TOWN OF RUTLAND
BOARD OF PUBLIC WORKS
SEWER AND WATER CONNECTION
MORATORIUM REGULATION

Section 1. Authority

The Town of Rutland Board of Selectmen, acting in its capacity as the Board of Public Works, adopts this Regulation under its authority as set forth in Sections 2.4 and 13.1 of the Town’s Sewer Regulations; Chapter 430 of the Acts of 1941; Massachusetts General Laws, Chapter 41, Section 69B; Massachusetts General Laws, Chapter 41, Section 69D and/or Massachusetts General Laws, Chapter 83, Section 10.

Section 2. Purpose

WHEREAS, the purposes of this Regulation are to protect public health, safety and the environment and to protect the integrity of the Town of Rutland’s sanitary sewer and public water supply systems by prohibiting new connections, system expansions and increases in flow for a temporary period of time to allow the Town to study system-wide capacity issues and to determine whether and upon what terms and conditions such increases in flow may be permitted in the future. This includes but is not limited to the following reasons set forth in this Section 2.

WHEREAS, the ability of the Town to allow new connections, system expansion and/or increases in flow from the Town’s public water supply system is limited by the capacity of its public water supply and permits issued by the Massachusetts Department of Environmental Protection. Specifically, the Town’s Water Management Act Permit allows it to withdraw an average of .37 million gallons per day for public water supply purposes. In 2017, the Town used an average of .35 million gallons per day, leaving little or no room to accommodate increases in flow or to have a sufficient supply of water for emergency purposes.

WHEREAS, the ability of the Town to permit new connections, system expansions and/or increases in sewage flow to the Town’s public sewer system is subject to limits under its Sewer Use Agreement with the Massachusetts Department of Conservation and Recreation (“DCR”), under whose terms the Town is permitted to contribute an average of .530 million gallons of sewage per day to the Rutland-Holden Sewer Interceptor. In 2017, the Town contributed an average flow of .489 million gallons per day, leaving little room for emergency connections due to failing Title 5 septic systems.

WHEREAS, the Town’s Sewer Use Agreement with the DCR expires in 2020 and no successor agreement is currently in place.

WHEREAS, both the water and sewer systems require infrastructure upgrades.
WHEREAS, projects have been approved that will result in new connections to the Town’s public water and sewer systems in the near future. The addition of new flows from these properties is expected to bring the Town’s flows to near or above its authorized volumes for both water and sewer.

WHEREAS, time is required for the Central Massachusetts Regional Planning Agency to complete Phase II of the Rutland Managed Growth Study that will evaluate the current water and sewer infrastructure system and analyze future infrastructure build-out for short and long-term planning purposes. The Phase II study is expected to be completed by Spring 2019.

WHEREAS, time is needed to assure current compliance, and plan for future compliance with incremental allocations as set forth in the Sewer Use Agreement between the Town and DCR.

WHEREAS, time is required to allow the DCR to develop demand projections for Rutland’s water supply system, and the Massachusetts Department of Environmental Protection to determine the temporary allocation of water volume that will be used in the Town’s Water Management Act (WMA) permit until three years of reliable data are available.

WHEREAS, time is required to conduct the fiscal year 2019 phase of the Town’s annual Inflow & Infiltration (I/I) Investigation and Rehabilitation Program.

WHEREAS, the Town must reserve sewer and water system capacity for emergency situations and to accommodate connections by properties served by failing on-site septic systems or wells.

Section 3. Sewer System Connection and Extension Moratorium
For a period of one year from the effective date of this Regulation, the Superintendent shall not approve any application for any new connection to the Town’s Sanitary Sewer System, for extension of the Town’s Sanitary Sewer System, or for increases in flow from existing sewer system connections or extensions.

Notwithstanding the foregoing paragraph, and subject to compliance with the requirements of the Town’s sewer connection regulations and other applicable laws, the Superintendent may approve sewer connection applications for properties within a residential subdivision with a sewer extension permit approved prior to the effective date of this regulation; for properties containing on-site septic systems failing to meet the requirements of Title 5 of the State Environmental Code, if the Board of Health orders the property owner to abandon the on-site system and connect to the sewer; and for approved commercial development projects at the so-called Rutland Heights property. Requests for sewer connections pursuant to this paragraph will be evaluated on a case-by-case basis and may be denied if it is determined that there is insufficient system availability to accommodate the requested connection or for any other reason set forth in the Town’s sewer use and sewer extension regulations or any other applicable law.
Section 4. Water System Connection and Extension Moratorium

For a period of one year from the effective date of this Regulation, the Superintendent shall not approve any application for any new connection to the Town’s Public Water Supply System, for extension of the Town’s Public Water Supply System, or for increases in flow from existing public water supply system connections or extensions.

Notwithstanding the foregoing paragraph, and subject to compliance with the requirements of the Town’s water connection regulations and other applicable laws, the Superintendent may approve water connection applications for properties within a residential subdivision with a sewer extension permit approved prior to the effective date of this regulation; for properties with on-site wells, if the Board of Health orders the property owner to abandon the well and connect to the public water supply; and for approved for commercial development projects at the so-called Rutland Heights property. Requests for water connections pursuant to this paragraph will be evaluated on a case-by-case basis and may be denied if it is determined that there is insufficient system availability to accommodate the requested connection or for any other reason set forth in the Town’s water connection regulations or any other applicable law.

Section 5. Effective Date

This Regulation shall take effect upon passage and publication in accordance with Chapter 430 of the Acts of 1941.

Section 6. Severability

The invalidity of any section, provision, paragraph, sentence, or clause of this Regulation shall not invalidate any other section, provision, paragraph, sentence, or clause thereof.

Adopted this 6th day of June, 2018 by the Town of Rutland Board of Selectmen, acting in its capacity as the Board of Public Works.

Sheila Dibb, Chair
Leroy Clark
Jeffrey Stillings
Wayne Walker
Leah Whiteman