

**REGULATIONS OF THE
WATER POLLUTION CONTROL AUTHORITY
TOWN OF MIDDLEBURY**

As Amended and Restated Effective May 19, 2004

**INDEX TO REGULATIONS
OF THE
WATER POLLUTION CONTROL AUTHORITY
TOWN OF MIDDLEBURY**

	PREAMBLE.....	1
ARTICLE I	Establishment.....	3
ARTICLE II	Definitions.....	4
ARTICLE III	Use of the Public Sewer System.....	9
ARTICLE IV	Extensions.....	10
ARTICLE V	Building Service Connections.....	13
ARTICLE VI	Private Sewage Disposal System.....	18
ARTICLE VII	Use of the Public Sewer System.....	20
ARTICLE VIII	Powers and Authority of Inspectors.....	26
ARTICLE IX	Penalties.....	27
ARTICLE X	Liens.....	28
ARTICLE XI	Assessments.....	29
ARTICLE XII	Charges for Connection and Use.....	30
ARTICLE XIII	Miscellaneous.....	32

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(As Amended and Restated Effective _____, 2004)

PREAMBLE

Public Act 03-177, effective October 1, 2003, allows requests regarding sewer capacity, for sewer hook-ups and for other sewer disposal systems. The procedures incorporated in the new law have precipitated the need of the Water Pollution Control Authority (WPCA) to review and revise its regulations, which have not been revised since their adoption in 1987. In addition, since 1991, the Town of Middlebury has experienced unprecedented growth, and a resulting unprecedented demand on our available sewer capacity with the Borough of Naugatuck.

This restatement of our regulations addresses procedures contained in the new law, incorporates the State and Town of Middlebury Plan of Development policies, reflects changes in the state of the law regarding sewer service, and reconfirms the prior policies of the WPCA for sewer service for the Town of Middlebury. The latter policies are reflected in the Report on Proposed Sewerage System, Middlebury, Connecticut adopted in November, 1967 (the "1967 Plan"), and A Report Concerning the Results of the Sewer System Study July 1991 (the "1991 Plan").

The planned allocation of sewer capacity that was made available to the Town of Middlebury by the Borough of Naugatuck is based on the 1967 Plan. It continues to be the general policy of the WPCA to plan for the use of its available sewer capacity for the entire Town of Middlebury in the foreseeable future, based, where possible, on the area allocation of the sewer capacities in the 1967 Plan.

In 1990, the Connecticut Department of Environmental Protection ("CTDEP") issued DEP Order No. 081-001 that required the Town of Middlebury to evaluate and submit its future needs to the year 2015 in accordance with Section 22a-431 of the Connecticut General Statutes. The 1991 Plan was adopted by the WPCA, filed with and accepted by the CTDEP in satisfaction of that Order. Any request to determine the availability of the Town's remaining sewer capacity for a proposed project will necessarily take into account the 1991 Plan, the 1967 Plan, and all other plans, procedures, regulations and law applicable to the WPCA. All such requests shall

continue to be determined in the sole discretion of the WPCA, and shall not be considered solely on a first come, first serve basis.

The availability of sewer service shall be a first priority for those areas planned for sewer service in the 1991 Plan, and in any subsequent Plan that the WPCA may adopt in its place. An Extension requires a public hearing by the Town of Middlebury Planning & Zoning Commission pursuant to Section 8-24 of the Connecticut General Statutes and by the Town of Middlebury Conservation Commission, if applicable. In addition, an Extension that is for service to an area that is not within an area planned for sewer service in the 1991 Plan requires the approval of a modification of the 1991 Plan by the CTDEP. Obtaining all of these approvals are the statutory responsibility of the WPCA.

Any Extension shall be generally consistent with the planned area capacity in the 1967 Plan, as well as the Town of Middlebury Plan of Development and will also be considered in light of the approvals that may be granted by other Town commissions or boards for development in an area. Consideration of any request for sewer service and its required sewer capacity dedication shall also be based on the current needs and the future development plans of the immediate "area" to which an Extension is proposed, as opposed to sewer service solely to one individual property or project. An Extension shall only be for sewer service to those properties that the WPCA specifically approves for sewer service, and will include a sewer capacity allocation to each approved property, and to no other properties or for no additional sewer capacity.

Based on the foregoing and applicable Connecticut law, the term "hook-up" as used in Public Act 03-177 does not mean an Extension, but is rather a request for a Building Service Connection. Any proposed Extension shall be based on information and studies that will be reviewed by the WPCA on a case by case basis, based on the need to consider all of the foregoing criteria. The WPCA will receive and review all requested information, and will determine whether it will proceed with the Extension. In processing any Extension, the WPCA will proceed with a public hearing, and will obtain such other approvals as are required under the Connecticut General Statutes applicable to an Extension.

Any request for a Building Service Connection, as defined in these regulations, shall be considered by the WPCA in the manner described in these regulations.

Robert W. Smith
Chairman

ARTICLE I

Establishment

Sec. 1. The Title of these regulations shall be "Regulations of the Water Pollution Control Authority Town of Middlebury" or "regulations".

Sec. 2. The purpose of the WPCA shall be to manage the Middlebury sewerage systems to protect public health, and to that end, the regulations shall regulate and manage the use, construction, maintenance, Building Service Connection to and any Extension of the Public Sewer System, and the discharge of waters and wastes into the Town of Middlebury sewerage systems; providing penalties for violations thereof; and providing for assessments, connection fees, use charges and liens.

Sec. 3. These regulations shall repeal and supersede any prior regulations in conflict herewith which were established by Water Pollution Control Authority (previously, the Middlebury Sewer Commission), including "An ordinance regulating the use, construction, maintenance, and connection of Public Sewers, and the discharge of Waters and wastes into the Public Sewer Systems; and providing penalties for violations thereof and charges for the use" adopted May 23, 1971, a Sewer Commission "Notice" dated October 17, 1972, and "Regulations of the Water Pollution Control Authority Town of Middlebury" adopted September 30, 1987, and all amendments thereto since that date.

Sec. 4. The invalidity of any section of these regulations shall not affect the validity of any other section that can be given effect without such invalid section.

ARTICLE II

Definitions

Unless the context specifically indicates otherwise, the meaning of terms used shall be as follows:

- Sec. 1. "**BOD**" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C., expressed in milligrams per liter.
- Sec. 2. "**Building**" shall mean any structure having a roof supported by columns or walls and intended for shelter, housing or enclosure of persons, animals or personal property.
- Sec. 3. "**Building Service Connection**" shall mean the physical hook up from a Building Sewer to the Public Sewer System, as approved by the WPCA under these regulations, for an existing or proposed Building located on Property fronting on a street in an area to which the WPCA has approved an Extension, or to an area to which the DEP has ordered that the WPCA provide sewer service.
- Sec. 4. "**Building Sewer**" shall mean that part of a Building's lowest internal horizontal sanitary system which receives the discharge from its Sanitary Facilities inside the walls of the Building and conveys it to its Building Service Connection located at the outer face of the Building wall, at the point as approved by the WPCA.
- Sec. 5. "**Combined Sewer**" shall mean a sewer receiving both storm water, surface water, roof runoff, ground-water and also Sewage. Combined Sewers are not permitted.
- Sec. 6. "**Community Sewerage System**" shall mean a "community sewerage system" as identified in Section 7-246f of the Connecticut General Statutes.

{W1057598;10}

- Sec. 7. **"DEP"** shall mean the Connecticut Department of Environmental Protection, or its successors.
- Sec. 8. **"Dwelling"** shall mean a Building or each portion of a Building designed exclusively for residential occupancy.
- Sec. 9. **"Extension"** shall mean the construction or expansion of the Public Sewer System to provide sewer service to Properties in an area not previously approved by the WPCA for sewer service or for Building Service Connections.
- Sec. 10. **"Family"** shall mean one or more individuals occupying a single housekeeping unit and using common cooking facilities.
- Sec. 11. **"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.
- Sec. 12. **"General Fund"** shall mean that portion allocated to WPCA in the approved Town Budget authorized by Section 7-148 of the Connecticut General Statutes for general municipal purposes, including without limitation maintenance and repairs of the Sewerage system and payment of sewage treatment costs for the Sewage Treatment Plant.
- Sec. 13. **"Health Officer"** shall mean the appointed health officer of the Town or his authorized representative.
- Sec. 14. **"Industrial Wastes"** shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- Sec. 15. **"Natural Outlet"** shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- Sec. 16. **"Owner"** shall mean the person(s) recorded as the owner of any Property on the {W1057598;10}

land records of the Town of Middlebury.

Sec. 17. **"Person"** shall mean any individual, firm, company, association, society, corporation, limited liability company, common interest community association or other group or entity.

Sec. 18. **"PH"** shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter of solution.

Sec. 19. **"Plumbing Inspector"** shall mean the appointed plumbing inspector of the Town of Middlebury or his authorized representative.

Sec. 20. **"Private Sewage Disposal System"** shall mean an on-site sewage disposal system that does not use the Public Sewer System, such as an on-site septic system, including a Community Sewerage System, whether or not connected to the Public Sewer System, but shall not mean a private waste treatment plant, use of another town's waste disposal or treatment system or any recycled water system, all of which are not permitted within the Town of Middlebury except within the sole discretion of the WPCA.

Sec. 21. **"Properly Shredded Garbage"** shall mean the wastes from the preparation, cooking, and dispensing of food that have 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 in any dimension.

Sec. 22. **"Property"** shall mean a parcel of land which is either (1) owned separately from any contiguous parcel as evidenced by fee conveyance recorded in the Land Records of the Town, or (2) a building lot shown on a subdivision map approved by the Town's Planning and Zoning Commission and filed in the office of the Town Clerk.

{W1057598;10}

- Sec. 23. **"Public Sewer System"** shall mean the Sewerage system owned by the Town and operated by the WPCA, to and including its physical connections to the Sewerage system of the Borough of Naugatuck.
- Sec. 24. **"Sanitary Inspector"** shall mean the sanitary inspector of the Town of Middlebury or his authorized representative.
- Sec. 25. **"Sanitary Sewer"** shall mean a sewer which carries Sewage or other approved discharges and to which storm water, surface water, roof runoff and ground-water are not permitted.
- Sec. 26. **"Sewage"** shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground and surface waters as may be unintentionally present.
- Sec. 27. **"Sewage Treatment Plant"** shall mean the Naugatuck Treatment Plant owned by the Borough of Naugatuck.
- Sec. 28. **"Sewerage"** shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- Sec. 29. **"Sewer Fund"** is a fund designated under Section 7-249 of the Connecticut General Statutes, to accumulate revenue from assessment of benefits which shall be used solely for the acquisition or construction of the Sewerage system or for payment of principal of and interest on bonds or notes issued to finance the acquisition or construction of the Sewerage system, or for such other uses of such funds as may be permitted under applicable laws, in each case as determined by WPCA.
- Sec. 30. **"Sewer Pipe"** shall mean a pipe for carrying Sewage, the size, type and
(W1057598;10)

installation of which shall be subject to the approval of the WPCA.

Sec. 31. **"Slug"** shall mean any discharge of water, sewage, or industrial waste 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 five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

Sec. 32. **"Standard Methods"** shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes", Published jointly by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Association.

Sec. 33. **"Storm Drain"** (sometimes termed "storm sewer") shall mean a device (normally a pipe or conduit) which carries storm and surface waters and drainage, but excludes Sewage and Industrial Wastes other than unpolluted cooling water.

Sec. 34. **"Suspended Solids"** shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods."

Sec. 35. **"Town"** shall mean the Town of Middlebury acting through any authorized representative.

Sec. 36. **"Town Clerk"** shall mean the elected clerk of the Town of Middlebury.

Sec. 37. **"Toxic Substances"** shall mean any substance whether gaseous liquid or solid, which when discharged to the Sewerage system in sufficient quantities may tend to interfere with any sewage treatment process to constitute a hazard to human beings or animals, or to inhibit

(W1057598;10)

aquatic life in receiving waters of the effluent from the Sewage Treatment Plant.

Sec. 38. "Unit" when referring to residential Buildings shall mean each space within a Building for the separate use of a Family within each residential Building, and when referring to business, commercial or industrial Buildings shall mean each separately owned or separately used space within each Building.

Sec. 39. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Sec. 40. "WPCA" shall mean the Water Pollution Control Authority of the Town of Middlebury.

ARTICLE III

Use of the Public Sewer System

Sec. 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 Middlebury or in any area under the jurisdiction of the Town of Middlebury, any human or animal excrement, garbage, or other objectionable waste.

Sec. 2. It shall be unlawful to discharge to any Natural Outlet within the Town of Middlebury any Sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of these regulations and the regulations of the State Water Resources Commission and the State Health Department.

Sec. 3. Except as hereinafter provided, it shall be unlawful to construct, repair, or maintain any privy, privy vault, septic tank, cesspool, or other sewage disposal system facility
(W1057598; 10)

intended or used for the disposal of Sewage.

Sec. 4. The WPCA may order the Owner of any Property to provide a Building Service Connection directly to the Public Sewer System in accordance with Section 7-257 of the Connecticut General Statutes. The WPCA may excuse such Building Service Connection in any case in which in the WPCA's opinion the expense thereof would be extreme and unreasonable, provided such Owner has also demonstrated to the WPCA that the Sewage is or will otherwise be properly disposed of under applicable laws and regulations, including these regulations.

Sec. 5. The WPCA may waive any requirement for any application requesting a Building Service Connection or a Private Sewage Disposal System if the WPCA determines, in its sole discretion, that a requirement is not material to its consideration of the application.

ARTICLE IV

Extensions

Sec. 1. The WPCA may initiate an Extension, in its sole discretion.

Sec. 2. The Owner of Property proposed for development may request that a Property be considered for sewer service by an Extension of the Public Sewer System. The Owner shall first request that the WPCA determine whether sewer capacity is available to the area of the Property proposed for development, including the proposed development project. Such sewer capacity request shall be made on application form(s) provided by the WPCA and with such submissions of information as the WPCA may from time to time require. It is strongly recommended that the Owner discuss any proposal with the WPCA engineer and, if applicable, at a meeting of the WPCA prior to submission of an application. Such request shall be processed in the manner and

{W1057598;10}

within the time periods required under the applicable Connecticut General Statutes. The WPCA shall initially determine, in its sole discretion, whether sewer capacity is available to the area of the Property, including the proposed development project.

Sec. 3. In making any decision related to an Extension, the WPCA may consider, without limitation, the need for sewer service in the area of the Property proposed for development, the impact of the use of the proposed sewer capacity for the proposed development project on the sewer capacity that may be otherwise available both for future use to service Properties in the area of the proposed development project and for the Town's future availability of sewer capacity, as described in the sewer use plans of the WPCA for the Town of Middlebury; the limitations and priorities for sewer service in the sewer use plans of the WPCA for the Town of Middlebury; the policies of the Town as reflected in its Plan of Development; the effect of inflow and infiltration on the sewer capacity available to the Town; the policies of the DEP; the Agreement with the Borough of Naugatuck, as the same may be amended from time to time, including availability of sewer capacity; the ability of any such Properties to be serviced by other than the Public Sewer System; and all existing facilities and capabilities of the Public Sewer System.

Sec. 4. If the WPCA determines that sewer capacity is not available for the Property proposed for development, it shall not be required to again make such determination for a period of three years from the date of its determination and only then if there is a material change of circumstances, in the sole judgment of the WPCA.

Sec. 5. If the WPCA initially determines that sewer capacity is available to the area of the proposed development, the WPCA will proceed with the Extension approval process, including

(W1057598;10)

without limitation, the conduct of a public hearing (including notices to Owners of Properties where the WPCA has determined that easements are required for any portion of the Extension), and to make referral(s) to the Town Conservation Commission, as applicable, to the Town Finance Board, to the Town Planning and Zoning Commission pursuant to Section 8-24 of the Connecticut General Statutes, to the Board of Selectmen and, if applicable, a Town Meeting, and to the DEP pursuant to Section 7-246 of the Connecticut General Statutes or to prior orders of the DEP, as applicable. Upon conclusion of the public hearing and receipt of all of the forgoing approvals, as applicable, the WPCA will determine, in its sole discretion, whether to proceed with the Extension.

Sec. 6. The WPCA shall determine which Properties will be served by the Extension and an allocation of available sewer capacity to each such Property, in its sole discretion. The WPCA shall record a notice with respect to each Property that will be served by the Extension, including its allocated sewer capacity. WPCA may also record a notice with respect to any Property that may abut or be located near the Extension to which the WPCA will not provide sewer service. Each such notice shall be recorded on the land records of the Town in the name of the Owner of the Property. The determination of the WPCA and recording of such notice with respect to any Property shall not preclude a later determination by the WPCA to either provide additional sewer capacity to a Property approved for sewer service, or to provide sewer service to a Property that was not approved for sewer service, in each case in the sole discretion of the WPCA. The WPCA may also determine, as a condition to approval of any Building Service Connection to the Properties that will receive sewer service, in its sole discretion, that the Building Service Connection and all related sewer facilities located or to be located on any Property will be a

(W1057598;10)

private sewer system that will be the sole responsibility of the present and all future Owners of the Property. In the event of such determination, the WPCA may require financial and other covenants and agreements that will be covenants and agreement running with the land and binding upon the present and future Owners of the Property, to insure that the private sewer system will not become a future responsibility or burden of the Town or the WPCA.

Sec. 7. All Extensions shall be installed either in a street accepted by the Town, or in a proposed street that has been submitted to the Town for its acceptance. Easement(s) over privately owned lands for any portion of an Extension shall only be required or used in the sole discretion of the WPCA.

Sec. 8. If the WPCA has elected to proceed with an Extension, the Owner of any Property to which the WPCA has elected to provide sewer service by the Extension may request a Building Service Connection for that Property, subject to sewer capacity restrictions, if any, as may have been determined by the WPCA as part of its approval of the Extension.

ARTICLE V

Building Service Connections

Sec. 1. No unauthorized person shall uncover, make any Building Service Connection with or opening into, use, alter, or disturb any part of the Public Sewer System or appurtenance thereof without first obtaining the approval of the WPCA.

Sec. 2. There shall be two (2) classes of approvals for a Building Service Connection:

(a) for residential and commercial service, producing only sanitary Sewage,

and

{W1057598;10}

(b) for service to establishments producing Industrial Wastes.

In either case, the Owner shall make such request on application form(s) provided by the WPCA from time to time. It is strongly recommended that the Owner discuss any proposal with the WPCA engineer and, if applicable, at a meeting of the WPCA prior to submission of an application. The WPCA may, at its sole option, require the submission of a request for a determination of availability of sewer capacity prior to acceptance of an application for a Building Service Connection. The approval application shall be supplemented by plans, specifications, or other information considered pertinent in the sole judgment of the WPCA. A nonrefundable application and inspection fee shall be determined by the WPCA on each individual application based on construction complexities and estimated construction costs and shall be paid to the Town prior to and as a condition to final approval of the application. A final permit shall not be issued until (a) the above fee is paid, (b) the Owner provides insurance evidenced by a certificate, with limits and coverage acceptable to the WPCA, and naming the Town and WPCA as additional insureds, and (c) the Owner provides a performance bond in form and amount as determined by the WPCA based on construction complexities and estimated construction costs, but no less than \$10,000.00, to guarantee completion of the work to the satisfaction of the WPCA. A request for a Building Service Connection shall be processed in the manner required and within the time periods specified under the applicable Connecticut General Statutes.

Sec. 3. All costs and expenses incident to the Building Service Connection shall be borne by the Owner. The Owner shall indemnify the Town, the WPCA and their respective agents for any loss or damage that may directly or indirectly be occasioned by the installation of the

{W1057598;10}

Building Service Connection.

Sec. 4. A separate and independent Building Service Connection shall be provided for every Building, except where, as approved by the WPCA, a single Owner of an industrial complex, commercial or multiple residential dwelling project intends to provide a Community Sewerage System on its own Property that connects several Buildings to a common sewer for discharge by gravity or pumping to the Public Sewer System. WPCA may, in its sole discretion, allow a common sewer for Buildings under separate ownership upon compliance with the applicable Connecticut General Statutes and posting of a maintenance bond or other security for the Community Sewerage System satisfactory to WPCA.

Sec. 5. An existing Building Service Connection may be used to service an addition to or new Building(s) only when they are found, on examinations and tests provided by the Owner that are satisfactory to the WPCA, to meet all requirements of laws and regulations, including these regulations. An addition or new Building(s) may also require payment of an additional assessment.

Sec. 6. The construction of the Building Service Connection shall meet all requirements of the WPCA. The WPCA may also determine, in its sole discretion, that the Building Service Connection and all related sewer facilities located or to be located on the Property will be a private Community Sewerage System that will be the sole responsibility of the present and all future Owners of the Property. Upon such determination, and as a condition to approval of the Building Service Connection, the WPCA may require limited easements, as well as financial and other covenants and agreements that will be covenants running with the land and binding upon the present and all future Owners of the Property for the benefit of the Town, to insure that the

{W1057598;10}

Community Sewerage System will not become a future responsibility or burden of the Town or the WPCA.

Sec. 7. Whenever possible, a Building Service Connection shall be brought to the Building at an elevation to provide gravity service above the level of the basement floor. Where service is requested for basement levels and the Building Sewer is below the basement floor, a WPCA approved backflow preventer may be required. In all Buildings to which any Building Service Connection is too low to permit gravity flow to the Public Sewer System, sanitary sewage carried by the Building Sewer shall be lifted by an exterior pump station approved by the WPCA and discharged to the Building Service Connection.

Sec. 8. No person shall connect downspouts, exterior foundation drains, sump pumps, areaway drains, or other sources of surface runoff or ground-water to a Building Service Connection or to a Building Sewer which in turn is connected directly or indirectly to the Public Sewer System.

Sec. 9. The Building Sewer Connection shall conform to the technical requirements of the WPCA for sewer construction and pump systems, and as appropriate the building and plumbing code, other applicable rules and regulations of the Town, and the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9, as acceptable to the WPCA. All Building Service Connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the WPCA before installation.

Sec. 10. The Owner shall notify the WPCA when the Building Service Connection is ready for inspection and approval for use with the Public Sewer System. No work shall be back-filled
(W1057598;10)

until after the WPCA's inspections and testing. The Building Service Connection shall be made under the inspection by the WPCA. The Owner shall contact the WPCA for inspection procedures and notice times.

Sec. 11. Whenever any Building Service Connection is no longer used for its original intended purpose it must be capped and sealed to the requirements of the WPCA.

Sec. 12. All excavations for Building Service Connections shall be adequately guarded with barricades and lights so as to protect the public from hazard. No excavation shall remain open overnight or when work is not in process. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town. The Owner shall contact the Town's Public Works Department for necessary permits.

Sec. 13. No Building Service Connection shall be made until, at the option of the WPCA, the assessment applicable to that Property has either been paid in full or such payment will be made on an installment basis on terms and conditions determined by the WPCA.

Sec. 14. Any Property on which the Town may already have an easement that is a part of the Public Sewer System shall not be entitled to sewer service unless a lateral for a Building Service Connection to the Property was provided by the WPCA when that part of the Public Sewer System was constructed, or an assessment had been levied on the Property, whether or not paid or deferred.

Sec. 15. If as of the effective date of these regulations, the WPCA has (a) provided a lateral for a future Building Service Connection to a Property, (b) levied an assessment, whether or not paid, for a Property or (c) deferred an assessment for a Property, the Owner of the Property shall nevertheless submit a request for a Building Sewer Connection as a condition to its use of the

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Public Sewer System, at which time the WPCA shall also determine the amount of sewer capacity that will be available to service the Property, in its sole discretion.

ARTICLE VI

Private Sewage Disposal Systems

Sec. 1. Unless the WPCA or the DEP has required a Building Service Connection to the Public Service System, the Owner of a Property proposed for development may provide a Private Sewage Disposal System complying with the provisions of this Article VI, and such other applicable laws, rules and regulations. A request for a Private Sewage Disposal System shall be processed in the manner required and within the time periods specified under the applicable Connecticut General Statutes.

Sec. 2. The Owner shall make a request for a Private Sewage Disposal System on application form(s) provided by the WPCA from time to time. It is strongly recommended that the Owner discuss any proposal with the WPCA engineer and, if applicable, at a meeting of the WPCA prior to submission of an application. The application shall be supplemented by plot plans, certified by a professional engineer or a licensed land surveyor, specifications, and such other information as the WPCA may request. A permit and inspection fee shall be paid to the Town at the time the application is filed. The WPCA may delegate the approval of any request for a Private Sewage Disposal System that involves an on-site septic system for sewage disposal on a Property to the Sanitary Inspector.

Sec. 3. The Private Sewage Disposal System including all related sewer facilities located or to be located on a Property shall be the sole responsibility of the present and all future Owners
{W1057598;10}

of the Property, and as a condition to approval of the Private Sewage Disposal System, the WPCA may require limited easements, as well as financial and other covenants and agreements that will be covenants and agreements running with the land and binding upon the present and all future Owners of the Property for the benefit of the Town, to insure that the Private Sewage Disposal System will not become a future responsibility or burden of the Town or the WPCA. No design changes shall be made to an approved Private Sewage Disposal System without the prior approval of the WPCA.

Sec. 4. A Private Sewage Disposal System shall be installed as approved by the WPCA and subject to satisfaction of the Sanitary Inspector. The Sanitary Inspector shall be allowed to inspect the work, at his option, at any stage of construction, and the Owner shall notify the Sanitary Inspector when the work is ready for final inspection before any underground portions are covered.

Sec. 5. The type, capacities, location, and layout of a Private Sewage Disposal System shall comply with all regulations of the State Department of Health. No application shall be approved for any new Private Sewage Disposal System employing subsurface soil absorption facilities where the area of the Property is less than that permitted by the Town's zoning regulations. No Private Sewage Disposal System shall be permitted to discharge directly to any Natural Outlet or the ground surface.

Sec. 6. If at any future time, an Extension of the Public Sewer System is approved, and a Property that is approved for sewer service as part of such Extension is served by a Private Sewage Disposal System, the WPCA may order that the Owner of such Property provide a Building Service Connection directly to the Public Sewer System in accordance with Section 7-
(W1057598;10)

257 of the Connecticut General Statutes, and any septic tanks, cesspools, and similar sewage disposal system facility shall be abandoned and filled with suitable material, in accordance with applicable laws and regulations.

Sec. 7. The Owner shall operate and maintain the Private Sewage Disposal System in a sanitary manner and in accordance with all applicable laws and regulations, at no expense to the Town or the WPCA.

Sec. 8. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Town.

ARTICLE VII

Use of the Public Sewer System

Sec. 1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any Sanitary Sewer or a Private Sewage Disposal System.

Sec. 2. No person shall discharge or cause to be discharged any of the following described waters or wastes to any part of the Public Sewer System or a Private Sewage Disposal System:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance,

or create any hazard in the receiving waters of the Sewage Treatment Plant, including but not limited to cyanides in excess of 1.0 mg/l as CN and Chromium VI in excess of 1 mg/l in the wastes as discharged to the public sewer.

(c) Any waters or wastes having a pH lower than 6.5 or higher than 9.6 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the Sewerage works.

(d) Solid or viscous substances in quantities of such size capable of causing obstruction to the flow in Sewers, or other interference with the proper operation of the Sewerage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, animal/bird urine, waste products, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Sec. 3. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Borough of Naugatuck such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than one hundred fifty degrees F. (65 degrees C), at the point of discharge into the Sewerage system.

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150)

{W1057598;10}

degrees F. (0 and 65 degrees C).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinders equipped with a motor of (3/4) horsepower or greater shall be in conformance with the requirements of the WPCA and subject to its review and approval.

(d) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances which exceed the limits established by the Borough of Naugatuck. Any waters or wastes containing an aggregate of 10 mg/l of the above heavy metals shall be raised to a pH of between 8.0 and 9.5.

(e) Any wastes in any manner injurious to the Sewage Treatment Plant or Sewerage system of the Town.

(f) Any waters or wastes exerting an excessive chlorine requirement to such a degree that any such material received in the composite sewage at the Sewage Treatment Plant exceeds the limits established by the Borough of Naugatuck.

(g) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding the limits which may be established by the Borough of Naugatuck as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(h) Any radioactive wastes or isotopes of such half-life or concentration as may exceed the limits established by the Borough of Naugatuck in compliance with applicable State or Federal regulations.

(i) Materials which exert or cause:

(W1057598;10)

(1) Unusual concentration of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, lime residues or dissolved solids (such as, but not limited to, sodium chloride or 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 requirements in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of flow or concentration of wastes constituting Slug.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such a degree that the Sewage Treatment Plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Sec. 4. If any waters or wastes are discharged, or are proposed to be discharged to the Public Sewer System, which discharge to the Sewage Treatment Plant and which waters contain the substances or possess the characteristics enumerated in Section 3 of this Article, and which in the judgment of the Borough of Naugatuck may have a deleterious effect upon the Sewerage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, and is so found after all proceedings required by the Agreement with the Borough of Naugatuck, as the same may be amended from time to time, have been concluded, the Town may:

(a) Reject such wastes.

{W1057598;10}

1057598.01 formerly 131553.01

(b) Require pretreatment to an acceptable condition before discharge to the Public Sewer System.

(c) Require control over the quantities and rates of discharge, and/or,

(d) Require payment to cover the added cost of handling and treating such wastes not covered by existing sewer use charges. If the Town permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the requirements of all applicable laws and regulations, and the prior approval of the WPCA.

Sec. 5. Grease, oil and sand interceptors shall be provided, installed and maintained by the Owner of any Building to meet the regulations of the WPCA and the DEP. Interceptors shall be installed outside of Buildings in an accessible location for cleaning and inspection. Proof of annual maintenance shall be provided to the WPCA upon request. All interior building pipes connected to the interceptor shall be approved by the Town's Plumbing Inspector, and the WPCA reserves the right to approve all piping connected to the interceptor regardless of location inside or outside of the Building. Interceptors shall typically be provided on any sewer connected to: 1) commercial food service or preparation and dishwashing, 2) animal processing facility, 3) commercial Buildings with interior floor drains (provide a copy of State of Connecticut DEP permit), 4) any Building with a floor drain and any type on interior storage of fuels, oils, paints, chemicals (liquid or solid forms). Applicable storage permits shall be provided to the WPCA from Town and State fire marshals, EPA/DEP. No interceptors shall be installed or connected to the Public Sewer System until all permits have been provided to the WPCA.

Sec. 6. Where preliminary treatment of flow-equalizing facilities are provided for any

{W1057598;10}

waters or wastes, the facilities shall be maintained continuously in satisfactory and effective operation by the Owner at his expense.

Sec. 7. When required by the WPCA, the Owner of any Property serviced by a Building Service Connection carrying Industrial Wastes shall install a suitable control manhole together with such necessary meters and other appurtenances to the Building Service Connection to facilitate observation, sampling, and measurement of the wastes. An approved valve or gate shall also be provided in the manhole to prevent the Industrial Waste from being discharged into the Public Sewer System if it becomes necessary for the WPCA to reject the Industrial Waste in accordance with Section 4 of this Article. Such a manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the WPCA. The manhole shall be installed and maintained by the Owner, at the Owner's expense, so as to be safe and accessible at all times.

Sec. 8. All measurements, test, and analyses of the characteristics of waters and wastes to which reference is made in these regulations shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the Public Sewer System to the point of the Building Service Connection. Sampling shall be carried out by the Owner, using the services of a state certified laboratory to obtain and test samples and to report results to the WPCA, and if requested by the WPCA, to the Borough of Naugatuck.

{W1057598;10}

Sec. 9. All establishments discharging Industrial Wastes into the Public Sewer System shall provide the WPCA with copies of any report on discharge of Industrial Waste which is required by the State of Connecticut. Acceptable average and peak rates of flow and concentrations of pollutants shall be as determined by the WPCA.

Sec. 10. No statement contained in this Article shall be construed as preventing any special agreement between the Town and any Person whereby any Industrial Wastes of unusual strength, volume or character may be accepted by the WPCA for treatment, subject to payment therefor by the Owner and prior approval of the WPCA.

ARTICLE VIII

Powers and Authority of Inspectors

Sec. 1. The Plumbing Inspector, the Sanitary Inspector, the members of the WPCA, and other duly authorized representatives or employees of the Town bearing proper credentials and identification shall be permitted to enter all Properties for the purposes of inspection, surveys, observation, measurement, sampling and testing for purposes of these regulations. The Town shall have no authority to inquire into any processes beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

Sec. 2. While performing the necessary work on private Properties referred to in Section 1 above, the duly authorized representatives or employees of the Town shall observe all safety rules applicable to the Property reasonably established by the Owner, and the Owner shall be held harmless for injury or death to the Town employees or representatives, and the Town shall indemnify the Owner against loss or damage to its Property by Town employees or

{W1057598; 10}

representatives and against liability claims and demands for personal injury or property damage asserted against the private owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the Owner to maintain safe conditions and as also required in Article VII above.

Sec. 3. The duly authorized employees or representatives of the Town bearing proper credentials and identification shall be permitted to enter all Properties where there is a Community Sewerage System or other Private Sewage Disposal System, a Building Service Connection or any portion of the Public Sewer System are located for the purposes of, but not limited to, inspection, surveys, observation, measurement, sampling and testing, and to the extent, in its sole discretion, to repair and maintain any portions of any of those systems, subject to applicable terms of any existing Town easements.

ARTICLE IX

Penalties

Sec. 1. Any person found to be violating any provision of these regulations shall be served by the Town 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.

Sec. 2. Any person who shall continue any violation beyond the time limit provided for in Section 1 above, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding five hundred (\$500.00) dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

{W1057598;10}

Sec. 3. In addition to any other remedies available to the WPCA or the Town, any person violating any of the provisions of these regulations shall become liable to the Town for any expense, loss, or damage occasioned by the Town by reason of such violation, including without limitation reasonable attorneys and consultant fees incurred in enforcing or attempted to enforce these regulations.

ARTICLE X

Liens

Sec. 1. Any sewer assessment, connection or user charge made by WPCA under the provisions of the applicable Connecticut General Statutes shall be liens upon the Property upon which such assessments were levied or such connection or user charges were made. All such liens shall take precedence and priority of all other liens or encumbrances on the Property whereon the lien is imposed, except taxes and may be enforced in the same manner as real estate tax liens under the applicable Connecticut General Statutes. Any lien for connection or use charges may be continued, recorded and released in the manner provided by the applicable Connecticut General Statutes for real estate tax liens. All delinquent assessments, connection or user charges shall bear interest from the due date until satisfied at the interest rate and in the manner prescribed in the Connecticut General Statutes for delinquent real estate taxes. Each addition of interest shall be collectible as part of such assessment or charges. Whenever any installment of an assessment becomes delinquent, all remaining unpaid installments of such assessment, together with interest thereon, shall become immediately due and payable. Any such lien shall cease to exist whenever a certificate signed by the appropriate representative of the

(W1057598;10)

Town, stating that the claim secured thereby, together with the interest and costs thereon, has been fully satisfied to the Town, and has been lodged with the Town Clerk. In the event of foreclosure of any of such liens, the Town shall be reimbursed for all costs of collection or attempted collection, including reasonable attorney's fees. Any lien for connection or use charges shall be invalid after the expiration of fifteen years from the date of recording of the certificate continuing the same, unless an action of foreclosure has been commenced within such time.

ARTICLE XI

Assessments

Sec. 1. An assessment shall be determined by the WPCA under Section 7-249 of the Connecticut General Statutes for each Property that the WPCA has approved for sewer service as part of any Extension, including for such purpose, if applicable, a per Unit assessment for each Unit in each Building located on a Property. The assessment may be determined on a per Unit basis or for the entire Property, at the sole discretion of the WPCA.

Sec. 2. Whenever an Extension is approved by the WPCA, the WPCA shall levy an initial assessment for each Property that the WPCA has approved for sewer service.

Sec. 3. A subsequent assessment may be levied for new Buildings constructed on a Property or for additions to existing Buildings on a Property, upon approval of sewer service to such new Building or additions, as determined by the WPCA, taking into account for such purpose any assessment previously levied on the Property.

Sec. 4. In the case of any Extension, where an assessment on any excess land that the WPCA has approved for sewer service is deferred under Section 7-249 of the Connecticut

{W1057598;10}

General Statutes, the assessment shall be deferred on such excess land until such time as such excess land shall be built upon or a building permit issued therefore or until approval of a subdivision of such excess land by the Town's Planning and Zoning Commission.

Sec. 5. The WPCA shall cause a caveat or notice to be placed on the land records in each case where an assessment has been deferred for a Property, in form and substance satisfying any requirements of the applicable Connecticut General Statutes for such caveat, and also stating the sewer capacity that is allocated to the Property by the WPCA.

Section 6. The WPCA may also cause a caveat or notice to be placed on the land records for a Property if the WPCA has determined that the Property has not been approved for sewer service, or if approved prior to the effective date of these regulations, as amended and restated, stating the sewer capacity allocated to the Property.

Sec. 7. Assessment revenue shall be paid into the Sewer Fund. Revenues from deferred assessments and from collection of delinquent assessments shall be paid into the Sewer Fund.

ARTICLE XII

Charges for Connection and Use

Sec. 1. Pursuant to Section 7-255 of the Connecticut General Statutes, the WPCA may establish and revise charges for a Building Service Connections to and/or for the use of the Public Sewer System.

Sec. 2. In establishing or revising connection or use charges, the WPCA may classify the Property connected or to be connected with the Public Sewer System and the users thereof according to such formula or criteria as the WPCA may adopt from time to time, and may give

(W1057598;10)

consideration to any factors relating to the kind, quality or extent of any such Property or classification of Property or users including, but not limited to, (a) the volume of water discharged to the Public Sewer System; (b) the type or size of Buildings connected with the Public Sewer System; (c) the number of plumbing fixtures connected with the Public Sewer System; (d) the number of persons customarily using the Property served by the Public Sewer System; (e) in the case of commercial or industrial Properties, the average number of employees and guests using the Property; and (f) the quality and character of the material discharged into the Public Sewer System.

Sec. 3. The WPCA may, in its discretion, establish minimum connection and use charges.

Sec. 4. Connection and use charges shall be paid at the time(s) and in the manner specified by the WPCA at the time of their establishment or revision.

Sec. 5. The Owner of Property against which any connection or use charge is levied shall be liable for the payment thereof.

Sec. 6. Any connection or use charge, or portion thereof, which has not been paid on or before the day it became due and payable shall be subject to interest at the rate and in the manner prescribed in the applicable Connecticut General Statutes for delinquent real estate taxes. In computing such interest, each fractional part of a month in which any portion of such connection or use charge remains unpaid shall be considered to be a whole month.

Sec. 7. All assessments, connection and use charges shall be used for the Sewerage system, including the payment of debt incurred for the Sewerage system and interest thereon, and for no other purpose.

Sec. 8. Nothing in this Article XII shall be deemed to authorize the levying of any

{W1057598;10}

property tax against any Property exempt by the Connecticut General Statutes from property taxation.

Sec. 9. In establishing or revising connection or use charges, the WPCA shall have all other rights and powers conferred by Section 7-255 of the Connecticut General Statutes.

Sec. 10. To the extent that any other provisions of these regulations are inconsistent with this Article, this Article shall apply. To the extent that any provisions of these regulations (including this Article) are inconsistent with the provisions regarding connection and use charges established by the WPCA, the provisions so established shall apply.

ARTICLE XIII

Miscellaneous

Sec. 1. Any references in these regulations to the Connecticut General Statutes and/or to specific Sections of the Connecticut General Statutes shall mean and be as the same may be amended from time to time.