



Town of Rockland

Sewer Commission

Charles Heshion, *Chairman*
Daniel DuRoss, *Commissioner*
Sherri Vallie, *Commissioner*
Michael Buckley, *Superintendent*

NEW CONNECTION MORATORIUM EFFECTIVE MARCH 12, 2024

DOCUMENT CONTROL & AMENDMENTS

- The 2006 Moratorium was written and approved in response to the 2006 Administrative Order, where Rockland stated as a Corrective Action that they would;
“On 8/29/06, the Rockland Board of Sewer Commissioners voted to impose a temporary sewer construction/connection moratorium, effective immediately. The moratorium prohibits the connection of any project larger than a two family residential dwelling. Because of the moratorium, it is likely that there will be a minimal amount of proponents seeking to add new connections to the sewer system.”
- In anticipation of a new Administration Order, the 2006 Moratorium was re-written to meet current conditions and approved on May 19, 2021.
- The 2021 Moratorium was amended and approved on October 1, 2023, for clarification.
- The 2023 Moratorium was amended and approved on March 7, 2024, in order to clarify that the moratorium applies equally to the development of new and expanded single and multi-family residential dwellings as well as to new and expanded commercial buildings and uses.

CONTAINED IN THE 2022 ADMINISTRATIVE ORDER, UNDER GENERAL PROVISIONS;

- 33 This Order does not constitute a waiver or a modification of the terms and conditions of the NPDES Permit. The NPDES Permit remains in full force and effect.
- 34 EPA reserves the right to seek any and all remedies available under Section 309 of the Act, 33 U.S.C. § 1319, as amended, for any violation cited in this Order. In addition, EPA reserves its authority under the CWA to request a federal court to impose a moratorium on new sewer hook ups.

Notes: Provision #33 was added to the 2022 Administrative Order to reference Rocklands requirement to the 2022 NPDES General Permit Reporting Requirement.

Provision #34 was added to the 2022 Administrative Order to reference the approved August 29, 2006 moratorium, and assure adherence to the 2021 moratorium and its superseding documents.

1. Annual Reporting Requirement;

The Permittee and Co-permittee(s), if any, shall submit a summary report of activities related to the implementation of its Collection System O&M Plan during the previous calendar year. The report shall be submitted to EPA and the State annually by March 31st. The first annual report is due the first March 31st following submittal of the collection system O&M Plan required by Section III.A.5.b. The summary report shall, at a minimum, include:

- A. A description of the staffing levels maintained during the year;
- B. A map and a description of inspection and maintenance activities conducted and corrective actions taken during the previous year;
- C. Expenditures for any collection system maintenance activities and corrective actions taken during the previous year;
- D. A map with areas identified for investigation/action in the coming year;
- E. A summary of unauthorized discharges during the past year and their causes and a report of any corrective actions taken as a result of the unauthorized discharges reported pursuant to the Unauthorized Discharges section of this permit; and
- F. If the average annual flow in the previous calendar year exceeded 80 percent of the facility’s design flow, or there have been capacity-related overflows, the report shall include items in (1) and (2) below.
 - (1) Plans for further potential flow increases describing how the Permittee will maintain compliance with the flow limit and all other effluent limitations and conditions; and
 - (2) A calculation of the maximum daily, weekly, and monthly infiltration and the maximum daily, weekly, and monthly inflow for the reporting year.

PURPOSE

- The purpose of this Moratorium / Restriction on permits is to allow the Sewer System to stabilize, so that we can come into Compliance with our NPDES Permit, meet the conditions contained in the Administrative Order of June 2022, confirm our current capacity limitations and to reduce our Inflow and Infiltration volume.
- Effective July 1, 2021, the Rockland Board of Sewer Commissioners placed a six (6) month hold on the issuance of new Sewer Connection Permits with a moratorium. This was renewed on December 31, 2021.
- Previously approved connections from January 1, 2020 through June 1, 2023 remained valid but must have applied for a one-year (1) extension before May 1, 2023.
- Previously approved connections, where the betterment fees have been paid, are exempt from this moratorium as long as the new flows are equal to or below 440 GPD.

- Previously approved connections, where the betterment fees have been paid, but the new flows are greater than 440 GPD, are subject to the moratorium, its conditions and applicable fees. **Increased flow amounts will only be granted if the flow amounts exist in the I&I Remediation Account at the time of application.**
- In June of 2022, the Town of Rockland and the Rockland Sewer Department was issued a second **EPA Administrative Order (AO) with Findings of Violation and Order for Compliance, Docket NO. CWA-AO-R01-FY22-05** with conditions that must be met.

ABSOLUTELY NO PERMITS FOR NEW CONNECTIONS WILL BE APPROVED BY THE ROCKLAND BOARD OF SEWER COMMISSIONERS UNTIL ALL CONDITIONS ARE MET.

ALL FEES MUST BE PAID IN FULL ON THE DATE THE PERMIT TO CONNECT IS ISSUED.
ALL FEES ARE NON-REFUNDABLE.

SECTION 5 of the Town of Rockland Mass. Sewer Ordinance 2011, page 43, section 5.1;

“An individual wastewater discharge permit shall be issued for a specified time period, not to exceed two (2) years from the effective date of the permit.”

MORATORIUM CONDITIONS

Before a new permit to connect to the Rockland Sewer System is issued, and to satisfy previously approved projects (July 1, 2023), the Rockland Wastewater Treatment Facility must be at or below its maximum allowable NPDES Permit discharge limit of 2.50 MGD.

ALL PROJECTS RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND MUNICIPAL ARE SUBJECT TO THE TERMS AND CONDITIONS OF THIS SEWER MORATORIUM.

ALL APPLICATIONS FOR CONNECTION TO THE ROCKLAND SEWER SYSTEM, MUST MEET THE FOLLOWING CONDITIONS;

CONDITION 1: NO new connection or expansion of service permits will be issued if at any time within three (3) months prior to the date of application our twelve-month rolling (12) daily average Flow exceeds 2.40 Million Gallons per Day.

CONDITION 2: NO new connection or expansion of service of service permits will be issued until the Sewer Department satisfies all previously approved Inflow & Infiltration (I&I) removal requirements as per the EPA Administrative Order. Removal requirements are based on the required flow plus the 11:1 Ratio for removal.

Example: If the Sewer Commission has approved a previous project that required 3,300 GPD of flow, The Sewer Department must have removed 36,300 GPD of Inflow & Infiltration (I&I) before another permit to connect is issued.

CONDITION 3: NO new connection or expansion of service permits will be approved until there is a sufficient balance existing in the I&I Remediation Account to meet the projects' full need with the 11:1 ratio applied.

Example: If a project comes before the Board that requires 3,300 GPD of wastewater flow, there must be a balance of 36,300 GPD available in the I&I Remediation Account (I&I RA). There must be adequate capacity to meet the complete amount of the flow required for the project BEFORE the project begins.

CONDITION 4: If The Rockland Treatment System is below its total capacity limit of 2.50 MGD, the Rockland Sewer Department will make 36,000 gallons of capacity available per year until it meets the requirement of 80% total facility capacity per the MADEP General Permit Limit.

CONDITION 5: Any project/application requiring flows less than 440 GPD by Title V standards, are only granted for approval by a majority vote of the Rockland Board of Sewer Commissioners.

CONDITION 6: NO new connection or expansion of service permits will be issued to any project based on the assumption that the required 11:1 flow removal ratio will be met at a later date or after the connection is made.

1.0 SEWER MORATORIUM

- 1.1 Once Conditions 1 through 6 have been satisfied, there will be a strict sewer connection moratorium placed on all new users to the Rockland Wastewater Treatment Facility and the Sewer Department will establish an I&I Remediation Account (I&I RA).
- 1.2 There will be NO New Connection or expansion of service Permit issued if at any time three (3) months prior to the date of application, the twelve-month (12) daily rolling average flow, exceeds 2.40 Million Gallons per Day.
- 1.3 There will be NO New Connection or expansion of service Permit issued on the presumption that the Inflow and Infiltration requirement with the 11:1 ratio applied will be found later to satisfy the required permit request.
- 1.4 Previously approved connections where the betterment fees have been paid are exempt from this moratorium as long as it does not fall under the conditions established as a "Change of Use".
- 1.5 All new permit connections will be subject to a maximum flow of 3,300 GPD limit for Municipal, Residential, Business, Industrial or Commercial use.
- 1.6 Any request for a new Connection or expansion of service Permit to the Rockland Sewer System must have approvals of all other Rockland Boards and Committees. New Connection Permit Applications must be accompanied by Stamped Engineering Plans supplied to the Rockland Board of Sewer Commissioners three-weeks (3) prior to the permit hearing. Permits will only be issued with a majority vote by the elected members of the Rockland Board of Sewer Commissioners.
- 1.7 Per the Town of Rockland Rules and Regulations specifically SECTION 5.1;

“An individual wastewater discharge permit shall be issued for a specific time period not to exceed two (2) years from the effective date of the permit”.

- 1.8 There will be no more than two (2) new project/application hearings for New Sewer Connection Permits at a regularly scheduled Rockland Board of Sewer Commissioners monthly meeting. Any applicant with a significant or Emergency situation that requires a Special Meeting may request one in writing, however the request must be made a minimum of 72 hours prior to meet the requirements of the Open Meeting Law. However, the project must still meet all of the required conditions and timelines:
- 1.9 THERE WILL BE NO EARLY HEARINGS FOR NEW CONNECTIONS. All Permit Applications for New Connections or expansion of service to the Rockland Wastewater Sewer System must meet all of the conditions contained in the Town of Rockland, MA Sewer Rules and Regulations. All applicants must adhere to the timelines specified in SECTION 2.4 NEW SEWERS and SEWER CONNECTIONS, NOTE 3, & NOTE 4. This section contains the details for the filing dates along with the conditions for Residential, Large Developments, Institutional, Large Commercial Facilities and Sewer Main Installations.
- 1.10 Any existing permit holder/User, who requires additional flow volume to the Sewer Wastewater System, must apply for a new permit. Additional flow volume will only be granted if each of the following conditions is satisfied without exception;
 - (A) The required flow volume amount exists in the I&I Remediation Account at the time of request.
 - (B) The required flow volume does not exceed 3,300 GALLONS PER DAY.
 - (C) There are no requests for New Connection Permit on the waiting list.
 - (D) It is considered a new connection permit application if it is a Change of Use to an existing connection.
 - (E) Change of Use applications are subject to all applicable new connection fees, including the Sewer Development Fee.

2.0 WAITING LIST

- 2.1 The Sewer Department will establish a Permit Waiting List, on a first come first served basis, based on the date of the application hearing with the Rockland Board of Sewer Commissioners pending review and final approval. The fees quoted at that time are only an estimate and are not guaranteed until the date granted final approval to connect. No Fees are payable at this time.
- 2.2 A potential Applicant may request a meeting with the Rockland Board of Sewer Commissioners to explain their project, ask for the Boards input or share their concerns, but this DOES NOT serve as an initial hearing date, nor does it qualify for a position on the Waiting List.
- 2.3 Meetings with the Rockland Board of Sewer Commissioners to explain an Applicant’s project, without final stamped drawings, or without other local

Board/Committee full approvals or if there is a full Waiting List are NOT considered an Application to connect hearing, and therefore do not qualify for a position on the Waiting List.

- 2.4 All Applicants for a new connection or expansion of service permit must have submitted to the Rockland Board of Sewer Commissioners a minimum of three-weeks (3) prior for review, a detailed project plan including a project description, all final drawings and all other Board and Committee approvals, before a hearing will be granted.
- 2.5 There will be a maximum of two (2) approved projects on the waiting list at any given time.
- 2.6 The Waiting List does not guarantee or grant a permit for connection, until the wastewater flow capacity exists in the I&I REMEDIATION ACCOUNT and formal Board of Commissioners vote final approval to connect.
- 2.7 Final fees for connection will be established based on the applicable rates at the time and date of the final approval to connect. All Fees must be paid in full at the time of final approval.
- 2.8 All Applicants on the Waiting List are subject to the Two (2) year timeline contained in Sewer Use Rules and regulations Section 2.4 NEW SEWERS and SEWER CONNECTIONS. Once placed on the Waiting List, it is the responsibility of the Applicant to renew their placement.
- 2.9 Applicants on the Waiting List, who's two-year (2) timeline has expired, may apply for a one-year (1) extension within thirty-days (30) past the expiration date.
- 2.10 Failure to renew the Applicants position on the Waiting List within thirty-days (30) from the date of expiration will result in removal from the Waiting List, and the applicant must begin the process again and will receive the next available position on the Waiting List.

3.0 I&I REMEDIATION ACCOUNT

- 3.1 A minimum balance of 36,300 GALLONS PER DAY of available flow must exist in the I&I REMEDIATION ACCOUNT before a new connection is permitted.
- 3.2 The elected Rockland Board of Sewer Commissioners must vote by majority, to release additional flow to the I&I REMEDIATION ACCOUNT.
- 3.3 Additional volume of flow capacity that may be made available and placed into the I&I REMEDIATION ACCOUNT will require a majority vote by the elected members of the Rockland Board of Sewer Commissioners. This will be reviewed and voted on the following Dates each year that the moratorium remains in effect.

April 1

September 1

- 3.4 There will be no additional flow capacity made available in the Inflow & Infiltration REMEDIATION ACCOUNT until the Town of Rockland Sewer Department meets the following requirements.
- A. Strict adherence to the EPA Administrative Order(s) issued to the Town of Rockland and the Rockland Sewer Department, for Repeated Permit Flow Violations (dated 2006 & 2022) and the accepted Corrective Actions agreed to by the Town. That Administrative order and the Town's corrective actions mandate that the Town of Rockland, shall remove eleven gallons of Inflow & Infiltration (I&I) for every one gallon of wastewater flow that is added (11:1 Ratio) to the System.

4.0 INFLOW AND INFILTRATION (I&I) REMOVAL

- 4.1 Under the provisions of a Sewer System Evaluation Study (SSES), documented removal of I&I from pipes, manholes, laterals, drains or chimneys will be done by following Best Engineering Practices for location using some, or all of the following, approved methods: pipe lining, grouting, in-line camera scanning and recording, man hole inspection, smoke testing or dye testing.
- 4.2 Each Inflow and Infiltration source removed must be documented and the flow must be verified both before and after by a certified flow meter. All readings must be verified by the Rockland Sewer Department or a Licensed Professional Engineer.
- 4.3 The amount of I&I found by the approved methods will be placed into the I&I Remediation Account, and only after the removal/repairs have been completed. The flow removal must be verified and approved by the Rockland Board of Sewer Commissioners.

5.0 INFLOW AND INFILTRATION (I&I) FUNDS

- 5.1 Funds for Inflow and Infiltration (I&I) removal will be allocated by Articles presented and approved at Town Meeting, or from the connection fees charged for Engineering and Removal and placed in the I&I ledger account, approved budget line items, grants and other sources that may be available.
- 5.2 If those (I&I) funds are used for any other purposes such as repairs to equipment including sub stations, it must have the approval by a majority of the Rockland Board of Sewer Commissioners and deducted from the I&I funding account.

6.0 NEW CONNECTION PERMITS

- 6.1 Any new construction project requiring flows of less than 440 GPD by Title V standards, will only be granted approval by a majority vote of the Rockland Board of Sewer Commissioners.
- 6.2 Any permit for new connection or expansion to the Rockland Sewer System will be issued for a specific wastewater flow amount, without a guarantee or promise of additional flow being made available or added onto the original permit amount.

- 6.3 All connections to the Rockland Sewer System greater than 440 GPD are subject to the 11:1 I&I removal ratio without exception.
- 6.4 The Rockland Sewer Department will not accept any bonds covering work to locate, or repair Inflow and Infiltration in exchange for a permit to connect prior to actual I&I work being completed and the appropriate removal flow rate has been achieved.

7.0 MUNICIPAL CONNECTIONS

- 7.1 All new Municipal connections into the Rockland Sewer System will be allowed providing the capacity exists to meet the entire flow demand for the project.

8.0 RESIDENTIAL CONNECTIONS

- 8.1 All new connections into the Rockland Sewer System for residential single family homes, apartments/ condominiums are subject to the availability of flow that exists at the time of application in the I&I Remediation Account (I&I RA) without exception.
- 8.2 All new or expansion of service to residential connections will be subject to the conditions of this Moratorium.
- 8.3 Any residential property that has been demolished for renovation or reconstruction is not subject to this moratorium providing, the betterment fees were previously paid, their flows based on Title V requirements, are equal to or less than the previous amounts. If the flows are higher, they are subject to all applicable fees for the increased flow amount only. Reduced flow amounts are not subject to reimbursement. Increased flow amounts will only be granted if the flow amount exists in the I&I Remediation Account at the time of application.
- 8.4 Each individual residential housing unit, OR any amount of total apartments OR condominiums, will have a not to exceed maximum of 3,300 GALLONS PER DAY of total wastewater flow without exception. A multi-unit apartment/condominium development that has on-site laundry facilities must not exceed 3,600 GALLONS PER DAY of total wastewater flow.

9.0 BUSINESS / COMMERCIAL / INDUSTRIAL CONNECTIONS

- 9.1 All new connections or expansion of service into the Rockland Sewer System for business, commercial or industrial use are subject to the availability of flow that exists at the time of application in the I&I Remediation Account (I&I RA) without exception.
- 9.2 Any business / commercial / industrial project that has been demolished for renovation or reconstruction is not subject to this moratorium, providing the betterment fees were paid previously and their flows are equal to or less than the previous amounts. If the flows are higher, they are subject to all applicable fees for the increased flow amount only. Reduced flow amounts are not subject to reimbursement. Increased flow amounts will only be granted if the flow amount exists in the I&I Remediation Account at the time of application.

- 9.3 The maximum allowed wastewater flow for business/commercial/industrial connections will be 3,300 GALLONS PER DAY.

10.0 CHANGE OF USE

- 10.1 A change of use will be defined as any structure whose primary purpose has changed from the original permitted connection. A change of use is any structure whose use has been converted from Residential to Commercial, Commercial to Residential, Municipal to Residential, Residential to Municipal, Commercial to Municipal or Municipal to Commercial.
- 10.2 Any structure that has a sewer “stub” and has not been occupied or in use for a period of 8 years or longer, will not be subject to Sewer Development (Betterment) fees. However, they will be subject to Permit and Sewer Maintenance fees. If the flows are greater than 440 GPD, they will be subject to Engineering and I&I Removal fees based on the applicable fee schedule at the time.
- 10.3 Any structure that has been deemed a “Change of Use” but will be using less than or equal to the same flow conditions will not be subject to the moratorium.
- 10.4 Any structure that has been deemed a “Change of Use”, with increased flows from the previous usage, will be subject to the flow availability. Increased flow amounts will only be granted if the amount actually exists in the I&I Remediation Account at the time of application.

11.0 FEE STRUCTURE

- 11.1 All fees are non-refundable and full payment is due at final approval.
- 11.2 Sewer Development Fee. All new connections are subject to a per unit fee which supports the Rockland Sewer Department Operations on a daily basis.
- 11.3 Sewer Tie-In Fee. All new connections are subject to a per unit permit fee.
- 11.4 Sewer Maintenance Fee. All new connections and additions are subject to this fee which goes to the overall sewer system maintenance fund.
- 11.5 Engineering and Inflow & Infiltration (I&I) Removal Fee. All new connections must pay the costs to remove the equivalent flow with the EPA mandated eleven to one (11:1) ratio applied.

Example: If a new connection requires 3,300 GPD of flow, they are required to pay the applicable fee to remove 36,300 of Inflow & Infiltration to replace the sewer capacity that they are taking away from the system.

Any variance from these conditions will require a majority vote of approval from the elected members of the Rockland Board of Sewer Commissioners and are subject to review by the EPA under the conditions of the EPA Administrative, Findings and Notice of Violations Order issued in June 2022.

EFFECTIVE OCTOBER 1, 2023, WHEREAS:

- By the Rockland Town Charter and Town By-Laws, The Rockland Board of Sewer Commissioners is the sole authority to issue all Sewer Connection Permits.
- The Rockland Wastewater Treatment System operates under a Medium Wastewater Treatment Facilities General Permit, National Pollution Discharge Elimination Permit (NPDES) Number MAG-590000.
- As a result of the July 1, 2022 Administrative Findings of Violation and Order for Compliance, the Rockland Board of Sewer Commissioners continue to place a full moratorium on new sewer connections.
- Until all conditions are met, there will be no permits issued for new connections.
- This moratorium is an amendment to the TOWN OF ROCKLAND, MASSACHUSETTS “PLAN FOR COMPLIANCE WITH NPDES PERMIT NO. MA0101923 (previous permit), AS REQUIRED IN ADMINISTRATIVE ORDER DOCKET NO. 06-33, dated February 2007, and the Corrective Actions prepared and submitted by Metcalf & Eddy, and approved by the US EPA.
- This moratorium dated March 7, 2024, is an amendment to the ROCKLAND BOARD of SEWER COMMISSIONERS August 29, 2006, New Sewer Connection Moratorium, and supersedes all previous moratoriums issued by the Rockland Board of Sewer Commissioners prior to this date.
- Based on the EPA Inflow & Infiltration (I&I) Corrective Action Agreement (2006 & 2022) with the Rockland Sewer Department and the TOWN of Rockland, the TOWN is required to remove eleven (11) gallons for every one (1) gallon of wastewater flow added to the system (11:1 Ratio).

Authorized By the Rockland Board of Sewer Commissioners on March 7, 2024.


Charles Heshion
Chairman


Daniel DuRoss
Commissioner


Sherri Vallie
Commissioner