

**NOTICE OF AMENDMENT TO REGULATIONS
MIDDLEBURY WATER POLLUTION CONTROL AUTHORITY**

Richard M. Smith
TOWN CLERK

The Water Pollution Control Authority of the Town of Middlebury, Connecticut adopted the following amendment to its Regulations at its meeting held on February 20, 2007:

AMENDMENT TO REGULATIONS

The provisions of the Preamble to the Regulations of the Water Pollution Authority Town of Middlebury (As Amended and Restated Effective May 19, 2004) (the "Regulations") are amended by adoption of the following Sewer Use Policy, as part of the Preamble, and by deleting those provisions of the Preamble that are inconsistent with this Sewer Use Policy. If any other provisions of the Regulations are found to be inconsistent with this Sewer Use Policy, this Sewer Use Policy shall govern. Management of the Middlebury sewerage system, including request for availability of capacity, Extensions and Building Service Connections shall be considered by the WPCA in accordance with this Sewer Use Policy.

Middlebury WPCA Sewer Use Policy

In 1969, the Town of Middlebury acquired sewer capacity from the Borough of Naugatuck to service the Town. Installation of sewers commenced in 1969 and the Town of Middlebury has since planned and provided sewer service for various areas of the Town. In the last 5 years there has been an unprecedented demand for service that has resulted in a material reduction of that sewer capacity. The WPCA has determined that the remaining unassigned capacity of 338,000 gallons per day is insufficient to continue to provide sewer service to the Town as originally anticipated. The WPCA has therefore determined that it must carefully manage that remaining capacity in a manner that will best serve the needs of the Town. To manage that remaining capacity, the WPCA will continue to follow its July, 1991 Plan and the design criteria for the sewer system reflected in the November, 1967 Plan, and in addition will institute the following sewer use policy.

I. Sewer Extensions (Beyond the limits of presently installed sewer system.)

1. Sewer extensions for new residential developments will not be approved.
2. Sewer extensions for commercial developments will be considered on the basis of 460 GPD per buildable acre and the capacity requirements for the specific commercial activities.
3. Sewer extension and connections to existing homes and existing single family lots in the areas designated for sewer service in the July, 1991 Plan, as amended to date, will be permitted.

II. Sewer Connections (Within limits of presently installed sewer system.)

1. Sewer connections for residential use will be considered for single family homes on existing lots that are not presently connected on the basis of 460 GPD per house, one house per lot or buildable acre.
2. Sewer connections for residential use may be considered for single family home developments on the basis of one house per buildable acre and 460 GPD per house.
3. Sewer connections for commercial use will be considered on the basis of 460 GPD per buildable acre and the capacity requirements for the specific commercial activities.
4. Sewer connections for other uses may be considered on the flow basis of 460 GPD per buildable acre and the capacity requirements for the specific activities.
5. Sewer extension and connections to existing homes and existing single family lots in the areas designated for sewer service in the July, 1991 Plan, as amended to date, will be permitted.

III. Allocation of Remaining Sewer Capacity

When considering applications for capacity and/or connections the WPCA has determined that the remaining 338,000 GPD capacity should be allocated approximately as follows.

- The WPCA will only consider requests for extensions or connections to properties in conformance with the above allocations. In doing so, the WPCA will also consider the policies and recommendations contained in both the current Town's Plan of Conservation and Development and the State of Connecticut's "Conservation and Development Policies Plan for Connecticut" prepared by the Office of Policy and Management; will avoid extensions into areas and connections to properties that can be developed using septic systems; and will not approve any sewer extension or connection to properties that will cause the then remaining and unassigned sewer capacity to be exceeded overall or in one of the above allocations.

Dated this 22nd day of February, 2007.

By: /s/
Robert W. Smith
Its Chairman

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February 27, 2007

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VIA HAND DELIVERY

Edith Salisbury, Town Clerk
Town of Middlebury
1212 Whittemore Road
P.O. Box 392
Middlebury, CT 06762

RECEIVED FOR FILING
Feb. 27 2007 at 9:20 AM.
TOWN CLERK'S OFFICE
MIDDLEBURY, CONN.

Brigitte M. Bennett, Ct
TOWN CLERK

Dear Ms. Salisbury:

Enclosed please find a copy of the Amendment to the Regulations of the Water Pollution Control Authority Town of Middlebury that was adopted by the Middlebury Water Pollution Control Authority at its meeting on February 20, 2007. The effective date of the Amendment is March 1, 2007.

Please retain this correspondence on file in your office for inspection by the public.

Very truly yours,

Middlebury Water Pollution Control
Authority

By: *Kenneth J. Pocius*
Kenneth J. Pocius
Its Attorney

**INSTRUCTIONS
And
APPLICATION FORM
REQUEST FOR DETERMINATION OF
AVAILABILITY OF SEWER CAPACITY**

**BY THE
WATER POLLUTION CONTROL AUTHORITY (WPCA)
TOWN OF MIDDLEBURY, CONNECTICUT**

Applicants requesting a determination of sewer capacity related to a proposed land use shall prepare and submit the attached Application for Determination of Capacity. This Application shall be completed and submitted prior to the preparation of any other request regarding sewer service, unless the WPCA waives the requirement for submission in connection with a request for a Building Service Connection. It is strongly recommended that the Application be submitted to the WPCA prior to submittals or development of any plans for submission to other Town boards to **AVOID INCURRING UNRECOVERABLE COSTS, DELAYS and COSTLY REVISIONS TO PLANS**. It is also strongly recommended that you discuss your project and the submission requirements for your Application with the engineer for the WPCA before you submit your Application, in order to avoid an incomplete submission to the WPCA, and a subsequent denial.

The WPCA's regularly scheduled meetings are held on the third Tuesday of the month in Room 26 of the Shepardson Building, Whittemore Road.

Applicants shall submit **three (3)** completed copies of the Application to the WPCA at its office located at the lower level of the Town Hall, 1212 Whittemore Road (phone 1-203-758-2747) between the hours of 8:30 AM to 1:30 PM Monday through Thursday and 8:30 AM to 12:30 PM Friday (except holidays). It is recommended that submission occur at least **15** business days before the next scheduled meeting. The Application shall be placed on the next regular meeting following receipt of the Application.

The Applicant shall bring such other information to the WPCA meeting and be prepared to make a presentation, in order to better assist the WPCA's processing of the Application.

The WPCA shall review the Application and if deemed complete, shall process the Application within the applicable statutory period. If the Application is deemed NOT complete, at the option of the Applicant, it may be returned to the Applicant for the additional information, and withdrawn without prejudice for re-submittal as a NEW application. If the application cannot be processed within 65 days, the Applicant may agree to one or more extensions of the initial 65-day period, provided the total of such extensions does not exceed 65 days.

The **Applicant must be the owner of record** of the subject property or have specific legal, written authorization from the owner of record to allow submission of the Application. Such authorization must be submitted with the Application.

The WPCA's action in the determination of its available capacity is based solely upon the discretion of the WPCA, and will be independent of any other submittals to any other Town boards.

An initial application fee payment in the amount of \$250.00 shall be paid at the time the Application is made. The final fee shall be determined by the WPCA for each individual Application, based on requested gallons per day, construction complexities and estimated construction costs, but shall not be less than \$250.00. The total fee shall be due, at the option of the WPCA, either prior to its consideration of the Application, or as a condition to its approval of an Application.

NOTE THE FOLLOWING

- 1) The WPCA will consider capacity applications in accordance with its long-term planning policies as set forth in guidance documents, including but not limited to the Sewer Capacity Policy contained in its Regulations.
- 2) Any estimates of flow shall be accurate and the WPCA reserves the right to adjust flows accordingly as it deems necessary and limit project size to match sewer capacity.
- 3) The WPCA will NOT accept or consider any Application if there are any unpaid real or personal property taxes or other unpaid Town assessments on the subject property.

APPLICATION for DETERMINATION of CAPACITY

1. Property Location:

- A. Street _____
- B. Tax Lot Number _____
- C. Street Address (if available) _____
- D. Has the property been created by subdivision of land (yes / no). If yes provide subdivision maps.

2. Applicant Information: Name _____

Address _____

Telephone Number _____

Applicant's Signature _____

OWNER of Property _____ yes _____ No

If No, provide letter of Authorization.

3. Engineer Information: Name _____

Address _____

Telephone Number _____

4. Type of Project: Provide any available plans, tax/ wetland/ zoning maps, etc., which will assist the WPCA review.

A. Residential Home _____

Net Buildable lot size (NBLS) = _____ acres (Net Buildable lot size is exclusive of wetlands or other non-buildable land as defined by the Town's zoning regulations).

B. Commercial / Industrial _____

Net Buildable lot size (NBLS) = _____ acres (Net Buildable property size is exclusive of wetlands or other non-buildable land as defined by the Town's zoning regulations).

The WPCA reserves the right to review the request and advise the Applicant of the accuracy of it's request regarding items A and B.

The Applicant's designation and information are only to assist the WPCA in evaluating the Application.

5. Capacity Requested.

The WPCA's Sewer System Design Criteria is:

A. Single Family House:

WPCA allows 460 GPD per ONE single family residential structure per buildable lot.

B. Commercial/Industrial Projects:

Requested GPD = _____ acres (NBLS) X 460 GPD/NBLS = _____ GPD. Size of building will be based on acceptable flow allowances for proposed building use (offices, medical offices, food services, etc.).

Estimates must be accurate and the WPCA reserves the right to correct estimates.

7. Determination.

The WPCA will process the Application and respond to the Applicant within the applicable statutory period. If the adequacy of the information provided is not sufficient, the WPCA will request additional information and possibly additional time to make a determination. If additional information and/or time are not provided within a reasonable time for the WPCA to make its decision, the WPCA shall make a determination based on the information provided.

A favorable determination of an Application will require the Applicant to submit additional materials regarding the proposed project to the WPCA and possibly other Town boards. **A favorable determination is NOT a permit and terminates after one-year from the date of determination, if there is no further action taken with the WPCA. One additional 6-month extension may be granted by the WPCA. If there are ANY changes to the proposed project, as submitted, a new Application will be required.**

Following a favorable determination of sewer capacity, all additional information required by the WPCA for the proposed project must be submitted within 6 months, including an application for a Building Service Connection, if the project is not a part of an Extension. This will generally involve preparation of detailed engineering plans and specifications for the construction of the proposed project, including its sewer facilities.

Other details will be required and a timetable will be proposed by the WPCA if the proposed project is a part of an Extension.

The determination of availability of sewer capacity is solely the WPCA's responsibility in the proper management of its sewer system. **Sewer capacity is NOT guaranteed or a matter of right.** The WPCA is not responsible for the action of other Town boards, and any modifications of the proposed project that will require additional sewer capacity will not be binding upon the WPCA.

If all information required by the Application and these instructions is NOT provided within a reasonable time for the WPCA to make its determination, the WPCA reserves the right to reject the Application. Such action shall be deemed final.

See the following for additional Application information.

Additional Capacity Request Information

The following information shall be provided with the Application:

1. Copy of tax map clearly showing the property.
2. Copy of any approved subdivision maps for the property.
3. Copy of town wetland map showing the property.
4. Statements showing no taxes or other town fees are owed on the property.
5. Statement of authorization from property owner.

**INSTRUCTIONS
And
APPLICATION FORM
REQUEST FOR APPROVAL OF**

BUILDING SERVICE CONNECTION APPLICATION

BY THE
WATER POLLUTION CONTROL AUTHORITY (WPCA)
TOWN OF MIDDLEBURY, CONNECTICUT

Applicants requesting a determination a Building Service Connection to the Public Sewer System from the WPCA shall prepare and submit the attached Application. It is recommended that this be done prior to the preparation of any submittals or development of any plans for submission to other Town boards to AVOID INCURRING UNRECOVERABLE COSTS, DELAYS and COSTLY REVISIONS TO PLANS.

The WPCA's regularly scheduled meetings are held on the third Tuesday of the month in Room 26 of the Shepardson Building, Whittemore Road.

Applicants shall submit THREE (3) completed copies of the Application to the WPCA at its office located at the lower level of the Town Hall, 1212 Whittemore Road (phone 1-203-758-2747) between the hours of 8:30 AM to 11:00 AM Monday through Friday (except holidays). It is recommended that submission occur at least **15** business days before the next scheduled meeting. The Application shall be placed on the next regular meeting following receipt of the completed Application.

The Applicant shall bring such other information to the WPCA meeting and be prepared to make a presentation, in order to better assist the WPCA's process of the Application.

The WPCA shall review the Application and if complete shall process the Application within the permissible statutory period. If the Application is deemed NOT complete, at the option of the Applicant, it may be returned to the Applicant for the additional information, without prejudice. The Applicant may agree to one or more extensions of the initial 65-day period, provided the total of such extensions does not exceed 65-days.

The Applicant MAY be the owner of record of the subject property or have specific legal, written authorization to allow submittal of the Application and AGREE TO WPCA REQUIREMENTS. Such authorization must be submitted with the Application.

The WPCA's action in the determination of a Building Service Connection to the Public Sewer System will be independent of any other submittals to any other Town boards or the actions of those Boards.

The WPCA is under NO OBLIGATION to consider approving a Building Service Connection unless the property was: Ordered to connect; has a failing septic system and it practical for a connection to be made; the property was benefitted by the sewer system; and the connection is in accord with the WPCA's approved flow allocation.

An initial application fee payment in the amount of \$250.00 shall be paid at the time the Application is made. The final fee shall be determined by the WPCA for each individual Application, based on requested gallons per day, construction complexities and estimated construction costs, but shall not be less than \$250.00. The total fee shall be due, at the option of the WPCA, either prior to its consideration of the Application, or as a condition to its approval of an Application.

The estimates of flow shall be accurate and the WPCA reserves the right to adjust flows accordingly as it deems necessary.

The WPCA reserves the right to reject any Application which it deems not in the best interest of its flow allocations or pretreatment requirements.

The WPCA will NOT accept or consider any Application if there are any unpaid real or personal property taxes or other Town assessments on the subject property.

**APPLICATION for
A BUILDING SERVICE CONNECTION**

1. Property Location:

- A. Street _____
- B. Tax Lot Number _____
- C. Street Address (if known) _____
- D. Has the property been created by subdivision of land (yes / no). If yes provide subdivision maps.

2. Applicant Information/Owner:

Name _____

Address _____

Telephone Number _____

OWNER of Property _____ yes _____ No

If No, provide letter of Authorization.

3. Engineer Information: Name _____

Address _____

Telephone Number _____

4. Type of Project: Provide any available plans, tax/ wetland/ zoning maps, etc., which will assist the WPCA review.

5. Capacity Requested For a Property:

A. Single Family Residential Homes:

- a. 460 GPD per house, ONE House or Dwelling unit per lot.

B. Commercial/Retail/Industrial Sewage:

- a. _____ Total GPD requested from WPCA based on 460 GPD per acre of buildable land.

b. _____ Total Gross square footage of each Building to be requested from Planning and Zoning based on "a" above and type of activity and resulting flow at the facility. Prior discussions with the WPCA concerning activities and flows is recommended. Flow estimates must be accurate and the WPCA reserves the right to correct estimates.

7. Determination.

The WPCA will process the Request and respond to the Applicant within 65 days. If the adequacy of the information provided is not sufficient, the WPCA will request additional information and possibly additional time to make a determination. If additional information and/or time are not provided, the WPCA shall make a determination based on the information provided.

Following a favorable determination of this Application, complete development plans for the project/House must be submitted within 6 months. This will generally involve preparation of detailed plans and specifications for the construction of the project, all of which shall meet the WPCA standards. Review of this phase of a project will take additional time and possibly actions by other town boards and town meetings.

The WPCA will not hold capacity for a project should other town boards deny the project.

The determination of capacity is solely the WPCA's responsibility in the proper management of the sewer system. **Building Service Connections are NOT guaranteed or a right.** The WPCA is not responsible for the action of other town boards to modify a project or approve a project.

See the following for required application information. If the information is NOT provided, the WPCA reserves the right to reject the application or act on the information provided, subject to future modification and correction. Such action shall be deemed final.

8. User Fees.

- A. Existing Houses. Once a permit to connect is granted, user fees become due and payable according to WPCA Regulations.
- B. Houses being constructed. User fees become due and payable once a Certificate of Occupancy is granted and according to WPCA Regulations.

C. Commercial/Retail/Industrial projects. User fees become due and payable once a Certificate of Occupancy is granted and according to WPCA Regulations.

9. Inspections.

All connections shall be inspected by the WPCA before the connection can be used.

10. The Applicant/Owner fully understand the Application, WPCA Rules and Regulations, Construction Details and Requirements and agree to all.

AUTHORIZED CONTRACTOR INFORMATION

Name(print)_____

Signature_____

Date _____

CURRENT OWNER AUTHORIZATION

Name (print)_____

Signature_____

Date _____

Additional Information

The following information must be provided to assist the WPCA's review of the request.

1. Property address, tax map page and lot number.
2. Owners name and address
3. Applicants name and address.
4. Copy of tax map clearly showing the subject parcel.
5. Copy of ALL subdivision maps for parcels created after 1967.
6. Copy of town wetland map showing the parcel.
7. Statement from Planning and Zoning and Building Department indicating whether or not parcel is or is not buildable and to what extent (e.g. suitable for: one single family residence, one or more commercial building and total square footage anticipated).