



City of Marlborough
Legal Department

140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610
LEGAL@MARLBOROUGH-MA.GOV

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

July 29, 2013

Joseph Delano, Chairman
Operations & Oversight Committee
Marlborough City Council

RE: Order 13-
Amendment to Section 501-4 of Chapter 501 of the City Code
Building Sewer Connections

Dear Chairman Delano and Members:

Please find the proposed order regarding the above captioned amendment to the City Code. Said order is in proper legal form for your consideration.

Very truly yours,

Cynthia M. Panagore Griffin
Assistant City Solicitor

Enclosure

cc: Ronald M. LaFreniere
Michele Mochnoc-Higgins

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING § 510-4, BUILDING SEWER CONNECTIONS, OF CHAPTER 510 BY INSERTING AFTER SUBSECTION A. (7) THE FOLLOWING NEW SUBSECTION:

(8) All sewer extension and building sewer connection permits shall only be issued if said permits are in compliance with the flow allocations of the December 3, 2007 Certificate of the Secretary of Energy and Environmental Affairs regarding the October 2007 *Phase IV Final Recommended Comprehensive Wastewater Management Plan/Final Environmental Impact Report* (CWMP/EIR), as set forth below:

- (a) The City is divided into two sewer service areas, one tributary to the Easterly wastewater treatment facility (WWTF) and the other tributary to the Westerly WWTF, divided by a "WWTF Division Line" which runs north/south through the City to the east of Route I-495.
- (b) A total of 4.15 million gallons per day (mgd) average daily flow from the City of Marlborough and the Town of Northborough is allocated in the CWMP/EIR Certificate to the Westerly WWTF as described further in items [1] and [2] below. The actual allowable flow is dependent upon the permitted value in the facility's National Pollutant Discharge Elimination System (NPDES) permit. Sewer connection or extension permits shall only be approved if the resulting total flows to the Westerly WWTF are within the permitted flow allocation in the NPDES permit and if the flows are consistent with the following allocations:
 - [1] Through the year 2025, the CWMP/EIR Certificate allocates to the Westerly WWTF up to 2.9 mgd of the total permitted average daily flow that originates from the western side of the City of Marlborough tributary.
 - [2] Through the year 2025, the CWMP/EIR Certificate allocates to the Westerly WWTF the remaining allocation of between 2.9 mgd and the NPDES permitted average daily flow (up to 4.15 mgd) that originates from the Town of Northborough tributary. The foregoing flow allocation takes into account the intermunicipal agreement between the City of Marlborough and the Town of Northborough, dated January 1, 1990, which required the City of Marlborough to provide the Town of Northborough with 0.80 mgd of plant capacity; however, the agreement expired on January 1, 2010.
- (c) The flow limitation for the Easterly WWTF in effect on the date of the December 3, 2007 Certificate was 5.5 mgd on an average monthly basis, as permitted by the Easterly WWTF's October 19, 2006 NPDES permit. Sewer connection or extension permits through the year 2025 shall only be approved if the total flows to the Easterly WWTF are within this permitted flow allocation.
- (d) All flow allocations in the CWMP/EIR Certificate, as well as sewer connection or extension estimated flows, shall be based on average annual values.
- (e) Sewer extensions tributary to the Easterly WWTF that originate from beyond the area bounded by the town boundaries to the north, south and east, and by the WWTF Division line to the west, require approval by the Mayor, the City Council, and when applicable thresholds are exceeded, by MassDEP via a sewer extension permit. Sewer extensions tributary to the Westerly WWTF that originate from beyond the area bounded by the WWTF Division Line to the east, the town

boundaries to the north and south, and the neighborhoods identified for sewerage in the CWMP/EIR in Northborough to the west require approval from the Mayor, City Council, and when applicable thresholds are exceeded, by MassDEP via a sewer extension permit. With prior City Council approval, flow from one side of the WWTF Division Line may be treated at the WWTF on the other side.

ADOPTED
In City Council
Order No 13-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST: