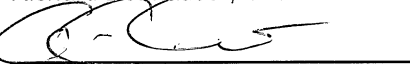


ELIOT MUNICIPAL SEWER UTILITY

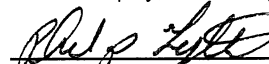
POLICIES AND PROCEDURES


Adopted Nov. 14, 2019


Richard Donhauser, Chairman


Alexandros Orestis, Vice Chairman

John Murphy, Secretary


Philip Lytle, Selectman


Robert McPherson, Selectman

Select Board
Town of Eliot, Maine

SEWER UTILITY
POLICIES & PROCEDURES

PREAMBLE

These Policies and Procedures have been established as guidelines for the day-to-day operation of the Town of Eliot Public Sewer. These are intended to be used and referred to by the Select Board, Sewer Superintendent, Town Clerk's office, and any employees or consultants to the Town for determining actions and procedures to be followed with respect to the Public Sewer.

These Policies and Procedures may be amended from time to time through recommendation by the Sewer Superintendent, Town Clerk, and any employees or consultants to the Town with majority approval of the Select Board.

This is not an Ordinance. Any discrepancies between this document and Ordinances of the Town (most specifically Chapter 18: Sewer Systems) does not nullify any other section of these Policies and Procedures. In such cases, the Ordinance will prevail unless and until such time as the Ordinance is revised by the vote of the legislative body.

POLICIES AND PROCEDURES

1. LAWS, REGULATIONS APPLICABLE TO THE ELIOT PUBLIC SEWER.

The rules and regulations for the operation, connection, construction, and use of the Town of Eliot public sewer are defined by:

- a. Chapter 18 (Sewer Systems) of the Town of Eliot Municipal Code of Ordinances (adopted November 5, 2013 or latest version)
 - (1) Appendix 1: Sewer Utility Policies and Procedures
 - (2) Appendix 2: Sewer Standards (February 2016 or latest version)
- b. 30-A M.R.S.A., Chapter 141 (Ordinance Power)
- c. 30-A M.R.S.A., Chapter 161 (Sewers and Drains)
- d. 38 M.R.S.A. § 413 (Wastewater Discharge Law),
- e. 33 U.S.C. Chapter 26 (Clean Water Act)
- f. 40 CFR Part 122 (U.S. Environmental Protection Agency's regulations governing the National Pollutant Discharge Elimination System ("NPDES"))
- g. The provisions set forth in the current Inter-Municipal Agreement for the reception, treatment, and disposal of wastewater disposal service contract between the Town of Kittery and the Town of Eliot.
- h. Town of Eliot, Maine Wastewater Collection System Preventative Maintenance Plan (latest version)

2. OPERATION, MAINTENANCE, AND REPLACEMENT RESPONSIBILITIES.

- a. The Town of Eliot shall be responsible for the operation, maintenance, repair and replacement of the Public Sewers in the Town of Eliot.
- b. All required operation, maintenance, repair, replacement of building drains, building sewers, lateral lines, private wastewater collection systems, or other non-public sewer shall be the responsibility of the owner of said non-public sewer and the transition between public sewer and non-public sewer shall be at the public sewer main. The wye, or other approved connection apparatus used to connect the private sewer to the public sewer main shall be part of the private sewer. Notwithstanding, the owners of all non-public sewers connected to the public sewer must install, operate, maintain and repair their private sewers to the standards defined by Chapter 18 (Sewer Systems) of the Town of Eliot Municipal Code of Ordinances and its associated appendices.
- c. Owners of private wastewater collection systems (including services) are expected to operate their private collection systems in a safe and reliable manner consistent with the Town's Wastewater Collection System Preventative Maintenance Plan and prevent adverse impacts to the environment and the public wastewater system.

3. PROCESS FOR NEW CONNECTIONS TO THE SEWER

The general process used for new connections to the sewer or transfer of ownership of properties connected to the sewer is summarized as follows. Fees associated with sewer connections, or

change in uses, etc. are discussed in later sections of this document and a list of sewer fees is maintained by the Town Clerk. All approvals are contingent on the applicant paying all fees and/or user charges.

a. *Property Transfer:*

- The owners of properties connected to the sewer shall notify the Sewer Superintendent and the Town of Kittery no less than 45 days prior to property ownership transfer to schedule a sewer inspection (Sec. 18-10) and final water meter readings. The owner shall provide the Sewer Superintendent with the name and address of the prospective buyer, buyer's real estate agent, and Title Company.
- The Superintendent shall notify the property owner and may provide copy to the prospective buyer, real estate agents, and Title Company of violations of the sewer use ordinance observed during inspections and identify a time limit for the satisfactory correction thereof (Sec. 18-80).

b. *Sewer Capacity Allocation Request:*

- All applicants for new connections to the sewer (or existing connections that propose a change in use) must first submit a sewer allocation request in writing to the Superintendent (Sec. 18-45).
- The Town may utilize an independent 3rd party sewer consultant to perform, at the expense of the applicant, technical review of the submission and capacity allocation request (Sec. 18-45).
- The Superintendent reviews the sewer allocation request and forwards an opinion regarding granting the request, including recommended conditions of approval, to the Select Board (Sec. 18-45).
- The Select Board issues a finding either granting or denying the sewer allocation request (by majority vote) to allocate the requested sewer allocation (Sec. 18-43).
- After the sewer allocation request is granted, the applicant submits a sewer connection permit application to the Superintendent in accordance with the process described in later sections of this document (Sec. 18-51).
- Approvals for sewer allocation request expire after 180 days unless the applicant files for an extension and the extension is granted in writing by the Select Board. Upon approval of the time extension the applicant shall be responsible for quarterly access only fees (Sec. 18-49). Allocation extension requests may be approved to a maximum of twelve (12) months from approval. After twelve (12) months a new application is required (Sec. 18-49).
- All work on the sewer system shall comply with the Town's Sewer Standards (Sec. 18-62).

c. *Sewer Connection Permit:*

- The Applicant submits a building sewer connection application (Sec. 18-65) and fees (Sec. 18-64) to the Superintendent after the sewer capacity allocation request has been approved by the Select Board in accordance with Town Requirements (Sec. 18-51). Applicants proposing an industrial discharges shall also obtain an industrial discharge permit from the Town of Kittery (Sec. 18-64).
- The Superintendent reviews the application and provides written approval of the application, or requests additional information to support the application so that an opinion can be issued within thirty (30) days (Sec. 18-65).
- The Town may utilize an independent 3rd party sewer consultant to perform, at the expense of the applicant, technical review of the submission (Sec. 18-64 and Sewer Standards).
- Upon approval of the application by the Superintendent, the applicant shall hire a drain layer contractor certified by the Town to perform the work (Section 3.2.4 of the Sewer Standards).
- Installation of the sewer lateral from five (5) feet outside the foundation wall to the public sewer main shall be performed by a drain layer certified by the Town to perform the work and all work shall conform to the requirements of the Town's Sewer Standards.
- The work must be coordinated with the Town so the Town can visually observe that the work and testing was performed in accordance with the Town's Sewer Standards prior to burial and confirm that required record information is provided to the Town (Sec 18-66 and Section 5 of the Sewer Standards).
- The Town may utilize an independent 3rd party sewer consultant to perform construction observation at the expense of the applicant in accordance with the Sewer Standards (Sec. 18-64).

d. *Public Sewer Extensions:*

An Applicant who requests extension of the public sewer to service properties beyond the limits of the existing public sewers shall conform to the following process:

- The Applicant submits an application for public sewer extension to the Superintendent in accordance with Town Requirements (Sec. 18-65 and Sewer Standards). An allocation request must already be approved or shall be done concurrently.
- The Superintendent reviews the application and provides written approval of the application, or requests additional information to support the application within thirty (30) days.
- The Town may utilize an independent 3rd party sewer consultant to perform, at the expense of the applicant, technical review of the submission (Sec. 18-64 & Sewer Standards).

- The Select Board issues a finding either granting or denying the extension request by majority vote.
- Upon approval of the application, the applicant shall hire a drain layer contractor certified by the Town to perform the work (Sec. 18-72).
- The Town may utilize an independent 3rd party sewer consultant to perform construction monitoring at the expense of the applicant in accordance with the Sewer Standards and the Town may perform full-time construction observation of infrastructure installation and testing at the expense of the applicant (Sewer Standards).
- All infrastructure shall conform to the requirements of the Town Sewer Standards relative to acceptance of the work prior to acceptance by the Town.
- Each individual connection to the sewer shall submit a building sewer connection permit to the Town using the previously described process once the sewer extension is accepted by the Town.

4. FEES*.

- a. Property owners served by the public sewer or private sewer connected to the public sewer shall be liable for applicable fees as established by Chapter 18 (Sewer Systems) of the Town of Eliot Municipal Code of Ordinances and a list of current sewer fees is maintained by the Sewer Superintendent or Designee. An explanation of said fees is provided below:

(1) Existing Sewer Users

Sewer user (consumption) charges (Sec. 18-25) – Billed and collected by the Sewer Superintendent or Designee.

- i. Quarterly, tiered, flat fee based on meter size (a portion of which is dedicated to funding the sewer capital reserve fund) and assessed to each commercial unit or residential dwelling unit, including multifamily dwelling units, accessory dwelling units and elderly housing dwelling units, regardless of the number of meters, plus;
- ii. Quarterly metered (actual) consumption charges per 100 cubic feet of water usage.
- iii. The Superintendent may allow the use of ‘deduct’ meters so that water consumption that does not discharge to the sewer (such as irrigation) can be deducted from consumption charges used for sewer billing. All meters and readings shall be supplied/performed by the Kittery Water District and incorporated into regular account consumption data provided to the Town by the Kittery Water District. No ‘deduct’ water meter shall be installed without prior written Superintendent approval and the sewer account owner is

responsible for all charges, fees, and other expenses associated with the deduct meter.

Administrative fee for manual meter readings performed by the Town of Eliot – Billed and collected by the Superintendent for final meter readings and other manual meter readings that are performed by the Town.

(2) *Existing Units Not Yet Connected to the Public Sewer*

Access-only fee (Sec. 18-21) – a quarterly, flat fee assessed to all commercial units and residential dwelling units, including multifamily dwelling units, accessory dwelling units and elderly housing dwelling units located within two hundred and fifty (250) feet of the public sewer that are not connected to the public sewer. Access-only fees shall continue to be assessed quarterly until such time connection to the public sewer is made. Said properties shall be connected to the sewer upon property ownership transfer at the owner's expense.

System Development Charge - A one-time fee is required for properties within jurisdictional proximity and choose not to connect to the sewer (Sec. 18-21).

(3) *New/Proposed Sewer Users or Change of Use for Existing Users*

Sewer capacity request application technical review fee (Sec. 18-45) – The Town may request a fee for 3rd party review of capacity allocation requests.

Building sewer connection application fee (Sec. 18-64) - Collected by the Sewer Superintendent for the technical review of building sewer connection permit applications. This may also include an additional fee for 3rd party technical review (Sewer Standards).

System Development Charge (SDC). A one time fee that requires new users to 'buy-in' to the existing sewer system based on how much sewer system capacity the new user is expected to use and shall be paid with any new building sewer connection application or change of property use (Sec. 18-64)

Building sewer connection permit inspection fee (Sec.18-64) – Collected by the Sewer Superintendent for the inspection of physical connections to the public sewer. This may also include an additional fee for 3rd party construction observation (Sewer Standards).

Building sewer connection permit extension application fee (Sec. 18-67) – Collected by the Sewer Superintendent for the administrative review of requests to extend permit expiration provisions.

Control manhole permit application fee (Sec. 18-38) - Collected by the Sewer Superintendent for the review of permit applications to construct control manholes that facilitate observation, sampling, and measurement of wastes.

Emergency inspection fee – for any inspection conducted by the Sewer Superintendent between the hours of 3:00PM and 6:00AM Monday through Friday or all day Saturday or Sunday.

(4) *Contractor Fees*

Drain layer's application fee (Sec. 18-74) – Collected by the Sewer Superintendent to administer review that contractor capabilities and standards of practices are consistent with the Town's Sewer Standards.

Drain layer's renewal application fee (Sec, 18-74) – Collected by the Sewer Superintendent to confirm that certified contractors maintain a standard of practice consistent with the Town's Sewer Standards.

**See Municipal Fee Schedule maintained by the Sewer Superintendent or Designee for specific amounts. Fees may be amended, as needed, by majority vote of the Town of Eliot Select Board.*

5. SEWER BILLING & COLLECTION.

a. Initiation of billing.

- (1) Access-only fee billing will begin 90 days after official notice to connect to the sewer until connection is made.
- (2) Once a “tee” or “wye” has been connected to the sewer main for the intent of a building sewer and has been inspected by the Superintendent, user fee billing to the property owner shall begin.
- (3) In certain situations, the Sewer Superintendent may authorize billing to tenants, however, the property owner must provide written documentation that he/she acknowledges that a lien may be attached to his/her property for nonpayment of sewer charges.

b. Quarterly billing procedures.

- (1) Meters are read by the Kittery Water District and data is provided to the Eliot Sewer Superintendent's office for billing and collection.
- (2) Sewer user charges shall be billed at the end of each quarter. Quarters are:
 - January 1 – March 31
 - April 1 – June 30
 - July 1 – September 30
 - October 1 – December 31

c. Proration of bills.

Initial and final bills will be prorated against approved sewer user charges and the number of service days in the billing period.

d. Sewer users without municipal water through the Town of Eliot.

- (1) Sewer users with private water systems shall meter water usage using a Kittery Water District meter for sewer billing purposes. Meters shall be installed at the Owner's expense and the Owner shall coordinate installation and maintenance of the meter with the Kittery Water District.
- (2) The owner shall provide to the Town written authorization allowing the Superintendent, or his agent to enter onto the premises for any inspections deemed necessary by the Board, or their agent.

e. Terms of payment.

- (1) Customers are legally obligated to pay for the services they receive.
- (2) Bills are payable upon being issued.
- (3) Payments shall be submitted to the Town Clerk's office in person during regular business hours, via mail, or electronically (3rd party user fee assessed). Payment shall be made by cash, check, money order, or electronically (3rd party user fee assessed).
- (4) Failure of a property owner/tenant to receive his/her bill does not relieve him/her of the obligation of payment for services received nor for the consequences of non-payment.
- (5) The due date for payment, in order to avoid the incurrence of interest charges or the initiation of collection action, will be no less than thirty (30) days after the bill is mailed or hand delivered.
- (6) Sewer user charges are warranted quarterly by the Select Board to the Tax Collector.
- (7) Payments received after 30 days are considered late for which an annual interest penalty is charged and added to the account.
- (8) Interest rates shall be set by the Select Board annually and shall not exceed the highest lawful rate set by the Treasurer of the State for municipal taxes.
- (9) As soon as the bill is late, interest computes daily on the customer's account.
- (10) Liens shall be placed on unpaid accounts. Lien procedures are described in Section 6 of this document.
- (11) Requests for abatement of sewer service charges must be requested in writing to the Superintendent. The requester must be the individual named on the account and provide reasonable justification and information to support the request. Abatement requests will not be considered for sewer charges more than (2) years prior to the date that the abatement request was received.

6. SEWER SERVICE CHARGE LIENS

a. Notice.

- (1) After three (3) months and within one (1) year after the charge becomes due, notice must be given to the owner of the property served by the sewer system. In this way, whether sewer charges are billed as a single billing, quarterly billings or monthly billings, an entire year's past due billings that were committed to the treasurers may be liened.
- (2) Notices shall:
 - i. Be signed by the treasurer (or bearing a facsimile signature)
 - ii. State the amount of the sewer user charges
 - iii. Describe the real estate upon which a lien is claimed
 - iv. Allege that a lien is claimed to secure payment
 - v. Demand payment of the charge within 30 days after the service, mailing or publishing of the notice.
 - vi. Contain a statement that the municipality is willing to arrange installment payments of the outstanding debt.
- (3) The treasurer may either personally give the notice to the owner, leave it at his or her last or usual place of abode, or send the notice certified mail, return receipt requested, to his or her last known address. If the treasurer does not wish to personally deliver the notices, the treasurer should choose the certified mail, return receipt requested route.

a. Sewer Lien Certificate.

- (1) After 30 days and within one year after notice, the treasurer must record a sewer lien certificate in the York County Registry of Deeds.
- (2) The necessary elements of this certificate are:
 - i. The signature of the treasurer
 - ii. The amount of the charge
 - iii. A description of the real estate on which the lien is claimed
 - iv. An allegation that a lien is claimed to secure payment
 - v. An allegation that a notice and a demand for payment have been given or made in accordance with this policy
 - vi. An allegation that the charges remain unpaid; and
 - vii. A statement that the district is willing to arrange installment payments of the outstanding debt.
- (3) **Copies.** At the same time of recording, true copies of the certificate must be:
 - i. Filed by the treasurer in the town office; and
 - ii. Sent by the treasurer to each record holder of a mortgage by certified mail,

return receipt requested, to his or her last and usual place of abode.

(4) **Fees.** The owner of the property served by the sewer must pay the Registry of Deed's recording and discharge fees, plus all certified mail, return receipt requested fees.

- b. **Redemption and Discharge.** Upon payment, the sewer lien shall be discharged in the same manner as a tax lien discharge is handled. As with discharges of real estate taxes, a discharge given after the expiration of the right of redemption has expired and which has been recorded in the Registry of Deeds for more than one (1) year terminates all title that the municipality derived from that tax lien certificate or any other certificate recorded ten (10) or more years prior to the foreclosure date unless the municipality had conveyed title based upon any of the affected liens.
- c. **Foreclosure.** If the sewer user charges, together with interest and costs, have not been paid within 18 months after filing of the lien certificate, then the lien automatically forecloses; no notice of impending foreclosure need be given, as is required with real estate tax liens, except that the Treasurer must send a 45-30 day notice of impending foreclosure.