

Section 14 - UTILITIES

ORDINANCE ESTABLISHING SEWAGE COMMISSION

The following ordinance is hereby enacted:

1. The provisions of Chapter 103 of the Connecticut General Statutes, as amended, in regards to the establishment of a municipal sewerage commission is hereby adopted.
2. A municipal sewerage commission is hereby created for the Town of Deep River for the exercise of the powers granted under Chapter 103 of the Connecticut General Statutes as amended, which shall be referred to as the Deep River Water Pollution Control Authority (WPCA).
 - a. The WPCA shall consist of seven members, all of whom shall be electors of the Town of Deep River and appointed for three year terms. Upon the date on which this ordinance becomes effective, the members of the WPCA shall be the persons duly appointed as members under Sections 2(a) and (b) of the ordinance repealed herein whose terms have not expired, and the persons duly appointed as alternate members under the prior ordinance amendment dated 29 March 1977 whose terms have not expired; and each said member shall fulfill the latest term for which they were appointed under the prior ordinance or amendment.
 - b. Upon the expiration of the term of any member, the Board of Selectmen shall appoint a member for a term of three years expiring on November 30. In the event of a vacancy, the Board of Selectmen shall appoint a new member to fill the unexpired term of the member whose office is vacant. Members of the WPCA shall serve without compensation.
 - c. Members of the WPCA may be removed from office by the Board of Selectmen for cause. Before removal, charges shall be presented to such member in writing and he shall be given reasonable opportunity to be heard in his own defense.
3. The Deep River Water Pollution Control Authority shall have and adopt all of the powers and provisions of Chapter 103 of the Connecticut General Statutes, as amended.

January 17, 1972.

Vol. 6 Pg. 200

History: Amended 3-29-77, Vol. 6, Pg. 243, to add alternates; amended 11-2-78, Vol. 7, Pg. 8 & 9, to change name; amended 8-5-97 to repeal ordinance dated 3-29-77 adding alternates and repeal and replace sections 2(a), 2(b) and 2(d) of ordinance dated 01-17-72, Vol. 8, Pgs. 23-30.

AMENDMENT TO ORDINANCE PERTAINING TO WATER POLLUTION CONTROL AUTHORITY (WPCA)

RESOLVED : That the Ordinance creating the Water Pollution Control Authority (formerly "Sewerage Commission") dated 17 January 1972, as amended on 29 March 1977 and 2 November 1978, is further amended, as follows :

Section 1: Repeal of Provision for Alternate Members

The prior ordinance amendment dated 29 March 1977, is hereby repealed.

Section 2: Amendment Regarding Membership, Terms and Compensation

Sections 2 (a), 2 (b) and 2(d) of the ordinance dated 17 January 1972 are hereby repealed and replaced with the following :

- A. The WPCA shall consist of seven members, all of whom shall be electors of the Town

of Deep River and appointed for three year terms. Upon the date on which this ordinance becomes effective, the members of the WPCA shall be the persons duly appointed as members under Sections 2 (a) and (b) of the ordinance repealed herein whose terms have not expired, and the persons duly appointed as alternate members under the prior ordinance amendment dated 29 March 1977 whose terms have not expired; and each said member shall fulfill the latest term for which they were appointed under the prior ordinance or amendment.

- B. Upon the expiration of the term of any member, the Board of Selectmen shall appoint a member for a term of three years expiring on 30 November. In the event of a vacancy, the Board of Selectmen shall appoint a new member to fill the unexpired term of the member whose office is vacant. Members of the WPCA shall serve without compensation.

Section 3: Officers; Meetings; Quorums

Within 30 days of 1 December of each year, the WPCA shall elect from its members a chairman, vice-chairman and secretary. The WPCA shall fix the time and place of its regular meetings and provide a method for calling special meetings. The WPCA shall determine its own rules of procedure. The presence of four members shall constitute a quorum. The WPCA shall comply with the provisions of the State Freedom of Information Act.

Section 4: Auxiliary Services

The First Selectman shall provide the WPCA with such financial, clerical, appraisal and engineering assistance, and with such equipment as it shall reasonably require. The WPCA shall reimburse the Town of Deep River no less frequently than annually for the actual cost of such auxiliary services.

Section 5: Powers and Duties

In this sub-section, the use of the terms "sewerage" and "line user" shall refer to pipe-driven sewerage and related services, whereas septage shall refer to non-pipe-driven processes and related services.

1. The specific powers granted to and the duties imposed upon the Town of Deep River by Chapter 103 of the General Statutes of Connecticut shall be implemented by the WPCA as a Town agency as follows:

- (a) Prepare and update a municipal water pollution control plan (C.G.S. section 7-256(b)), as the WPCA shall deem appropriate, from time to time, or upon written request from the Board of Selectmen.
- (b) Enforce the procedure for ownership and management of a community sewerage system (C.G.S. section 7-246(f)).
- (c) Acquire, construct and operate a sewerage system and enter upon and take and hold for the Town by purchase, condemnation or otherwise, such real estate interests determined to be necessary or desirable for use in the sewerage system (G.G.S. section 7-247); subject to availability of funding therefor, and subject to the provisions of the Ordinance dated 13 October 1984.
- (d) Establish and revise regulations for the supervision, management, control, operation and use of the sewerage system (C.G.S. section 7-247).
- (e) Enter into and fulfill contracts for a term of years with any person or other municipality to provide or obtain sewerage system service for any sewage (C.G.S. section 7-247).
- (f) Make arrangements for the provision or exchange with any person or other municipality or for any other lawful services (C.G.S. section 7-247).

- (g) Keep a record of its proceedings (C.G.S. section 7-247).
- (h) Establish rules for the transaction of its business (C.G.S. section 7-247).
- (i) Designate an officer or employee to be custodian of its books, papers and documents (C.G.S. section 7-247).
- (j) Hold hearings on proposed acquisitions or construction (C.G.S. section 7-247(a)).
- (k) Determine the compensation to be paid for property taken by eminent domain (C.G.S. section 7-248).
- (l) Establish and revise fair and reasonable charges for connection with and for the use of the sewerage system (C.G.S. section 7-255), subject to the "user charge system" provisions set forth in the United States Environmental Protection Agency Regulations contained in 40 Code of Federal Regulations Section 35.2140 (40 CFR 35.2140) and the State of Connecticut Department of Environmental Protection Regulations contained in section 22a-482-3 (DEP 22a-482-3), as the same may be amended from time to time, and which regulations are incorporated herein by reference and made a part hereof.
- (m) Whenever a town has pledged revenues to be derived from the charges for connection with or for the use of the sewerage system for the payment of principal or the interest of any bonds or notes, establish or revise such charges at rates which will provide for the punctual payment of the annual interest and amortization requirements of such bonds or notes (C.G.S. section 7-256).
- (n) Order the owner of any building to which a sewerage system is available to connect to such sewer after holding a public hearing following due notice to the property owner (C.G.S. section 7-257).
- (o) Establish service charges in instances where no assessments have been made (C.G.S. section 7-273(a)), subject to the provisions of the Ordinance dated 13 October 1984.

2. The WPCA is hereby empowered, as follows:

- (a) To enter into and fulfill contracts for a term of years with any person or other municipality to provide or obtain septage service for any septage.
- (b) To establish and revise fair and reasonable charges for septage service.
- (c) With respect to any action requiring the acquisition of property or construction of any part of the sewerage system involving an appropriation and issuance of bonds, notes or other obligations by the Town, the WPCA shall recommend such action to the Board of Selectmen. The Town Treasurer shall keep the proceeds arising from any sale of bonds, notes or other obligations for sewerage purposes in an account separate from other funds of the Town.
- (d) The WPCA shall establish three accounts, separate from the other funds of the Town. The accounts shall be designated for (A) day-to-day operating expenses as required by 40 CFR 35.2140 and DEP 22a-483-3, (B) a reasonable replacement reserve as required by 40 CFR 35.2140 and DEP 22a-482-3, and (C) capital projects.
- (e) All monies received by or for the WPCA from assessments, user charges, septage process charges, grants, loans or any source shall be held by the Town Treasurer as the WPCA may direct, in the established accounts described above. At periodic intervals, but no less frequently than annually, the WPCA shall reallocate said monies received among the accounts, if necessary, using a system that accords with the applicable federal and state regulations, this Ordinance, and the WPCA by-laws.

(f) Prior to 1 July of each year, the WPCA shall determine the proportion of the sewage treatment plant facility and resources consumed by pipe-driven sewerage and by septage processing during the immediate preceding year.

(i) Revenues received from line-user charges shall be allocated only to cover the proportion of the operating expenses consumed by the line users, and to make a proportionate contribution to the reserve account. In the event that the line user charges exceed the operating expenses and reserve requirement for said year, such excess shall be applied to the following year's budget, reducing the line-user charges if appropriate.

(ii) Revenues received from septage processing charges shall be allocated to cover the proportion of the operating expenses consumed by the septage processing, and to make a proportionate contribution to the reserve account. In the event that the septage processing charges exceed the operating expenses and reserve requirement for said year, such excess shall be applied to the capital projects account.

(iii) All other revenues shall be allocated to the capital projects account.

(g) As requested by the First Selectman, the WPCA each year, prior to the annual Town meeting, shall submit to the First Selectman a detailed estimate of the annual expenditures to be made by the WPCA and the revenues to be collected in the ensuing fiscal year (hereinafter "budget"). The WPCA's budget shall be subject to approval by the Board of Selectmen and Board of Finance. The operating expenses estimated by the WPCA shall be covered by WPCA revenues estimated for the ensuing year with a reasonable replacement reserve, so that the operations of the WPCA will be self-sustaining and not dependent upon taxes levied by the Town. Under all circumstances, the WPCA's budget need not be voted on and approved at the annual Town meeting, but a copy of the WPCA budget shall be appended to the Town budget presented to the Town meeting so that taxpayers may review the WPCA's budget and comment on it or ask questions relating to it.

(h) Prior to making any out-of-budget expenditures of \$10,000 or more from any of the WPCA's accounts, the WPCA shall submit a written notice of intent to make such expenditure (including the amount, reason for the expense and expected date of payment) to the First Selectman. Only if both the Board of Selectmen and the Board of Finance deliver written objections (containing the reasons therefor) to such expenditure, to the WPCA, within four weeks after the WPCA has submitted notice thereof to the First Selectman such expenditure shall require written approval from both said Boards; in the event that such objections are not received, the expenditure may be approved by action of the WPCA alone. For purposes of this sub-section, an expenditure shall mean a single payment and/or multiple payments to a single payee during one fiscal year. In the event of an emergency with the treatment facility or any part of the sewerage system, such expenditure may be made by the WPCA alone, without approval by said Boards, and the requirement for prior notice shall not apply; in such an event, however, the WPCA shall send written notice of its action approving such expenditure within forty-eight (48) hours after such action is taken.

3. Notwithstanding any other provision contained in this Ordinance, the WPCA shall ensure that the needs of the Town of Deep River have first priority with regard to the capacity of the treatment facility.

Effective August 27, 1997
Vol. 8, Pg. 23-30

SUMMARY OF SEWER USE ORDINANCE

The proposed Sewer Use Ordinance, as recommended by the Deep River Water Pollution Control Authority (WPCA) for adoption by the legislative body of the Town, establishes regulations and procedures governing the use of the public sanitary sewer system, and establishes specific limits for pollutant discharges into the public sewer system. The ordinance:

- (1) Sets forth the technical and administrative procedures to be followed in connecting to the public sewer system;
- (2) Prohibits the introduction of pollutants into the public sewer system which may prevent the proper functioning of the system or which may present a hazard to the public health;
- (3) Prohibits the construction, repair or use of any septic tank, cesspool or leaching system where public sewers are available for use, except as provided under such ordinance;
- (4) Empowers the WPCA to require certain owners of properties to connect their building drains to the public sewer system within specified time periods;
- (5) Provides for the acceptance by the Town of sewers constructed within subdivisions, and establishes standards for the construction of such sewers;
- (6) Empowers the WPCA to administer the provisions of the ordinance to adopt regulations and procedures, and to establish fees for permits and licenses; and
- (7) Contains other provisions regarding the elimination of water pollution within the Town of Deep River.

Complete text of Sewer Use Ordinance follows.

TOWN OF DEEP RIVER SEWER USE ORDINANCE

Approved at a Town Meeting
September 27, 1989

ARTICLE ONE: PURPOSE

- 1.1 This ordinance establishes regulations and procedures governing use of and connection to the public sanitary sewer system in the Town of Deep River. It also establishes specific limits for pollutant discharges which by their nature or by their interaction with sewage will be detrimental to the public health, cause damage to the public sewer or the Water Pollution Control Facility (WPCF), pollute the waters of the State, or otherwise create a public nuisance.

This ordinance is intended to:

- a. Inform the public as to the technical and administrative procedures to be followed in obtaining connection to the Town of Deep River's sanitary sewer system.
- b. Prevent the introduction of pollutants into the sanitary sewer system which will interfere with the collection and/or treatment system.
- c. Prevent the introduction of pollutants into the treatment system which will pass through the system, inadequately treated, into the waters of the State, or the atmosphere, or otherwise be incompatible with the system.
- d. Improve the opportunity to recycle and reclaim wastewaters and sludges from the system.

This ordinance shall apply to the Town of Deep River and to persons outside the Town of Deep River who are users of the public sanitary sewer. Except as otherwise provided herein, the Water Pollution Control Authority (WPCA) of the Town of Deep River shall administer, implement, and enhance the provisions of this ordinance.

ARTICLE TWO: DEFINITIONS

- 2.1 Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:
 - a. Act or "the Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et. seq.
 - b. Biochemical Oxygen Demand (BOD) is the amount of oxygen required by bacteria while stabilizing decomposable organic matter under aerobic conditions for five days. The determination of BOD shall

- be performed in accordance with the procedures prescribed in the latest edition of “Standard Methods for the examination of Water and Wastewater.”
- c. Building Drain shall mean that part of the lowest horizontal piping of a building plumbing which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning at the outside face of the building wall.
 - d. Building Sewer shall mean the extension from the building drain to the public sewer or other place of disposal; it may also be called a house connection.
 - e. Categorical Standards shall mean the National Categorical Pretreatment Standards or Pretreatment Standards.
 - f. Combined Sewer shall mean a sewer intended to receive both surface runoff or storm water and sewage.
 - g. Commissioner shall mean the Commissioner of Environmental Protection for the State of Connecticut.
 - h. Compatible Pollutant shall mean biochemical oxygen demand, suspended solids, ph and fecal coliform bacteria, plus any additional pollutants identified in the Water Pollution Control Facility NPDES permit, where the Water Pollution Control Facility is designed to treat such pollutants, and in fact, does treat such pollutants to the degree required by the NPDES permit.
 - i. Composite Sample shall mean a mixture of aliquot samples obtained at regular intervals over a time period. The volume of each aliquot is proportional to the discharge flow rate for the sampling interval. The minimum time period for composite sampling shall be four (4) hours.
 - j. Cooling Water shall mean process water in general used for cooling purposes to which the only pollutant added is heat and which has such characteristics that it may be discharged to a natural outlet in accordance with Federal, State and Town laws and regulations.
 - k. Domestic Sewage shall mean sewage that consists of water and human excretions or other waterborne wastes incidental to the occupancy of a residential building or nonresidential building but not wastewater from water softening equipment, commercial laundry wastewater, and blowdown from heating and cooling equipment.
 - l. Engineer shall mean the Water Pollution Control Authority’s engineer acting according to the duties assigned to him by the Water Pollution Control Authority and also the representatives of said engineer when acting within and limited by the particular duties and powers assigned to each.
 - m. Floatable Oil shall mean oil, fat, or grease in a physical state such that it will separate by gravity from sewage by treatment in an approved pretreatment facility.
 - n. Garbage shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling storage and sale of produce.
 - o. Grab Sample shall mean a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
 - p. Holding Tank Waste shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers and septage hauling trucks.
 - q. Incompatible Pollutant shall mean all pollutants other than compatible pollutants as defined in Paragraph (h) above.
 - r. Industrial Wastewater shall mean the liquid wastes from industrial manufacturing processes, trade, or business and distinct from domestic sewage.
 - s. May is permissive (see “shall”).
 - t. National Pollution Discharge Elimination System (NPDES Permit) shall mean a permit issued pursuant to Section 402 of the Clean Water Act (33 U. S. C. 1342).
 - u. Natural Outlet shall mean any outlet in a watercourse, pond, ditch, lake or other body of surface of groundwater.
 - v. PH means the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.
 - w. Person shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
 - x. Properly Shredded Garbage shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
 - y. Pretreatment or Treatment shall mean 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 water pollution control facility. The reduction or alteration can be obtained by physical, chemical or biological processes, except as prohibited by Title 40, Code of Federal Regulations, Section 403.6 (d).

- z. Public Sewer shall mean a common sanitary sewer which all owners of the abutting properties have equal rights, and which is controlled by a governmental authority or public utility.
- aa. Sanitary Sewer shall mean a sewer which collects and conveys domestic sewage from residences, public buildings, commercial establishments, industries, and institutions. A sanitary sewer may also collect and convey permitted industrial wastewater and unintentionally admitted ground, storm, and surface waters.
- bb. Septage shall mean the liquids and solids which are removed from a tank used to treat domestic sewage.
- cc. Sewage shall mean human and animal excretions and all domestic and such manufacturing wastes as may tend to be detrimental to the public health.
- dd. Sewage Collection System shall mean the structures and equipment required to collect and convey sewage to the Water Pollution Control Facility.
- ee. Shall is mandatory (see “may”).
- ff. Slug shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than (5) times the average twenty-four (24) hour concentration or flow during normal operation which may adversely affect the collection system and/or performance of the Water Pollution Control Facility.
- gg. Soluble Oil shall mean oil which is of either mineral or vegetable origin and disperses in water or sewage at temperatures between 0 degrees C and 65 degrees C. For the purposes of this ordinance, emulsified oil shall be considered as soluble oil.
- hh. Storm Sewer shall mean a sewer which carries storm and surface waters and drainage or groundwater.
- ii. Suspended Solids shall mean the solid matter, measured in mg/liter, which may be in suspension, floatable, or settleable and is removable by laboratory filtering as prescribed in the latest edition of “Standard Methods for the Examination of Water and Wastewater.”
- jj. Toxic Pollutant shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of Section 307(a) of the Federal Water Pollution Control Act, or Clean Water Act, as amended, or other acts.
- kk. User shall mean any person who contributes, causes or permits the contribution of sewage into the Town of Deep River’s sewer systems.
- ll. Water Pollution Control Authority (WPCA) shall mean the Town of Deep River acting through the duly appointed members of the Water Pollution Control Authority in the Town of Deep River.
- mm. Water Pollution Control Facility (WPCF) means an arrangement of devices for the treatment of sewage and sludge.
- nn. Watercourse shall mean a natural or artificial channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE THREE: USE OF PUBLIC SEWERS

- 3.1 It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town of Deep River, or in any area under the jurisdiction of said Town any human excrement, garbage, or other objectionable waste.
- 3.2 Where public sewers are available or except as hereinafter provided, it shall be unlawful to construct, repair or use any privy, privy vault, septic tank, cesspool, leaching system or other facility intended or used for the disposal of sewage.
- 3.3 The owners of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town of Deep River and abutting on any street, alley, or right-of-way in which there is now located, or may in the future be located a public sanitary sewer of the Town of Deep River, may at the option of the (WPCA) and at the Owner’s expense be required to install a building sewer to connect their building drain to the public sewer in accordance with the provisions of this ordinance, within ninety (90) days after the date of official notice to do so. No such connection to the public sewer shall be required where the building, houses or property intended or used for human occupancy, employment, recreation or other purposes is more than one hundred (100) feet from the sewer lateral with that measurement taken in a straight line from the lateral to the nearest point of the building.

- 3.4 When any property owner has been required to install a building sewer to connect to the public sanitary sewer, and the public sewer adjacent to such property shall be a pressurized line which shall necessitate the installation by the property owner of pressurized system, the owner may apply for an extension of the ninety day period for connection as provided in Paragraph 3.3 above. Any such application shall be made to the WPCA, and shall be accompanied by a statement certified by a qualified engineer or licensed installer of septic systems, stating that the existing system is functioning properly and is not the source of any pollution discharge. The WPCA may require the applicant to provide such other information as to the location and condition of the existing sanitary sewage system as it may deem appropriate, and after conferring with the Town Sanitarian and determining that an extension of the said time period will not cause an adverse impact upon the town, may grant an extension. Any such extension shall be conditional upon the continued operation of the existing septic system as described in the application documents.
- 3.5 Where connection to any public sewer shall not be required as set forth in Paragraph 3.3 above, the building drain shall be connected to a private disposal system, constructed and maintained in accordance with the provisions of the Public Health Code of the State of Connecticut, or the Owner may, at his own expense, connect the building drain into the public sewer system, provided, however, that the owner shall have applied for and obtained a permit for such connection as hereinafter provided.
- 3.6 Within 365 days after a building sewer is connected to the public sewer, the existing septic tank, dry wells, distribution boxes and all other vaults must be pumped dry and the contents disposed of in accordance with the State of Connecticut Public Health Code. The remaining structures shall be broken into small pieces and the excavation backfilled in such a way as to eliminate all voids to prevent future settlement. Methods of abandonment shall also be in accordance with all applicable State and local laws and regulations after procuring the required permits.
- 3.7 No statement contained in this ordinance shall be construed to interfere with any additional requirements that may be imposed by the Director of Health, or the Public Health Code of the State of Connecticut.

ARTICLE FOUR: BUILDING SEWERS AND CONNECTIONS

- 4.1 No unauthorized person shall uncover, make any connections with or opening into, use, repair, alter, or disturb any public sewer or appurtenance thereof.
- 4.2 A person intending to connect a building drain from his property to the public sewer shall first obtain a permit to connect from the WPCA or its authorized representatives. The application for sewer connection permit shall be made on forms provided by the WPCA, and it shall be accompanied by a sketch or plan showing the proposed installation and connection location in sufficient detail to enable the WPCA to determine that the proposed installation meets the requirements of this ordinance and other applicable specifications, codes, and laws. The application shall be signed by the owner of the premises to be served or his authorized agent. The applicant shall reimburse the WPCA for the costs of any necessary engineering or other consultation services prior to the issuance of such permit.
- 4.3 A separate sewer connection fee shall be paid to the WPCA at the time the application is filed for each residential, commercial, institutional or industrial service connection.
- 4.4 No permit shall be issued for the connection to the public sewer system of any building sewer or waste disposal system serving any commercial, institutional or industrial property, nor any residential property containing more than four family dwellings, until the WPCA has determined that the following conditions have been met:
 - (1) The WPCA shall have determined that the anticipated discharge will not overburden the existing capacity of the public sewer system. In making such a determination, the WPCA shall require the applicant to provide information regarding the frequency, quantity and composition of the anticipated discharge.
 - (2) In the event that the WPCA has determined that the public sewer system cannot accommodate the anticipated discharge without modification and that the modification of the public sewer system is in the best interests of the Town, the applicant shall have paid a connection charge sufficient, in the judgment of the WPCA, to provide for the modification of the public sewer system to accommodate such anticipated discharge.
 - (3) In the event that the WPCA has determined that the anticipated discharge can be accommodated by the public sewer system without modification, the applicant shall have paid a connection charge sufficient, in the judgment of the WPCA, to reimburse the Town for the anticipated replacement cost of the capacity of the public sewer system which shall be utilized by the anticipated discharge, except

that no such connection charge shall be payable when the applicant shall have been ordered by the WPCA to connect to the public sewer system.

- 4.5 Upon approval of the application and plan, a permit shall be issued to have the work performed by the stated contractor. In the event the premises changes ownership before the work is completed, or if another contractor is chosen to perform or finish the work, the original permit becomes void, and a new permit must be obtained by the new parties in interest. A connection to the public sewer will be made only after the building's plumbing has been inspected and approved by the Plumbing Official in order to insure that minimum standards are met for the installation. Building plumbing shall meet all applicable building and plumbing codes and shall be in good working order. No trench containing a building drain or connection to the sanitary sewer shall be backfilled until the WPCA or its authorized representative has completed an inspection of and approved the work. The water level in the trench shall be maintained at a level below the sewer connection before the cap is removed and while the connection is being made and until such time as it has been inspected, approved and backfilled. The contractor shall notify the WPCA or its authorized representative 24 hours before starting any work authorized under this permit. Permits to connect to the public sewer may be revoked and annulled by the WPCA or its authorized representatives for such cause and at such time as may be deemed sufficient. All parties in interest shall be held to have waived the right to claim damages from the WPCA or its authorized representatives on account of such revocation.
- 4.6 Any person proposing a substantial new discharge into the public sewer system or any person proposing to cause a substantial change in the quality or quantity of an existing discharge into the public sewer system shall notify the WPCA at least forty-five (45) days prior to the proposed change or connection.
- 4.7 All costs and expenses incident to the installation and connection of the building sewer shall be borne by the property owner. The property owner shall indemnify and hold harmless the WPCA from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. All excavations for building sewer 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 the work shall be restored in a manner satisfactory to the WPCA.
- 4.8 A separate and independent building sewer 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 building sewer that provides service for any building which fronts on the public sewer may be extended to the rear building and the whole considered as one building sewer. However, the WPCA does not and will not assume any obligation or responsibility for damage caused by or resulting from any such aforementioned connection. Evidence of proper easements must be provided by the property owner or owners to the WPCA.
- 4.9 Old building sewers may be used in connection with new building only when they are found on examination and test by the WPCA or its authorized representatives, to meet all requirements of this ordinance. All costs incurred for tests shall be borne by the property owner.
- 4.10 The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town of Deep River. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications and standards of the ASTM, AWWA and the WPCF Manual of Practice No. 9 shall apply.
- 4.11 Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drains shall be lifted by an approved means and discharged to the building sewer at the property owner's expense. Duplex lift systems shall be used for apartments, commercial, institutional and industrial buildings. In either case, the property owner shall submit to the WPCA for approval details of the proposed lift station installation. (See Submersible Package Grinder Pump Station Specification of this Ordinance.)
- 4.12 No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to public sewer. It shall be the responsibility of the contractor to locate and separate these inflow sources from the proposed building sewer connection.

- 4.13 No building sewer shall be constructed within 25 feet of a water supply well. If a building sewer is constructed within 25-75 feet of a water supply well it shall be constructed in accordance with all applicable guidelines promulgated by the Commissioner of Environmental Protection.

ARTICLE FIVE: USE OF THE PUBLIC SEWERS

- 5.1 No person shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- 5.2 Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers and discharged to a watercourse in accordance with all applicable Town, State and Federal laws and regulations.
- 5.3 No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the WPCF. These general prohibitions apply to all such users of the WPCF whether or not the user is subject to National Categorical Pretreatment Standards or any other Federal or State Pretreatment Standards or requirements. A user shall not contribute the following substances to the WPCF:
- a. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the WPCF or to the operation of the WPCF. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the sewage collection system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter.
 - b. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the WPCF, including substances such as, but not limited to, grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch, manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, lubricating oil, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.
 - c. Any sewage 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 WPCF. The upper limit of pH for any industrial wastewater discharge shall be established under the Users State Discharge Permit.
 - d. Any sewage containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans, or animals, or plant life, create a toxic effect in the receiving waters of the WPCF, or to exceed the limitation set forth in a "Categorical Pre-treatment Standard." A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307 (a) of the Act.
 - e. Any noxious or malodorous sewage, gases, or solids which either singly or by interaction with other sewage are sufficient to prevent entry into the public sewers for their maintenance and repair.
 - f. Any substance which may cause the WPCF effluent or any other product of the WPCF such as residues, sludges, or scums, to be unsuitable for reclamation process where the WPCF is pursuing a reuse and reclamation program. In no case, shall a substance discharged to the WPCF cause the facility to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Resource Conservation Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management methods being used.
 - g. Any substance which will cause a WPCF to violate its NPDES Permit or the receiving stream water quality standards.
- 5.4 The following described substances, materials, waters, or wastes shall be limited in discharges to public sewers to concentrations or quantities which will not harm either the Sewage Collection System or the WPCF, and will not have an adverse effect on the receiving stream, or will not otherwise endanger public property or constitute a nuisance. The Commissioner and the WPCA may set lower limitations if more severe limitations are necessary to meet the water quality standards of the receiving stream. The limitations or restrictions on materials or characteristics of sewage discharged to the public sewer are as follows:
- a. Sewage having a temperature higher than 150 degrees F (65 C).
 - b. Sewage containing fats, wax, grease, petroleum, or mineral oil, whether emulsified or not, in excess of one hundred (100) mg/1 or with floatable oil not to exceed twenty (20) mg/1 or containing substances

which may solidify or become viscous at temperature between thirty-two (32) and one hundred-fifty (150) degrees F (0 and 65 degrees C).

- c. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- d. Any sewage containing odor producing substances exceeding limits which may be established by the commissioner or the WPCA.
- e. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Commissioner in compliance with all applicable State and Federal regulations.
- f. Materials which exert or cause:
 - 1. Unusual concentrations of inert suspended solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - 2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - 3. Unusual BOD, chemical oxygen demand, or chlorine demand in such quantities as to constitute a significant load on the WPCF.
 - 4. Unusual volume of flow or concentration of wastes constituting a “slug” as defined in Article 2.1(ff) of this ordinance.
- g. Sewage containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the WPCF effluent cannot meet the limits stipulated in the Town of Deep River’s NPDES Permit.
- h. Any sewage which, by interaction with other sewage in the public sewer releases obnoxious gases, forms suspended solids which interfere with the collection system, or creates a condition which may be deleterious to structures and treatment processes or which may cause the effluent limitations of the NPDES Permit to be exceeded.
- i. Overflow from holding tanks or other receptacles storing organic wastes.
- j. Sewage with concentrations of pollutants in excess of the following limits:

Pollutant	Concentrations parts/million/mg/l
Barium as Ba	5.0
Boron as Bo	5.0
Cyanides as CN (amenable)	0.1
Fluoride as F	20
Chromium (Total)	1.0
Chromium (Cr +6)	0.1
Magnesium as Mg	100
Manganese as Mn	5.0
Copper as Cu	1.0
Zinc as Zn	1.0
Cadmium	0.07
Lead	0.1
Tin	2.0
Silver	0.1
Mercury	0.01

Note: All metals are to be measured as total metals, and all pollutants and concentrations are to be represented in this ordinance as may be contained in and modified by Connecticut Department of Environmental Protection.

- 5.5 If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possesses the characteristics enumerated in Paragraph 5.4 of this article, and which in the judgment of the commissioner or the WPCA, may have a deleterious effect upon the sewage collection system, the water pollution control facility, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the WPCA may:
 - a. Reject discharge of the wastes.
 - b. Require pretreatment to an acceptable condition for discharge to the public sewers.
 - c. Require payment to cover the added cost of handling and treating the wastes.
 - d. Require control over the quantities and rates of discharge.

If the WPCA permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the WPCA and the State Department of Environmental Protection and subject to the requirements of all applicable codes, ordinances, and laws. No construction of such facilities shall be commenced until said approvals are obtained in writing.

- 5.6 The admission into the public sewers of any waters or wastes having:
- a. 5-day biochemical oxygen demand greater than 200 parts per million by weight;
 - b. More than 200 parts per million by weight of suspended solids
 - d. Having an average daily flow greater than 2% of the average daily sewage flow of the Town;
- shall be subject to the review and approval of the WPCA or its authorized representatives.

Where necessary in the opinion of the WPCA or its authorized representatives, the property owner shall provide, at his expense, such preliminary treatment as may be necessary to:

- a. Reduce the biochemical oxygen demand to 200 parts per million.
- b. Reduce the suspended solids to 200 parts per million by weight.
- c. Control the quantities or rates of discharge of such waters or wastes.

Plans, specifications and other pertinent information relating to any new facility or proposed preliminary treatment facility shall be submitted for the approval of the WPCA and its authorized representatives.

- 5.7 In accordance with Section 22a-430 of the Connecticut General Statutes as amended, a permit from the Commissioner of Environmental Protection is required prior to the initiation of a discharge of any of the following wastewaters to a public sewer:
- a. Industrial wastewater of any quantity.
 - b. Domestic sewage in excess of 5,000 gallons per day through any individual building sewer to a public sewer.

A potential discharger must submit a permit application to the Department of Environmental Protection not later than 90 days prior to the anticipated date of initiation of the proposed discharge.

- 5.8 The WPCA shall have the right to reject the discharge of any wastes; or, require more stringent limitations than required by the users Section 22a-430 permit, the decision of the Commissioner notwithstanding.
- 5.9 Grease, oil and gross particle separators shall be provided when, in the opinion of the Commissioner or the WPCA, they are necessary for the proper handling of sewage containing floatable grease in excessive amounts, as specified in Paragraph 5-4b, or any flammable wastes, sand or other harmful substances; except that such separators shall not be required for private living quarters or family dwellings. All separators shall be of a type and capacity approved by the Commissioner, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these separators, the property owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Commissioner. Any removal and hauling of the collected materials shall be performed by a waste disposal firm which possesses a valid permit from the Commissioner under Section 22a-430 of the Connecticut General Statutes, as amended.
- 5.10 Where pretreatment or flow-equalizing facilities are provided or required for any sewage, they shall be maintained continuously in satisfactory and effective operation by the property owner(s) at his expense.
- 5.11 When required by the commissioner or the WPCA, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observations, sampling, and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the commissioner. The sampling structure shall be located at a point along the industrial waste stream where a representative sample of the industrial wastewater may be obtained prior to its being diluted by domestic sewage in the building sewer. The structure shall be installed by the property owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

In addition all industries discharging into a public sewer shall perform such monitoring of their discharge as the WPCA and its authorized representatives may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results

of such monitoring to the WPCA. Such records shall be made available upon request by the WPCA to other agencies having jurisdiction over discharges to the receiving waters.

- 5.12 When required by the WPCA or its authorized representatives, flow meter(s) shall be installed to measure the flow for:
 - a. Water discharged from the commercial or industrial facility to any sewer or watercourse other than the public sewer.
 - b. Water intake from a private source and discharged to the public sewer. Installation and maintenance costs of any such meter or meters, where required, shall be the property owner's expense.
- 5.13 All measurements, tests, and analyses of the characteristics of sewage to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater." Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to the stipulations and general conditions of the dischargers State Discharge Permit.
- 5.14 No statement contained in this article shall be construed as preventing any special agreement or arrangement between the WPCA and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the WPCA for treatment, provided that such agreements do not contravene any requirements of existing State or Federal Regulations and are compatible with any User Charge System in effect.
- 5.15 No user shall increase the use of process water in an attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other specific pollutant limitations which may be developed by the Commissioner or the WPCA.
- 5.16 Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. The Commissioner and the WPCA may require that plans showing facilities and operating procedures be submitted for review and approval prior to construction of the facilities. In the event of an accidental discharge, the user shall immediately notify the State Department of Environmental Protection and the WPCA.

Within five (5) days following an accidental discharge, the user shall submit to the WPCA and the Commissioner, a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the WPCF, fish kills, aquatic plants, or any other damage to persons or property, or other liability which may be imposed by this ordinance or other applicable law.

A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees are advised of the emergency notification procedure.

ARTICLE SIX: PROTECTION FROM DAMAGE

- 6.1 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 Sewage Collection System, or WPCF. Any person violating this provision shall be subject to immediate arrest under a charge of disorderly conduct.

ARTICLE SEVEN: POWERS AND AUTHORITY OF INSPECTORS

- 7.1 The WPCA and its authorized representatives bearing proper credentials and identification, after giving reasonable notice to the property owner and occupant, shall be permitted to enter any property subject to this ordinance for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. On receipt of information from any responsible official that any property subject to this ordinance is the source of any discharge which might create a danger to public health or safety, the WPCA or its authorized representatives shall immediately inspect such property and may do so without having given notice to the property owner or occupants of such property.
- 7.2 While performing the necessary work on private properties referred to in Paragraph 7.1 above, the WPCA and its authorized representatives shall observe all safety rules applicable to the premises established by the user and the user shall be held harmless for injury or death to the Town employees

and the Town of Deep River shall indemnify the user against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the gauging and sampling operation except as such may be caused by negligence or failure of the user to maintain safe conditions as required in Article Five, Paragraph 5.11 of this ordinance.

- 7.3 The WPCA and its authorized representatives bearing proper credentials and identification shall be permitted to enter all properties through which the Town of Deep River holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying 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.

ARTICLE EIGHT: PENALTIES

- 8.1 Any person found to be violating any provision of this ordinance shall be served by the WPCA 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 period of time stated in such notice, permanently cease all violations.
- 8.2 Any person who shall continue any violation beyond the time limit provided for in Paragraph 8.1 above, shall be subject to citation issued by the First Selectman or Town Sanitarian and shall be fined one hundred dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- 8.3 Any person violating any of the provisions of this ordinance shall become liable to the WPCA for any expense, loss, or damage occasioned the WPCA by reason of such violation.
- 8.4 Any person who is found to be in violation of Section 22a-430 of the Connecticut General Statutes as amended shall be subject to a monetary penalty or forfeiture under Section 22a-438 of the statutes.

ARTICLE NINE: VALIDITY

- 9.1 When other regulations for health, safety and welfare are more restrictive than those specified in this ordinance, the more rigid requirements shall apply whenever they may be in conflict.
- 9.2 The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE TEN: HEARING BOARD

- 10.1 The Town of Deep River WPCA shall act as the Hearing Board and is authorized to interpret the terms of this ordinance, and to determine the applicability of its provisions to any particular circumstances. Any person may request an interpretation or determination by filing a written request with the Secretary of the WPCA, or such other person as may be required by regulations of the WPCA. The consideration of the request shall be placed upon the agenda of the next regularly scheduled meeting of the WPCA, provided it shall have been received not less than seven days prior to such meeting. The applicant shall appear at such a meeting and shall provide such information as the WPCA shall require to render its decision. Nothing herein shall require the WPCA to render its decision upon such an interpretation or determination until it shall have had an opportunity to gather additional information and to seek the opinion of its engineer, legal counsel, or other governmental authorities.
- 10.2 The Town of Deep River WPCA is authorized to waive the specific requirements of this ordinance when, after investigation of the circumstances, it shall have determined that the granting of such a waiver will not prevent the effectuation of the purposes of this ordinance. In making such a determination, the WPCA shall act as a board and shall render its decision after an affirmative vote by not fewer than four members entitled to vote at a regular meeting, or at a special meeting when notice of the proposed action has been given. The WPCA shall require such bonding and indemnification agreements as shall be appropriate to protect the interests of the Town, and may make the granting of a waiver conditional upon the fulfillment of such requirements such as it shall deem appropriate, including engineering and construction specifications, documentation and inspection requirements. Nothing herein shall be deemed to empower the WPCA to waive the requirements of any applicable federal or state regulations, nor the applicable orders and regulations of the Town Sanitarian or Director of Health.

ARTICLE ELEVEN: LICENSES, PERMITS, FEES, BONDS AND INSURANCES

- 11.1 A permit for any connection to a sewer shall be obtained from the WPCA or its authorized representative. This permit shall specify residential, commercial, institutional or industrial wastes, the name and address of the property owner and location of the property involved, the location of the sewer connection, and the name and address of the contractor to whom it is issued. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the WPCA.
- 11.2 A permit for excavating any street shall be obtained from the designated agent of the Town of Deep River and must accompany the application for a sewer connection permit. The contractor shall comply strictly with the regulations of the Town of Deep River pertaining to excavation of public highways.
- 11.3 Where the State Highway Department is involved appropriate permits shall be obtained and their provisions complied with. When regulated activity is to be pursued in areas designated “wetlands” by the Deep River Inland/Wetlands Commission, the appropriate permits must be obtained from said Commission and their provisions complied with.
- 11.4 Fees for the permits and licenses as outlined herein, shall be reviewed annually by the WPCA and revised accordingly. Initially, fees shall be as follows:

Building Sewer Connection Permits:

Residential (less than five family dwellings)	\$25.00
Residential (more than four family dwellings)	
Commercial, Institutional and Industrial	\$50.00
Per additional Inspection for permit	
Residential	\$10.00
Commercial, Institutional and Industrial	\$30.00

Sewer Connection Fees:

Residential (less than five family dwellings)	no cost
Residential (more than four family dwellings),	
Commercial, Institutional and Industrial	no cost

- 11.5 The contractor shall be protected by, pay premium for and provide evidence for policies of insurance coverage for public liability insuring him against liability to persons outside of his employ, in the minimum amounts of \$250,000/\$500,000.

Property damage \$25,000/\$50,000 said policies to be issued by an insurance company licensed in the State of Connecticut. Special coverage for WPCA and/or its authorized representative for blasting shall be provided when needed. All insurance policies shall designate the Town of Deep River WPCA and its representatives as assured. The contractor shall also carry Workmen’s Compensation insurance in the amount of statutory limits. Certificates of insurance shall be provided to the WPCA.

- 11.6 The contractor shall provide the WPCA with a performance bond for the faithful performance on the work contemplated. This shall be issued by an approved surety company licensed in the State of Connecticut. It shall be for the minimum amount of \$20,000 and may vary upwards on larger projects in an amount as required by the Town. This bond will be in force from January 1st to December 31st and shall cover any building sewer project undertaken by the contractor until the expiration of the maintenance period for that project. The maintenance period shall be for one year from completion of the connection to the sewer.

ARTICLE TWELVE: TRENCH EXCAVATION

- 12.1 Work on building sewer shall in every case proceed from the sewer toward the structure involved. Any variation in this procedure shall require written permission of the engineer.
- 12.2 Trenching shall proceed in accordance with the latest manual of safety in construction as published by the Associated General Contractors. The trench shall be of ample width at the bottom to accommodate the pipe to be placed and any work on the structure that conditions necessitate. Tunneling under existing structures may be permitted when approved in writing by the engineer; but in no case shall any tunnel exceed ten (10) feet in length.
- 12.3 When sheeting is necessary to insure proper installation and the safety of personnel, the public, or property, the contractor shall furnish and place such sheeting in accordance with good practice.

- 12.4 Where water is encountered in a trench, sufficient pumps shall be constructed and adequate pumping equipment made available so that the installation of any building sewer or appurtenance shall be done in the dry. In no event shall water be allowed to enter the sewer or building sewer from the trench.
- 12.5 If at any time during excavation the material being excavated is, in the opinion of the authorized representative of the WPCA, not suitable for backfill, such material shall immediately be removed from the site by the contractor at his expense. Unsatisfactory material shall include, but not be limited to, boulders, clay, muck and frozen ground. Where unsatisfactory material is removed it shall be replaced by sand or gravel not containing pieces larger than three (3) inches in diameter.
- 12.6 When the material at the base of a trench is unsuitable as a foundation for building sewer pipe, such material shall be removed and replaced with crushed stone or gravel not containing pieces larger than three (3) inches in diameter. If an excavation is deeper than the desired depth the trench shall be brought to grade with crushed stone or gravel not containing pieces larger than three (3) inches in diameter. In no case may loose fill from an excavation be used to bring a trench up to grade.
- 12.7 Installation of polyvinyl chloride pipe (PVC) shall be in accordance with ASTM specification D-2321. Bedding shall be of the Class B type, using sand, gravel or crushed stone.
- 12.8 Installation of cast iron pipe (CIP) and ductile iron pipe (DIP) shall be in accordance with AWWA standard C600.

ARTICLE THIRTEEN: PIPE

- 13.1 All building sewer pipe shall be standard strength cement lined cast iron (CIP) or ductile iron (DIP) pipe, AWWA C151; or polyvinyl chloride (PVC) pipe, ASTM D-3034. All designations refer to latest revisions.
- 13.2 The minimum inside diameter of CIP, DIP and PVC pipe outside of existing streetlines shall be four (4) inches for a single and two family dwelling, and six (6) inches for dwellings of three and four families. CIP, DIP and PVC pipe having an inside diameter of less than six (6) inches shall be laid on a grade of not less than one-fourth (1/4) inch per foot. CIP, DIP and PVC pipe having an inside diameter of six (6) inches or more shall be laid on a grade of not less than one-eighth (1/8) inch per foot. All CIP, DIP and PVC pipe within existing streetlines shall be six (6) inches laid on a grade of not less than one-fourth (1/4) inch per foot.
- 13.3 CIP and DIP pipe and fitting joints shall meet or exceed the requirements of AWWA standard C111, latest revision. PVC pipe and fitting joints shall meet or exceed the requirements of ASTM Specification D3212, latest revision. The gaskets shall be of a composition and texture which is resistant to common ingredients of sewage, industrial waste, including oils and ground water, and which will endure under the conditions likely to be imposed by their use.
- 13.4 For apartment buildings of more than four family (4) dwellings, commercial, institutional or industrial buildings, the owner shall submit to the engineer, for his approval, plans of the proposed building sewer installation.
- 13.5 Jointing between dissimilar materials or dissimilar pipe sizes shall be made by the use of gasketed fittings and couplers utilizing stainless steel hardware and approved by the WPCA for the specific application.
- 13.6 When, in the opinion of the engineer, extraordinary conditions exist, or when a building sewer is to be installed under any structure, at a stream crossing, or in fill ground, the owner shall submit plans for the approval of the engineer. Suitable provisions for encasement in concrete, concrete cradles, piling, or other acceptable construction features shall be made.
- 13.7 Whenever possible, water service and building sewer pipes shall be laid in separate trenches. Where laid in the same trench, the water pipe shall be laid on a trench shelf at least eighteen (18") inches above the top of the building sewer pipe where 10'-0" horizontal separation cannot be maintained, or in accordance with the State Health Code.

ARTICLE FOURTEEN: PIPE LAYING

- 14.1 Each building sewer shall be first connected to the public sewer and may then be extended to proceed toward the structure to be served. Pipe laying shall proceed in accordance with the best accepted practices true to line and grade. Groupings of buildings on one building sewer are not permitted except by written permission of the WPCA and only when based upon sound sanitary practice.
- 14.2 Where a stub location is given in a permit, such location shall be used for the location of the connection. If a deviation from the connection location indicated on the permit is desired, and when

the property owner requests a connection location other than that provided at the streetline, such deviation shall first be requested in writing by the owner of the property and shall be subject to the approval of the engineer. Where such deviation is approved, the connection to the street sewer shall be made with a gasketed sewer saddle utilizing stainless steel hardware and approved by the WPCA or its authorized representative. The connection shall be made in the upper quadrant of the sewer by cutting a neat hole to receive the building sewer at an entry angle of about forty-five (45) degrees with the spigot end cut so as not to extend past the inner surface of the street sewer. The owner shall be responsible for all ground restoration in accordance with applicable State and local requirements.

- 14.3 All pipes must be cleaned before laying. This may be accomplished by swabbing.
- 14.4 When connections are made to wyes, only one-eighth (1/8) bends shall be used to align the connection and pipe.
- 14.5 Changes in alignment of building sewers shall be made only with properly curved fittings. Alignment changes requiring greater than one-eighth (1/8) bends are prohibited.
- 14.6 Cleanouts must be provided at all changes in alignment and on straight runs at intervals not to exceed seventy-five (75) feet. An exterior cleanout shall be required approximately ten (10) feet from the structure served where the inside cleanout is less than two (2) feet above the lowest floor of the structure served.

ARTICLE FIFTEEN: BACKFILL

- 15.1 Backfilling of trenches shall be done in accordance with all street and excavation regulations of the Town of Deep River as supplemented herein.
- 15.2 Under no circumstances shall backfill be permitted around and over the building sewer pipe until the pipe, joints, alignment, elevations and workmanship have been inspected and approved by the authorized representative of the WPCA.
- 15.3 Each installed building sewer shall be covered with hand-placed sand or gravel approved by the authorized representative of the WPCA, to a depth of at least one (1) foot over the pipe prior to backfilling of the remainder of the trench.
- 15.4 The contractor shall be responsible for the satisfactory compaction of the backfill material so as to avoid excessive future settlement.

ARTICLE SIXTEEN: USE OF EXISTING BUILDING SEWERS

- 16.1 Existing building sewers may be used for new buildings provided that they are found, upon examination by the authorized representative of the WPCA, to be in good condition and to conform to the requirements of this ordinance. Only one connection per building shall be allowed.

ARTICLE SEVENTEEN: GENERAL CONDITIONS

- 17.1 The contractor or his agent shall under no circumstances start work on a building sewer project until the provisions of Article XI of this ordinance are fulfilled and the required permits are obtained. These permits are to be available at the site of the work during its continuance for inspection by authorized representatives of the WPCA.
- 17.2 At least one-way traffic shall be maintained in roads at all times. Under unusual circumstances the First Selectman may, in writing, permit the temporary closing of a road in which case the contractor shall, prior to such closing, notify the Police and Fire Departments and First Selectman of the Town of Deep River of the location and approximate duration of such closing, and shall again notify these departments when the road is reopened to traffic. A traffic man or police officer, as required by the Police Department, shall be provided at the contractor's expense when less than two lanes of traffic are maintained or when necessary or advisable in the opinion of the Police Department.
- 17.3 Adequate barricades, and when necessary in the opinion of the engineer, authorized representative of the WPCA, or any police officer, lights and red flags shall be erected and maintained in the street until all work is completed.
- 17.4 The contractor shall schedule his work so as not to allow open trench conditions on Saturdays, Sundays or holidays, not at any other time in excess of forty-eight (48) hours without special permission from the authorized representative of the WPCA.
- 17.5 The requirements of all State and local building and plumbing codes shall be observed with respect to piping and fixtures inside the outer walls of buildings and within the areas of jurisdiction of said several codes, subject only to the general requirements of this ordinance. Pipe outside the outer walls of any building or similar structures shall conform to the requirements of this ordinance as to permits, materials and workmanship.

- 17.6 The contractor shall schedule his work for a normal work day so that the work may be inspected. Arrangements shall be made in advance with the authorized representative of the WPCA when work is to be done outside of the normal work day, and the contractor shall pay for any overtime inspection costs. The contractor shall give the WPCA 48 hours notice before laying any building sewer pipe.
- 17.7 All work performed under the provisions of this ordinance shall be subject to the inspection and approval of the authorized representative of the WPCA. The contractor shall provide safe access for such inspection.
- 17.8 The contractor shall pay all costs to repair any and all damage to curbs, sidewalks, roads or property of the Town of Deep River caused in any way by the contractor, his agents, servants, and/or employees. All repairs to damage shall be done to the complete satisfaction of the Town of Deep River.

ARTICLE EIGHTEEN: INTERPRETATION

- 18.1 This ordinance shall be construed liberally and justly to secure the proper installation of systems for sanitary sewage disposal and to insure public safety, health and welfare insofar as they are affected by the installation and maintenance of said systems.
- 18.2 In the event of any questions as to the interpretations of any of the provisions of the preceding ordinance, the decision of the WPCA or its authorized representative shall be final.

ARTICLE NINETEEN: ORDINANCE IN FORCE

- 19.1 This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as approved by law.

RULES AND REGULATIONS GOVERNING THE INSTALLATION OF SANITARY SEWERS IN SUBDIVISIONS

ARTICLE ONE: PURPOSE

- 1.1 The following rules and regulations shall not be construed to supersede or nullify the provisions of any article of this ordinance or any other ordinance applicable to the public sewer system of the Town of Deep River, except insofar as the following rules and regulations may be in direct conflict with such other rule or regulation, in which case the following rules and regulations shall govern.

ARTICLE TWO: DEFINITIONS

- 2.1 Unless the context specifically indicates otherwise, the meaning of terms used in these rules and regulations shall be as follows:
 - a. Building sewer shall mean that part of the piping of a building's drainage system and conveying of one building site to the lateral sewer which serves two or more building sites, situated in a public highway or a street.
 - b. Contractor shall mean an individual, partnership, or corporation approved by the WPCA as such to construct and install sewers for a subdivision.
 - c. Developer shall mean the person, persons, corporation or partnership or firm proposing a subdivision, either for themselves or as an agent for others.
 - d. Engineer shall mean the Water Pollution Control Authority's engineer acting according to the duties assigned to him by the Water Pollution Control Authority and also the representatives of said engineer when acting within and limited by the particular duties and powers assigned to each.
 - e. Sewers shall mean the entire sanitary sewer system for a subdivision except the building sewers for such subdivision.
 - f. Subdivision shall mean the division of a tract or parcel of land into three or more parts or lots for the purpose of sale or building development, whether immediate or future.
 - g. Town shall mean the Town of Deep River, Connecticut, or any board, WPCA officer or authorized representative to act for it in the premises.
 - h. Water Pollution Control Authority (WPCA) shall mean the Town of Deep River acting through the duly appointed members of the Water Pollution Control Authority in the Town of Deep River.

ARTICLE THREE: COMPLIANCE WITH RULES AND REGULATIONS

- 3.1 No portion of any sewers shall be constructed or installed for any subdivision until the developer of the subdivision shall have entered into an agreement with the Town containing the provisions

described in Article 4 of these rules and regulations; and the sewers for every subdivision shall be constructed and installed in accordance with said provisions.

ARTICLE FOUR: PROVISIONS

- 4.1 The Town shall furnish to the developer, in writing, the Town's specifications and standard details, and its performance bond and liability insurance requirements, for the construction and installation of the sewers.
- 4.2 The developer shall prepare, at his own expense, and submit to the WPCA for its approval, all drawings required for the construction and installation of the sewers. All such drawings shall be drawn to a horizontal scale of 1" = 40', with profiles drawn to a scale of 1" = 4' vertical, and each shall bear the seal of a Connecticut Registered Civil Engineer.
- 4.3 Except as otherwise provided in this Article 4.3, the developer shall obtain from a contractor an itemized proposal for constructing and installing the Sewers, which proposal shall be submitted to the engineer for his approval. At his request, the developer may be permitted by the WPCA to construct and install sewers with his own forces, provided that he shall fulfill all of the obligations of a contractor set forth in these rules and regulations.
- 4.4 The developer shall be responsible for (1) the contractor's construction and installation of the sewer in accordance with specifications, details, drawings and proposal approved by the WPCA and the engineer, and (2) the contractor's compliance with all applicable rules and regulations of the Town pertaining to the opening of public highways and streets.
- 4.5 The developer shall reimburse the WPCA and the Town for their several engineering, supervision and inspection costs and expenses incurred in connection with the approval, construction and installation of the sewers. All such costs shall be established on an hourly basis by the WPCA and the Town shall be reimbursed for all such costs and expenses prior to acceptance of the WPCA pursuant to Article 4.11 of these rules and regulations.
- 4.6 Construction and installation of the sewers shall not be commenced until the developer is in receipt of written authorization from the engineer, which authorization shall not be given until the engineer is satisfied that all requirements of the developer's contract with the Town have been satisfied and all necessary bonds, insurances and permits have been obtained and are in force and effect.
- 4.7 The developer shall give the engineer and the Town immediate written notice of the commencement of actual construction and installation of the sewers.
- 4.8 The contractor shall employ a Connecticut Registered Land Surveyor to establish all lines and grades for construction of the sewers, subject to verification, at any time, and from time to time, by the engineer.
- 4.9 No opening into any existing portion of the public sewer system of the Town shall be made except as outlined in these rules and regulations and shall be subject to the inspection and approval of the engineer, and the engineer shall be afforded safe access for inspection purposes. All work shall be scheduled for a normal workday, and arrangements shall be made in advance with the engineer when work is to be done outside the normal work day.
- 4.10 If the sewers are not constructed and installed to the satisfaction of the engineer in accordance with the satisfactions, details, drawings and proposal approved by the WPCA and the engineer, the Town may plug or disconnect the Sewers at the point of their connection to the existing public sewer system of the Town and may continue such stoppage or disconnection until the sewer has been so constructed and installed.
- 4.11 The sewers constructed within the subdivision which are to become a part of the public sewer system of the Town shall be pressure tested by the Contractor at the property owner's expense, in conformance with the "low pressure air test for sanitary sewers," as outlined in the ASCE Proceedings Volume 90 No. SA2, April, 1969, as amended.

Should the sections under test fail to meet the requirements, the contractor shall locate the leaks, repair and retest until the sections pass.

- 4.12 When (1) the sewers, as constructed and installed, have been approved in writing by the engineer, and (2) "as-built" plans, drawn to the scales specified in Article 4.2 of these rules and regulations, in reproducible form, each bearing the seal of a Connecticut Registered Civil Engineer, and showing complete details of the Sewers and their appurtenances, have been presented to the engineer, the sewers shall be accepted by the WPCA as part of the public sewer system of the Town.

4.13 Notwithstanding any acceptances of the sewers aforesaid, the developer shall continue to be responsible for the satisfactory operation and maintenance of the sewers until other related construction has been completed and all of the streets within the subdivision have been accepted by the Town

ARTICLE FIVE: BUILDING SEWERS

- 5.1 Each building sewer in a subdivision shall be deemed a “building sewer” for the purpose of the rules and regulations governing the construction of building sewers that connect to the public sewer system of the Town of Deep River.
- 5.2 Building sewers shall be constructed in accordance with Section One of this ordinance. A sewer connection fee shall be paid to the WPCA for each parcel connected to the sewer within the subdivision. The connection fee shall be as outlined in Section One, Article 11.4 of this ordinance.

ARTICLE SIX: ENFORCEMENT AND PENALTIES

- 6.1 Any developer who violates any provision of these rules and regulations shall be liable to the Town for any expense, loss or damage which may be caused to the public sewer system of the Town by reason of such violation.
- 6.2 Any developer violating any provision of these rules and regulations shall be given a written notice by the engineer stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The developer shall, within the period of time stated in such notice, correct such violation.
- 6.3 Any developer who continues to violate any provision of these rules and regulations after the time limit specified in a notice given in accordance with Article 6.2 of these rules and regulations has expired shall be fined not more than fifty (\$50.00) for each offense. Each day that any violation of these rules and regulations continues shall be deemed to be a separate offense for the purpose of the penalty provided in this Article 6.3.

ARTICLE SEVEN: INTERPRETATION

- 7.1 In the event of any question as to the interpretation of any of the preceding rules and regulations, the decision of the WPCA or its authorized representative shall be final.

ARTICLE EIGHT: VALIDITY

- 8.1 If any article, subarticle, clause or phrase of these rules and regulations is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of these rules and regulations.

SAMPLE

APPLICATION FOR SEWER CONNECTION PERMIT

WATER POLLUTION CONTROL AUTHORITY

TOWN OF DEEP RIVER

Sewer Permit No.

_____ of _____
Contractor & License No. Street and Number

_____ State
City or Town

hereby applies for a permit to perform the following sewer work:

- I. Check One: _____ Lay bldg. drain _____ Repair bldg. drain ___ Lay main sewer
- II. Check One: _____ Sanitary sewage _____ Industrial waste ___ Other (explain)

at the property of _____
(Name of Owner) (Street and Number)

and said contractor warrants and agrees as follows: In consideration for the issuance of this permit, he/it will complete all work authorized within 30 days of the date issuance of this permit; that such work will be done in strict accordance with the Sewer Use Ordinance of the Town of Deep River (which Sewer Use Ordinance was adopted and published by the Deep River Water Pollution Control Authority on _____) using only methods and materials authorized therein and which Sewer Use Ordinance is incorporated herein by reference and made a part hereof. If all work is not completed within thirty days this permit shall be null and void. The contractor further agrees that any and all damage to curb, sidewalk, road, or property of the Town of Deep River in any way by the contractor, his agents, servants, and/or employees shall be repaired by the contractor to the complete satisfaction of the Town of Deep River. All construction work must be inspected and approved by an authorized representative of the Water Pollution Control Authority of the Town of Deep River. No trench shall be closed prior to inspection and authorization and if same does occur, it must be reopened at contractor's expense. The contractor hereby agrees to indemnify and hold harmless the Town of Deep River and its authorized representatives against any claim for damages of any kind resulting from work undertaken by the contractor.

Fee Paid _____ Contractor _____

Date of Permit _____ By: _____ Individual Authorized to Sign

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Subject to the terms and conditions herein stated and agreed to by the contractor this permit is hereby issued for the work and on the property set forth above.

WATER POLLUTION CONTROL AUTHORITY OF THE TOWN OF DEEP RIVER

By: _____ Its Duly Authorized Agent

First Inspection Ordered: Time _____ Date: _____ Approved ___ Other ___
Final Inspection Made and Work Approved: Date: _____ By: _____

SUBMERSIBLE PACKAGE GRINDER PUMP STATION SPECIFICATION

A. GENERAL

Furnish a complete package station consisting of grinder pump with automatic connect and disconnect, fiberglass basin with guide rails, electrical control panel and all components described below and shown on attached installation drawing necessary for a complete functioning system.

Prior to installation, the property owner shall submit to the engineer for approval details of the proposed pump station with sufficient information to enable the engineer to determine that the proposed installation meets the requirements of this specification and other applicable specifications, codes and laws, all at the property owner's expense.

The complete pumping system shall be U. L. listed.

B. SUBMERSIBLE GRINDER PUMP

- 1. General: Furnish a centrifugal submersible pump designed to reduce all material found in normal domestic and light industrial sewage, including plastics, rubber, sanitary napkins and disposable diapers into a finely ground slurry. The resultant slurry is then pumped through small diameter piping into a gravity interceptor or treatment facility. The temperature limitation of the liquid being pumped is 100 degrees F.

The pump shall be equipped with automatic connect and disconnect with positive seal to the discharge pipe.

2. Operating Conditions: The pump shall be capable of delivering 25 GPM against a total dynamic head of 75 feet.
3. Pump Unit: The pump body, seal plates and motor housing shall be constructed of high quality cast-iron or stainless steel. A finish coat of enamel to be applied before and after assembly on cast-iron pumps. All exposed hardware shall be corrosion resistant stainless steel. The pump discharge size shall be minimum 1 1/4" inch NPT in the vertical position.
4. Motor: Pump Motor shall be of the submersible construction type, two horsepower, single phase, 230 volts, 3,450 RPM, 60 cycle. Protection against excessive temperature shall be provided by heat sensing switches. Motor bearings shall be capable of carrying the thrust loads and radial loads imposed by the pump and grinder impeller operation. The motor shaft material shall be stainless steel. The seal design shall consist of two oil-lubricated rotary shaft seals constructed of ceramic and carbon.
5. Wet End Components: The pump impeller shall be of bronze or cast-iron construction. The grinder mechanism shall consist of a rotary and stationary cutter.

C. VALVES AND PIPING

Ball check valves shall be constructed of cast-iron with flow design rated at 150 psi at a maximum long lasting working temperature of 175 degrees F.

Gate valves shall be rated at 200 psi water pressure. A stainless steel extension handle shall be furnished for valves placed lower than 12 inches from grade.

All system piping to be Schedule 40 galvanized steel pipe.

D. COUPLER AND GUIDE RAILS

The guide rails and support brackets shall be Schedule 40 galvanized steel. Guide brackets shall be attached to the pump for positioning of the unit on the guide rail during installation or removal of the unit within the basin.

E. LEVEL CONTROLS

Level controls shall consist of three sealed mercury float switches molded within a solid, chemically resistant shell complete with all required cable. An individual switch is required for each control function. The level controls shall be located and secured with stainless steel hardware when necessary to assure proper performance.

F. JUNCTION BOX

A watertight junction box shall be installed outside the basin for connection of the pump and control wiring. The box shall be NEMA 3R when exposed to the weather, and NEMA 2 when installed indoors. The box cover shall be bolted on with stainless steel fasteners and sealed with a neoprene gasket. Corrosion resistant and liquid tight cable connectors shall be used. A 1 1/2 inch electrical conduit hub shall be provided on the back of the box.

G. BASIN

The basin dimensions shall be as required for each installation. Construction shall be molded fiberglass with the interior surface gel-coated from 10 to 20 mil thick to provide a smooth sealed surface. The wall thickness shall be sufficient to withstand a water saturated sand load of 120 lbs. per cubic foot with a safety factor of two at all depths. A six (6) inch inlet hub shall be furnished and securely fastened to the tank with stainless steel hardware and shall be leakproof sealed. An anti-flotation collar shall be provided as an integral part of the basin assembly for all in excess of five (5) foot in depth. The collar shall extend a minimum of three (3) inches on the radius of the basin. The cover shall be steel and the diameter shall be four (4) inches greater than the basin diameter and 1/4 inch minimum thickness. The cover is to be sealed by a rubber gasket and secured by stainless steel bolts to prevent entrance of surface liquids. The cover shall be completely coated with an air dry asphalt bituminous coating for corrosion resistance.

H. INSTALLATION

Installation shall be in accordance with the manufacturer's instructions and all State and local laws and regulations.

Vol. 7 Pg. 152 (summary)
Vol. 7 Pg. 154-173
September 27, 1989

History: Amended 3-8-90, Vol. 7 Pg. 184 by adding Article 10-2; amended 6-29-90, Vol. 7 Pg. 186, Article 5.4, 5.7, 5.8, 5.9 and 8.2 .

ORDINANCE CONCERNING WATER CONSUMPTION INFORMATION

The Deep River Water Pollution Control Authority is authorized to obtain from the Connecticut Water Company and other water companies providing water service to the residents of the Town, all necessary records to determine the consumption of water by users of the municipal sewer system. The Water Pollution Control Authority may enter into such contracts and agreements as it deems necessary and appropriate with such water companies for the purpose of obtaining access to the above-mentioned records.

Effective January 26, 1990
Vol. 7 Pg. 179

ORDINANCE PERTAINING TO SEWER EXPANSION PROJECT

BE IT HEREBY ORDAINED, that the Town of Deep River Water Pollution Control Authority shall collect from each property, or each other unit of assessment as to be determined by rule of the Water Pollution Control Authority, that is benefited by the expansion of the sewer system, a one-time benefit assessment fee of \$2,000 payable in full or in annual installments under such terms as the Water Pollution Control Authority shall establish; provided, that the amount of any such benefit assessment against a benefited property or unit shall not exceed the special benefit accruing such property or unit. This fee shall be assessed in connection with the current project only and shall not apply to any future expansions, modifications or improvements of the Town's sewer system. The Water Pollution Control Authority shall endeavor to defray the remaining capital costs of the project through other Water Pollution Control Authority revenue sources.

Adopted March 25, 2003
Vol. 8

RESOLUTION PERTAINING TO SEWER EXPANSION PROJECT

RESOLUTION TO APPROVE BENEFIT FEES FOR THE PROPERTIES INCLUDED IN THE KIRTLAND AND RIVER STREETS SANITARY SEWER SYSTEM PROJECT

WHEREAS, at a Special Town Meeting held on May 2, 2013, those persons eligible to vote approved a "Resolution to Appropriate \$4,000,000 for the extension of the sanitary sewer system to the eastern terminus of Kirtland and River Streets, as well as to all connecting streets; to finance the appropriation by accepting a grant from USDA of approximately \$1,200,000 and a loan not to exceed \$2,800,000, or by issuing Town bonds, notes or temporary notes in an amount not to exceed \$2,800,000" (the "Bond Resolution"); and

WHEREAS, the Bond Resolution required that if the Deep River Water Pollution Control Authority (the "WPCA") determines that each property, or each unit of assessment, that is benefited by the Kirtland and River Streets sewer expansion project shall be assessed a one time benefit fee, the benefit fee shall only take effect if approved at a special town meeting; and

WHEREAS, on December 2, 2013, the WPCA held a public hearing pursuant to Connecticut General Statutes 7-250 and has recommended that a one time benefit fee of \$5,000 be assessed against each property, or each unit of assessment, that is benefited by the project; and

WHEREAS, at a Special Meeting of the Board of Selectmen held on December 12, 2013 the benefit fee recommended by the WPCA was approved and forwarded to a Special Town Meeting; and

WHEREAS, at a Special Town Meeting held on December 17, 2013, the voters approved the benefit fees assessments for the project, as recommended by the WPCA.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Chapter 103 of the Connecticut General Statutes, a one time benefit fee of \$5,000 for each property benefited by the Kirtland and River Streets sewer line expansion project, allocable to properties on Kirtland and River Streets and to all connecting streets including River Lane, Old River Streets #1/#2, Fairview Avenue, Reed Street, Phelps Lane and Town Dock Road, as described in the schedule attached hereto and made part of this resolution, is hereby established and laid upon said properties benefited thereby, and the benefit fee shall constitute a lien upon the property and be continued, recorded, enforced and released in the same manner as property taxes.

FURTHER RESOLVED, that such benefit fees may be paid in installment payments over a period of thirty (30) years, together with interest at an interest rate of 2.75% per annum, which interest rate reflects the borrowing costs to the Town on its bonds to be issued to the United States Department of Agriculture (USDA), Rural Utilities Service, to finance the project costs.

FURTHER RESOLVED, that the outstanding balance of any benefit fee, together with any unpaid interest, fees and charges, shall be due and payable in full upon the transfer of ownership of the property for consideration.

Adopted December 17, 2013
Vol. 8, Pg. 491

ORDINANCE PERTAINING TO NON-STORMWATER DISCHARGES

Sec. 1. – Purpose.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Deep River through the regulation of (non-stormwater) discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the storm drainage system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the storm drainage system through non-stormwater discharges by any user.
- (2) To prohibit illicit connections and discharges to the storm drainage system.
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

Sec. 2. – Definitions.

For the purposes of this ordinance, the following shall mean:

Best management practices (BMPs) shall mean schedules of activities, prohibition of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices that prevent or reduce the discharge of pollutants directly or indirectly into stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices that control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act shall mean the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction activity shall mean activities subject to NPDES construction permits, including construction projects resulting in land disturbance of one (1) acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Facility shall mean any building, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

First Selectman shall mean the Deep River First Selectman or his/her authorized designee.

Hazardous materials shall mean any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Hearing officer shall mean the person designated from time to time by the First Selectman to hear appeals in accordance with section 15 herein.

Illegal discharge shall mean any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in section 7 of this ordinance.

Illicit connections shall mean the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited to, any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the First Selectman; any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the First Selectman or other public official or body having jurisdiction thereof.

Industrial activity shall mean activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) storm water discharge permit shall mean a permit issued by EPA (or by a state under authority delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-stormwater discharge shall mean any discharge to the storm drain system that is not composed entirely of stormwater.

Person shall mean any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant shall mean anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, debris, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal material and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Storm drainage system shall mean the publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater shall mean any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater pollution prevention plan shall mean a document that describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Wastewater shall mean any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Watercourse shall mean a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water. This includes but is not limited to lakes, ponds, rivers, streams and any other surface water defined as a watercourse by the town's inland wetland regulations.

Sec. 3. – Applicability.

This ordinance shall apply to all non-stormwater entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the First Selectman.

Sec. 4. – Responsibility for administration.

The First Selectman shall, in consultation with the town engineer, administer, implement, and enforce the provisions of this ordinance. The First Selectman may delegate his/her powers and duties under this ordinance to an authorized designee.

Sec. 5. – Severability.

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

Sec. 6. – Minimum Standard

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

Sec. 7. – Discharge prohibitions.

- (1) *Prohibition of illegal discharges.* No person shall discharge or cause to be discharged into the storm drainage system any materials, including but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

The commencement, conduct or continuance of any illegal discharge to the storm drainage system is prohibited except as described as follows:

- (a) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural

riparian habitat or wetland flows, swimming pools (if dechlorinated – typically less than one (1) PPM chlorine), fire fighting activities, and any other water source not containing pollutants.

- (b) Discharges specified in writing by the First Selectman as being necessary to protect public health and safety.
- (c) Dye testing is an allowable discharge, but requires a written notification to the First Selectman prior to the time of the test. Said written notification may be in the form of electronic mail, facsimile transmission or hard copy letter format.
- (d) The prohibition shall not apply to any non-stormwater discharge permitted under a NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(2) *Prohibition of illicit connections.*

- (a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (c) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the storm drainage system after the adoption of this ordinance or allows a connection to continue after receipt of a notice of illegal discharge or illicit connection.

Sec. 8. – Suspension of storm drainage system access.

Suspension due to illicit discharges in emergency situations. The First Selectman may, without prior notice, suspend storm drainage system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm drainage system or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the First Selectman may take such steps as deemed necessary to prevent or minimize damage to the storm drainage system or Waters of the United States, or to minimize danger to persons.

Suspension due to the detection of illicit discharge. Any person discharging to the storm drainage system in violation of this ordinance may have their storm drainage system access terminated if such termination would abate or reduce an illicit discharge. The First Selectman will notify a violator of the proposed termination of its storm drainage system access. The violator may petition the First Selectman for reconsideration and hearing.

A person commits an offense if the person reinstates storm drainage system access to premises terminated pursuant to this section, without the prior approval of the First Selectman.

Sec. 9. – Industrial or construction activity discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the First Selectman prior to the allowing of discharges to the storm drainage system.

Sec. 10. – Right of entry, evaluation, and monitoring of damages.

- (a) *Applicability.* This section applies to all facilities that have stormwater discharges associated with industrial or construction activity, and any other commercial or residential facilities that discharge stormwater to the storm drainage system.
- (b) *Access to facilities.*
 - (1) The First Selectman shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives or designees of the First Selectman.
 - (2) Facility operators shall allow the First Selectman ready access to all parts of the facility for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of a town, state or federal NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
 - (3) The First Selectman shall have the right to set up on any NPDES permitted facilities such devices as are necessary in the opinion of the First Selectman to conduct monitoring and/or sampling of the facility's stormwater discharge.
 - (4) The First Selectman has the right to require the installation of sampling and monitoring equipment on any NPDES permitted facility by the discharger at its own expense. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
 - (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the First Selectman and shall not be replaced. The costs of clearing such access shall be borne by the operator.
 - (6) Unreasonable delays in allowing the First Selectman access to a permitted facility is a violation of a stormwater discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the First Selectman reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.
 - (7) If the First Selectman has been refused access to any part of the facility from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the First Selectman may seek issuance of a search warrant from any court of competent jurisdiction.
 - (8) While performing the necessary work on private properties referred to in subsections (b)(1) through (5) of this section, the First Selectman shall observe all safety rules applicable to the premises established by the facility.

Sec. 11. – Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices.

The Board of Selectmen will adopt requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drainage system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the storm drainage system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or facility, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the storm drainage system as directed by the First Selectman. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial or construction activity, to the extent practicable, shall

be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

Sec. 12. – Watercourse protection.

Every person owning property through which a watercourse passes, or such person’s lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse except as limited by inland wetlands regulations. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Sec. 13. – Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drainage system, or water of the U.S., said person shall notify the appropriate authorities, as follows: In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the First Selectman in person or by phone, electronic mail or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the First Selectman within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

Sec. 14. – Enforcement.

- (a) *Notice of violation.* Whenever the First Selectman finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, he/she shall order compliance by written notice of violation to the responsible person. Such notice may require:
 - (1) The performance of monitoring, analyses, and reporting;
 - (2) The elimination of illicit discharges or connections;
 - (3) That violating discharges, practices, or operations shall cease and desist;
 - (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and
 - (5) The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property are required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the First Selectman may order the work be done by a designated governmental agency or a contractor and the violator fined an amount equal to the expense thereof, in addition to any fines imposed in subsections (b) or (c) of this section. The First Selectman may recover all costs and expenses, including attorneys fees incurred by the Town of Deep River, including sampling and monitoring expenses.

- (b) *Procedure for issuance of citations.*
 - (1) The First Selectman shall issue a written notice to any person who violates any provision of this ordinance. No written notice may be issued against the state or any state official or state employee acting within the scope of his employment. Such written notice shall explain the nature of the violation and the steps required for compliance, and shall allow at least a seventy-two (72) hour period

within which to correct the violation or within which a written plan for correction shall be submitted to the First Selectman, setting forth a reasonable time period for correction of the violation as agreed upon by the First Selectman. A written notice issued pursuant to this subsection shall be served: 1) by hand delivery, at which time the seventy-two (72) hour period shall begin; or 2) by certified mail return receipt requested and by regular first class mail. Three (3) business days shall be allowed for mail delivery of the notice prior to the commencement of the seventy-two-(72) hour period.

- (2) Within two (2) business days after the period for correction established in subsection (a) expires, the First Selectman shall reinspect the subject property to determine compliance.
 - (3) If the violations set forth in the written notice have not been corrected at the time of reinspection, the First Selectman, in his/her capacity as chief executive officer, may issue a citation and fine of one hundred dollars (\$100.00) for each violation by hand, by certified return receipt requested, by leaving a true and attested copy of the citation at the usual place of abode or residence of the person in violation, or in the case of a corporate or business entity, delivery to the business address or the address of the statutory agent of said entity. No such fine shall be levied against the state or any state official or state employee acting within the scope of his employment. All citations issued pursuant to this section shall state the violation for which the citation is being issued, the fine imposed for the violation, the time period within which the fine must be paid, and an address for remittance of the fine. Each twenty-four (24) hour period of non-compliance after the time period specified in 14(b) shall constitute a new violation and a new fine of one hundred dollars (\$100.00).
- (c) *Compliance periods after citation.*
- (1) Any violation for which a citation is issued and which is not corrected within the time period specified in subsection (b) of this section shall be a new violation of this ordinance, and every twenty-four-hour period thereafter in which the violation is not corrected shall constitute a new violation. The citation shall include a notice to the alleged violator that each twenty-four-hour period of noncompliance after the time period specified in section 14(b) shall constitute a new violation and a new fine of one hundred dollars (\$100.00).
 - (2) The First Selectman shall not be responsible for a daily reinspection. Rather, the person to whom the citation has been issued shall be responsible for reporting subsequent compliance by way of written report to the First Selectman. The First Selectman shall reinspect to confirm compliance within one (1) business day of receipt of such report.
- (d) *Payment of fines.*
- (1) All fines imposed under this ordinance which are uncontested shall be made payable to the Town of Deep River and shall be received by the First Selectman within ten (10) calendar days from date of notice of the citation. All fines collected by the First Selectman shall be deposited into the Town of Deep River General Fund.

Sec. 15. – Appeals.

- (a) If the First Selectman issues a notice of violation, the First Selectman shall send written notice of action and a statement of the right to an appeal to the facility operator or facility owner.

- (b) The facility operator or facility owner may appeal a notice of violation to the First Selectman by setting forth in writing the reasons for the appeal within fifteen (15) calendar days after date of the notice of violation.
- (c) The facility operator or facility owner may appeal the decision of the First Selectman to the hearing officer as follows:
 - (1) The facility operator or facility owner may file a written request for a review by paying an appeal fee of twenty-five dollars (\$25.00) and setting forth the reasons for the appeal within twenty (20) calendar days after the date of notification of the decision from the First Selectman. Appeal fees shall be returned to the appealing facility operator or facility owner if the appeal is upheld.
 - (2) The hearing officer shall conduct a hearing within thirty (30) calendar days of the receipt of the request. The hearing shall be informal in nature. The person requesting the hearing may testify concerning the facts, circumstances and nature of his/her appeal and may present supporting documentation and evidence. The First Selectman may also testify and present evidence. The hearing officer shall render a written decision within fifteen (15) calendar days of the hearing. The decision may affirm, amend or reverse the decision of the First Selectman.
- (d) Filing of a request for appeal shall stay the action by the First Selectman requiring payment of a fine until the hearing officer has completed his/her review. If a request for appeal is not made within the twenty-calendar day period, the action of the First Selectman is final.

Sec. 16. – Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. If a person has violated or continues to violate the provisions of this ordinance, the First Selectman may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Sec. 17. – Compensatory action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the First Selectman may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, watershed cleanup, or other related activities.

Sec. 18. – Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

Sec. 19. – Criminal prosecution.

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law. The First Selectman may recover all attorneys' fees, court costs, and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

Sec. 20. – Remedies not exclusive.

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the First Selectman to seek cumulative remedies.

Sec. 21. – Adoption of ordinance.

This ordinance shall be in full force and effect fifteen (15) days after publication. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

