell Park Plant. The BOSC controls the allocation of wastewater treatment capacity among parcels in the sewer service areas of the Village of Buzzards Bay and assigns allocations on a parcel-by-parcel basis.

5.2 UNCOMMITTED ALLOCATION

Uncommitted Allocation is that portion of the wastewater system's treatment capacity remaining after subtracting the Preliminary Allocations, the Operational Allocations, existing flow and the Residential Reserve (domestic wastewater) from the systems' designated treatment capacity.

5.2.1 Managing Allocations and Actual Flows

The BOSC shall determine the amount of the Uncommitted Allocation annually and designate the Uncommitted Allocation to be available for the next fiscal year.

- The capacity shall be determined by comparing all allocations, Preliminary and Operational, with actual flows for the previous fiscal year, on a parcel or project basis.
- Parcel/project owners with significant differences between allocations and flows shall explain the difference and describe any changes expected in the next 12 months.
- The BOSC may establish a reserve capacity for exempt residential and municipal uses.
- The existing usage or actual flow in functional facilities shall be considered the approved capacity.
- Parcels or portions thereof which have betterments paid but have no development are considered to have no allocation.
- Parcels or portion thereof which have had no flow for a period of at least 2 years are considered to have no allocation.
- When a project that has been granted its Operational Allocation is complete and has been operating for three years, the BOSC shall compare actual flows against the amount granted in the Operational Allocation.
 - If actual average daily flow exceeds the Allocation, the applicant shall apply for an allocation equal to the difference, and shall pay an allocation fee assessed per gallon per day by the Town at the time.
 - If water meter readings reveal that 85% of water usage exceeds the sewage flow dated on the permit (as averaged over the billing period) or if any unauthorized increase or change in sewage flow is detected, the DPW shall notify the property owner in writing. Upon receipt of notice, the property owner shall take whatever corrective action is deemed necessary to reduce the sewage flow in accordance with the limit of the permit within 30 days.
 - If actual average daily flow is less than the Allocation, the excess capacity shall revert to the Town's Uncommitted Reserve Capacity unless the Applicant can demonstrate a continuing need. There shall be no refund of previously paid fees.

5.2.2 Awarding Wastewater Allocation

To create a fair and objective process of awarding wastewater allocations, the BOSC shall apply the following procedures for granting allocations from the Town's Uncommitted Allocation for new development and re-development in the Sewer Service Area.

These procedures apply to properties proposing a change of use and/or change in wastewater flow. Any development that will result in increased flow shall be reviewed by the Board of Sewer Commissioners as described below.

5.3 OBTAINING A PRELIMINARY ALLOCATION

Any project that requires a Sewer Allocation (See Table 3-1) shall complete the Wastewater Allocation Section of the Sewer Use Permit with the BOSC for a Preliminary Allocation determination. The Application is reviewed by staff within 30 days, then placed on a BOSC agenda once deemed complete.

5.3.1 Application Review

The BOSC shall review applications on a first come, first served basis within sixty days after the Application is deemed complete. If the requested allocation is available within the Uncommitted Reserve Capacity, the Board may grant Preliminary Allocations to projects which:

1. Demonstrate evidence of adequate financing;
2. Demonstrate control of the project's parcels (i.e., Purchase and Sale agreement, evidence of ownership);
3. Documentation from the Town Planner's Office that the proposed project can comply with Zoning in the proposed location;
4. Demonstrate that the requested allocation is based on state and local regulations providing a detailed breakdown of the existing and proposed allocation being requested based on the actual design flow criteria within Title 5 of the State Environmental Code and other applicable state and local regulations.

5.3.2 Application Process – Exceeding Uncommitted Reserve Capacity

If an applicant requests flow in excess of the Uncommitted Reserve, but is otherwise complete, it will be dated and put on a waiting list. If additional allocation becomes available, the applicant may ask for an updated review by Town Staff, requests on the waiting list will be considered in the order in which they were dated. If the full allocation is available and the application fee is paid, the project application will be deemed complete and accepted.

5.3.3 Terms of Preliminary Allocation

Once a Preliminary Allocation is granted, the Applicant shall have up to two years to begin construction.

1. During the two years, the Applicant shall show substantial progress in regular six-month reports to the BOSC. The BOSC retains the right to revoke the Preliminary Allocation if the Applicant cannot demonstrate progress, although the BOSC may allow for the continuation or extension of a Preliminary Allocation in any case. If the Preliminary Allocation is revoked, the allocation shall revert to the Town.
2. Once the Board grants a Preliminary Allocation, the Applicant shall pay a Preliminary Allocation Fee as set forth in the Town's Schedule of Rates and Fees, Attachment C.
3. After the Board's vote to grant a Preliminary Allocation, the Applicant will be issued a letter signed by the Town Administrator certifying the Preliminary Allocation for that specific project/parcel(s) and including

any conditions imposed by the Board. The Town Planner, the Building Inspector and the Health Agent will be copied on the allocation letter issued by the Town Administrator.

5.3.4 Preliminary Allocation Fees

1. During the process of obtaining a Preliminary Allocation, the applicant shall be assessed fees as periodically established by the Board, which is hereby authorized to establish or amend wastewater allocation fees from time to time as follows:
 - a. Application Fee: due upon application for a Preliminary Allocation.
 - b. Preliminary Allocation Fee: due within 30 days of the Board's approval of the Preliminary Allocation. The fee shall be based upon the projected wastewater flow.
2. Sewer connection plans, specifications and fees must be submitted prior to the issuance of building permits. Residential projects in excess of 500 gpd, commercial, mixed use, and industrial projects shall also pay a system development fee at the time of building permit application as designated by the BOSC.
3. In cases where a Preliminary Allocation expires and a new owner applies for capacity for the same project on the same site, the BOSC may consider previous fees paid by the original applicant when establishing fees for the new project.

5.3.5 Operational Allocations

1. The Preliminary Allocation shall be converted to an Operational Allocation when the project has been issued a Building Permit.
 - a. The BOSC may attach conditions and may reduce or increase the allocation based on Massachusetts DEP regulations and final approved project design.
 - b. If allocation is reduced by the BOSC action, the excess capacity shall revert to the Town.
2. After the BOSC's vote to grant an Operation Allocation, the Applicant shall be issued a Certificate of Operational Allocation for that specific project/parcel(s) subject to terms and conditions. Copies of the certificate will be sent to the DPW, Engineering Office, Building Inspector, Health Agent, and Town Planner.

6 SEWER USE FEES, RATES AND FINES

Sewer fees, rates and fines are reviewed on an annual basis and fees currently in effect are found in Attachment C.

Funds may be expended only upon the authorization of the BOSC for the construction, operation, maintenance, repair or improvement of the sewer system and its related components and for the acquisition, maintenance, repair and replacement of equipment used in connection with the sewer system.

6.1 SEWER FEES

Sewer use fees consist of: one-time application fees; the annual base charge; and annual user rates. Rates and fees shall be determined by the BOSC and may be changed at the time of annual review.

Table 6-1: List of One- Time Application Fees by Type

Class	Fees
New Residential up to 500 gpd	1. Application & Design Review Fee 2. Sewer Connection Fee
New Residential over 500 gpd	1. Application & Design Review Fee 2. Preliminary Allocation Fee 3. Sewer Connection Fee 4. Sewer System Development Fee
Mixed Use/Commercial	1. Application & Design Review Fee 2. Preliminary Allocation Fee 3. Sewer Connection Fee 4. Sewer System Development Fee
Industrial	1. Application & Design Review Fee 2. Preliminary Allocation Fee 3. Sewer Connection Fee 4. Sewer System Development Fee 5. Industrial Permit Fee (additional review needed)

6.1.1 Application & Design Review Fee (Residential, Commercial, and Industrial)

A flat-rate review fee charged at the time the sewer application is submitted. This fee must be paid before the application will be deemed complete.

6.1.2 Allocation Fees

Allocations fees are based on the Allocation Policy (Section 5 as set forth by the Board of Sewer Commissioners). The charge is a specified amount of wastewater treatment capacity measured in gallons per day (gpd) assigned to a specific project on a specific parcel or parcels upon a majority vote of the BOSC. All allocations to projects shall be based on state and local regulations. The transfer of all or part of an allocation is prohibited unless approved in writing by the BOSC.

6.1.3 Sewer Connection Fee

Applicants (residential, commercial and industrial) must pay a one-time connection fee to tap into the Town's sanitary sewer systems. The sewer system connection fee must be received before the DPW will process the application, and before a building permit will issue.

The Connection Fee applies to all new connections to the sewer system. A "Re-connect" fee will only be applicable to residential properties with a proposed flow of less than 500 gpd, and will be used in the case where an existing structure, which is connected to the public sewer system, is completely re-built or substantially renovated. See Attachment C for current sewer rates, fees and fines.

Table 6-2: Fee by Class

Class	Fees
Residential	Base Fee plus an additional fee per sewer unit
Commercial	Base Fee plus an additional fee per square foot of building floor space
Industrial	Base Fee plus an additional fee per square foot of building floor space

6.1.4 Sewer System Development Fee

A system development fee is a one-time charge paid by at the time of new construction or more intensive redevelopment of an existing site to recover a portion of the cost of constructing the sewer capacity. This fee is the cost of buying into the existing infrastructure, including, but not limited to, treatment facilities, effluent disposal facilities, and collection and transmission mains. These fees minimize the extent to which existing users bear the capital costs of the facilities that will serve new users.

6.1.5 Expenses Borne by the Owner

All costs and expenses incidental to the: application, design and permitting, installation, connection, and maintenance of the sewer service line, other private sewers, retaining tanks, grease and oil traps, or other appurtenance shall be borne by the property owner. The owner shall indemnify the Town, and shall reimburse the DPW for, any loss or damage directly or indirectly occasioned by the installation of any sewer service line or associated component.

All costs and expenses incidental to the installation, connection, repair and maintenance of the private service line, as well as: septic system abandonment, public and private property restoration, fees, insurance, etc. for establishing connection to the municipal system shall be the responsibility of the applicant and/or property owner.

NOTE: At the time of adoption of these Interim Rules and Regulations, the Town of Bourne Board of Sewer Commissioners is undertaking a system-wide upgrade of the low-pressure portion of the sewer system. This is the part of the system with properties served by an in-line booster/grinder pump installed in the service between the public main and the private system.

These system improvements are being undertaken using ARPA funds provided by the Federal Government. A phasing plan will be developed identifying the general order in which neighborhoods will be upgraded. The scope of the project includes replacing the grinder pumps with a standard unit, installing new electrical wiring within an underground conduit, and replacing alarm components.

After the low-pressure system is standardized and brought up to code, the BOSC will determine if those components on private property (located outside of a public road layout), shall remain the responsibility of the public system, or if the private property owners shall be responsible for maintaining the upgraded

pumps and other components. If any access easements are necessary to properly maintain the system, the easements shall also be recorded at the time of the upgrade project.

6.1.5.1.1 Maintenance of Building Sewers

The property owner owns the sewer service from the structure to the public road layout/lot line. The property owner shall keep such sewers in good repair in order not to cause excessive infiltration, exfiltration or inflow, depletion of groundwater, damage to property, or harm to the public sewers. Should the Town be required to perform emergency maintenance or repair on any private service line to eliminate a potential hazard to the public, property, or the environment, the owner of said private service shall reimburse the Town on a time and materials basis and be subject to the Town's direct labor burden and equipment overhead costs.

6.1.5.1.2 Private Sewers

All private sewer lines in the Town that connect to the public sewer shall be under the jurisdiction of the DPW. All private systems discharging to the municipal system are subject to fees and annual user charges. The private property owner is responsible for maintaining and operating the private systems in compliance with these rules and regulations, subject to inspection by the DPW. Repairs to private sewers, including repairs required to comply with these Regulations, shall be made by an approved drain layer at the expense of the owner. The applicant will be required to file an Operations and Maintenance plan for private sewer components which will remain in effect in perpetuity. The plan will include information on procedures for emergency maintenance including contact names and numbers.

6.1.5.1.3 Bonding Requirements

The DPW shall have the right to require that the owners of proposed service lines, other private sewers, retaining tanks, grease traps, and other wastewater facilities connected to the Town's wastewater system post a bond in a form satisfactory to the DPW and in an amount and for a period of time sufficient to guarantee construction quality and operating performance.

6.2 SEWER RATES (USER CHARGES)

The use of the Town's wastewater system shall be based on one hundred (100%) percent of the actual quantity of water used. The quantity of water used shall include but not be limited to local Water Districts, other water utilities and private water wells. Properties that utilize private wells to provide potable water are required to install a water meter at the Applicant's expense which will be utilized to measure the actual quantity of water used.

6.2.1 Water Overage Fees & Surcharges

All sewer rates are based on the fee established by the Board of Sewer Commissioners on an annual basis plus a surcharge for water use above a designated quantity of the water that passes through the water meter. Consumption is billed at rates in effect at time of use.

The discharge of unpermitted commercial or industrial wastes, septage, or any wastes of unusual character or amount is prohibited and will be subjected to a fine in addition to any other user charges. The amount of fine shall reflect the additions cost incurred by the Town in repair, maintenance and operation of the wastewater system for transport and treatment of such wastes.

6.2.2 Sump Pump Connections

Sump pumps connected to the public sewer are generally prohibited by the Town of Bourne and would only be considered in extreme cases and may be assessed additional fees.

6.2.3 Grease Trap/Interceptors Permit Fees

All grease traps/tanks will be permitted as required in the Sewer Use Rules and Regulations and subject to inspection by the DPW. An annual permit fee will be charged. See calculation in Attachment C.

DPW will inspect all FOG traps/interceptors upon installation. Inspection fees will be charged in accordance with Attachment C schedule.

Permits will require the submission of a FOG Management Plan. Operation without a FOG Management Plan or Permit shall be fined in accordance with Attachment C.

6.2.4 Capital Improvement Fees

The BOSC may set an appropriate fee as part of the annual user charge for capital improvements to the wastewater system as they deem necessary. Capital Improvement Fees will be outlined in Appendix E Adopted Sewer Use Fees.

6.3 SEWER FINES

6.3.1.1 Protection from Damage

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewerage system. Any person violating this provision shall be subject to immediate arrest and subject to fines as presented in Attachment C.

6.4 SEWER BILL ABATEMENT PROCESS

Attachment D – Sewer Bill Abatement Form

7 BUILDING SEWERS AND CONNECTIONS

7.1 LIMITATIONS

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 DPW. Furthermore, all new connections or any increase in flow will require a design review and inspection upon installation. An Application/Design Review Fee is required at the time of permit application. Details on building and sewer connection design and construction are provided in Attachment E.

7.2 APPROVED DRAIN LAYER/PLUMBER

All building sewer installation, repair or maintenance work shall be performed by a drain layer approved by the DPW. A drain layer's bond, must be submitted to the DPW in advance of installation for projects exceeding \$10,000.

Plumbers and drain layers shall be licensed as Master Drainlayers. The DPW shall keep a list of authorized firms who have been approved to install connections to the Bourne Sewer System.

It is the responsibility of the installer to check with all utilities (Dig-Safe) and with the Buzzards Bay Water District prior to excavation.

7.3 VIOLATIONS TO BE REPORTED

All drain layers are required to give a full written report to the DPW within 24 hours if, in the course of performing their work, either (a) prohibited substances are found in a building drain, building sewer, building storm drain, or building storm sewer, or if plumbing is found that would allow discharges of such substances to a building drain, building sewer, building storm drain, or building storm sewer or (b) interconnections are observed.

7.4 RIGHT TO INSPECT DURING CONSTRUCTION

The DPW shall inspect building service lines and other private sewers, retaining tanks, grease and oil traps, sump pumps and other wastewater facilities contributing to the public sewer and storm drainage systems, while construction is underway. The Applicant or his representative must inform the Department twenty-four (24) hours prior to beginning installation procedures and shall notify the DPW when such facility is installed and ready for final inspection and for connection to the Town's wastewater system. A representative of the Bourne Department of Public Works must approve of the installation prior to backfilling and final connection. Connection to the Town's wastewater system shall be made in the presence of a DPW inspector. No facility shall be backfilled until it has passed inspection by the DPW. If the owner fails to notify the DPW in advance, all costs to uncover the connection as necessary for inspection by the DPW shall be borne by the owner.

Upon completion of construction, the Applicant shall submit a set of Record Drawings (as-builts) indicating all changes made to the design plans in the field, to be prepared and stamped by a Design

Engineer. Upon final inspection by the DPW and receipt of Record Drawings, the DPW shall issue a Certificate of Compliance.

8 WASTEWATER DISCHARGE

PROHABITIONS AND RESTRICTIONS

8.1 GENERAL PROHIBITIONS

No persons shall discharge or cause or allow to be discharged into a public sewer or into a private sewer tied into the public sewer, any substances, waters or wastes that the DPW has identified as likely, either singly or by interaction with other substances, to:

1. Harm any wastewater system, wastewater treatment facility, or wastewater treatment process;
2. Pass through or be otherwise incompatible with the wastewater treatment process or sludge disposal;
3. Cause a violation of Federal or State discharge permits issued to either the DPW;
4. Cause a violation of water quality standards or otherwise adversely affect the receiving waters;
5. Endanger life, limb or property, or
6. Constitute a health hazard or nuisance.
7. Any liquid or vapor having a temperature higher than one hundred and fifty degrees (150 F)
8. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not in excess of one hundred milligrams per liter (100mg)/L or containing substances which may solidify or become viscous at temperatures between thirty-two degrees (32 F) and one hundred and fifty degrees (150 F).
9. Any garbage that has not been properly shredded. The installation and operation of any food grinder equipment with a motor of $\frac{3}{4}$ horsepower or greater shall be subject to the review and approval of the DPW.
10. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment plant exceeds the limits established by the Sewer Commissioners for such materials.
11. Any waters or wastes containing phenols or other taste or odor producing substances, in concentrations which exceed maximum limits which may be established by the Commissioners, after treatment of the composite sewage in order to meet the requirements of the State, Federal, or public agencies or jurisdiction for such discharge to the receiving waters.
12. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Commissioners in compliance with applicable State or Federal regulations.
13. Any waters or wastes having a pH in excess of 9.5.
14. Material which exerts or cause:
 - a. Unusual concentrations of inert suspended solids, such as but not limited to, Fullers earth, lime slurries, and lime residues, or of dissolved liquids, such as but not limited to, sodium chloride and sodium sulfate.
 - b. Excessive discoloration, such as by not limited to, dye wastes and tanning solutions.
 - c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewerage treatment works.

- d. Unusual volume of flow or concentration of wastes constituting 'slugs' as defined herein.
15. Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to receiving waters.

Unless otherwise stated herein the provisions of these rules and regulations and any supplementary revisions shall govern all discharges to the sanitary sewer system.

8.2 PROHIBITED WASTES AND SUBSTANCES

No person shall discharge or cause or allow to be discharged into a public sewer or into a private sewer tied into the public sewer any of those wastes and substances specifically prohibited as identified in 360 CMR 10.023 and 10.024.

1. No septage shall be discharged to the public sewers in the Town of Bourne or at the Buzzards Bay Wastewater Treatment Facility.
2. Septage originating from the Town of Bourne may be discharged at the Regional Wastewater Treatment Facility in Wareham. Septage will only be accepted by licensed haulers. Septage must comply with Industrial Pre-Treatment Regulations.
3. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
4. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, so as to injure or interfere with any sewage treatment process, or which will constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment process and system.
5. Any waters or wastes having a pH lower than 5.5, or higher than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewerage works.
6. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interferences with the proper operation of the sewage works such as, but not limited to, ashes, blood, cinders, fleshing, glass, paper, dishes, medical wastes, metal, milk containers, mud, plastics, rags, sand, straw, shavings, tar, wood, etc.
7. Additional Items that cannot be flushed into the Sewer System:
 - a. Feminine Hygiene Products
 - b. Wet Wipes
 - c. Flushable Wipes
 - d. Floss, Q-tips, and Cotton Balls
 - e. Diapers
 - f. Pills and Medications
 - g. Paper Towels
 - h. Cigarette Butts
8. Any liquid or vapor having a temperature higher than one hundred fifty (150) degree Fahrenheit.
9. Any water or waste containing: iron, chromium, copper, zinc, radioactive wastes or isotopes and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement to such degree that any such material receive in composite sewage that the wastewater treatment facilities exceed the limits established by the BOSC and the Town and Wareham IMA limits.

If any waters or wastes are discharged or are proposed to be discharge to the public sewers, which contain the substances or proposes the characteristics enumerated in Section 8.4, and which, in the judgement of the BOSC may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Town may:

1. Reject the water or wastes
2. Require pretreatment to an acceptable condition for discharge to the public sewers
3. Require control over the quantities and rates of discharge
4. Require payment to cover the added costs of handling and treating the waters or wastes not covered by existing sewer charges

8.3 PROHIBITED DISCHARGES INTO SANITARY SEWERS

No user shall directly or indirectly discharge or cause or allow to be discharged into any public sanitary sewer or any private sewer connected to the public system: any groundwater, stormwater, surface water, roof runoff, subsurface drainage or any Allowable Non- Stormwater Discharge specifically stated as such in the Town's General Permit for Stormwater Discharges from Small Municipal Storm Sewer Systems that can be discharged to the Town's storm drain system.

8.4 PROHIBITED DISCHARGES INTO STORM DRAINS

No user shall directly or indirectly discharge or cause or allow to be discharged any wastewater into a building storm sewer or a public storm drain.

8.5 DILUTION PROHIBITED

No user shall dilute a wastewater discharge to comply with the provisions of these Regulations.

8.6 VARIANCES

Notwithstanding the limitations set forth in these Regulations, a special variance or amendment to a Sewer Use Discharge Permit may be issued by the DPW, whereby wastes of unusual character or strength may be accepted on an interim basis when, in the opinion of the DPW, unusual or extraordinary circumstances compel special terms and/or conditions of temporary duration. Such permit shall be issued only when, in the opinion of the DPW, the discharge associated with such a variance or amendment would not cause any interference with or disruption in the wastewater system; would not cause either directly or through interaction, violations of either:

1. any Federal discharge permit then held by the Town
2. the municipal discharge permit then held by the Town or
3. State water quality standards; and would not force additional controls on other dischargers to achieve compliance with effluent limitations. A variance or amendment to a Sewer Use Discharge Permit must be applied for in writing by the proposed discharger. No discharge to be covered by such a variance or amendment shall take place prior to its issuance.

9 INDUSTRIAL DISCHARGE AND PRE-TREATMENT REQUIREMENTS

9.1 INDUSTRIAL DISCHARGE REQUIREMENTS

9.1.1 Compliance with MA DEP Regulations

The intent of these Regulations is to comply with Massachusetts DEP regulations governing industrial users. These Regulations shall accordingly be construed to conform with such MA DEP regulations as they now exist or may be amended, including 314 CMR 12.

9.1.2 Prohibited Discharges

No industrial user shall discharge or cause or allow to be discharged into any public sewer or into any private sewer tributary thereto any prohibited or restricted wastes identified in Section 8 and this section.

9.1.3 Discharge Permits

No user shall discharge industrial wastes into the Town's wastewater system without a Sewer Use Discharge Permit. Every user proposing a new or modified discharge of industrial wastes shall obtain such a permit and shall file a General Service Application prior to constructing a building sewer to convey such wastes.

1. Every user required to obtain a Sewer Use Discharge Permit shall complete and file with both the DPW a permit application form which may be obtained from the DPW.
2. The DPW shall evaluate the adequacy of data furnished in the application and may require the applicant to provide additional data within a specified time. After receipt of adequate data, the DPW may issue a permit.
3. The DPW may stipulate special conditions and terms upon which the permit is issued. Permits may contain the following terms and conditions.
 - a. Limits on rate, time and characteristics of discharge and requirements for flow regulation, equalization and retention.
 - b. Installation of inspection, flow measurement and sampling facilities, and provisions for access to such facilities for inspection and/or sampling related to the permit terms and conditions.
 - c. Specifications for monitoring programs which may include flow and measurement, biological tests, data sampling, physical, chemical recording, and reporting schedules.
 - d. Pre-treatment requirements and implementation schedules, including schedules for reporting progress towards meeting such requirements.
 - e. Periodic submission of discharge reports.
 - f. Special service charges or fees.
 - g. Other provisions deemed appropriate by the DPW to ensure compliance with these Regulations and with applicable requirements of State or Federal laws.
4. The DPW may change the conditions of a Sewer User Discharge Permit from time to time as circumstances (including Federal or State statutes or regulations) may require.
5. A permit shall not be assigned or transferred.
6. If an industrial user discharge types, amounts or rates of pollutants in violation of these Regulations or its permit, the DPW may revoke its permit in accordance with Section 10.1.8 of these regulations. If changes in the industrial process have improved the

characteristics and/or volume of its discharge, an industrial user may apply to the DPW for modification of its discharge permit.

7. When required by its permit, an industrial user shall submit to the DPW at a designated frequency and in a form acceptable to the DPW a duly signed discharge report containing all information requested by the DPW. Any additional information requested from time to time by the DPW shall also be furnished.
8. The DPW may use the information provided in permit applications, permits and discharge reports as a basis for determining user charges

9.1.4 Monitoring Facility Requirements

When required by the DPW, an industrial user or discharger of industrial wastes shall install suitable control or measuring devices together with manholes, chambers, meters, and other appurtenances in its building sewer(s) to facilitate waste observation, sampling and measurement. Such manholes, chambers or meters shall be accessibly and safely located, shall be constructed in accordance with site plans approved by the DPW, shall be installed by and at the expense of the owner, and shall be maintained by the owner in good operating condition at all times. All meters and other measuring devices shall be approved by the DPW prior to installation and use. The facilities shall be constructed in accordance with all applicable construction standards. Construction shall be completed in compliance with a time schedule established by the DPW and Wareham. All records from meters and measuring devices all be kept for at least two years and furnished to the DPW upon request. During construction and after installation, the DPW shall have the right to inspect the facilities.

9.1.4.1 Annual Report.

Each industrial user may be required to submit an annual report to the Town on the first of July each year or such other time as designated by the BOSC containing information as to the minimum, average and peak industrial wastewater discharges during the previous year.

9.1.5 Sampling and Analysis

All measurements, tests and analyses of the characteristics of water and wastes required to conform to these Regulations shall be performed in accordance with Standard Methods. Samples analyzed shall be collected at locations designated by the DPW and by methods acceptable to the DPW. The DPW will stipulate whether a composite or grab sample(s) should be taken.

9.1.5.1 Measurement and Analysis of Industrial Wastewaters

To be reported in the annual report and shall include the following list where applicable. If any item is not applicable, it shall be so stated on the report of the measurements and the reason for deletion stated.

1. Physical Parameters
 - a. Flow
 - b. pH
 - c. Temperature
 - d. Color
 - e. Specific conductance
2. Chemical and Biological Parameters
 - a. Total solids
 - b. Total volatile solids
 - c. Total suspended solids
 - d. Total dissolved solids
 - e. Acidity
 - f. Alkalinity

- g. 5-day BOD
- h. COD
- i. Oil and grease
- j. Chloride
- k. Sulfate
- l. Sulfide
- m. Phenols
- n. NH₃ (as N)
- o. NO₃ (as N)
- p. NO₂ (as N)
- q. Kjeldahl Organic Nitrogen (as N)
- r. Ortho-phosphorus (as P)
- s. Total phosphorus (as P)
- t. Cr, CU, Fe, Cd, Pb, Mn, Zn, F, As, Hg, Ni, Ag

9.1.6 Notification of Violations

User shall notify the DPW Director immediately upon discharging wastes in violation of these Regulations or their permits. Each notification shall be followed within 15 days of the date of occurrence by a detailed written statement sent by the user to the DPW describing the causes of the discharge and the measures being taken to prevent a recurrence. Such notification will not relieve users of liability for any expense, loss or damage to the public sewer system, or for any fines imposed on the Town due to such discharge.

9.1.7 Preventative Measures

Each user shall provide reasonable and appropriate protection from any discharge, including accidental discharges, in violation of these Regulations.

9.1.8 Notification to Employees

Industrial users shall inform their employees of the existence of these Regulations. At least one copy of the Regulations shall be permanently and conspicuously posted by each user. Each user shall also permanently post a notice identifying the employee who has been designated as the individual responsible for compliance with, and who should be notified of, any violation of these Regulations.

9.1.9 Confidentiality of Data and Documents

All information and data regarding any user, whether obtained from reports, questionnaires, permit applications, permits, monitoring programs, or inspections, may be made available upon request to other governmental agencies and to the public.

9.2 PRE-TREATMENT REQUIREMENTS

9.2.1 Pretreatment Regulations,

All industrial users and discharges of industrial wastes shall comply with Federal, State, and local regulations pertinent to industrial pretreatment.

9.2.2 Pretreatment Facilities

Prior to construction or installation of any pretreatment facilities required by any applicable industrial pretreatment regulations, detailed plans and operating procedures, along with a proposed implementation schedule, shall be submitted to the DPW for review. The review of such plans and operating procedures will in no way relieve such user from the responsibility of modifying the pretreatment facility as may be necessary to produce an effluent acceptable to the DPW under the provisions of their respective regulations and the requirements of Federal or State agencies. An approved implementation schedule will

be incorporated in the Sewer Use Discharge Permit. Any subsequent proposed changes in a pretreatment facility or method of operation shall be reported to the DPW before modification of such facility. Pretreatment facilities shall be continuously maintained in satisfactory and effective operation. All costs associated with pretreatment facility planning, design, construction, operation and maintenance shall be borne by the owner or user. The DPW shall have the right to inspect such facilities in accordance with Section 10.0 of these regulations.

10 ENFORCEMENT

10.1 INSPECTION

10.1.1 Right of Access

Duly authorized representatives of the DPW may inspect the property or facilities of any user (including facilities under construction) to ascertain compliance with these Regulations. Owners or occupants of premises where stormwater or wastewater is either generated or discharged shall allow DPW representatives ready access, at all reasonable times during normal business hours and at such other times as the DPW reasonably suspects that a violation of these Regulations may be occurring, to such parts of the premises as would enable DPW personnel to inspect, observe, measure, sample and test

1. Internal plumbing;
2. Pre-treatment facilities
3. Internal discharge points or connections;
4. Exterior connections;
5. Building sewers;
6. Backwater Valves
7. Sump pumps and basement floor drains;
8. Oil traps and grease traps;
9. Any other facilities required by the DPW utilized; to be constructed, installed or
10. Measurement, sampling and testing facilities and procedures that have been required by the DPW;
11. Such other facilities as the DPW reasonably believes may be contributing to a violation of these Regulations; and
12. DPW shall not be held responsible for damage of property when working on stoppages or backups on private property.

The DPW may conduct routine, periodic inspections of certain types of facilities. It is anticipated that restaurants, other food handling or food processing establishments, service stations, and other entities which deal with petroleum products are particularly likely to be subject to such an inspection program. Other industrial users or generators of high strength wastes (with BOD and TSS concentrations in excess of typical residential or domestic wastewater strength) may also be so inspected, as the DPW deems appropriate. Owners or occupants shall provide any labor or equipment needed by DPW personnel to open and inspect oil and grease traps and other facilities.

10.1.2 Right of Entry

Upon proper identification and at reasonable times during normal business hours and at such other times as the DPW reasonably suspects that a violation of these Regulations may be occurring, duly authorized representatives of the DPW shall be permitted to enter all private property through which the DPW holds an easement for the purposes of inspection, observation, measurement, sampling, testing, maintenance, repair, or reconstruction of any portion of the Town's wastewater systems lying within said easement.

1. Security Clearance
Where a user has security measures in place which would require clearance before any entry to the premises, the user shall make all necessary arrangements to permit DPW personnel to enter without undue delay for the purpose of carrying out their specific responsibilities.

10.1.3 Governmental Function

The Town and the DPW shall be deemed to be performing a governmental function for the benefit of the general public. The Town and the DPW shall not be liable for any loss or damage as a result of the performance of such government function.

10.1.4 Consequences of Denial or Entry or Access

Where an owner or user, after having received reasonable notice from the DPW, refuses to permit DPW personnel to enter or have access to premises or facilities, the DPW may give written notice of its intent to notify the Board of Sewer Commissioners to assess fines and/or terminate sewer service to such user.

10.1.5 Indemnification

An owner or user shall indemnify and hold harmless the DPW for any damages or civil liabilities the DPW may sustain or be required to pay in consequence of an injury or property damage resulting from that owner's or user's violation of these Regulations.

10.1.6 Record Keeping

10.1.6.1 Maintenance of Records

An owner or user shall maintain on its premises all documents pertinent to any of (a) the volume, components or frequency of its discharges to the Town's wastewater system, (b) its industrial pretreatment equipment and procedures, if any, and (c) its design, installation, maintenance, and operation of any special facilities, grease or oil traps, building sewers or storm sewers, private sewers, or other wastewater-related facilities or equipment. Every such document shall be maintained for at least five full years following its preparation or receipt by the user.

10.1.6.2 Inspection of Records

Users and owners shall permit authorized representatives of the DPW to inspect and review, upon reasonable notice and during normal business hours, any and all of the records maintained pursuant to this section.

10.1.6.3 Consequences of Denial of Access to Records

Where an owner or user, after having received reasonable notice from the DPW, refuses to permit DPW personnel to have access to records in accordance with this section, the DPW may give written notice of its intent to notify the Board of Sewer Commissioners to assess fines and/or terminate sewer service to such user.

10.1.7 Monetary Liability

10.1.7.1 Penalties

- a. Any person who violates any provision of these Regulations shall forfeit and pay to the Town an amount not exceeding five thousand dollars (\$5,000) as set by the Board of Sewer Commissioners, pursuant to attached Schedule of Penalties, in accordance with Massachusetts General Laws Chapter 83, Section 10, as then in effect. For purposes of this section, each day of a continuous violation shall be deemed to be a separate violation. If a violation is intermittent, each occurrence shall be deemed to be a separate violation.

10.1.7.2 Reimbursement for Costs to DPW

- b. Failure to comply with any portion of these Regulations, or with any permit or order issued thereunder, shall be sufficient cause for the DPW to levy on and collect from each violator any additional cost for any expense, loss, or damage occasioned by such violation, including assessment of penalties or fines levied or imposed on the DPW pursuant to Bourne's Sewer Policy and Regulations, or the United States Environmental Protection Agency.

10.1.8 Enforcement Actions

Any person found to be violating any provision of these regulations shall be served by the BOSC or their designee, with written notice stating the nature of the violation and providing a time limit of ten calendar days for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation.

Multiple Alternatives exist when the DPW determines that a violation of these Regulations, or any permit, or any damage to the Town's collection system, is threatened or has occurred. The DPW shall take the following actions, in any sequence or simultaneously:

1. The DPW may issue a request or an order to cease and desist any such violation, and/or an implementation schedule for undertaking specific actions or practices.
2. The DPW may require the user in question to submit a detailed time schedule setting forth specific actions to be taken in order to prevent or correct a violation. The DPW may issue an implementation schedule to the user containing or modifying such specific actions within such times as the DPW deems appropriate.
3. The DPW may issue an order directing the user to pay to the Town penalties and fines, and/or discontinue sewer service to the property.
4. The DPW may request that the Sewer Commissioners take direct enforcement action by filing suit in any court of competent jurisdiction pursuant to Massachusetts General Laws Ch. 83, or any other applicable statute or regulation.
5. The DPW may take any other action available to it under any applicable statute or regulation.
6. The DPW may issue citations pursuant to M.G.L. Ch. 40 § 210, non-criminal disposition, to the extent allowed by law.
7. Any person who shall continue any violation beyond the time limit provided herein, shall be charged with a misdemeanor.
8. Any person who shall be charged with a misdemeanor and on conviction, shall be fined in the amount not exceeding Five Hundred Dollars (\$500).

Any person violating any of the provisions of these regulations shall become liable to the BOSC or Town for any expense, loss, or damage occasioned the BOSC or Town by reason of such violation.

11 APPELLATE PROCEDURES

11.1 ADMINISTRATIVE PROCEDURE AT THE DIRECTOR LEVEL

11.1.1 Informal Conference by the Director

Whenever the DPW issues a Sewer Use Discharge Permit; denies, revokes, modifies, or amends any form of permit or application; requires an owner or user to build or install any particular facility or devices; issues a cease and desist order, a compliance order, or an implementation schedule; or assesses penalties or other charges for non-compliance with these Regulations, any permit, or other lawful requirement, the DPW shall promptly inform the owner or user to whom such action is addressed. Such notice shall be sent first class mail and shall inform the addressee of his/her right to submit, within 14 days after the date of such notice, a written request for reconsideration of the DPW's action.

A request for reconsideration shall be addressed to the DPW Director and shall set forth in detail the facts supporting it. Such a request shall not have any effect to stay or delay the DPW action, unless the DPW Director provides otherwise in a writing mailed to the entity making the request. Upon receiving a timely request for reconsideration, the DPW Director or his/her designee shall schedule an informal conference with the entity making the request. Written notice of the conference date, time and place shall be mailed to that entity at least 10 (unless waived by the owner) days before the date of the conference, which shall

be held no later than 21 days (unless waived by the owner) after receipt of the request. The DPW's Director or his/her designee shall rule in writing on the request for reconsideration within 14 days (unless waived by the owner) after completion of the conference.

11.1.2 Right to Hearing by the Board of Sewer Commissioners

A copy of the ruling on the request for reconsideration shall be mailed to the entity which submitted the request. The ruling shall be accompanied by a notice that such entity has the right to request a hearing before the Board of Sewer Commissioners. The notice shall inform the addressee that a hearing on the DPW's action must be requested within 30 days after the date of such notice, in writing, and addressed to the Town Administrator.

11.1.3 Notice of Hearing by the Board of Sewer Commissioners

Within 45 days (unless waived by the owner) after receiving a timely written request for a hearing, the Board of Sewer Commissioners shall schedule a hearing and shall mail to the entity which requested the hearing, written notice specifying the date, time, place, and subject matter of the hearing. The notice shall also state that the entity requesting a hearing has the right to be represented by legal counsel and to present evidence (in the form of both documents and testimony) at the hearing.

11.1.4 Hearing Record and Decision by the Board of Sewer Commissioners

The documents and other evidence offered at the hearing shall constitute the hearing record. The hearing decision shall be based solely on the hearing record and shall be made within 30 days (unless waived by the owner) after the conclusion of the hearing. The decision shall be in writing which summarizes the matters considered and the reasons for the determination made on each such matter. The written decision shall be signed by the Sewer Commissioners and shall be mailed to the entity which had requested the hearing.

Buzzards Bay Commercial Wastewater Summary Sheet (May 27, 2022)

[illegible]

Thut, Kathleen

From: Mastrangelo, Mary Jane
Sent: Wednesday, May 25, 2022 21:04
To: McCollem, Marlene
Cc: Thut, Kathleen
Subject: RE: BOSC reorganization

I am interested in serving as the Chair of the Sewer Commissioners.

Wastewater has been my passion for many years and I am hoping to continue as the Chair of the Sewer Commissioners to achieve some specific goals that need to be achieved.

I was elected as Chair last year in July in a time of transition for Town Administration.

While work on the Comprehensive Management Plan has been progressing, the Town Administrator transition put on hold or delayed some goals that I had for:

- Capital Planning – for addressing the needs of the sewer system with a comprehensive 5-year plan for maintenance and extending that for a longer horizon.
- Discussions with Wareham on the IMA and Regional Planning related to the CWMP
- Working on more equitable rates for sewer rates – which is in progress but needs a little more time.
- Discussion with DEP on ways Bourne can receive Cape Cod and Islands Water Protection Funding for regional projects that include Wareham or Joint Base Cape Cod. While I was able to gain support from the Cape Cod and Islands Water Protection Executive Board to assist Bourne in the discussion of options, it is really important to have the Town Administrator involved in the discussion.

The Board of Sewer Commissioners policy sub-committee that I advocated for and that has been established has worked hard on developing Sewer Regulations with town staff and Environmental Partners. The collaborative effort of the sub-committee has been great.

The Wastewater Advisory Committee has been helpful to identify residents' concerns on the development of the CWMP and to increase citizen involvement. Giving an opportunity for citizens to be involved can be challenging and can create delays, but it can also make help to address issues early in the process and be helpful to get support at Town Meeting.

I am respectfully requesting your consideration to continue as Chair of the Sewer Commissioners so that I can work with the new Town Administrator on the goals that I am committed to achieving for the Town.

Mary Jane Mastrangelo

MJ Mastrangelo
Member Bourne Board of Selectmen
Chair Bourne Sewer Commissioners
508-563-9415
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