



# *Shelburne Wastewater*

Town of Shelburne  
53 Turtle Lane  
Shelburne, VT 05482  
(802) 985-3700

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## **Shelburne Wastewater Surcharge Policy**

### **Purpose**

The purpose of this policy is to establish an equitable and feasible method of assessing a surcharge on significant non-domestic strength wastewater dischargers. The intent of this policy is to recover costs associated with capacity, treatment and disposal of high-strength waste being discharged to Shelburne's Wastewater Treatment Facilities.

### **Authority**

Language referencing a surcharge system is in the Town's Sewer Use Ordinance No. 1. The language in Ordinance No. 1; Article V, Section 4 provides an overview of prohibited discharges. Article V, Section 5 establishes the actions, including a surcharge, that may be taken if the discharge meets the characteristics described in Section 4.

### **Computation of Surcharge Factors**

- 1. Capital Cost Recovery Factor** – The basis for the Capital Cost Recovery factor includes a contribution to the Town's share of the original construction cost. The cost factors, based on allocated capacity reserved by the subject customer, shall be:

\$0.17 per pound per day of Biochemical Oxygen Demand (BOD);  
\$0.17 per pound per day of Total Suspended Solids (TSS); or  
\$0.17 per pound per day of Total Phosphorus (TP)

### **Re-evaluation of Charges**

The amount charged per pound is subject to change based upon either of the following conditions:

1. Change in debt service;
2. Change in NPDES permit limits

### **2. Operation and Maintenance Cost Allocation Factors**

In order to determine the O&M Cost Allocation factors for constituents (including BOD, TSS, and TP), specific cost components of the Town of Shelburne's Wastewater Budget will be included based upon the facility that the customer is allocated to discharge into. This will be updated each fiscal year based upon the approved budget and attached hereto.

Determination of the unit cost for each pound of constituent treated shall be based on computing the total pounds of constituent treated annually as determined by the relevant wastewater treatment facility's records divided into the portion of included operating costs allocated to a specific constituent. The result shall be the cost per pound entering the treatment facility.

### **Determination of High-Strength Waste**

High-strength waste is defined as any discharged constituent that exceeds the design criterion of the Shelburne Wastewater Treatment Facility. Municipal wastewater treatment facilities are designed to handle domestic strength waste. The design criteria is:

BOD 225 mg/l

TSS 225 mg/l

TP 8 mg/l

### **Determination of Waste Concentration and Loading**

The surcharge assessment shall be based upon the measured or estimated constituents and characteristics of the wastewater discharged by the user to the Town's wastewater system. This includes, but not limited to, BOD, TSS and TP.

Determination of flow rates and/or volume shall be based on metered or calculated values, whichever is deemed more reliable. Values utilizing water meter readings shall be considered more reliable than sewer meter readings; however, adjustments may be allowed for liquids added to or taken from the industrial process which may or may not enter the waste stream. Adjustments will require a means to measure the offset and must be approved by the Town.

The customer shall have the primary responsibility for testing on a regular basis in order to determine the waste load concentration actually discharged. These samples shall be collected in a manner to be representative of the actual discharge load. The Town shall have the option of conducting periodic sampling and testing to confirm the waste loadings being computed. All costs associated with sampling, testing and reporting shall be the responsibility of the customer.

### **Frequency of Samples**

The minimum frequency of sampling shall be on a twenty-four hour composite basis, once per month. For customers whose surcharge is determined to be over \$1,000 per month, minimum frequency shall be weekly with samples prepared proportional to flow and properly preserved.

### **Surcharge billing procedures**

The surcharge will be computed at least annually based on the average of monthly sampling and test results. Testing more frequently than monthly (including tests performed by the Town) will constitute the basis for an average for that month. Actual charges will be based on the total estimated number of pounds multiplied by the cost per unit factor as determined above.

Frequency of billing and terms of payment shall be determined and specified in a written agreement.

### **Permit/Agreement**

Every high strength discharger, upon receiving Selectboard approval to discharge, shall enter into a written agreement with the Town prior to discharging waste to the wastewater treatment facility. The agreement shall not exceed 3-years.

If the daily loading limit is exceeded for three consecutive months the customer shall be required to obtain additional capacity from the Town.

Any loading that exceeds the permitted loading by the town may be subject to the provisions described below in Enforcement and Penalties.

### **Enforcement and Penalties**

1. Any violation of this Policy shall be a civil matter which may be enforced in the Vermont Judicial Bureau, or in the Vermont Superior Court, Chittenden Unit, Civil Division, at the Town's election.
2. A civil penalty of not more than \$200.00 per violation may be imposed for violation of this Policy. Each day that the violation continues shall constitute a separate violation of this Policy. In addition, the Town may impose an additional charge equal to 300% of the then-applicable per-gallon charge for the user's daily loading in excess of its approved high-strength discharge allocation.
3. Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 *et seq.* For purposes of enforcement in the Judicial Bureau, the Superintendent and Chief Treatment Plant Operator, and the Town Manager, shall be designated enforcement officers. The designated officers shall issue tickets and may be the appearing officers at any hearing. In addition, the Town may elect to prosecute any violations by the Town Attorney.
4. Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Town may pursue any and all remedies available at law or in equity. In any successful proceeding, the Town shall be entitled to collect all fees and costs of collection, including reasonable attorney's fees.

Adopted this 8<sup>th</sup> day of March, 2016, by the Shelburne Selectboard.

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