

Chapter 336

SEWERS

CURRENT SEWER REGULATIONS

Nantucket Board of Sewer Commissioners CH 336
Adopted 05/20/20 by the Nantucket Select Board,
acting as the Board of Sewer Commissioners

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[HISTORY: Adopted by the Town of Nantucket
5/20/2020; Effective 6/1/2020]

ARTICLE I

Use of Common Sewers; Regulations

Purpose

The purpose of the Rules and Regulations of the Sewer Department of the Town of Nantucket are:

- A. To establish the technical and administrative procedures for making connections to the sanitary sewer system including in accordance with the Nantucket Sewer Standards and Specifications;
- B. To establish requirements, restrictions, and controls on the quantities and quality of what may be discharged to the sanitary sewer system; such as discharges that may:
 - (1) Interfere with the operation of the publicly owned treatment works (POTW) in any way;
 - (2) Pass through the POTW, to the groundwaters, inadequately treated effluent that may cause contravention of standards for these waters or surface waters or cause violation of the POTW's Groundwater Discharge Permit (GWDP) or negatively impact the watershed into which treated effluent is discharged;
 - (3) Reduce the opportunity to reclaim or recycle treated wastewater and/or sludge from the system;
 - (4) Increase the cost or otherwise hamper or limit the disposal of sludges and other residuals;
 - (5) Endanger municipal employees or the public;
 - (6) Cause, directly or indirectly, any public nuisance condition;
- C. To prevent new sources of inflow and infiltration and eliminate private source inflow;
- D. To provide for equitable distribution to all users of the POTW, all costs associated with the collection, transmission, treatment, and residuals disposal, and to provide for the collection of such costs; and
- E. To provide for the orderly planning, implementation, and operation of sewer systems' and treatment systems' components to improve the health and environmental quality of the Town of Nantucket and its people and resources.

The following rules and regulations are a part of the contract with every person who discharges water and waste into the Nantucket Sewer System and governs the relationship between the Sewer Department and its consumers, contractors and/or developers, and all other persons who install sewers, discharges wastewater, are connected into the sewer system or apply for a connection to the sewer system.

Modifications

Modifications, additions to or rescinding of these Rules and Regulations may take place from time to time as authorized by a Town Meeting as required by Massachusetts General Laws, Chapter 83, Section 10. The aforesaid Rules and Regulations and all the Previous Amendments shall be deemed to be valid and in full force and affect; and Notwithstanding anything to the contrary which may be contained therein, all further amendments, changes, modifications, revisions, additions, or rescission of the aforesaid Rules and Regulations and Previous Amendments shall not be valid without the approval and authorization of a majority vote of Town Meeting. Or take any other action in relation thereto.

§ 336-1. Definitions.

Unless the context specifically indicates otherwise, the meaning of the terms used in this regulation shall be as follows:

ACT or THE ACT – The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, 33 U.S.C. § 1251 et seq., and the regulations promulgated thereunder, as amended from time to time.

BIOCHEMICAL OXYGEN DEMAND — or “BOD” is the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

BUILDING SEWER – That part of the lowest horizontal piping of a building plumbing system that receives the discharge of wastewater from inside the walls of the building and conveys it to the sewer service. The building sewer extends 10 feet beyond the building foundation.

COMMERCIAL ESTABLISHMENT – A structure, room, enclosed floor space, or combination of the aforementioned used in the course of providing professional, public and/or private services. An existing commercial establishment is defined in this regulation as being substantially complete prior to the availability of the Nantucket Sewer System or Siasconset Sewer System Areas or those that received construction approvals prior to December 31, 2017. A new commercial establishment is defined in this regulation which as not being substantially complete prior to the availability of the Nantucket Sewer System or Siasconset Sewer System Areas, those that received construction approvals on or after December 31, 2017.

CONNECTION TO SEWER – A connection shall exist where any tie-in is made to the Nantucket Sewer System or appurtenance thereof which has the potential to contribute wastewater flow.

DEPARTMENT OF ENVIRONMENTAL PROTECTION – or “DEP” shall mean the Massachusetts Department of Environmental Protection or, where appropriate, the Administrator or other duly authorized official of said agency.

DIRECTOR – shall mean the person appointed by the Nantucket Town Manager as the Director of the Nantucket Sewer Department who is vested with the authority and responsibility for the implementation and enforcement of these rules and regulations or their authorized deputy, agent, or representative.

DWELLING – A structure used or intended to be used by one family or household for living, sleeping, cooking and eating. An existing dwelling is defined in this regulation which as being substantially complete prior to the availability of the Nantucket Sewer System, or Siasconset Sewer System Areas, those that received construction approvals prior to December 31, 2017. A new dwelling is defined in this regulation as not being substantially complete prior to the availability of the Nantucket Sewer System or Siasconset Sewer System Areas, those that received construction approvals on or after December 31, 2017.

DWELLING UNIT – A room or enclosed floor space within a dwelling used by or forming a habitable unit for one family with facilities for living, sleeping, cooking and eating. A dwelling may consist of one or more dwelling units. An existing dwelling unit is defined in this regulation which as being substantially complete prior to the availability of the Nantucket Sewer System or Siasconset Sewer System Areas, those that received construction approvals prior to December 31, 2017. A new dwelling unit is defined in this regulation as not being substantially complete prior to the availability of the Nantucket Sewer System or Siasconset Sewer System Areas, those that received construction approvals on or after December 31, 2017.

ENVIRONMENTAL PROTECTION AGENCY – or “EPA” shall mean the United States Environmental Protection Agency, or, where appropriate, the Administrator or other duly authorized official of said Agency.

FATS, OIL, AND GREASE – or “FOG” are organic polar compounds derived from animal and/or plant sources and accumulate in the sewer system. These are substances that may solidify or become viscous at temperatures above 32 degrees Fahrenheit. These substances are detectable and measurable using analytical procedures established in 40 CFR 136.

GARBAGE – Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

GRINDER PUMP- A wastewater conveyance device. Wastewater and water from water-using household appliances flows through the home’s pipes into the grinder pump’s exterior holding tank. Once the wastewater inside the tank reaches a specific level, the pump will turn on, grind the waste into a fine slurry, and pump it to the Municipal Sewer System.

LEACHATE – a liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.

LICENSED UTILITY INSTALLER – or “L.U.I.” shall mean a person, who upon submitting a License and Permit Bond, Certificate of Insurance, and pays the Utility Installer’s License fee, all of which are approved by the Director, is permitted to perform the installation of sanitary sewers or building sewers.

LOT – Is a tract of land in common ownership, including land under water, not divided by a street, which may include multiple parcels of adjacent land in common ownership.

LOW-PRESSURE SEWER- A pressure pipe that receives wastewater from low-pressure sewer services and conveys it to the Municipal Sewer System.

LOW-PRESSURE SEWER SERVICE - A small diameter pipe that connects an individual grinder pump to a low-pressure sewer or to a gravity sewer. A low-pressure sewer service is privately-owned.

MAY – When used in these regulations, this term is permissive.

MIXED USE DEVELOPMENT - Mixed use properties, such as buildings with separate residential and commercial units.

MULTIPLE DWELLING UNITS – More than one dwelling unit on a single property or common property with each unit having a separate service connection, except for tertiary dwellings that may have a common service connection.

MUNICIPAL SERVICE CONNECTION – The point at which the sewer service lateral connects to the municipal sewer.

MUNICIPAL SEWER - A publicly-owned pipe or conduit used for transporting municipal wastewater.

MUNICIPAL SEWER FORCE MAIN – A pipe that is used to convey wastewater from a Municipal wastewater pumping station to a gravity sewer or directly to a wastewater treatment facility.

MUNICIPAL SEWER SYSTEM – Publicly-owned structures, facilities, and conduits intended for the purpose of collecting and conveying municipal wastewater to a wastewater treatment facility. Lateral sewer lines that connect private sewer systems to the municipal sewer system are considered privately-owned.

MUNICIPAL WASTEWATER - means the wastewater that enters a municipal sewer system from domestic, commercial and industrial sources.

NANTUCKET SEWER SYSTEM – All structures, equipment, and processes required to collect, transport and treat municipal wastewater on Nantucket.

NATURAL OUTLET – Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

NEEDS AREA- Based on the most recent Comprehensive Wastewater Management Plan (CWMP), a study area where a majority of the developed or developable properties located within the study area will not be able to utilize a conventional Title 5 septic system to effectively dispose of wastewater throughout and beyond the 20-year planning period.

OUTBUILDING –Detached structures such as pool houses, sheds or garages on the same lot as a primary dwelling. Outbuildings with sanitary facilities are treated as bedrooms in these regulations.

PERSON – Any individual, firm, company, association, society, corporation, or group.

pH – The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

POLLUTION – The presence of pollutants or contaminants in quantities or with characteristics that may alter the physical, chemical, or biological properties of receiving waters that:

- A. Result or will likely result in harm or detriment of the health, safety, or welfare of humans, animals, birds, or aquatic life;
- B. Render or will likely render the waters substantially less useful for domestic, municipal, industrial, agricultural, recreational, or other reasonable uses; or
- C. Leave or likely leave the waters in such condition as to violate any state water quality standards.

PREMISE – means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling.

PRETREATMENT OR TREATMENT–The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, biological processes, or process changes or other means, except through dilution as prohibited by 40 CFR section 403.6(d).

PRETREATMENT COORDINATOR – The person designated by the Director to supervise the operation of the pretreatment program.

PRETREATMENT REQUIREMENTS – Any substantive or procedural requirements related to pretreatment, that are imposed on an industrial user.

PROPERTY – Unless otherwise indicated, the term property means lot.

PUBLICLY OWNED TREATMENT WORKS – or “POTW” means a treatment works as defined by section 212 of the Act, which is owned by a State or municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

The term **POTW TREATMENT PLANT** means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

RIGHT OF ENTRY/ACCESS – For purposes of inspections and service, properties that are connected to the Nantucket Sewer System shall grant, Town of Nantucket personnel in a timely manner access to any structure connected to the Sewer. The Town of Nantucket determines a timely manner as 24 and no longer than 48 hours from request.

SANITARY SEWER – A sewer that carries sewage from residences, commercial buildings, industries, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

SECONDARY DWELLING - A detached single-family dwelling located on the same lot as a primary dwelling unit.

SEPTAGE – That material removed from any part of an on-site sewage disposal system. [including, but not limited to, the solids, semi-solids, scum, sludge and liquid contents of a septic tank, tight tank, privy, chemical toilet, cesspool, holding tank, or other sewage waste receptacle. It does not include any hazardous substances as defined in 40 CFR § 116. .

SEWAGE – A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments.

SEWAGE EJECTOR PUMP – A high volume, low-pressure submersible solids handling pump used when a bathroom, laundry room or any other type of plumbing fixture is located below the level of the building sewer.

SEWER — A pipe or conduit for carrying sewage.

SEWER COMMISSION – Pursuant to Chapter 396 of the Acts of 2008, the entity that is responsible for the policies, finances, goals, operation and maintenance of the good order of the Nantucket Sewer System. The Nantucket Select Board may serve as the Sewer Commission.

SEWER DISTRICTS – Shall, for the purposes of these regulations, mean areas in Nantucket served by the Municipal Sewer System, and approved by Town Meeting, as enacted in Chapter 396 of the Acts of 2008.

SEWER SERVICE LATERAL – The portion of the privately-owned sewer system that connects the building sewer to the municipal sewer system, otherwise known as a sewer connection. A sewer service lateral is privately-owned.

SHALL – When used in these regulations, this term is mandatory.

SLUG – Any discharge at a flow rate or concentration which could cause a violation of prohibited discharge standards or any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge.

STORM DRAIN – A conduit or channel which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUBSTANTIALLY COMPLETE – A structure shall be defined as substantially complete as of the date of issuance of an occupancy permit.

SUSPENDED SOLIDS – Solids that either float on the surface or, are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

TERTIARY DWELLING – A third dwelling unit under the same ownership as at least one other owner-occupied dwelling unit on the lot.

TREASURER – The Treasurer of the Town of Nantucket.

WASTES – Shall be classified as follows:

A. INDUSTRIAL WASTES – Any water carried or liquid waste resulting from any process of industry, manufacture, trade, or business, or from the development or recovery of any natural resource.

B. INSTITUTIONAL WASTES – Any wastewater generated by schools, places of worship, correctional facilities, nursing homes, group homes and other community facilities

C. COMMERCIAL WASTES – The water carried wastes from nonmanufacturing establishments such as hotels, restaurants, stores, and places of business.

D. RESIDENTIAL WASTES – The water carried wastes from private dwellings.

WASTEWATER – The spent water of the community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.

WATERCOURSE – A channel in which a flow of water occurs, either continuously or intermittently.

§ 336-2. Building sewers and connections.

A. It shall be unlawful to construct or repair any privy, privy vault septic tank, cesspool or other facility intended or used for the disposal of wastewater on or for the benefit of property to which the Nantucket Sewer System is available.

B. The Nantucket Sewer System will be deemed to be available to every property within a sewered subdivision or which abuts a way served by such sewers and such availability shall be:

(1) For active existing sewers, as of the date of adoption of these regulations and

(2) For new sewers, as of the date on which such new sewer line has been formally activated by the Town for the collection and pumping of wastewater flow.

- C. Connection to the Nantucket Sewer System is mandatory per Board of Health Regulation (69.03) within 2 years of sewer being available (unless required sooner due to site specific circumstances) pursuant to the following requirements;
- (1) Connections to the municipal sewer system must be made in accordance with the Town of Nantucket Sewer Standards and Specifications.
 - (2) No connections to municipal sewer force mains will be allowed.
 - (3) Low-pressure sewers must be connected to the nearest municipal gravity sewer manhole in accordance with the Town of Nantucket Sewer Standards and Specifications.
 - (4) Low-pressure sewer systems must be comprised of grinder pump systems meeting the Town of Nantucket Sewer Standards and Specifications. No solids handling pumps will be allowed on any low-pressure sewer systems.
 - (5) A septic abandonment permit is issued from the Board of Health.
- D. All costs and expense incident to the installation and connection of the sewer service lateral shall be borne by the property owner, who shall make his own arrangements with a Licensed Utility Installer approved by the Nantucket Sewer Department. The contractor shall do all cutting, patching, excavation, backfill, furnishing and installing pipe and making connection required. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the sewer service lateral.
- E. A separate and independent sewer service lateral shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the sewer service lateral from the front building may be extended to the rear building and the whole considered as one building sewer. Approval of the Nantucket Sewer Department and the Plumbing Inspector is required for this exception.
- F. Existing sewer service laterals may be used to connect new buildings only when they are found to be in acceptable condition by CCTV examination. A written report must be submitted by Email and approved by the Nantucket Sewer Department prior to any making any new connections. To meet all requirements of this regulation, any existing lateral that is Orangeburg, clay or other than Schedule 40 PVC pipe, must be replaced in its entirety to the main.
- G. In all buildings in which any building sewer is too low to permit gravity flow to the municipal sewer, sewage carried by such building sewer shall be lifted by an approved means as listed in 248CMR 10.15 (10) and discharged to the sewer service lateral. These types of pumps are NOT to be used to pump directly into any low-pressure sewer or other types of force mains that have grinder pumps installed.
- H. In areas serviced by low-pressure sewers, dwellings must install, operate and maintain an individual grinder pump unit meeting Town of Nantucket Sewer Standards and Specifications, and subject to the approval of the Director. The following policies apply to low-pressure sewer connections:
- (1) For lots with multiple sewer service connections for separate dwellings or building units, a separate individual grinder pump unit will be required for each service connection.

- (2) Property owners that wish to install multiple grinder pumps (e.g. duplex units) or larger basins or storage tanks will require separate approval for the installation and will be responsible for the full cost associated with these systems. Under no circumstance will the Town of Nantucket approve the purchase and installation of an indoor grinder pump unit.
 - (3) All property owners will be responsible for proper installation of the grinder pump units and ancillary equipment, including the complete connection to the public sewer per Town of Nantucket sewer standards and specifications and will be responsible for the full cost of such units. All property owners will be responsible for proper operation and maintenance of the grinder pump unit in perpetuity, including repair and replacement of such units.
 - (4) There shall be no individual grinder pump connections to a municipal force main. All such connections must be to the low-pressure sewer or to a gravity sewer, subject to Nantucket Sewer Department approval.
- I. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building directly or indirectly to the Nantucket Sewer System.
 - J. No person shall connect a basement sump pump to a municipal sewer either directly or indirectly through the service connection.
 - K. The connection of the sewer service lateral into the municipal sewer shall conform to the requirements of the Nantucket Sewer Standards and Specifications. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Nantucket Sewer Department before installation.
 - L. The applicant for the sewer connection permit shall notify the Nantucket Sewer Department when the sewer service lateral is ready for inspection and connection to the municipal sewer. Such notification must be made at least 48 hours prior to the requested inspection. The connection shall be made by the applicant's Licensed Utility Installer under the supervision of the Nantucket Sewer Department. Excavations shall not be closed until inspection is made. The Town reserves the right to inspect the entire service connection from the building sewer to the municipal sewer. The Town reserves the right to require all work to be uncovered if partially or totally backfilled before an inspection has been performed by the Nantucket Sewer Department.
 - M. All excavations for sewer service lateral installation shall be adequately guarded with barricades, and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of work shall comply with Chapter 127 Article 1 of the Town Code. Street opening permits must be obtained from the Nantucket Department of Public Works and must be signed by all applicable departments and town administration prior to starting any work.
 - N. Cleanouts shall be provided to allow cleaning in the direction of flow in accordance with The Town of Nantucket Sewer Standards and Specifications. Cleanouts shall be extended to an elevation at or above the finished grade level directly above the place where the cleanout is installed and protected from damage. Blockages on the property owner's side of the property line cleanout are the responsibility of the property owner. For grinder pump discharge lines greater than 100 feet, a flush port must be provided at the grinder pump wet well or chamber.
 - O. Prior to connection with a municipal sewer or the issuance of sewer connection permits, pursuant to § 336-20, Subsection A, the Director may, on receipt of written application, authorize design review of

plans and specifications and inspection of construction for a privately designed and constructed sewer. Any such review and/or inspection undertaken shall not relieve any party from any of the obligations arising under these regulations, as now in force or as may be amended from time to time, or any other obligations under applicable federal or state laws, rules or regulations. Nor shall any such review or inspection constitute any waiver by the Town of its rights and privileges under said regulations, laws or rules.

- (1) All costs and expense incident to any design review and/or inspection under Subsection O shall be borne by applicant therefor. Applicant will indemnify and hold harmless the Town and all its agents and employees of and from all costs and expenses incurred incident to such review, inspection and work relating thereto, including any professional, engineering and legal fees incurred. No such inspection or review under said Subsection O shall be undertaken unless the applicant therefor shall deposit with the Treasurer an amount determined by the Director (or other designee named by the Sewer Commission) as sufficient to cover all the costs of engineering, legal or other professional review and/or inspection. The account shall be administered and maintained as provided in Subsection O (2).
- (2) With respect to any account established pursuant to Subsection O (1) the Treasurer shall pay invoices pursuant to direction and approval of the Director (or other designee named by the Sewer Commission), who shall not direct any payment unless the Town gives 14 days' notice (including a copy of such invoice) to the applicant. The balance of the account shall at no time until completion, be less than 1/2 of the initial deposit, and applicant shall deposit with the Treasurer such additional funds as are required to restore the account to the amount of the initial deposit upon notice from the Town that the amount on deposit has been decreased by the expenditures described below to an amount at or near 1/2 of the initial deposit. The account shall be closed, and the remaining funds returned to applicant when, in the opinion of the Director, all work required and any subsequently approved modifications including all inspections required, have been completed, and all costs of same have been paid from said account. All notices herein shall be by first class mail.

P. Maintenance of building sewers and sewer service laterals:

- (1) Each individual property owner shall be entirely responsible for the construction, maintenance, repair or replacement of the building sewer/sewer service lateral as deemed necessary by the Sewer Director to meet specifications of the town. Owners failing to maintain or repair building sewers/sewer service laterals or who allow stormwater or ground water to enter the municipal sewer may face enforcement action as outlined in § 336-22.
- (2) The town may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with.
- (3) The point of division between the sewer service lateral and the municipal service connection shall be at the property line or right-of-way line. The municipal service connection cannot extend onto private property except that minimal distance necessary to cross or be unencumbered by other utility lines.

Q. Sanitary sewer main extensions: Persons desiring sewer main extensions must pay all of the cost of making such extensions after review and approval of the Nantucket Sewer Department.

- (1) Sanitary sewer mains shall be designed in accordance with the Nantucket Sewer Standards and Specifications and to accommodate any future flows from areas tributary to the proposed sewer extension. Municipal service connections shall be included at each buildable parcel along the length of the extension.
- (2) All such extensions shall be installed either by the town or by Licensed Utility Installers working directly under the supervision of the town in accordance with plans and specifications prepared by an engineer registered with the State of Massachusetts. Upon completion of such extensions and approval by the town, such sewer mains shall become the property of the town.
- (3) The overall cost of the sewer extension shall include the installation cost of the required sanitary sewer stubs. Persons paying the cost of constructing such mains shall execute any written instruments requested by the town to provide evidence of the Town's title to such mains.
- (4) In consideration of such mains being transferred to it, the Town shall incorporate said mains as an integral part of the municipal sewer systems and shall furnish sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of the mains, downstream capacity and capacity at any POTW that receives wastewater from the mains.

R. Sewer connections in the Shimmo, Nantucket Harbor and Plus Areas must be made in accordance with the Town's August 2017 Policy for Sewer Stubs and Reconnections (Article I, Exhibit 1).

S. No sewer extension shall be allowed outside of existing Sewer Districts or Needs Areas as defined in the latest version of the Comprehensive Wastewater Management Plan (CWMP) unless otherwise approved by vote at an Annual or Special Town Meeting.

§ 336-3. Use of public sewers.

A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, non-contact cooling water or condensate to any sanitary sewer.

B. Stormwater and all other unpolluted drainage shall be discharged to storm drains or to a natural outlet approved by the Department of Public Works (DPW). Non-contact cooling water or treated process waters may be discharged, on approval of the DPW, to a storm drain, or natural outlet. Such discharges may also require approval under the National Pollutant Discharge Elimination System (NPDES) Program.

C. Discharges of industrial or commercial wastes into the municipal sewer system that exceed 25,000 gpd will at a minimum, be required to have a holding tank and regulated discharge flowrate. The Town may also require treatment prior to discharge into the municipal sewer system and may establish limitations and requirements for industrial discharges that:

- (1) result in additional treatment costs; and
- (2) have the potential to harm the POTW or otherwise cause non-compliance.

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

- (1) Any petroleum products including but not limited to gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid, or gas.

- (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment facility.
 - (3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the POTW.
 - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, personal wipes including "flushable wipes," etc., either whole or ground by garbage grinders.
- E. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Director that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving waters, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the wastewater treatment facility, degree of treatability of, wastes in the wastewater treatment facility, and other pertinent factors. The substances prohibited are:
- (1) In no case shall heat, heated liquid or vapor be discharged to the sanitary sewer, in such quantities that the temperature at the POTW exceed 104° (40° C.)
 - (2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° F. and 150° F. (0° C. and 65° C.).
 - (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to review and approval of the Director or their authorized deputy, agent, or representative.
 - (4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
 - (5) Any waters or wastes containing iron, chromium, copper, lead, 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 wastewater treatment facility exceeds the limits established by the Director for such materials.
 - (6) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Director as necessary, after treatment of the composite sewage to meet the requirements of the State, Federal, or other public agencies or jurisdiction for such discharge to the receiving waters.
 - (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable State or Federal regulations.

- (8) Any waters or wastes having a pH in excess of 9.5.
- (9) Materials which exert 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 solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - (b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.
 - (d) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (10) Water or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed or are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (11) Basement Sump pumps, outside area drains, Outside Shower Drains or any other external drains that are subject to surface ponding, flooding or rain.
- (12) Dewatering from ANY surfaces, basement foundations, crawl spaces, construction sites, swimming pool or hot tub construction activities.
- (13) There shall be NO discharge from swimming pools or hot tubs into any public sewer.
- (14) Hauled Waste:
 - (a) Landfill Leachate shall only be accepted at the Surfside Wastewater Treatment Facility in quantities of a maximum of 25,000 gallons per day unless these amounts cause treatment issues identified by the Chief Wastewater Operator who can stop the acceptance of such wastes.
 - (b) Brewery or other industrial wastes MUST be discharged under supervision or direction of the Chief Wastewater Operator or the Operator on duty. Before any discharge can begin, the driver must ensure the loads are identified and logged by the Chief Wastewater Operator or the Operator on duty.
 - (c) Cannabis cultivation, production and processing wastewaters – Any wastewaters generated from cannabis cultivation, production or processing (washing, oil extraction, manufacturing of cannabis-based products) may only be discharged into the Surfside WWTF under supervision or direction of the Chief Wastewater Operator or the Operator on duty. The operator of the cannabis facility must certify in writing that the facility is implementing the best management practices established in Article I, Exhibit 2. Before any discharge can begin the driver must ensure the loads are identified and logged by the Chief Wastewater Operator or Operator on duty.

F. Action in the event of prohibited discharges.

- (1) If any waters of wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Subsection E, and which

in the judgement of the Director may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Director may:

- (a) Reject the wastes,
 - (b) Require pretreatment to an acceptable condition for discharge to the public sewers,
 - (c) Require control over the quantities and rate of discharge, and/or
 - (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Subsection K.
- (2) If the Director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Director, and subject to the requirements of all applicable codes, regulations, and laws.
- G. Grease, oil, and sand interceptors and/or standard active grease recovery units shall be provided for all multiple unit dwellings, commercial kitchens, food service establishments, and when, in the opinion of the Director or their authorized deputy, agent, or representative, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients. All interceptors shall be of a type and capacity approved by the Director and shall be located as to be readily and easily accessible for cleaning and inspection.
- H. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at their expense.
- I. When required by the Director, the owner of any property serviced by a sewer service lateral carrying industrial wastes shall install a suitable control manhole together with such necessary meters, and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Director. The manhole shall be installed and maintained by the owner at owners' expense and shall be safe and accessible at all times.
- J. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this regulation shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. All samples and measurements shall be taken at the control manhole provided. In the event that no control manhole has been provided, samples and measurements shall be collected at the downstream public sewer manhole that is nearest to the point at which the sewer service lateral is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property.
- All industries discharging into a public sewer shall perform such monitoring of their discharges as the Director may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Director. Such records shall be made available upon request by the Director to other Agencies having jurisdiction over discharges to the receiving waters. All monitoring and sampling costs are the responsibility of the owner.
- K. No statement contained in this article shall be construed as preventing any special agreement or Town and County arrangement between the Town of Nantucket and any industrial concern whereby an

industrial waste of unusual strength of character may be accepted by the Town and County for treatment, subject to payment therefore by the industrial concern.

§ 336-4. Protection from damage.

- A. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the POTW. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct and/or vandalism.

§ 336-5. Powers and authority of inspectors.

- A. Pursuant to 314 CMR 12.03(5) and M.G.L. c. 21, §§ 27(12) and 34, The Director and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this regulation. The Director or his representatives shall have authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastes treatment.
- B. While performing the necessary work on private properties referred to in Subsection A above, the Director or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 336-3I.
- C. The Director and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the measurement, sampling, repair, and maintenance of any portion of the POTW located within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. Measurement and sampling easements shall be 10 feet plus 10 feet working space totaling 20 feet, or 10 feet plus 20 feet working space totaling 30 feet.

§ 336-6. Validity.

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

§ 336-7. Septic tank waste.

The Director shall determine, assign and maintain a facility for the discharge of septic tank waste to the Surfside WWTF of the Town of Nantucket. Such facility shall be the only point allowed for the discharge of septic tank waste and its use shall be governed by the following:

- A. Only carriers licensed by the Board of Health and approved by the Sewer Commission may discharge septage at the treatment facility.
- B. Septic tank waste which does not meet the definition of sewage established in the regulations will not be accepted.
- C. Discharge of septic tank waste is limited to the hours of normal operations for the Surfside WWTF; Monday through Friday from 7:00 a.m. to 3:30 p.m. unless otherwise arranged with the Chief Operator and approved by the Director or their designee.
- D. The pumping, hauling, discharge of septic tank waste shall be in accordance with the Commonwealth of Massachusetts State Environmental Code (310 CMR 15).
- E. All septage waste must be tested for pH to determine compliance with existing Sewer Regulations. The Chief Operator must be notified before industrial or commercial loads are discharged.
- F. Haulers must provide a manifest of the origin of the septic waste on forms provided by the sewer department.
- G. Clean up of the septage receiving area is required after each septage discharge.
- H. Failure of the hauler to comply with these regulations, including failure to make payments as required shall be cause for the Sewer Commission to revoke its permit to discharge at the facility.

§ 336-8. Sewer Easements.

- A. Municipal Sewers shall be constructed within existing public rights of way when applicable to the extent physically and legally possible. If, upon determination by the Sewer Commission, a public sewer must be constructed within a private way or across private property, a permanent easement of no less than twenty-five (25) feet in width, for the construction, maintenance and operation of said public sewer shall be conveyed to the Town by appropriate persons possessing an interest in such private way or property. Sewer easements on private property are subject to the following requirements:
 - (1) Owner shall not place or permit to be placed any trees or other deep-rooted landscaping directly over or within twelve and one-half (12.5) foot horizontal distance of the sewer main, pump station, or any other sewer facility. The Town reserves the right to remove any trees or landscaping placed within an easement or right of way.
 - (2) Owner shall not place or permit to be placed any permanent or temporary structures, mounding, lighting, fencing, signs, retaining/landscaping/entrance walls, irrigation lines, propane tanks etc. directly over or within twelve and one-half (12.5) foot horizontal distance of sewer main, pump station, or any other sewer facility. The Town reserves the right to require the owner to remove or relocate (outside the easement) any of the above listed items that have been placed within an easement or right-of-way.
 - (3) The Town shall be held harmless for any damage to items listed in numbers 1 and 2 above that are located within easement.
 - (4) The Town may periodically perform field inspections to verify compliance with the above-mentioned requirements. If a violation exists, then the Town will notify the owner and require appropriate corrective action.

- B. If an individual service connection must cross another property, the owner of the property being served by the sewer must obtain a construction and maintenance easement from the owner of the property that is being crossed. A permit will not be issued until the easement has been gained.

§ 336-9. Regulation in force.

- A. This regulation shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.
- B. Passed and adopted by the Select Board of the Town of Nantucket, State of Massachusetts, on the ***th day of 2019.

ARTICLE II

Sewer User Fees

Purpose.

The purpose of this regulation is to establish a fair and equitable method of connecting with the Town of Nantucket Sewer System. The fees will be adjusted annually based on the cost of living or other appropriate index.

§ 336-10. Definitions.

RESIDENTIAL AND GENERAL COMMERCIAL USERS – All residential and commercial land use activities connected to the Nantucket Sewage System which introduce no more than the equivalent of 25,000 gallons per day of domestic sanitary wastes to the treatment works.

SPECIAL USERS – All land use activities connected to the Nantucket Sewage System which introduce more than the equivalent of 25,000 gallons per day of domestic sanitary wastes to the treatment works based on a combination of volume, strength and toxic waste factors.

§ 336-11. Sewer service connection fees.

The Nantucket Sewer System connection fees shall be as follows:

- A. Sewer permit application fees for new residential connections to the Nantucket Sewer System shall be as shown in Article II, Exhibit 1, Sewer Permit Application Fee Schedule and shall be subject to periodic reviews and adjustments as the Sewer Commission deems appropriate. Applications for Sewer Permits are per dwelling or dwelling unit.

Sewer permit application fees for any existing residential property connecting to the Nantucket Sewer System within the time frame established by the Board of Health shall be as shown in Article II, Exhibit 1 and shall be subject to periodic reviews and adjustments as the Sewer Commission deems appropriate. Applications for sewer permits are per dwelling, dwelling unit or any outbuilding with sanitary facilities

- B. For commercial establishments and licensed lodging establishments (hotels, motels, licensed inns and guest houses), the sewer service connection fee shall be as shown in Article II, Exhibit 1 and shall be subject to periodic reviews and adjustments as the Sewer Commission deems appropriate. Applications for sewer permits are per dwelling or dwelling unit.
- C. For mixed use developments, the residential connections will be subject to the fees established in subsection A and commercial connections will be subject to the fees established in Article II, Exhibit 1.
- D. Where multiple dwellings or dwelling units exist on a single property, a sewer permit fee, as defined herein, shall be assessed per dwelling or dwelling unit.
- E. For all residential dwellings, dwelling units, outbuildings with sanitary facilities and commercial establishments currently connected to the existing sewer system, no sewer service connection fee will be assessed; however, these existing connections are subject to the following fees as applicable shown in Article II, Exhibit 1 and shall be subject to periodic reviews and adjustments as the Sewer Commission deems appropriate. Applications for sewer permits are per dwelling or dwelling unit.

§ 336-12. Other fees and charges.

A. The Sewer Commission shall enact other fees and charges in accordance with Article II, Exhibit 2.

§ 336-13. Sewer Capacity Fee.

The Sewer Capacity Fee (SCF) is established in addition to the Sewer Service Connection Fees and other fees and charges, as follows:

- A. Such fee applies to all properties that implement changes which, based on 310 CMR 15.203 [Article II, Exhibit 3], have the potential to increase flows into the Nantucket Sewer System including new developments or new properties connected to the sewer, as well as changes to existing properties connected to the sewer system.
- B. The minimum Sewer Capacity Fee for residential and non-residential users is calculated using the using the sewer flows established in 310 CMR 15.203 [Article II, Exhibit 3] and is described in detail in the Sewer Capacity Fee Policy [Article II, Exhibit 4].
- C. Payment of the Sewer Capacity Fee is required before issuance of a sewer connection permit. The property owner may pay the fee in full up front. The Town of Nantucket will also allow the fee payment to be apportioned over time on the property owner's tax bill as follows:
 - (1) The property owner must pay at least 10% of the fee up front and sign a Voluntary Lien Agreement which gets recorded at the Registry of Deeds.
 - (2) The remaining amount must be paid in annual installments at a rate established by the Sewer Commission, for a period not to exceed twenty years.
- C. A schedule of residential SCFs is provided in Article II, Exhibit 5.

§ 336-14. Bills for sewage services.

- A. Rates for sewage services (base fee plus fee per unit of consumption for metered uses; and base fee plus a bedroom-based per-capita fee pursuant to 310 CMR 15.203 [Article II, Exhibit 3]for well users) shall be established by the Town of Nantucket. The Town will review the cost of providing sewer service periodically and will adjust the rates accordingly.
- B. Charges for sewage services shall be billed to each customer in a minimum of semiannual installments to the extent possible, quarterly bills coinciding with the Water Company meter readings may be implemented.
- C. Bill is considered delinquent 30 days after mailing date. Delinquent notice sent 15 days thereafter. Sixty days after mailing date a 1.5% interest charge per month on any outstanding balance more than 30 days in arrears will be assessed.
- D. Payment in full of any outstanding balance must be made prior to any hearing for an appeal of any sewer fees.
- E. Residential property owners over the age of 65 are permitted to make periodic payments of the bill provided that the bill is paid within one year following issuance. There shall be no interest charged or demand notices sent during this period.

- F. If a sewer bill shows an obvious accounting or classification error, the Director may allow an adjustment of the bill without prior payment.
- G. In accordance with M.G.L c. 83 § 16B, should the Nantucket Sewer Department become aware of a previously unknown sewer connection that has not been billed, the Nantucket Sewer Department has the authority to assess back charges from the previous 6-year period in accordance with the rates and procedures established under this section or the applicable rate(s) during the unbilled period.

§ 336-15. Utility fees appeal process.

- A. User fees must be paid no later than 30 days from the date of billing; any abatement authorized will later be returned to the applicant. Requests for a reduction in the amount billed must be filed with the Director no later than 30 days from the date of billing.
- B. Request for reductions must be submitted on forms provided by the Nantucket Sewer Department. Such requests will be checked for a billing error, either a classification issue (reviewed by the Assessor) or a non-classification issue. If there is an obvious error, the Director or their authorized deputy, agent, or representative can authorize the proper abatement, otherwise, the Director or their authorized deputy, agent, or representative shall send a letter with the reason of disapproval to the applicant, which can then be appealed within 30 days from the date of disapproval to the Sewer Commission.
- C. The Sewer Commission may designate sub-committee of its members to hear appeals of utility fee assessments. The Sewer Commission shall make its best efforts to determine if an abatement of the amount billed to the applicant is warranted on the basis of the existence of a hardship. Once the Sewer Commission has received notice that an appeal is requested of the applicant, it shall make its best efforts to notify the applicant within 10 days of the hearing date. The Sewer Commission shall then record the outcome of its vote and send a letter to the applicant to confirm the decision of the Sewer Commission. If the appeal has been denied, the applicant will also be sent a denial notice from the Sewer Commission. A final appeal from the decision of the Sewer Commission may be made in writing within 30 days to the Sewer Commission.

§ 336-16. Exemptions.

Commencing Fiscal Year 1995, unless otherwise adopted or amended, sewer user fees will not be assessed to properties that have been determined to be exempt from local taxation pursuant to the Town Assessor's records in accordance with Massachusetts General Laws Chapter 59, section 5, clauses 1 through 15 as of July first of each year.

§ 336-17. Waivers.

The Sewer Commission will consider, on a case-by-case basis, waivers of the Town's fees relating to the connection of dwellings in accordance with the Policy for Sewer Fee Waiver Requests [Article II, Exhibit 6] and the Sewer Capacity Fee Policy [Article II, Exhibit 4].

§ 336-18. Severability clause.

If any provision of these regulations or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these regulations which can be given effect without such invalid provisions or applications.

§ 336-19. Regulation in force.

This regulation shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

Passed and adopted by the Select Board of the Town of Nantucket, State of Massachusetts, on the ***th day of 2019.

ARTICLE III

Permitting and Enforcement

§ 336-20. Permit required.

- A. No unauthorized person shall uncover, make any connections with or opening into, use alter, or disturb any municipal sewer or appurtenance thereof without first obtaining a written permit from the Director. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Nantucket Sewer Department no less than forty-five days prior to the proposed change or connection; and must engage the services of a Licensed Utility Installer.
- B. For properties not previously connected to the sewer, a sewer connection permit, with appropriate fee, must be obtained for the primary residence prior to application for a sewer connection permit for any additional dwellings on the property.
- C. An application, on forms prescribed by the Nantucket Sewer Department approved by the Sewer Commission, shall be made with respect to each sewer connection required or permitted hereby. Each such application shall be submitted to the Nantucket Sewer Department for review and approval or shall be denied by the Director. Appeals of denials shall be submitted to the Sewer Commission through the town's administration for a scheduled public hearing.
- D. Upon the approval of an application for a connection to the Nantucket Sewer System, a connection fee shall, pursuant to Article II of this chapter, be due and payable as set forth.

§ 336-21. Permit issuance, modification and expiration.

- A. Action on application. The Director shall examine or cause to be examined all applications for permits and amendments thereto within 30 days after filing. If the application does not conform to applicable sewer regulations and pertinent laws, the Director shall reject such application in writing. Once satisfied that the proposed work conforms to the regulations and pertinent laws applicable thereto, the Director shall issue a permit. If the applicant receives no written answer within such 30 days, the permit shall be deemed denied.
- B. Report to building department. The Director shall give to the Building Department of the municipality a copy of each permit issued within 30 days of issuance. Such notice shall state the name of the person to whom the permit was granted and the location of the property (Assessor's map and parcel number).
- C. Expiration of permit. Any permit issued shall be deemed abandoned and invalid unless a building permit has been issued for the property within 24 months after its issuance. This permit may be extended for periods not exceeding six months each, but only to the same extent as the related building permit is extended, as may be determined in writing by the Director with a \$100.00 renewal fee charged for any such extension of time.

§ 336-22. Violations and penalties.

- A. Any sewer connection made in violation of these regulations shall be disconnected and/or removed and properly installed, in accordance with these regulations as determined by the Nantucket Sewer Department. All costs incurred by the Town in the enforcement of this regulation, including

disconnection and reconnection costs, shall be assessed as an additional fee. No reconnection will be allowed until all applicable fees and/or fines have been paid.

- B. Any person making sewer connections without benefit of a sewer connection permit must pay all applicable fees and shall be fined in accordance with Article III, Exhibit 1.
- C. Any person failing to maintain or report building sewers or sewer service laterals is subject to the requirements of Subsections D and E, and at the discretion of the Director, discontinuation of service.
- D. Any person found to be violating any provision of this regulation except § 336-4 shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the time period stated in such notice, permanently cease all violations.
- E. Any person who shall continue any violation beyond the time limit provided for in Subsection D shall be fined in the amount not exceeding \$100 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- F. Any person violating any of the provisions of this regulation shall become liable to the Town for any expense, loss, or damage occasioned to the Town by reason of such violation.
- G. For violations other than exceedances of the time limits established in Subsection D, the Board of Health/ Sewer Commission may impose a civil penalty not to exceed \$5,000 per day for each violation.
- H. Contractors found to be violating any provision of these rules and regulations may be subject to License suspension or revocation and will NOT be able to work within the Towns Rights of ways until the matter is resolved. Contractors with numerous violations that exceed 3 separate violations are subject to having their licenses revoked for life.
- I. Any violation of these regulations shall be subject to fines in accordance with MGL c 83, s 10.

§ 336-23. Exemptions.

The Sewer Commission may grant exemptions from these regulations.

§ 336-24. Regulation in force.

- A. This regulation shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.
- B. Passed and adopted by the Select Board of the Town of Nantucket, State of Massachusetts, on the ***th day of 2019.

Article I
EXHIBIT 1

08/01/17

TOWN OF NANTUCKET, MASSACHUSETTS
POLICY FOR SEWER STUBS AND RECONNECTION

Effective August 2017

This policy was developed specifically for the Nantucket Harbor Shimmo & Plus Areas Sewer Project.

1. Each developed lot fronted by a municipal sewer will be provided with one sewer connection stub (unless otherwise indicated herein). Connection stubs will be located, as much as practicable, in coordination with property owner's requests. Lacking a request for other location, connections will be provided at the driveway to the dwelling.
2. Vacant developable lots fronted by the municipal sewer will be provided with one sewer connection stub (unless otherwise indicated herein). Connection stubs will be located, as much as practicable, in coordination with property owner's requests.
3. Vacant lots identified by the Town of Nantucket as undevelopable will not be provided with a sewer connection stub.
4. Each developed or vacant developable lot with sufficient land area and road frontage to subdivide the property may be provided with a second building connection stub, at the request of the property owner, and as approved by the Town.
5. Developed properties with two existing dwelling units (or multiple permitted sewer connections) will be left one service connection stub for each dwelling unit or permitted sewer connection, unless otherwise approved by the Town.
6. Mixed use properties, such as buildings with separate residential and business uses, will be considered as separate units, and each unit will require a separate service connection, unless otherwise approved by the Town.
7. All permitted sewer connections will be subject to the applicable sewer connection fee and privilege fee. Existing dwellings sewerered directly by the Nantucket Harbor Shimmo & Plus Areas Sewer Project will not be subject to a Capacity Utilization Fee (CUF). Existing dwellings will be those dwellings that have received all approvals for construction prior to December 31, 2017, for the Nantucket Harbor Shimmo & Plus Areas Sewer Project, which date shall be formally identified and posted by the Town through the Nantucket Sewer Department.
8. In accordance with Nantucket Board of Health regulations, all properties must complete connection to the sewers within two years from the time of notification that the sewer line is approved for use. Properties located within environmentally sensitive areas must have filed a complete sewer service application for connection within six months from the time of notification that the sewer line is approved for use, unless an extension is granted to that property by the Nantucket Board of Health.
9. Dwellings previously connected to sewer (excluding dwellings connected prior to 2004) and fronted by a new municipal sewer extension will be subject to the connection and privilege fee if these fees were not previously paid. Requirement to reconnect to the new sewer and abandon the existing connection will be at the Town's discretion. In general, properties previously connected and provided with the ability to connect to the new sewer will not be required to reconnect, unless it is deemed in the best interest of the Town and/or the property owner.

Article I
EXHIBIT 1

10. In areas serviced by low-pressure sewers, dwellings must install, operate and maintain an individual grinder pump unit meeting specifications established by the Town, and subject to the approval of the Town. The following policies apply to low-pressure sewer connections:
- a. For lots with multiple sewer service connections for separate dwellings or building units, a separate individual grinder pump unit will be required for each service connection.
 - b. Permitted sewer connections serviced directly by the Nantucket Harbor Shimmo & Plus Areas Sewer Project will be eligible for purchase of individual grinder pump units at a reduced price based on a Town managed procurement program. The Town will procure individual grinder pump units of simplex (single pump) design residential type, along with ancillary control panel, and will contract for these units to be provided to eligible (existing dwellings) properties by an approved manufacturer and supplier. The Town will offer to the owners of eligible dwellings the option to purchase a grinder pump unit and associated electrical control panel unit from the Town for a discounted cost of \$1,500. For dwellings that have installed an innovative/alternative (I/A) Title 5 system approved by the Nantucket Health Department, the discounted cost for the grinder pump unit will be reduced to \$500. Properties with two permitted sewer service connections, and that have paid two sewer connection fees and two privilege fees shall be eligible to purchase two grinder pump units at the reduced price. The Town will prepare and distribute documentation for the property owner to either accept or reject the reduced price offer. Acceptance of the offer by a property owner must be completed within 60 days of the mailing of said documentation. Failure by the homeowner to respond within 60 days shall constitute a rejection of the Town's offer. Property owners accepting the offer have two years from the time of notification that the sewer line is approved for use to have the grinder pump installed and the building connection to the public sewer completed. The Town will release the grinder pump to be picked up by an authorized drainlayer licensed by the Town of Nantucket upon approval of the sewer connection permit and payment of all municipal sewer connection fees.
 - c. Properties developed or dwellings that are constructed after the date of December 31, 2017 for the Nantucket Harbor Shimmo & Plus Areas Sewer Project will not be eligible to purchase grinder pump units through the Town at the reduced prices.
 - d. Properties that wish to install multiple grinder pumps (e.g. duplex units) or larger basins or storage tanks will require separate approval for the installation and will be responsible for the full cost associated with these systems. Under no circumstance will the Town of Nantucket approve the purchase and installation of an indoor grinder pump unit.
 - e. All property owners will be responsible for proper installation of the grinder pump units and ancillary equipment, including the complete connection to the public sewer per Town of Nantucket standards. All property owners will be responsible for proper operation and maintenance of the grinder pump unit in perpetuity, including repair and replacement of such units.

Article I EXHIBIT 2

BEST MANAGEMENT PRACTICES FOR CANNABIS FACILITIES

Indoor cannabis cultivation and processing activities will generate wastewater such as hydroponic solutions, irrigation tail water, sanitation activities, high strength waste similar to food processing activities. The wastewater may contain elevated concentrations of nutrients; biochemical oxygen demand; salinity; metals; or sanitation chemicals containing biocides, bleach mixtures, or other chemical waste streams.

In addition to compliance with the Massachusetts Regulation and Taxation of Marijuana Act cannabis operations must employ the following are a list of best management practices:

CHEMICAL STORAGE, HANDLING AND DISPOSAL

- All chemicals must be stored in a manner, method, and location that ensure that there is no threat of discharge to the community sewer, which includes providing adequate secondary containment:
- Seal all floor drains in chemical storage areas to prevent contaminated wastewater from discharging to the community sewer. Make sure to check with your landlord and local fire and building departments prior to sealing the drain.
- If floor drains cannot be sealed, all chemicals must be stored in secondary containment.
- Ensure that employees do not pour toxic, corrosive, or flammable chemicals down sinks, toilets, or floor drains. Signage provided by the Nantucket Sewer Department must be posted to remind employees not to dispose these substances to the community sewer. For example:
- Solvents used in cannabinoid extraction like hexane are highly flammable and present a hazard when disposed to the community sewer.
- Always ensure safe disposal of fertilizers, insecticides, plant growth regulators, and other chemicals. Do not dispose of these materials to the community sewer.
- Hire a certified waste hauler to properly dispose of spent wastes.
- Ensure all chemicals are properly labeled and immediately replace any damaged or otherwise illegible labels.
- Have a written spill procedure posted in areas where spills may occur. Train your employees on how to respond to a spill.
- Employ closed loop cannabinoid extraction systems. Closed-loop extraction systems keep chemicals from being discharged into the community sewer.

FERTILIZERS

- Evaluate irrigation water, soils, growth media, and plant tissue to optimize plant growth and avoid over-fertilization.
- Fertilizers must be applied at rates no greater than listed on the product label.

PESTICIDES AND PEST MANAGEMENT

- • Before using any pesticide, always read and follow the pesticide label. The label is the law.

Article I
EXHIBIT 2

-
- Indoor cultivation operations must comply with the pesticide manufacture's re-entry interval time periods when applying pesticides.
- Implement an integrated pest management program which includes monitoring for pests and developing treatment protocols utilizing the least toxic strategies.
- Refer to the guidance such as the that provided by the California Department of Pesticide Regulation when considering pesticides for your cannabis cultivation operations - <http://cdpr.ca.gov/docs/cannabis/index.htm>.

FATS, OILS AND GREASE (FOG)

- Use a FOG scraper for removing and properly disposing of FOG from cookware before washing.
- A FOG removal device (grease trap/grease interceptor) must be installed and maintained to prevent fats from clogging the community sewer or causing sewage to back-up.
- Establish and maintain contract with a licensed FOG waste hauler to routinely clean and maintain grease removal devices.

WATER SUPPLY AND WATER EFFICIENCY

- Water system must be equipped with backflow prevention devices and shutoff valves to prevent cross- contamination of the drinking water supply
- If the irrigation is not on a separate irrigation meter, consider installing a sub-meter to better understand the irrigation use and quickly detect costly leaks.
- Irrigating by hose has a potential to be wasteful. Frequent staff education on best practices and the establishment of standard operating procedures is recommended.
- Implement water recycling and reuse practices where feasible to irrigate crops efficiently.

**Article II
EXHIBIT 1**

SEWER PERMIT APPLICATION FEE SCHEDULE

SEWER PERMIT FEES	
TYPE	AMOUNT
Residential Sewer Permit (NEW)	\$4,000.00
Residential Disconnect Permit	\$300.00
Residential Re-Connect Permit	\$300.00
Residential Sewer Repair	\$300.00
Residential Validation Permit (complex)	\$300.00
Commercial Sewer Permit (NEW)	\$1.00 per Sq Ft Min \$4,000.00
Commercial Disconnect Permit	\$300.00
Commercial Re-connect Permit	\$300.00

* The sewer permit fee for applications in the Shimmo area is \$500.00 until April 19, 2021.

**Article II
EXHIBIT 2**

OTHER FEES AND CHARGES

- A. Special charges for "Special Users" including high strength industrial wastes, special difficult to handle wastes, septage tank pumpings, and other special wastes that reflect the added O&M cost of handling these materials are as follows:

SEPTAGE RECEIVING WASTE TYPES	Rate Per 1000/Gallon
Type 1 Septage Billable	\$150.00
Type 2 Septage Non- Billable	\$0.00
Type 3 Waste Type 3 Industrial Wastes	\$110.00
Type 4 Waste Type 4 Residential Tight Tanks	\$60.00
Type 5 Waste Type 5 Grease Traps/Interceptor Tanks	\$0.00
Type 6 Waste Type 6 Plant uses	\$0.00
Type 7 Animal Grooming Trucks	\$50.00
Type 8 Carpet Cleaner Wastes 120 Gallons or less	\$50.00
Type 9 Mobile Food Truck waste	\$50.00
Type 10 Carpet Cleaner Wastes 120 Gallons or More	\$10.00

**Article II
EXHIBIT 2**

SCHEDULE OF FEES FOR SERVICE REQUESTS

SERVICE REQUEST (NON-TOWN ISSUE) DURING NORMAL BUSINESS HOURS MONDAY THRU FRIDAY 7-3:30	SERVICE FEE	EQUIPMENT/ MATERIALS CHARGES
7801-1 Sewer Backup Response Pickup Truck	\$0	\$250.00
7801-2 Sewer Backup Response Rodder Truck	\$0	\$350.00
7801-3 Sewer Backup Response Vac/Jet Truck	\$0	\$350.00
7801-4 Sewer Backup Response Jet Truck	\$0	\$350.00

SERVICE REQUEST (NON-TOWN ISSUE) AFTER NORMAL BUSINESS HOURS, HOLIDAYS AND WEEKENDS	SERVICE FEE	EQUIPMENT/ MATERIALS CHARGES
7802-1 Sewer Backup Response (MIN + OT min 2 hrs.) Rodder Truck	\$220.00	\$250.00
7802-2 Sewer Backup Response (MIN + OT min 2 hrs.) Vac/Jet Truck	\$220.00	\$450.00
7802-3 Sewer Backup Response (MIN + OT min 2 hrs.) Jet Truck	\$220.00	\$350.00
7802-4 Sewer Backup Response (MIN + OT min 2 hrs.) Pickup Truck	\$220.00	\$100.00
7802-5 Sewer Backup Response (MIN + OT min 2 hrs.) disinfection with bleach	\$220.00	\$45.00 per gallon
7802-6 Sewer Backup Response disinfection with lime	\$220.00	\$8.00 per bag
7802-7 Sewer Backup Response (MIN + OT min 2 hrs.) CCTV Truck	\$220.00	\$400.00

**Article II
EXHIBIT 2**

SERVICE REQUEST (NON-TOWN ISSUE) DURING NORMAL BUSINESS HOURS MONDAY THRU FRIDAY 7-3:30	SERVICE FEE	EQUIPMENT/ MATERIALS CHARGES
7803-1 Sewer Dept. Response Private lateral blockage Rodder Truck from cleanout to main	\$0	\$250.00
7803-2 Sewer Dept. Response Private lateral blockage Jet Truck from cleanout to main	\$0	\$350.00
7803-3 Sewer Dept. Response Private lateral blockage CCTV truck from cleanout to main	\$0	\$450.00
7803-4 Sewer Dept. Response Private lateral repair within right of way Flat Rate **** less than 50 feet	\$1,500.00	Cost plus
7803-5 Sewer Dept. Response Private lateral repair within right of way Flat Rate **** More than 50 feet	\$2,500.00	Cost plus
7803-6 Sewer Dept. Response Private Force Main repair within right of way Flat Rate ****less than 50 feet	\$2,000.00	Cost plus
7803-7 Sewer Dept. Response Private lateral repair within right of way Flat Rate **** less than 50 feet	\$1,500.00	Cost plus
7803-8 Sewer Dept. Response Private lateral repair within right of way Flat Rate **** More than 50 feet	\$2,500.00	Cost plus
7803-9 Sewer Dept. Response Private Force Main repair within right of way Flat Rate****More than 50 feet	\$3,000.00	Cost plus

**Article II
EXHIBIT 2**

SERVICE REQUEST (NON-TOWN ISSUE) AFTER NORMAL BUSINESS HOURS, HOLIDAYS AND WEEKENDS	SERVICE FEE	EQUIPMENT/ MATERIALS CHARGES
7804-1 Sewer Dept. Response Private lateral repair within right of way Flat Rate **** less than 50 feet	\$2,500.00	
7804-2 Sewer Dept. Response Private lateral repair within right of way Flat Rate**** More than 50 feet	\$3,500.00	
7804-3 Sewer Dept. Response Private Force Main repair within right of way Flat Rate ****less than 50 feet	\$3,000.00	Cost Plus
7804-5 Sewer Dept. Response Private Force Main repair within right of way ***More than 50 feet	\$4,000.00	Cost Plus
7804-6 Sewer Dept. Response 10-wheel Dump Truck	\$0	\$76.00 per hour
7804-7 Sewer Dept. Response Small Roll Off Truck	\$0	\$76.00 per hour
7804-8 Sewer Dept. Response Large Roll Off Truck	\$0	\$96.00 per hour
7804-9 Sewer Dept. Response Rodding truck with 2 operators	\$0	\$133.00 per hour
7804-10 Sewer Dept. Response Jetter truck with 2 operators	\$0	\$133.00 per hour
7804-11 Sewer Dept. Response Vac-Jet combo truck with 2 operators	\$0	\$133.00 per hour
7804-12 Sewer Dept. Response Small Roll Off Truck container daily rate	\$0	\$100.00 per day
7804-13 Sewer Dept. Response Large Roll Off Truck container daily rate	\$0	\$200.00 per day
7804-14 Sewer Dept. Response Mini excavator with 1 operator	\$0	\$165.00 per hour
7804-15 Sewer Dept. Response track machine with 1 operator	\$0	\$165.00 per hour
7804-16 Sewer Dept. Response equipment trailer daily rate	\$0	\$100.00 per day
7804-17 Sewer Dept. Response Gas powered cut off saw flat fee daily	\$0	\$55.00 per day
7804-18 Sewer Dept. Response other specialized equipment IE: smoker	\$0	\$45.00 per hour

**Article II
EXHIBIT 2**

LINE CLEANING- CCTV INSPECTIONS	EQUIPMENT	Per Hour Rate	Linear Foot Rate
4"-6" Sewer Pipe CCTV Inspection Per HR+LF	CCTV Truck	\$350.00	\$1.50
4"-6" Sewer Pipe Light Cleaning Per HR+LF	Jetter Truck	\$450.00	\$2.50
4"-6" Sewer Pipe Light Cleaning Per HR+LF	Rod Truck	\$400.00	\$2.00
4"-6" Sewer Pipe Heavy Cleaning Per HR+LF	Jetter Truck	\$450.00	\$4.50
8"-15" Sewer Pipe CCTV Inspection Per HR+LF	CCTV Truck	\$350.00	\$2.50
8"-15" Sewer Pipe Light Cleaning Per HR+LF	Jetter Truck	\$450.00	\$3.50
8"-15" Sewer Pipe Heavy Cleaning Per HR+LF	Jetter Truck	\$450.00	\$5.50
8"-15" Sewer Pipe Heavy Cleaning Per HR+LF	Rod Truck	\$400.00	\$2.00

INSPECTION SERVICES	FEES
Dye test to confirm connection	\$300.00
Lateral CCTV inspection	\$400.00
Mainline CCTV to locate Laterals	\$500.00
Re-inspection fee	\$150.00

SHIMMO GRINDER PUMPS	
TYPE	PURCHASE PRICE
No prior innovative and alternative system	\$1,500.00
With prior innovated and alternative system	\$500.00

**Article II
EXHIBIT 3**

310 CMR 15.203

TYPE OF ESTABLISHMENT	UNIT	GALLONS PER DAY	MINIMUM ALLOWABLE GPD FOR SYSTEM DESIGN
(2) RESIDENTIAL			
Bed & Breakfast	per bedroom	110	440
Bed & Breakfast	per bedroom	110	
with restaurant open to public add	per seat	35	1000
Camp, resident, mess hall, washroom and toilets	per person*	35	
Camp, day, washroom and toilets	per person	10	
Camp, day, mess hall, washroom and toilets	per person	13	
Campground, showers and toilets	per site	90	
Family Dwelling, Single including, but not limited to, single family condominiums & cooperatives	per bedroom	110	330**
Family Dwelling, Multiple	per bedroom	110	***
Family Mobile Home Park	per mobile home	300	
Motel, Hotel, Boarding House	per bedroom	110	
Retirement Mobile Home Park	per site	150	
Housing for the Elderly	per two bedroom unit	150****	
Work or Construction Camp	per person	50	
<p>* Person in the context of 310 CMR 15.203 means an individual.</p> <p>** A system may be designed for flows of not less than 220 gpd, if a deed restriction essentially identical to the model Grant of Title 5 Bedroom Count Deed Restriction developed by the Department, is provided that limits the dwelling to two bed rooms as the term "bedroom" is defined in 310 CMR 15.002. A home office or home retail business whose only employees reside in the home, where no additional wastewater is generated other than toilet and hand washing waste, is not considered a change in the type of establishment and does not require the addition of flow for the purpose of designing the system.</p> <p>*** The number of bedrooms in a condominium shall be as specified in the Master Deed. Establishment of bedrooms in excess of the specified number shall be considered an increase in design flow. A home office or home retail business whose only employees reside in the home, where no additional wastewater is generated other than toilet and hand washing waste, is not considered a change in the type of establishment and does not require the addition of flow for the purpose of designing the system.</p> <p>**** One bedroom unit Housing for the Elderly, and units with more than two bedrooms shall be designed based on 110 gallons per day per bedroom.</p>			
(3) COMMERCIAL			
Airport	per passenger	5	150
Barber Shop/Beauty Salon	per chair	100	
Bowling Alley	per alley	100	
Country Club, dining room	per seat	10	
Country Club, snack bar or lunch room	per seat	10	
Country Club, lockers and showers	per locker	20	
Doctor Office	per doctor	250	
Dentist Office	per dentist	200	

**Article II
EXHIBIT 3**

310 CMR 15.203

TYPE OF ESTABLISHMENT	UNIT	GALLONS PER DAY	MINIMUM ALLOWABLE GPD FOR SYSTEM DESIGN
(3) COMMERCIAL (continued)			
Factory, Industrial Plant, Warehouse or Dry Storage Space without cafeteria	per person	15	
Factory, Industrial Plant, Warehouse or Dry Storage Space with cafeteria	per person	20	
Gasoline Station with service bays	per island***** per bay	75 125	300
***** Plus flows for bays, if any			
Kennel/Veterinary Office	per kennel	50	
Lounge, Tavern	per seat	20	
Marina	per slip	10	500
Movie Theater	per seat	5	
Non-single family/ automatic clothes washer	per washing machine	400	
Office building	per 1000 sq.ft.	75	200
Retail Store (except supermarkets)	per 1000 sq.ft.	50	200
Restaurant	per seat	35	1000
Restaurant, thruway service area	per seat	150	1000
Restaurant, Fast Food	per seat	20	1000
Restaurant, kitchen flow [for sizing of grease trap only]	per seat	15	
Service Station [no gas]	per bay	150	450
Skating Rink	per seat	5	3000
Supermarkets	per 1000 sq.ft.	97	
Swimming Pool	per person	10	
Tennis Club	per court	250	
Theater, Auditorium	per seat	3	
Trailer, dump station	per trailer	75	
(4) INSTITUTIONAL			
Place of worship without kitchen	per seat	3	
with kitchen	per seat	6	
Correctional Facility	per bed	200	
Function Hall	per seat	15	
Gymnasium	per participant	25	
Gymnasium	per spectator	3	
Hospital	per bed	200	
Nursing Home/Rest Home	per bed	150	
Assisted Living Facilities	per bed	150	
Public Park, toilet waste only	per person	5	

**Article II
EXHIBIT 3**

310 CMR 15.203

TYPE OF ESTABLISHMENT	GALLONS UNIT	MINIMUM ALLOWABLE GPD FOR SYSTEM PER DAY	DESIGN
(4) INSTITUTIONAL (continued)			
Public Park, bathhouse, showers and flush toilets	per person	10	
Day Care Facility	per person	10	
(5) SCHOOLS*****			
Elementary School, without cafeteria, gymnasium or showers	per person	5	
Elementary School, with cafeteria but no gymnasium with showers	per person	8	
Elementary School, with cafeteria, gymnasium and showers	per person	10	
Secondary/Middle School, without cafeteria, gymnasium or showers	per person	10	
Secondary/Middle School, with cafeteria but no gymnasium or showers	per person	15	
Secondary/Middle School, with cafeteria, gymnasium and showers	per person	20	
Boarding Schools, Colleges	per person	65	

***** All schools to be served by an alternative technology approved pursuant to 310 CMR 15.280 through 15.288 shall have an equalization basin as part of the system design and have it installed prior to the treatment device.

Article II
EXHIBIT 4

Sewer Capacity Fee Policy

I. Purpose and Authority

a. The purpose of this policy is to formalize and clarify the use of a revised policy for charges to properties connecting to the Nantucket sewer system which are part of a designated and approved Sewer District. Connecting properties are responsible for a portion of the project cost of wastewater facilities construction based on Town Meeting votes. Properties served by private sewer extensions shall be responsible for a proportionate share of the expended cost of all wastewater facilities and facilities needed to serve the proposed property or properties. It is intended that the “new” sewer capacity fee shall be established for the Town to assess and collect a portion of the wastewater collection and treatment system capital cost, based on commonly used and generally accepted criteria (e.g., 310 CMR 15.203 of Title 5); acknowledging that existing similar fees that have been established by the Town but may not have been consistently applied to all properties connected to the public sewersystem.

b. Authority

This policy is adopted in accordance with Chapters 80 and 83 of the Massachusetts General Laws (MGLs), and relevant Session Acts approved by the General Court, including:

- Chapter 169 of the Acts of 1965; Act Authorizing the Town of Nantucket to establish a Board of Public Works Exercising the Powers of Certain Other Boards, Commissions, Departments, and Town Offices.
- Chapter 396 of the Acts of 2008; An Act Authorizing the Establishment of the Nantucket Sewer Commission and Sewer Districts in the Town of Nantucket.

Further, pertinent sections of the Town Charter apply, including:

- Chapter 41 - Board of Sewer Commissioners
- Chapter 120 - Sewers and Wastewater Facilities

Chapter 41 references include numerous subsequent amendments to Chapter 41 as approved by Town Meeting votes to expand the Sewer District, and thereby include additional properties.

c. Responsibility for Administration

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EXHIBIT 4

The Select Board, acting as Sewer Commissioners, are responsible for the administration of this policy. The authority for that policy is reflected in Chapter 169 of the Acts of 1965 and Chapter 396 of the Acts of 2008, as well as Chapters 41 and 120 of the Nantucket Town Charter.

II. Definitions

“Capacity Utilization Fee”- Shall mean a one-time charge for a property that has access to a public sewer by virtue of its location within a designated Sewer District. This fee shall be similar to a sewer betterment assessment, special assessment or sewer privilege fee as described in Section 7 of Chapter 396 of the Acts of 2008. While this fee serves a similar purpose as a Sewer Privilege Fee, it is separate and distinct from a Sewer Privilege Fee, as was established and described in Section 120-6 of the Town Charter. The Nantucket Capacity Utilization Fee basis differs from the Sewer Privilege Fee in that the assessment is based on design flow and does not use assessments based on the uniform unit method as described in Chapter 120-2 of the Town Charter.

“Sewer Capacity Fee”- Similar to the existing Sewer Privilege Fee and Capacity Utilization Fee, and authorized by the same Special Acts, Town Charter Sections and Town Meeting Votes; this “new” fee will be used in place of the two existing capacity-related fees more recently established in 2004 and 2008. This fee shall closely mirror the requirements of the Capacity Utilization Fee as established more recently in 2008, by using a cost per gallon per day assessment basis. As provided in Section 14 of Chapter 83, this fee (or assessment) shall be a proportional part of the cost of collection and treatment facilities construction, and of the costs, not already assessed, of making and repairing other common sewers and facilities.

“Sewer Connection Fee”- Shall mean a one-time cost paid at the time of issuance of a sewer connection permit, to reimburse the Town for costs associated with administering the Sewer Connection program including processing permit applications, sewer capacity fee, connection fee, and user charge billing, inspection of the sewer connection construction, record-keeping and related Sewer Department coordination efforts. The standard fee may be adjusted to account for added or increased Town costs of the services included.

“Sewer Connection Permit”- Shall mean approval from the Town, issued by the Director of the Nantucket Sewer Department, for the installation of a new sewer service or the modification of an existing sewer service, with application being made on specific form(s) as provided by the Town.

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EXHIBIT 4

“Sewer District”- As defined in Section 336-1, the Nantucket Sewer Regulations, and meaning the areas and designated properties within those areas of Nantucket that abut public or private ways and that can be served by public sewers. Such districts may be expanded from time to time as designated and established by Town Meeting vote, in accordance with Chapter 396 of the Acts of 2008.

“Sewer Privilege Fee”- Shall mean a one-time fee assessed to a property that is served by, and connects to, a public sewer as provided in MGL Chapter 83, Sections 15 and 17; and Chapters 120-1 and 120-6 of the Nantucket Town Charter, originally approved in 1999 and amended in 2004.

III. Basis for Sewer Capacity Fee

a. General

The Sewer Capacity Fee shall be assessed to all properties that have connected and/or will connect to the public sewer system that have yet to pay either the Sewer Privilege Fee or the Capacity Utilization Fee.

The Capacity Fee will initially be set using the most recently determined Capacity Utilization Fee rate of \$20.32 per gallons per day of capacity. Future fee calculations will be completed by or on behalf of the Board of Sewer Commissioners.

b. Flow Basis

Design flows for each property for the purpose of calculating the Sewer Capacity Fee shall be maximum daily flows reflected in 310 CMR 15.203 (Title 5 of the MA Environmental Code), as reflected in the Town’s Sewer Rules and Regulations, Section 336-13, and Article II, Exhibit 3. That design flow basis shall be used for calculating sewer capacity fees for all existing and proposed properties. No multiplier of actual water use/metered flow shall be used in determining the flow basis for the calculation of the Sewer Capacity Fee.

In cases where a dwelling, building or connected property has bathrooms in excess of the number of bedrooms, or water using fixtures not associated with a kitchen or bathroom, the following design flows apply in addition to those found in 310 CMR 15.203:

1. 55 gallons per day for each bathroom or half bathroom that exceeds the total

Article II
EXHIBIT 4

number of bedrooms.

2. 55 gallons per day for each water using fixture connected to the sewer system, which is not associated with a kitchen or a bathroom.
- c. For all new construction, there shall be a minimum Sewer Capacity Fee, equivalent to the connection of a 3-bedroom residence and a design flow rate of 110 gpd per bedroom. Using the current capacity utilization fee rate of \$20.32 per gpd, that minimum charge is calculated at \$6,705.60 ($\$20.32 \times 3 \text{ bedrooms} \times 110 \text{ gpd/bedroom}$). This minimum applies to residential as well as any mixed use, commercial, business or other non-residential uses. This minimum charge shall not apply to a Sewer Capacity Fee assessed for a change in use.
- d. Changes in Use and Renovation/Improvements to Properties
A Sewer Capacity Fee shall also be assessed for any changes in use or improvements/renovations of a sewer property, including for any property that has already been assessed a Sewer Capacity Fee or its similar predecessor sewer fees. A change in use shall be defined as any building addition, modification, improvement or replacement that could reflect an increased design wastewater flow based on 310 CMR 15.203 Design Criteria. Sewer Capacity Fees assessed based on a change in use shall not be apportioned over time and shall be assessed and paid in advance of the start of the construction that is the basis of that change in use.
- e. Apportionment
Payment of the Sewer Capacity Fee shall be paid up-front, in advance of the actual physical connection to the public sewer. However, at the discretion of the Board of Sewer Commissioners, the Sewer Capacity Fee may be paid over a number of years, not exceeding 20, at an interest rate to be determined by the Board, with input from the Town Assessor's office, in accordance with Section 120-5 of the Town Charter. Apportionment procedures shall include provisions for the interest rate assessed, and the lien and taxing processes. With regard to the lien process, because the Sewer Capacity Fee is not equivalent to a Sewer Betterment under MGL Chapter 80, the property Owner of Record must execute a Voluntary Lien Agreement, that runs with and is attached to the property, such legal document to be recorded at the Registry of Deeds.

The current interest rate that shall be applied to all apportioned Sewer Capacity Fees shall be set at 4.414%, unless and until that interest rate is modified by a vote of the Board.

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EXHIBIT 4

The methodology used in calculating annual principal and interest payments shall be at the discretion of the Board, in accordance with Paragraph 2 of MGL Chapter 80, Section 13, effective as of November 7, 2016.

f. Exemptions/Deferrals/Waiver

No exemptions or exclusions from this policy shall be issued by the Board, with the exception of properties that qualify, apply and are approved for a sewer fee waiver in accordance with the Policy for Sewer Fee Waiver Requests, as adopted by the Town of Nantucket on October 24, 2018. Waivers of the Sewer Capacity Fee shall be allowed under the Authority of the Board of Sewer Commissioners, in accordance with Chapter 396 of the Acts of 2008 and relevant Town Charter Articles. Procedures for Waiver requests shall be as approved by the Board of Sewer Commissioner in a separate policy to be developed and adopted by the Board and shall only be allowed upon a determination that the public interest so requires.

However, property owners eligible to receive an exemption from property taxes under clause 41A of Section 5 of Chapter 59 of the MGL's with respect to their property, shall upon application, be allowed to defer the Sewer Capacity Fee. The eligible property owner whose fee is deferred shall be required to enter into a deferral and recovery agreement with the Town of Nantucket.

IV. Adoption of Sewer Capacity Fee

Notwithstanding other provisions of these regulations, the Sewer Capacity Fee shall be in force as of the date of acceptance of these regulations by the Nantucket Select Board. As of that date, the Sewer Capacity Fee formally replaces the application of the town's Sewer Privilege Fee and Capacity Utilization Fee.

**Article II
EXHIBIT 5**

**RESIDENTIAL SEWER CAPACITY FEE SCHEDULE
(FEE'S SUBJECT TO CPI INCREASES ANNUALLY)**

Single Family Residential	6 bedrooms \$13,411.20	5 bedrooms \$11,176.00	4 Bedrooms \$8,940.80	≤ 3 Bedrooms \$6,705.60
Multi – Family residential		5 Bedrooms Per Unit \$11,176.00	4 Bedrooms Per Unit \$8,940.80	≤ 3 Bedrooms Per Unit \$6,705.60
Existing structure Bedroom Additions Alterations	Ea. additional bedroom above 3 will be charged \$20.32 per gpd	Ea. additional bedroom above 3 will be charged \$20.32 per gpd	Ea. additional bedroom above 3 will be charged \$20.32 per gpd	Ea. additional bedroom above 3 will be charged \$20.32 per gpd

Per 310 CMR 15.203, the minimum allowable volume for system design is 330 gallons per day. The volume allowed for each additional bedroom is 110 gallons per day. Outbuildings with sanitary facilities are counted as bedrooms for the purpose of the sewer capacity fee.

**Article II
EXHIBIT 6**



TOWN & COUNTY OF NANTUCKET
SELECT BOARD
POLICY FOR SEWER FEE WAIVER REQUESTS
Adopted: 07/20/2016; Revised 10/24/2018

I. Policy.

The Select Board, acting as the Nantucket Sewer Commission pursuant to Chapter 396 of the Acts of 2008, and in accordance with Chapter 38, Article III, section 38-3B of the Code of the Town of Nantucket, has the authority to waive any town fee or charge, upon a determination that the public interest so requires.

The Select Board hereby determines that it is in the public interest to encourage the production of affordable housing, including workforce housing units for the Island's working population. Therefore, the Select Board will consider, on a case-by-case basis, waivers of one or both of the Town's fees relating to the connection of dwelling units that are located in an existing Sewer District as established under Chapter 396 of the Acts of 2008.

II. Sewer Connection and Sewer Privilege Fee Waivers.

The Select Board may, at its discretion, waive the sewer connection fee or the sewer privilege fee upon the request of a property owner, developer, or public entity seeking to connect one or more dwelling units to the Town's sewer system if such unit or units are bound by a permanent affordable housing deed restriction in a form acceptable to the Town and enforceable by the Town, and provided that the dwelling unit or units are part of a project where a minimum of 25% of the units are eligible for inclusion on the Town's Subsidized Housing Inventory ("SHI") as maintained by DHCD or any successor agency and provided that the developer and/or unit owner shall cooperate fully with the Town in obtaining SHI status for the eligible unit or units by timely providing all required documentation and notifying the Town Manager when a building permit issues and when an occupancy permit issues.

In the case where less than all of the units in the project are income-restricted, the Select Board may waive up to 100% of both sewer fees where the unit is restricted at 80% AMI or less, up to 75% of both fees where the unit is restricted between 81% and 100% AMI, and up to 50% of both fees where the unit is restricted between 101% AMI and 150% AMI. In the case where all of the units in a project are income-restricted, 100% of both sewer fees may be waived as long as a minimum of 25% of the total number of units are SHI-eligible. In exercising its discretion, in applying the policy, the Select Board may consider the total value of Town subsidies for the project, including closing cost assistance, direct grants, land contribution by the Town, other fee waivers, and market rate sales in the project.

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EXHIBIT 6

In the case of dwelling units that are subject to a permanent affordable housing covenant meeting the requirements of Chapter 301 of the Acts of 2002, and Chapter 100 of the Code of Nantucket, the Select Board may, in its discretion, waive all or a portion of the sewer connection fee.

**Article III
EXHIBIT 1**

SCHEDULE OF FINES

VIOLATION	FINE
Sewer installation without permit	\$5000.00
Sewer Repair without permit including 2x the permit fee	\$600.00
Work covered before inspection All work to be uncovered for inspection	\$150.00
Failure to schedule Inspectional services Each Offense	\$150.00
Failure to perform work according to approved plan	\$250.00