

SEWER REGULATION
FOR
THE MARLBOROUGH
WATER POLLUTION CONTROL AUTHORITY



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1.0 INTRODUCTION

The Town of Marlborough (the "Town"), through the Marlborough Water Pollution Control Authority ("the MWPCA"), is the owner and operator of a public sewer; and does not own, operate or have located within the territorial limits of the Town any arrangements or devices for the treatment of sewage and sludge; and has entered into a written contract with the Colchester/East Hampton Joint Facilities and the Town of East Hampton Water Pollution Control Authority whereby and wherein each party has agreed to accept, treat and discharge the flow of sewage from certain parts of the Town's public sewer into and out of the Water Pollution Control Facility owned, operated and maintained by Colchester/East Hampton Joint Facilities.

These Regulations establish the procedures for making connections and use of the public sewer in the Town. They also establish specific limits for septic flows and 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, pollute the waters of the State, or otherwise create a public nuisance. Further, these Regulations pertain to the sewer avoidance area of the Town.

These Regulations are intended to:

- (a) inform the public as to the technical and administrative procedures to be followed in obtaining connection to the Public Sewer system;
- (b) prevent the introduction of pollutants into the public 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 wastewater and sludge from the system.

- (e) ensure the proper operation of on-site septic systems outside the sewer service areas in conjunction with the Chatham Health District.

These Regulations authorize the issuance of wastewater discharge permits; provide for monitoring, compliance, and enforcement activities; establish administrative review procedures; require user reporting; and provide for the setting of fees for the reasonable distribution of costs resulting from the program established herein.

These Regulations shall apply to the Town and to persons outside the Town who contribute flow to the Public Sewer system. Except as otherwise provided herein, the Town, through the MWPCA, and its officers, agents, employees and persons bearing proper credentials and identification shall implement and enforce the provisions of these Regulations.

1.1 WATER POLLUTION CONTROL PLAN

A. Purpose & Authority

In accordance with Chapter 103, and particularly CGS 7-246, the MWPCA hereby establishes the Marlborough Water Pollution Control Plan ("Plan") for the Town.

B. Area of Concern

In response to statutory and regulatory requirements administered and enforced by the Connecticut Department of Environmental Protection, the Town initiated a sanitary survey conducted from 1999 to 2002, to evaluate the condition of the existing on-site sanitary waste disposal systems in the Lake Terramuggus Watershed, and the Marlborough Town Center Area. The study, conducted by SEA Consultants Inc., resulted in the publication of the Lake Terramuggus Wastewater Facilities Plan for the Town of Marlborough, Connecticut. On the basis of that facilities plan the MWPCA determined the geographical portion of the Town shown and designated as the Primary Sewer Service Area and Future Sewer Service Area on the Sanitary Waste Management Plan in which Public Sewer construction is appropriate.

C. Sewer Avoidance

Sewer avoidance is a desirable policy for municipalities where public sewers are located in a limited service area, do not exist, or are not planned. The MWPCA concludes that sewer avoidance is appropriate as a policy for the Town outside of the public sewer services areas depicted on the Sanitary Waste Management Plan.

D. Designation and Delineation of Service and Non-Service Areas

The MWPCA hereby adopts and incorporates in this plan the map entitled "Sanitary Waste Management Plan". The map officially designates the Primary Sewer Service District, Secondary Sewer Service District, and the Sewer Avoidance District.

1.2 RIGHT OF REVISION

The MWPCA reserves the right to establish, by Regulation or through wastewater discharge permits, more stringent standards than the existing requirements and standards of these Regulations on discharges to the public sewer and to its facilities.

1.3 SEWER SERVICE DISTRICT BOUNDARIES

The MWPCA hereby establishes a public sewer service district to be known as the "Marlborough Sewer Service District" as shown on a map entitled "Sanitary Waste Management Plan" prepared by Tighe & Bond, Inc. dated December 2009, on file in the Office of the Town Clerk of Marlborough.

There is a finite limit to the quantity of sewage that the Joint Facilities Treatment Plant can accept from Marlborough. It is thus not the intent of the MWPCA to plan for growth of the Marlborough Sewer Service District boundaries beyond those areas depicted on the Sanitary Waste Management Plan. It is the role of the MWPCA to allocate flows within the Marlborough Sewer Service District and to minimize any expansion of the public sewer into the Sewer Avoidance District.

The Marlborough Sewer Service District is defined as depicted on the Sanitary Waste Management Plan as:

1. Primary Sewer Service District. These areas are shown on the map as being served by present sewer installations and design area.
2. Secondary Sewer Service Area.
3. Sewer Avoidance District

1.4 AMENDMENT TO DISTRICT

The MWPCA recognizes that mitigating circumstances such as community needs may necessitate future amendments to the district boundaries. Any request to amend the Sanitary Waste Management Plan boundaries will be considered by the MWPCA subject to the following criteria:

- a) In considering a request to amend the Sanitary Waste Management Plan boundaries the MWPCA shall take into consideration the following:
 1. Marlborough Plan of Conservation and Development
 2. State Plan of Conservation and Development
 3. Capitol Region Plan of Conservation and Development
 4. Sanitary Waste Management Plan adopted by the MWPCA
 5. The Marlborough Inland/Wetland Regulations and Zoning Regulations
- b) The MWPCA will submit petitions for amendments to the Marlborough Conservation Commission, the Marlborough Planning Commission, and the Marlborough Zoning Commission for review and comments.
- c) Prior to any vote by the MWPCA to amend the Marlborough Sewer Service District boundaries a Public Hearing will be held. The petitioner shall notify abutting property owners at least fourteen (14) days prior to any hearing date by Certificate of Mailing and the hearing must be legally warned at least fourteen (14) days prior to being held.
- d) The availability of Wastewater pumping and treatment flow capacity as it relates to the contractual daily flow limits with Joint Facilities permitted and

capacity of the systems physical facilities at that time.

1.4.1 APPLICATION REQUIREMENTS FOR AMENDMENTS TO THE SANITARY WASTE MANAGEMENT PLAN

- a) Application Form
- b) A written statement of compliance with the policies and goals of the Town, Regional and State Plans of Conservation and Development
- c) Proposed use of the property and projection of domestic sewage flows associated with that use(s)
- d) An A-2 Survey of the boundaries of the petition area that shows the names of property owners within the amendment area and direct abutters.
- e) Certificate of Mailing Receipts to Abutters
- f) Other information deemed necessary by the MWPCA

1.5 VALIDITY

The invalidity of any section, clause, sentence, or provisions of this Regulation shall not affect the validity of any other part of these Regulations which can be given effect without the invalid part or parts.

2.0 DEFINITIONS

Act or "the Act"

The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et. seq.

As-Built Drawings

Detailed drawing(s) prepared on completion of the collection system, sealed by the design engineer, which show actual construction and field dimensions, elevations, details, changes made to the construction drawings by modification, details which were not included on the construction drawings, horizontal and vertical locations of all underground utilities which have been impacted by the sewer installation.

Authorized Representative of the User

- a) The president, vice president, secretary, and treasurer of the corporation of a principal business functions, or another appropriate Person(s) as they May designate in writing.
- b) If the user is a partnership or a sole proprietorship: a general partner or proprietor respectively, or another appropriate Person(s) as he May designate in writing.
- c) If the user is a Federal, State, or Local governmental facility: a director or highest appointed official designated to oversee the operation and performance of the activities of the governmental facility, or his designee.
- d) If the user is an individual Property Owner; the Owner of record as shown on the most recent Grand List of the Town, or another appropriate person(s) as they May designate in writing.

Biological Oxygen Demand (BOD)

The amount of oxygen necessary for bacteria while bacteria are 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".

Building Coverage

The combined area of a site covered by the roof area or outside dimensions of all structures on the lot, which includes eaves and other similar projections. Coverage shall include: dwellings, garages, accessory building, commercial structures, porches, decks, and covered walkways.

Building Drain

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.

Building Sewer

The tight sewer pipe extension from the building drain to the public sewer or other place of disposal; it may also be called a house connection.

Business Day

Normal Marlborough Town Hall Office operating hours.

Categorical Standards

National Categorical Pretreatment Standards or Pretreatment Standards.

Commissioner

The Commissioner of Energy & Environmental Protection for the State of Connecticut

Compatible Pollutant

Biological Oxygen Demand, suspended solids, pH and fecal coliform bacteria; plus any additional pollutants identified in the water pollution control facility's 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.

Cooling Water

The 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 and State laws and Regulations.

Director of Health

The Director of Health for the Town

Domestic Sewage

The sewage that consists of water and human excretions or other waterborne waste incidental to the occupancy of a residential building or non-residential building, but not including wastewater from water softening equipment, commercial laundry wastewater, and blow-down from heating and cooling equipment, water from cellar or floor drains, or surface water from roofs, paved surfaces, or yard drains.

Drainlayer

An individual, partnership, or corporation to whom the State of Connecticut has issued a license to install and repair sewers, sewer connections, subsurface disposal fields and septic tank systems, during the period when such license is valid, and the proper agents and representatives of such drainlayer.

Developer

Any person or entity that extends the public sewer other than the MWPCA.

Environmental Protection Agency or EPA

The U.S. Environmental Protection Agency and its duly authorized agents.

Equivalent Dwelling Unit (EDU)

Units used to allocate the individual betterments and use assessment to property owners

Fats, Oils and Grease (FOG)

Animal and plant-derived substances that may solidify or become viscous between the temperatures of 32°F. and 150°F. (0°C. to 65°C.), and that separate from sewage by gravity. Any edible substance identified as grease per the most current EPA method as listed in 40 CFR 136.3.

FOG Interceptor or Grease Trap

A passive tank installed outside a building or designed to remove fats, oils and grease from flowing sewage while allowing sewage to flow through it, and as defined herein.

FOG Recovery Unit (AGRU)

All active indoor mechanical systems designed to remove fats, oil and grease by physical separation from flowing sewage, as further defined herein.

Food Preparation Establishments

Class III and Class IV food service establishments and any other facility determined by the MWPCA that may discharge FOG above the set limits in Section 5(b)(2) of the DEP's **General Permit for the Discharge of Sewage Associated with Food Preparation Establishments**. These facilities shall include but not be limited to restaurants, hotel kitchens, hospital kitchens, school kitchens, bars, cafeterias, and clubs. Class III and Class IV food service establishments Shall be as defined under Section 19-13-B42 of the State of Connecticut Public Health Code, as amended from time to time.

Garbage

Animal or vegetable waste matter generated as a result of the handling, preparation, cooking or serving of foods.

Grab Sample

A sample of sewage taken from a waste stream on a one-time basis with no regard to the existing flow in the waste stream and without consideration of the time.

Grease Interceptor

A device installed on waste lines leading from sinks, drains or other fixtures to remove excessive quantities of grease or fat.

Grinder Pump

The pumps located on properties that convey sanitary waste from users' properties to the public sewer.

Ground Water

Water located in the subsurface that occupies a saturation zone from which wells and springs are fed.

Indirect Discharge or Discharge

The introduction of pollutants into the public sewer from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.

Industrial Wastewater

Wastewater from industrial processes, trade, or business and is distinct from domestic sewage.

Inspector

An agent or employee assigned by the MWPCA to examine and test material of the work furnished by a contractor, for the construction of a building sewer or any appurtenances thereof. Inspectors have no authority to waive any portion of these Regulations or the MWPCA specifications unless explicitly authorized by these Regulations.

Interference

A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or sludge processes, use of disposal; and therefore, is a cause of a violation of the Joint Facilities and/or the MWPCA NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or Local Regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Joint Facilities

Joint Facilities consists of representatives of the East Hampton WPCA and the Colchester Sewer & Water Commission.

Joint Facilities Treatment Plant

Treatment facility located in East Hampton, Connecticut.

Large User

User means those properties that discharge greater than 2,500 gpd.

Leaching System

A structure, excavation or other facility designed to allow settled sewage to percolate into the underlying soil without overflow.

May

May is permissive (see "Shall")

Marlborough Water Pollution Control Authority (the MWPCA or WPCA)

The duly appointed committee of the Town charged with the responsibility, among other things, of insuring compliance with these Regulations.

Medical Waste

Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Natural Outlet

Rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and other bodies of water, natural or artificial, public or private, which are contained within, flow through or border on the boundaries of the Town.

National Pollution Discharge Elimination System (NPDES) Permit

A permit issued pursuant to Section 402 of the Act (33USC 1342)

Non-Renderable Fats, Oils and Grease

Non-Renderable fats, oils and grease are food grade grease that has become contaminated with sewage, detergents, or other constituents that make it unacceptable for rendering.

Non-Residential Building

Any commercial, industrial, institutional, public or other building not occupied as a dwelling. Apartments, boarding houses, hotels and motels and alike are non-residential buildings.

Notification of Approved Alternate FOG Pretreatment System

Written notification from the MWPCA for authorization to install and/or operate an alternate FOG pretreatment system.

pH

A measure of the acidity or alkalinity of a solution, expressed in standard units based on the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution.

Person

Any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or its legal representatives agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural except where otherwise indicated by the context.

Plans

Any documents which may include layout, topography, construction specifications, site testing information, and seepage analysis which have been prepared by a professional engineer.

Pollutant

Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and municipal agricultural, and industrial wastes.

Pretreatment or Treatment

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).

Process Water

A wastewater discharge which comes into contact with industrial or commercial processes causing water quality deterioration.

Professional Engineer

An engineer licensed by the State of Connecticut to practice engineering for the public.

Prohibited Discharges

Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 4.6 of these Regulations.

Property Owner

“Property Owner or Owner of Property or Owner” shall include the owner in fee of any real estate as well as tenants, lessees, or others in control or possession and use of the property in question, or those having any interest therein, and their agents or representatives as the interest, duties, powers, or liabilities of each may be.

Public Sewer

Collects and conveys domestic sewage to an appropriate treatment facility through a common sanitary sewer system.

Publicly Owned Treatment Works (POTW)

A “treatment works”, as defined by Section 212 of the Act, which is owned by the MWPCA or the Joint Facilities or its designated agent. POTW includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

Pump Station

Collects the wastewater from the public sewer and pumps the wastewater to a sewage treatment plant.

Regional FOG Disposal Facility

A facility for the collection and disposal of Non-Renderable FOG approved by the DEEP.

Renderable Fats, Oils and Grease

Renderable fats, oils and grease are material that can be recovered and sent to renderers for recycling into various usable products. Renderable grease is created from spent products collected at the source, such as frying oils and grease from restaurants. This material is also called "yellow grease".

Renderable Fats, Oils and Grease Container

A closed container that is leak-proof for the collection and storage of food grade fats, oil and grease.

Residential Building

Any house, apartment, trailer or mobile home, or other structure occupied by individuals permanently or temporarily as a dwelling place.

Sanitary Sewage

Domestic wastewaters and water-carried wastes incidental to the occupancy of residential buildings or a non-residential buildings from its toilets, lavatory fixtures, kitchens, laundries and other similar facilities.

Sanitarian

The duly appointed representative of the Health District authorized to act for the official and the authority as defined in these Regulations and the State Public Health Code.

Seepage Analysis

Determination through mathematical or physical analysis of the soil composition for the movement of water through soil.

Septage

The liquids and solids which are removed from a tank used to treat domestic sewage.

Septic Tank

A water tight receptacle which is used for the treatment of sewage and is designed and constructed so as to permit the settling of solids, the digestion of organic matter by detention and the discharge of the liquid portion to a leaching system.

Sewage

Wastewater, water carried wastes, or a combination of them being the spent water from residential or non-residential buildings.

Sewage Collection System

The structures and equipment required to collect and convey sewage to the Joint Facilities Treatment Plant.

Sewer Avoidance District

The area of Marlborough located outside the Primary and Secondary Sewer Districts as shown on the Sanitary Waste Management Plan.

Shall

Shall is mandatory (See "May").

Slug

Any discharge of water, sewage, or industrial waste that exceeds the concentration of any given constituent or in quantity of flow exceeds the permitted discharge for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flow a during normal operation that could be harmful to the POTW.

Soluble Oil

Oil either mineral or vegetable in origin and disperses in water or sewage at temperatures between 32°F. and 150°F. (0°C. to 65°C.). For the purposes of this Regulation, emulsified oil shall be considered as soluble oil.

Standard Industrial Classification (SIC) Code

The classification system of industry pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.

Standard Methods

The examination and analytical procedures set forth in the most recent edition of "Standards Methods for the Examination of Water, and Wastewater", published jointly by the American Public Health Association, the American Water Works Association and the WPCF.

State

The State of Connecticut

Storm Water

Any flow occurring during or following any form of natural precipitation, that includes snowmelt runoff, discharge of rain, or other clean water from roofs and other impervious surfaces, or elsewhere.

Subsurface Drain

Any perforated or open joint pipe or other constructed subsurface conveyance to which ground water discharges or in which groundwater is collected and transported.

Suspended Solids

The solid matter, measured in milligrams per liter (mg/l), which may be in suspension, floatable, or settleable and is removable by laboratory filtering as prescribed in the latest edition of "Standard Methods for Examination of Water and Wastewater."

Toxic Pollutant

Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provisions of Section 307 (a) of the Act or other Acts.

Town

The Town of Marlborough

User

Any person, who contributes, causes or permits the contribution of sewage into the public sewer system.

Watercourse

A natural or artificial channel that continuously or intermittently passes water.

Water Pollution Control Facility (WPCF)

An arrangement of devices for the treatment of sewage and sludge.

Wastewater

Sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutional facilities, whether treated or untreated, which flows to the public sewer.

Wastewater Discharge Permit

A permit issued by the MWPCA in accordance with Section 3 of these Regulations to connect and discharge to the existing public sewer.

2.1 ABBREVIATIONS

The following abbreviations shall have the designated meaning:

ASTM	- American Society for Testing Materials
BOD	- Biological Oxygen Demand
CFR	- Code of Federal Regulations
CGS	- Connecticut General Statutes
DEEP	- Connecticut Department of Energy & Environmental Protection
EPA	- U.S. Environmental Protection Agency
FOG	- Fats, Oil, & Grease
GPD	- gallons per day
MG/L	- milligrams per liter
MWPCA	- Marlborough Water Pollution Control Authority
NPDES	- National Pollutant Discharge Elimination System
POTW	- Publicly Owned Treatment Works
RCRA	- Resource Conservation and Recovery Act
SIC	- Standard Industrial Classification
TSS	- Total Suspended Solids
U.S.C.	- United States Code
WPCF	- Water Pollution Control Foundation

3.0 BUILDING SEWERS AND CONNECTIONS

- 3.1 Any person proposing a new discharge into the public sewer system or a substantial change in the volume or character of pollutants that are being discharged into the public sewer system shall apply for a permit per section 3.0 of these Regulations. The MWPCA shall be notified more than thirty (30) days prior to the proposed change or connection. The MWPCA shall not issue a permit for a connection to the public sewer unless there is sufficient capacity to adequately convey the wastewater flow being requested to the public sewer.
- a) A person intending to connect a building drain from his property to the public sewer shall first obtain a permit to connect from the MWPCA or its designated agent. The application shall be made on forms provided by the MWPCA, and it shall be accompanied by plans showing the proposed installation in sufficient detail to enable the MWPCA, Building Official, and the Sanitarian to determine that the proposed installation meets the requirements of these Regulations and other applicable specifications, codes and laws. The application shall be signed by the owner of the premises to be served or by his authorized agent who has been chosen to perform the work of installing and connecting the building drain to the public sewer. Following the approval of the application and plan, a permit shall be issued to have the work performed by a properly licensed 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 shall become void, and a new permit shall be obtained by the new parties in interest.
 - b) Connection to the public sewer will be made only after a new building's plumbing has been approved by the Building Official or his agent to insure that minimum standards are met for the installation. Existing facilities are to have plumbing in good working order and repaired at the owner's expense as required. A fresh air vent shall be required for the building. No trench containing a building sewer to the public sewer shall be backfilled until the Building Official, Sanitarian, and the MWPCA or its agent has completed an inspection of and approved the work as necessary under applicable codes and laws. The water level present in the trench at the time of installation shall be maintained below the sewer connection before the cap is removed, while the connection is being made and until such

time as it has been inspected, approved and backfilled. The contractor shall notify the MWPCA, Building Official, and the Sanitarian at least two (2) business days before starting any work authorized under the permit.

c) The MWPCA may revoke any permit to connect to the public sewer for good cause.

3.2 All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Town and the MWPCA from any loss or damage that may directly or indirectly take place by the installation of the building sewer. The permittee and property owner agree that they shall at all times indemnify and hold harmless the MWPCA and Town and its Officers, and Agents, on account of any and all claims for damages, losses, litigation, expenses, counsel fees and compensation arising out of injuries (including death) sustained by, or alleged to have been sustained by the public, any or all persons on or near the work or by any other person or property, real or personal property of the Town, caused in whole or in part by the acts or omissions of the permittee, any contractor employed by the permittee or any subcontractor or person or anyone directly or indirectly employed by them or any of them while engaged in the performance of any work covered by this permit and during any maintenance period specified or agreed upon in accordance with this Regulation.

3.3 A separate and independent building sewer shall be provided for every building, except where one building with a common owner stands at the rear of another on an interior lot and no public 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 the building which fronts on the public sewer may be extended to the rear building and the whole considered as one building sewer, but, the Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such connection. The MWPCA must have legal assurance that the common ownership of land which the front and rear buildings occupy cannot be split or subdivided and sold separately through the recording of a legal document on the Marlborough Land Records restricting such property division that is satisfactory to the MWPCA prior to the connection of the buildings to the public sewer.

- 3.4 Existing building sewers may be used in connection with new buildings only when they are found, on examination and testing by the MWPCA through its agents, employees and persons bearing proper credentials or identification, to meet all requirements of these Regulations. Additional permits may be required by the Sanitarian and the Building Official.
- 3.5 The size, slope, alignment, materials of construction of a building sewer, and the methods of excavating, placing of the pipe, jointing, testing, and backfilling the trench and connection of the building sewer to the public sewer shall all conform to the requirements of the State Public Health Code, State Building and Plumbing Code or other applicable rules and regulations of the Town and the MWPCA as designated in the permit application. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WEF Manual of Practice No. 9 shall apply.
- 3.6 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. Duplex lift systems shall be provided for commercial and industrial buildings with flows over 1,000 GPD or as otherwise directed by the MWPCA.
- 3.7 It is the responsibility of the owner and permittee that all excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect people 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 Town.
- 3.8 No building sewer shall be constructed within twenty-five (25) feet of a water supply well unless a waiver from the Director of Health is granted. If a building sewer is constructed within twenty-five (25) to seventy-five (75) feet of a water supply well, it shall be constructed in accordance with all applicable guidelines promulgated by the Commissioner and/or the Connecticut Department of Health Services.

3.9 No grinder pump shall be located within seventy-five (75) feet of a water supply well unless a waiver from the Director of Health is granted. Additionally, no grinder pump shall be located within seventy-five (75) feet of Lake Terramuggus without approval of the Marlborough Conservation Commission and the MWPCA.

3.10 All building sewers shall be installed by a Drainlayer.

3.11 A Grinder Pump Access Agreement shall be necessary for all grinder pump installations.

3.12 WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

Permits to connect and discharge to the existing public sewer may be granted only by the MWPCA or its designated agent. Permit to connect to the public sewer may only be issued when, in the opinion of the MWPCA, the following conditions prevail:

- a) Permits will be limited to a specific volume and type of waste.
- b) The permit is for an existing structure, replacement structure, or new construction approved by all applicable municipal agencies.
- c) The sewage shall be domestic in character and shall include no substances harmful to the public disposal system. Commercial and industrial users shall comply with the requirements of Section 4.2 Industrial and Commercial Wastes of these Regulations.
- d) Water conservation measures shall be implemented by large users prior to connection to the public sewer.
- e) No single discharge shall exceed 2,500 gpd of wastewater without a special volume exception permit from the MWPCA, in accordance with Section 4.5 of these Regulations.
- f) The MWPCA or its designated agent may require a user to provide information needed to determine compliance with these Regulations. This information may include:

1. Peak and average flow rate;
 2. Chemical Analysis of Wastewater;
 3. Information on processes and products affecting waste water character;
 4. Quantities and disposal methods of specific liquids, sludges, oils, solvents, or other materials important to sewer-use control;
 5. A plot plan of Users sewers, with sewer and pretreatment facility locations;
 6. Details of Wastewater pretreatment facilities;
 7. Details of systems to prevent and control spills of unauthorized wastes to the sewer.
- g) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment facilities designed to eliminate, reduce, or prevent the introductions of pollutants into the public sewer.
- h) Requirements for the development of a spill control plan or other special conditions to adequately prevent accidental, unanticipated, or non-routine discharges.

A sewer connection permit is issued under the express condition that every person acting under the same shall conform to the representations and conditions of the application and shall conform to and be governed by the Regulations pertaining to public sewers of the MWPCA, including amendments thereto, and all other pertinent laws, resolutions, ordinances, rules and regulations of the Town. The MWPCA may waive or modify the foregoing requirements for good cause.

The issuance of a permit by the MWPCA does not authorize any excavation on private property or in any public easement, street, highway or grounds, or doing any work therein or the placing of any obstruction therein. For activity within a Town street right of way written authorization from the Marlborough Board of Selectmen and/or its designee(s), and for activity within the Connecticut Department of Transportation right of way written authorization from the Connecticut Department of Transportation, and on private property written authorization of the property owner is necessary prior to commencement of activity. It is the responsibility of the permittee to obtain all necessary authorizations.

Commented [TP1]: Previous draft removed final paragraph of Section 3.12 relating to permit renewal

3.13 WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS

All users required to obtain a wastewater discharge permit must submit a permit application. The MWPCA or its designated agent may require users to submit as part of an application the following information based on the type of discharge being sought; i.e. residential, commercial, or industrial:

- a. For non -residential activities a description of the facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the public sewer;
- b. Number and type of employees, and hours of operation;
- c. Each product produced by type, amount, process used, and rate of production;
- d. Type and amount of raw materials processed (average and maximum per day);
- e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- f. Time and duration of discharges;
- g. Any other information as may be deemed necessary by the MWPCA or its designated agent to evaluate the wastewater discharge permit application;
- h. Self-monitoring, sampling, reporting, notification, and record keeping requirements necessary based on Federal, State, or Local laws.

All wastewater discharge permit and user reports must be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Incomplete or inaccurate applications will be denied.

A wastewater discharge permit shall include such conditions as are deemed necessary by the MWPCA to prevent pass through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

The Town and the MWPCA and its agents assume no responsibility that any representations in the application for this permit are correct and assume no responsibility for any information furnished or not furnished. The permittee and/or owner shall keep a copy of the MWPCA permit at the site while any work is being done under its authority and shall be shown upon request of any authorized person.

3.14 WASTEWATER DISCHARGE PERMIT APPEALS

The MWPCA or its designated agent shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition in writing the MWPCA or its designated agent to reconsider the terms of a wastewater discharge permit within fifteen (15) days of notice of its issuance.

- a) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- b) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the

alternative condition, if any, it seeks to place in the wastewater discharge permit.

- c) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- d) If the MWPCA or its designated agent fails to act within sixty five (65) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- e) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Superior Court Judicial District at Hartford, County of Hartford.

3.15 WASTEWATER DISCHARGE PERMIT MODIFICATION

The MWPCA or its designated agent may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- a) To incorporate any new or revised Federal, State, or Local pretreatment standards or requirements;
- b) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since issuance of the wastewater discharge permit;
- c) To account for a change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- d) To act on information indicating that the permitted discharge poses a threat to Joint Facilities Treatment Plant or personnel, the MWPCA Facilities or personnel; Town personnel, or the receiving waters;
- e) To address violation of any terms or conditions of the wastewater discharge permit;

- f) To address misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- g) To account for revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- h) To correct typographical or other errors in the wastewater discharge permit; or
- i) To reflect a transfer of the facility ownership or operation to a new owner or operator.

3.16 WASTEWATER DISCHARGE PERMIT TRANSFER

Wastewater discharge permits held by large users may be transferred to a new owner or operator only if the permittee gives notice to the MWPCA or its designated agent in writing at least seven (7) business days prior to the closing. The notice to the MWPCA or its designated agent must include a written certification by the new owner or operator which:

- a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- b) Identifies the specific date on which the transfer is to occur; and
- c) Written Acknowledgement from the new owner(s) or operator(s) that they have reviewed and will take responsibility for complying with the existing wastewater discharge permit.

3.17 INDUSTRIAL DISCHARGE PERMIT TRANSFER

Industrial discharge permits are issued to a specific industrial user for a specific operation. An industrial discharge permit shall not be reassigned or transferred or sold to a new owner, operator, new industrial user, different premises or a new or change in operation without approval of the MWPCA or its designee, which must be obtained at least thirty (30) days in advance of any transfer date. No such approval shall be granted absent the submission

to the MWPCA of a written agreement between the current and future permittee which sets forth the date and terms of the transfer of the Industrial discharge permit and all responsibilities, obligations, and liabilities thereunder. Any succeeding owner or industrial user shall comply with terms and conditions of the existing Industrial discharge permit and all the terms and requirements of these Regulations. Failure to advance the permit transfer as described above renders the wastewater discharge permit void as of the date of facility transfer.

3.18 DURATION OF INDUSTRIAL DISCHARGE PERMITS

Industrial discharge permits shall be issued for a specified time period not to exceed two (2) years. An industrial discharge permit may be issued for a period less than a year or may be stated to expire on a specified date. An industrial user shall apply for industrial discharge permit reissuance, on a form prescribed by the MWPCA, at least ninety (90) days prior to the expiration of the industrial user's existing permit.

3.19 WASTEWATER DISCHARGE PERMIT REVOCATION

The MWPCA or its designated agent may revoke a wastewater discharge permit after the holding of a Show/Cause Hearing for good cause, including, but not limited to, the following reasons:

- a) Failure to notify the MWPCA or its designated agent of significant changes to the wastewater prior to the changed discharge;
- b) Failure to provide prior notification to the MWPCA or its designated agent of changed conditions pursuant to Section 3.1 of these Regulations;
- c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- d) Falsifying monitoring reports;
- e) Tampering with monitoring equipment;
- f) Refusing to allow the MWPCA or its designated agent timely access to the facility premises and records;

- g) Failure to meet effluent limitations;
- h) Failure to pay fines;
- i) Failure to pay sewer charges;
- j) Failure to meet compliance schedules of the MWPCA and/or the Commissioner;
- k) Failure to complete a wastewater survey or the wastewater discharge permit application;
- l) Failure to provide advance notice of the transfer of business ownership of a permitted facility;
- m) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or these Regulations.

3.20 WASTEWATER DISCHARGE PERMIT DECISIONS

The MWPCA or its designated agent will evaluate the data furnished by the user and may require additional information. Within sixty-five (65) days of receipt of a complete wastewater discharge permit application, the MWPCA or its designated agent will determine whether or not to issue a wastewater discharge permit. The MWPCA or its designated agent may issue, modify or deny any application for a wastewater discharge permit.

Commented [TP2]: Previous Section 3.20 has deleted in the past draft relating to wastewater permit reissuance

3.21 INSPECTIONS

The applicant for the building sewer permit shall notify the Building Official, Sanitarian and the MWPCA duly authorized agent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the MWPCA or its representative.

3.22 TESTING

All 4 inch diameter building sewers shall be tested and demonstrated to have a maximum infiltration amount not to exceed 100 gallons per inch mile of pipe per twenty-four (24) hours.

Commented [TP3]: Previous draft deleted former Section 3.22 related to sewers built by others

4.0 USE OF PUBLIC SEWERS

4.1 CONNECTION

The owner of any property abutting a street, alley or right of way in which a public sewer is located shall connect by means of a building sewer. All building drains on the property shall be connected to the public sanitary sewer within ninety (90) days of receipt of the SEWER CONNECTION NOTICE sent by the MWPCA to the property owner. In the event a property owner is unable to make the connection to the public sewer within ninety (90) day period, the property owner shall submit a written request to the MWPCA for an extension of time not to exceed thirty (30) days. The MWPCA may grant extension(s) of time not to exceed an additional ninety (90) days. Building, Health, and MWPCA permits are necessary to connect the building to the sewer line or grinder pump. Failure to make a connection within ninety (90) days without the granting of a time extension from the MWPCA will result in removal of the grinder pump core. Reinstallation of the grinder pump core by the MWPCA will be made at time of connection and the property owner will pay a fee to be determined by the MWPCA for the removal and reinstallation at the time of filing of an application to connect.

- a) It shall be unlawful for any person to construct or repair any privy, privy vault, septic tank, cesspool or other facility intended for the disposal of sewage if public sewers are available.
- b) It shall be unlawful for any person to uncover, make connections with or opening into, discharge any wastes into, alter or disturb any public sewer or appurtenance to the public sewer without prior authorization of the MWPCA.
- c) No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage collection and treatment system or the water pollution control facility.
- d) Any property which fails to connect to the public sewer after receipt of the sewer connection notice shall not receive approval for the construction of any additional building coverage or vertical expansion to the existing

principal or accessory building(s) on the property or new building or the construction of new structure.

4.2 INDUSTRIAL & COMMERCIAL WASTE

In general, no industrial or commercial wastes, except for the sanitary wastes generated by employees will be allowed into the sewer system. Discharges of wastes other than sanitary waste may be allowed only to the extent that the discharge substantially complies with pretreatment standards set forth by the DEP and EPA. The pretreatment regulations that apply to industrial and commercial dischargers are an integral part of these Regulations. Industrial and commercial entities shall apply for a special permit furnished by the MWPCA. The permit application shall be supplemented by any plans, specifications, approvals, and any other information considered pertinent in the judgment of the MWPCA.

4.3 SPECIAL TRAPS – NON-RESIDENTIAL PROPERTIES

Grease, oil and gross particle separators shall be provided when, in the opinion of the Commissioner or the MWPCA, they are necessary for the proper handling of sewage containing floatable grease in excessive amounts, or any flammable wastes, sand, or other harmful substances; except that such separators shall not be required for private living quarters or dwelling units. Grease separators are required at all food service establishments. Sizing information is to be provided to the Sanitarian for review and approval and must conform to the IBC National Plumbing Code, latest edition. Equipment used must be identified by a plate confirming the "Plumbing Drainage Institute" rating in gallons per minute.

All separators shall be of a type and capacity approved by the Commissioner or then Sanitarian, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining these separators, the 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, the MWPCA, or Sanitarian. 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 CGS 22a-454, as amended.

4.4 PRETREATMENT OF WASTEWATER

Where pretreatment or flow-equalizing facilities are provided or required for any sewage, they shall be maintained in satisfactory and effective operation by the owner(s) at his expense, and the facilities are subject to inspection and monitoring by the MWPCA.

The MWPCA or its designated agent may require any person discharging into the public sewer to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization. Detailed plans describing such facilities and operating procedure shall be submitted to the MWPCA or its designated agent for review, and shall be acceptable to the MWPCA or its designated agent before such facilities are constructed. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

The review of such plans and operating procedures shall in not relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the MWPCA under the provision of these Regulations.

4.5 SPECIAL VOLUME EXCEPTIONS

Any new discharge from a single source of domestic waste water in excess of 2,500 gpd will be allowed only by special permit of the MWPCA. On evaluating the request for a special permit the MWPCA shall consider such factors as, the potential for flow reduction, the possibility of on-site disposal for all or a portion of the waste water, the treatment plant capacity, existing flow rates, and the potential for exceeding the rate of flow projected by the applicant. Special exceptions when granted shall be for a specific volume of daily waste water which shall not be exceeded. As an additional consideration in evaluating the request, the authority may require evidence of the gallonage per day as of the date of the adoption of this regulation and may require flow reduction to the level of said gallonage as a condition for connection.

4.6 DISCHARGE LIMITATIONS REGARDING THE USE OF PUBLIC SEWERS

This section of the Regulations sets forth uniform requirements for all users of the Marlborough Public Sewer and enables the Town to comply with all applicable State and Federal laws, including the Act.

4.6.1 PROHIBITED DISCHARGES

- a) No person shall discharge or cause to be discharged any unpolluted waters such as wastewater from water softening equipment, commercial laundry wastewater, blow-down from heating and cooling equipment, water from cellar or floor drains, or surface water from roofs, paved surfaces, yard drains, exterior foundation drains, areaway drains, sump pumps or other sources of surface runoff or groundwater to any sanitary sewer.
- b) Stormwater 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 State and Federal laws and regulations.
- c) 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 or the sewage collection system. These general prohibitions apply to all such users of a WPCF whether or not the user is subject to National Categorical Standards or any other Federal or State pretreatment standards or requirements. A user shall not contribute the following substances to any WPCF:
 - 1. Any volatile liquids, gasoline, fuel oil, benzene, 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 sewage collection system, 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.

2. Solids 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 or 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, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, non-dissolvable waste paper, wood, plastics, gas, motor oil, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes, or wipes (household cleaning/sanitary).
3. Any sewage having a pH lower than 5.5 or higher than 9.5 having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the WPCF or sewage collection system. The upper limit of pH for any industrial wastewater discharge shall be established under the discharger's State Discharge Permit.
4. 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 shall not be limited to any pollutant identified pursuant to Section 307(a) of the Act.
5. Any noxious or malodorous sewage, gases, or solids which either singly and/or by interaction with other sewage sufficient to prevent entry into the public sewers for their maintenance and repair. Sewage containing odor-producing substances exceeding limits which may be established by the Commissioner.

6. 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 WPCF's NPDES Permit to be exceeded.
7. Any substance which may cause the WPCF's 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 RCRA, Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
8. Any substance which will cause a WPCF to violate its NPDES Permit or the receiving water quality standards.
9. Sewage containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such degree that the WPCF effluent cannot meet the limits stipulated in the Joint Facilities Treatment Plant's NPDES Permit.
10. Any water or waste containing 100 mg/L or more of petroleum oil, non-biodegradable cutting oil, or product of mineral oil origin, wastewaters which contain floatable fats, oils, and grease substances which may solidify or become viscous at temperatures between 32°F. and 150°F. (0°C. to 65°C.).
11. Any process waste water from commercial laundries.
12. Any waste from commercial kitchens including restaurants that is not pretreated.

13. Wastes prohibited by the DEEP or EPA.
14. Garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, 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.
15. Radioactive waste or isotopes of such half-life or concentration as may be established by the Commissioner in compliance with all applicable State and Federal regulations.
16. Materials which exert or cause:
 - a) Unusual concentrations of inert suspended solids (such as, but, not limited to sodium chloride and sodium sulfate).
 - b) Excessive discoloration (such as, but not limited to, dye waste and vegetable tanning solutions).
 - c) Unusual BOD, chemical oxygen demand, or chlorine demand in such quantities as to constitute a significant load on the water pollution control facility.
 - d) Unusual volume of flow or concentrations of waste constituting a "slug" as defined in Section 2.0.
 - e) Overflow from holding tanks or other receptacles storing organic wastes.
 - f) Sewage with a concentration of pollutants in excess of the following limits, Shall be measured as total metals ;

<u>Pollutants</u>	<u>Concentration: parts/million (mg/L)</u>
Arsenic as As	0.05
Barium as Ba	5.00
Boron as B	5.00
Cyanides as CN (amenable)	0.10

Fluoride as F	20.00
Chromium (Total)	1.00
Chromium (Cr +6)	0.10
Magnesium as Mg	100.00
Manganese as Mn	5.00
Copper as CU	1.00
Zinc as Zn	1.00
Cadmium	0.07
Lead	0.10
Tin	2.00
Silver	0.10
Mercury	0.01
Nickel	1.00

4.7 COMMISSIONER REVIEW

In accordance CGS 22a-430 as amended, a permit from the Commissioner 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 1% of the design flow of the receiving water pollution control facility, or any domestic sewage in excess of 50,000 gpd.

A potential discharger must submit a permit application to the DEEP not later than ninety (90) days prior to the anticipated date of initiation of the proposed discharge.

4.7.1 If any sewage is discharged or is proposed to be discharged to the public sewers which contains the substances or possesses the characteristics enumerated in Section 4.6 of these Regulations, the Commissioner may, in compliance with CGS 22a-430 as amended:

- 1) Reject the discharge of the wastes;
- 2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- 3) Require control over the quantities and rates of discharge;

If the Commissioner permits the pretreatment or equalization of waste flows, the design and installation of the equipment shall be subject to the review and approval of the Commissioner subject to the requirements of all applicable codes, ordinances, regulations and laws.

- 4.7.2 The MWPCA shall have the right to reject the discharge of any wastes; or, require more stringent effluent limitations than required by the user's CGS 22a-430 permit, the decisions of the Commissioner notwithstanding. Additionally, the MWPCA may require pretreatment to an acceptable condition for discharge to the public sewer; require control over the quantities and rates of discharge; and require payment to cover the added cost of processing the wastes not covered by existing taxes or sewer charges.

If the MWPCA permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment for such pretreatment and equalization shall be subject to the review and the approval of the MWPCA and the DEEP, and subject to the requirements of all applicable MWPCA, Town, State and/or Federal codes.

- 4.7.3 When required by the Commissioner or the MWPCA, 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 allow 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 and the MWPCA. 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 owner at his expense and shall be maintained by the owner so as to be safe and accessible at all times.

- 4.7.4 No statement contained in this article shall be construed as preventing any special agreement or arrangement between the MWPCA and any industrial concern whereby an industrial waste of unusual strength or

character may be accepted by the MWPCA for treatment, provided that such agreement does not contravene any requirements of existing State or Federal Regulations or the standards of the Joint Facilities Treatment Plant's NPDES permit and is compatible with any user charge and industrial cost recovery system in effect.

4.8 MEASUREMENT & TESTING

All measurements, tests, and analyses of the characteristics of waters, and sewage to which reference is made in these Regulations shall be determined in accordance with the latest edition of "Standard Methods for Examination of Water and Wastewater", published by the American Public Health Association and shall be determined by analysis of suitable samples taken at appropriate locations.

Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to the stipulations and general conditions of the discharger's State Discharge Permit. Sampling shall be carried out by the customarily accepted methods to reflect the effect of constituents on the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a property is appropriate, or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls; whereas pH levels are determined from periodic grab samples.

When required by the MWPCA, the owner of any property serviced by a building sewer shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer to allow observation, sampling, and measurement of wastes. The manhole shall be installed by the owner at their expense, shall be maintained by the owner so as to be safe and accessible at all times and shall be constructed in accordance with plans approved by the MWPCA of its designated agent. In the event no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which building sewer is connected.

All industries discharging into a public sewer shall perform such monitoring of their discharge as required by the Commissioner in any State Discharge Permit issued pursuant to CGS 22a-430 as amended, including, but not limited to, installation, use and maintenance of monitoring equipment, keeping records and reporting the results to the Commissioner. Such records shall be made available upon request of the Commissioner, the MWPCA or the Town Sanitarian.

4.9 FEDERAL STANDARDS

Upon the promulgation of the Federal Categorical Pretreatment Standard for a particular industrial subcategory is more stringent than limitations imposed under these Regulations for sources in that subcategory the Federal Standard shall supersede the limitations under these Regulations.

4.10 DILUTION

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 specific pollutant limitations which may be developed by the Commissioner.

4.11 ACCIDENTAL DISCHARGE PROTECTION

Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by these Regulations. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense when required by the Commissioner or MWPCA. The Commissioner or the MWPCA may require that plans showing facilities and operating procedures be submitted for review and approval prior to construction of the facilities.

4.11.1 Within five (5) days following an accidental discharge, the user shall submit to the MWPCA, the WPCF Superintendent and the Commissioner, a detailed written report describing the cause of the discharge and the measures to be taken by the user to mitigate the accidental discharge and 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, aquatic plants, or any other persons or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this regulation or other applicable law.

4.11.2 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.

4.12 UPSET

- a) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, lack of adequate training, or careless or improper operation.
- b) An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Standards if the requirements of paragraph (C), below, are met.
- c) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - 1. An upset occurred and the user can identify the cause(s) of the upset;
 - 2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - 3. The user has submitted the following information to the MWPCA or its designated agent within twenty-four (24) hours of becoming

aware of the upset. Reporting to the MWPCA or its designated agent does not relieve the user from other State or Federal reporting requirements.

- d) A description of the ground water and cause of noncompliance;
- e) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- f) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- g) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- h) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Categorical Standards.
- i) Users shall control production of all discharges to the extent necessary to maintain compliance with Categorical Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

4.13 SEALING DISCONTINUED BUILDING SEWERS AND CONNECTIONS

When any building or structure, or portions thereof, or any public sewer is destroyed, demolished, abandoned or altered, in a manner that any building drain, is no longer or will no longer be connected to the house connection the building sewer shall be capped at the street line for gravity sewers and at the pump chamber for any individual grinder pump. Capping of the sewer line shall be done by a licensed drainlayer and requires a permit from the MWPCA.

Prior to issuance of any demolition permit from the Building Official the building sewer shall be capped, and if any owner is to abandon a connection

the owner shall notify the MWPCA at least thirty (30) days prior to such abandonment of use. In the event of unplanned destruction or demolition of a building or structure the building sewer shall be capped as soon as possible after the occurrence of the damage.

4.14 OWNERSHIP & RESPONSIBILITY

The MWPCA shall be responsible for inspections, repairs to, maintenance of and reconstruction of the public sewer mains and pump station. The MWPCA shall not provide service calls to building sewer lines that are the responsibility of the property owner.

The MWPCA shall own and maintain the motor, pump and shredder portions of the grinder pump only if it has been provided as a part of a publicly funded project and only for the life of the public funding, and if the owner has executed a Grinder Pump Access Agreement with the MWPCA. In all other cases, the property owner shall own and maintain the grinder pump and all appurtenances. In all cases, the property owner shall be responsible for payment of charges for electrical utility service for operation of a grinder pump.

It is the sole responsibility of the property owner serviced by the public sewer to maintain the building sewer and/or grinder pump in accordance with these Regulations and is a condition of a permit for discharge. The property owner shall be responsible for the inspections, repairs to, maintenance of and reconstruction of the building sewer and all appurtenances of such building sewer.

Commented [TP4]: Previous draft deleted a sentence relating to reissuance of permit

In the event of a complaint regarding a sewer stoppage, the MWPCA representative will ascertain if the main sewer line is clear, and any stoppages therein will be relieved as quickly as possible. If the main sewer line is clear the MWPCA representative will inform the owner that stoppage is on their property and they need to employ at their own expense a licensed plumber, or a drainlayer to clear the stoppage or commence the necessary repairs to the building sewer. If the owner or its representative ascertains the stoppage is within the house lateral located in the street right of way the MWPCA shall correct said stoppage.

If the examination by a property owner or their designated service professional reveals a problem within the building sewer, the following actions should be taken for the investigation:

Broken Pipe: If the examination reveals that a break may lie within the public sewer, the property owner shall contact the MWPCA. The MWPCA will evaluate the problem area. If the break is found to be within the public sewer, it will be repaired by the MWPCA. If the break is found in the building sewer, all costs associated with the repair shall be borne by the property owner, as well as cost incurred by the MWPCA for the examination and/or repair.

Obstruction: If the examination reveals that an obstruction of any nature has occurred at any point within the building sewer, all costs for removal of the obstruction shall be the sole responsibility of the property owner, including all costs incurred by the MWPCA for the examination and/or removal of the obstruction.

If the MWPCA determines that there is an infiltration or inflow into the building sewer the property owner shall make all necessary repairs at their expense after receipt of notice from the MWPCA. If a property owner fails to make necessary repairs and the MWPCA determines that action is necessary to repair or replace the building sewer, the MWPCA will make the required repairs and seek appropriate reimbursement from the property owner.

5.0 FOG FACILITIES

5.1 GENERAL

All facilities that generate and discharge fats, oils and grease in their sewage flow shall install, operate, and maintain a FOG pretreatment system prior to connection to the public sewer.

5.2 APPLICATION FOR PERMIT

- a) FOG Pretreatment Systems shall be provided for:
1. All food preparation establishments with a Class III or IV Food Services License, including restaurants, cafeterias, diners and similar non-industrial facilities using food preparation processes that have the potential to generate FOG in sewage at concentrations in excess of the limits defined in these Regulations, and is also required to meet the general permit of the CGS 22a-430b, as amended, prior to connection to the public sewer.
 2. New and existing facilities which, in the opinion of the MWPCA, require FOG pretreatment systems for the proper handling of Sewage containing fats, oils or grease; except that such FOG Pretreatment Systems shall not be required for residential units.
 3. All sizing requirements for a grease interceptor or other approved device / system are to be sized accordingly by an engineer at the expense of the food establishment. Each unit must be able to handle the anticipated flow and remove grease so as to not violate any part of these Regulations.
- b) All new food preparation establishments which generate and discharge Sewage containing fats, oils, and grease and which will require a FOG pretreatment system, as determined by the MWPCA, Shall include the design and specifications for the FOG Pretreatment System as part of the Sewer connection permit application. An application for a permit for the FOG interceptor will need to be submitted with payment made to the MWPCA at the current fee payment schedule set by the MWPCA.

- c) All existing food preparation establishments with a Class III or IV Food Service License which generate, and discharge Sewage containing fats, oils, and grease, and which require a new FOG pretreatment system that have either changed ownership or started renovations of the interior of the business shall install said grease interceptor immediately, or as determined by the MWPCA.
- d) Existing food preparation establishments with a Class III or IV Food Service License which generate, and discharge sewage containing fats, oils, and grease, and which have an existing non-complying FOG pretreatment system must, comply with this FOG Regulation prior to connection to the public sewer.
- e) All costs and related expenses associated with the installation and connection of the FOG interceptor(s) or alternate FOG pretreatment system(s) shall be borne by the food preparation establishment. The food preparation establishment shall indemnify the Town and its agents for any loss or damage that may directly or indirectly occur due to the installation of the FOG pretreatment system.
- f) An application for the design and installation of a FOG pretreatment system shall be subject to review and approval by the MWPCA per these Regulations, the Sanitary Sewer Material and Construction Standards, and subject to the requirements of all other applicable codes, ordinances, and laws.

5.3 DISCHARGE LIMITS

No facility shall discharge or cause to be discharged any sewage with a FOG concentration in excess of the limits described in Section Five (5) of these Regulations as determined by the most current approved test for total recoverable fats and grease listed in 40 CFR 136.3, or in concentrations or in quantities which will harm either the sewer or WPCF, as determined by the MWPCA.

5.4 PRETREATMENT SYSTEM REQUIREMENTS

- a) Except as provided by Section 5.5, the sewage generated from food preparation establishments shall be treated to remove FOG using a FOG interceptor.
- b) Every structure at the subject facility shall be constructed, operated, and maintained, in a manner to ensure that the discharge of food preparation sewage is directed solely to the FOG interceptor, or alternate FOG pretreatment system. No diverting valve or bypass piping that could prevent the discharge of food preparation sewage from entering appropriate pretreatment equipment shall be present.
- c) The contact person at each food preparation establishment shall notify the MWPCA when the FOG pretreatment system is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the MWPCA inspector, and/or the Sanitarian. The Building Official must also inspect any interior connections and all applicable permits must be issued prior to the start of work.
- d) All applicable local plumbing/building codes shall be followed during the installation of the FOG pretreatment system.
- e) FOG Interceptor Requirements:
 - 1. The FOG interceptor shall be installed on a separate building connection servicing kitchen flows and shall only be connected to those fixtures or drains which can allow fats, oils, and grease to be discharged into the public sewer. This shall include:
 - a. Pot sinks;
 - b. Pre-rinse sinks, or dishwashers without pre-rinse sinks;
 - c. Any sink into which fats, oils, or grease may be introduced;
 - d. Soup kettles or similar devices;
 - e. Work stations;
 - f. Floor drains or sinks into which kettles may be drained;
 - g. Automatic hood wash units;
 - h. Dishwashers without pre-rinse sinks; and
 - i. Any other fixtures or drains that can allow fats, oils, and grease to

be discharged into the sewer.

2. No pipe carrying any sewage other than from those listed in the paragraph above shall be connected to the FOG interceptor.
3. No food grinder shall discharge to the FOG interceptor/trap.
4. The FOG interceptor shall be located so as to maintain the separating distances from well water supplies set forth in Section 19-13-B51d of the Public Health Code.
5. The following minimum-separating distances shall be maintained between the FOG Interceptor and the items listed below.
 - a. Property line - 10 ft
 - b. Building served (no footing drains) - 15 ft
 - c. Ground water intercepting drains, footing drains and storm drainage systems - 25 ft
 - d. Open watercourse - 50 ft
6. All non-concrete grease traps must be approved for use by the MWPCA.
7. The FOG interceptor/trap shall be accessible for convenient inspection and maintenance. No structures shall be placed directly upon or over the FOG interceptor.
8. When necessary due to installation concerns, testing for leakage will be performed using either a vacuum test or water-pressure test.
 - a. Vacuum Test - Seal the empty tank and apply a vacuum to two (2) inches of mercury. The tank is approved if 90 percent of the vacuum is held for two (2) minutes.
 - b. Water-Pressure Test - Seal the tank, fill with water, and let stand for twenty-four (24) hours. Refill the tank. The tank is approved if the water level is held for one (1) hour.

5.5 ALTERNATE FOG PRETREATMENT SYSTEMS

- a) When it is not practical for the food preparation establishment to install an outdoor in-ground FOG interceptor per Section 5.4, an alternate FOG pretreatment system, such as an AGRU (automatic grease recovery unit) may be utilized upon approval by the MWPCA and upon receiving a "Notification of Approved Alternative FOG Pretreatment System." Approval of the system shall be based on demonstrated (proven) removal efficiencies and reliability of operation. The MWPCA will approve these systems on a case-by-case basis. The contact person may be required to furnish the manufacturer's analytical data demonstrating that FOG discharge concentrations do not exceed the limits established in this ordinance. Installation of the above mentioned device/system will require a permit by the MWPCA along with the required fee and inspection of device/system will be required from both the MWPCA inspector and the Building Official.
- b) Alternate FOG pretreatment systems shall consist of a FOG recovery unit meeting the requirements of Paragraph d, unless there are special circumstances that preclude such installation, as approved by the MWPCA.
- c) Alternate FOG pretreatment systems shall meet the requirements of Section 5.4, a-d, and Section 5.4, e.2 and e.3 and shall be installed immediately downstream of each of the fixtures and drains listed in Section 5.4 e.1.
- d) Alternate FOG pretreatment system requirements.
 1. FOG AGRUs shall be sized to properly pretreat the measured or calculated flows using methods approved by the MWPCA.
 2. FOG AGRUs shall be constructed of corrosion-resistant material such as stainless steel or plastic.
 3. Solids shall be intercepted and separated from the effluent flow using a strainer mechanism that is integral to the unit.
 4. FOG AGRUs shall operate using a skimming device, automatic

draw-off, or other mechanical means to automatically remove separated FOG. This skimming device shall be controlled using a timer, FOG sensor, or other means of automatic operation. FOG Recovery Units operated by timer shall be set to operate no less than once per day.

5. FOG AGRUs shall be included with an internal or external flow control device.
6. FOG AGRUs shall be located to permit frequent access for maintenance, and inspection.

5.6 PRETREATMENT EQUIPMENT MAINTENANCE

- a) The FOG retreatment system shall be maintained continuously in satisfactory and effective operation at the food preparation establishment's expense.
- b) The contact person shall be responsible for the proper removal and disposal, by appropriate means, of the collected material removed from the FOG pretreatment system.
- c) A record of all FOG pretreatment system maintenance activities shall be maintained on the premises in a maintenance log for a minimum of five (5) years.
- d) The contact person shall ensure that the FOG interceptor is inspected when pumped to ensure that all fittings and fixtures inside the interceptor are in good condition and functioning properly. The depth of grease inside the tank shall be measured and recorded in the maintenance log during every inspection along with any deficiencies, and the identity of the inspector.
- e) The contact person shall determine the frequency at which its FOG interceptor(s) shall be pumped according to the following criteria:
 1. The FOG interceptor shall be completely cleaned by a licensed waste hauler when 25% of the operating depth of the FOG interceptor is occupied by grease and settled solids, or a minimum of once every

three (3) months, whichever is more frequent.

2. If the contact person can provide data demonstrating that less frequent cleaning of the FOG interceptor will not result in a grease level in excess of 25% of the operating depth of the FOG interceptor, the MWPCA may allow less frequent cleaning. The contact person shall provide data including pumping receipts for four (4) consecutive cleanings of the FOG interceptor, complete with a report from the FOG hauler indicating the grease level at each cleaning, and the FOG interceptor or maintenance log.
 3. A maintenance log shall be maintained on the premises, and shall include the following information: dates of all activities, volume pumped, grease depth, hauler's name, location of the waste disposal, means of disposal for all material removed from the FOG interceptor, and the name of the individual recording the information. The maintenance log and waste hauler's receipts shall be made available to the MWPCA for inspection on demand. Interceptor cleaning and inspection records shall be maintained on file a minimum of five (5) years.
- f) All removal and hauling of the collected materials must be performed by State licensed waste hauler. Pumped material shall be disposed of at a Regional FOG Disposal Facility. Pumping shall include the complete removal of all contents, including floating materials, Sewage and settled SLUDGE. Decanting back into the FOG interceptor shall not be permitted. FOG interceptor cleaning shall include scraping EXCESSIVE solids from the walls, floors, baffles and all piping.

5.7 FOG MINIMIZATION

- a) The contact person shall make every practical effort to reduce the amount of FOG contributed to the sewage system.
- b) Renderable fats, oils, and grease shall not be discharged into any BUILDING CONNECTOR or FOG INTERCEPTOR. All renderable fats, oils, and grease shall be stored in a separate, covered, leak-proof, renderable FOG container, stored out of reach of vermin, and collected by a renderer.

- c) Small quantities of FOG scraped or removed from pots, pans, dishes and utensils shall be directed to the municipal solid waste stream for disposal.

5.8 ADMINISTRATION

- a) Technical standards as defined in the Sanitary Sewer Material and Construction Standards shall apply when in the opinion of the MWPCA that excessive grease, oil or gross particles exist for a particular connection as defined by Section 4.6.1.
- b) The MWPCA shall have the right to inspect such facilities at any time during normal business hours.
- c) A Grease Trap Log shall be furnished to the MWPCA, which shall state the proper cleaning intervals for any FOG device/system. The log shall be updated at every cleaning and be available for viewing by WPCA personnel at all times. Failure to maintain Grease Logs will result in monetary penalties.
- d) All fryolator grease must be stored in a proper, covered container until removal by a renderer and not discharged to the public sewer. Violators may be subject to a monetary penalty. Grease trap waste, may in most cases, be disposed of by the renderer or the normal trash contractor.
- e) All sinks not draining through a FOG device/system must be posted as follows: NO CLEANING OF POTS, PANS, DISHES OR UTENSILS and NO FATS, OILS OR GREASE.
- f) No chemicals, emulsifiers or grease cutters other than bacteria shall be used in the maintenance of grease traps or building drains in the public sewer.

6.0 PROVISIONS FOR THE EXTENSION OF SEWERS

6.1 POLICY ON EXTENDING SEWERS

In accordance with the provisions of the Water Pollution Control Plan it is the policy of the MWPCA to avoid extending sewers into undesignated sewer service areas. It is the MWPCA's policy to extend sewers only if there are no viable alternative methods to comply with DEEP orders or to remedy a pressing pollution problem.

The MWPCA shall specify the terms and the nature of and limitations on the water or waste liquids to be conveyed. Sewer plans must be approved by the MWPCA prior to the commencement of work is permitted and said plans for sewer work must be prepared by a professional engineer.

6.2 AUTHORIZED AGREEMENTS WITH DEVELOPERS AND OTHER OWNERS

The MWPCA is authorized to enter into agreements on behalf of the Town with developers or other owners of land for the construction of sewers and related appurtenances by and at the expense of such developers or owners, which sewers may become part of the public sewer system under the conditions hereinafter stipulated. The chairman of the MWPCA is authorized to sign on behalf of the MWPCA, all such agreements when the same have been authorized by the MWPCA. The terms and the text of a standard form of agreement for work under these Regulations is attached as Appendix A to these Regulations. Any variations of said standard form for any particular project thereunder shall be require the approval of the MWPCA.

6.3 PROVISIONS OF AGREEMENT

a) Plans and Specifications

The MWPCA shall specify the terms of such plans and specifications which are made a part thereof, the limits, sizes and grades of piping and appropriate materials, and the nature of and limitation on the wastes or liquids to be conveyed.

b) Costs

Such agreements shall provide that the full cost of construction of the sewer and all expense thereto shall be borne by the developer or owner. Additionally the developer or owner shall reimburse the MWPCA for any incidental costs incurred by the MWPCA and/or the Town concerning the project such as review and approval of the plans and specifications, verification of field data and information, changes to plan , inspections, traffic control, etc..

c) Insurance

All such agreements shall provide that the developer or owner or the contractor engaged by the developer or owner to perform the work shall assume all risks and hold the Town harmless from any and all claims for damages arising from the work or its conduct. To secure against such risks, adequate liability, property damage and compensation insurance in amounts fixed by the MWPCA and in content and form acceptable by the MWPCA legal counsel shall be required of the developer or owner or contractor performing the work who shall furnish proper and acceptable certificates of insurance before starting work.

d) Bonding Authority

The MWPCA shall require as part of said agreement that a performance bond guaranteed by surety acceptable to the MWPCA in amount and form be submitted to insure proper completion and maintenance of the work for a period of time defined by the MWPCA after construction is complete.

e) Inspection

The developer shall pay an inspection fee determined by the MWPCA to the MWPCA prior to commencement of work. If the inspection fee is expended prior to the completion of the construction the developer shall submit addition funds as determined by the MWPCA within five (5) business days after receipt of the request for additional funds. The work undertaken under such agreements shall be under the direction of the MWPCA. An inspector will be assigned by the MWPCA to inspect all work under such agreements. Any work performed without proper inspection

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may not be accepted and shall be uncovered, and may be required to remove and rebuild if required by the inspector or the MWPCA. Any work performed that does not comply with the specifications and standards of the Town and the orders of the MWPCA, will be stopped until there has been compliance with all requirements.

6.4 INCORPORATION INTO THE PUBLIC SYSTEM

After certification by the MWPCA that any sewer construction under the terms of an agreement has been done in accordance with these Regulations and the plans, specifications and standards of the MWPCA; and that any maintenance period fixed in the agreement has expired; or that adequate security by bond or otherwise has been furnished to assure such restoration, the MWPCA may incorporate said sewer into the public sewer system of the Town.

6.5 TOWN AUTHORITY

No provision of this section shall be construed to reduce or diminish the requirements of the Town and any other authority having jurisdiction over the owner or agent for the extension.

6.6 RIGHT OF WAY EASEMENTS

When the work is not in an accepted public highway rights-of-way easements shall be conveyed to the MWPCA or Town prior to the acceptance of the sewer; said easements shall be satisfactory to the MWPCA and /or the Town.

6.7 AS-BUILT DRAWINGS

Upon completion of the work and prior to acceptance of the sewer and water lines by the developer or owner shall furnish the MWPCA with "As-Built" maps showing utility locations, building service and lateral connections with distance ties certified as as-built by a Land Surveyor or Professional Engineer in mylar and electronic format in latest form of AutoCAD and GIS. These drawings shall also show the certified leakage infiltration results from water and sewer line tests. Leakage and/or infiltration shall not exceed 100 gallons per inch mile of pipe per twenty-four hours.

7.0 SEWER BENEFIT ASSESSMENT POLICY

7.1 STATEMENT OF PURPOSE

The purpose of this sewer benefit assessment policy is to provide the basis for levying sewer benefit assessments against properties located in the Town , as authorized by Chapter 103 of the GGS.

7.2 COLLECTION OF WATER POLLUTION CONTROL REVENUES

There is hereby established the title of Collector of Water Pollution Control Revenues (CWPCR). The CWPCR is hereby designated as the person entitled and empowered to prepare and cause to be recorded in the Marlborough land records all notices of assessments, notices of installment payment of assessment, notices of deferred assessment and notices continuing liens for unpaid and delinquent assessments. Said CWPCR is hereby empowered to collect sewer assessments in accordance with any provisions of the CGS for the collection of property taxes. Said CWPCR is further designated the Person who is empowered to collect all sewer use and connection charges in accordance with the provisions of the CGS.

7.3 CLASSIFICATION OF PROPERTIES FOR SEWER BENEFIT ASSESSMENT PURPOSES

- a) Residential properties, year round or seasonal occupancy, shall include:
 - 1. Single family dwelling – a dwelling for one single family.
 - 2. Single family dwelling with “in-law” apartment – a dwelling for a single family with an additional living unit.
 - 3. Duplex dwelling - a dwelling for two family units.
 - 4. Multi-unit dwelling – a dwelling for three or more family units.
- b) Commercial/industrial property includes properties used for commercial and industrial purposes excluding residential use classified under “a” above and excluding restaurant properties classified under “c” below and Shall include, but are not limited to:

1. Retail – including properties used for all common retail operations including, but not limited to, grocery and convenience stores, gas stations, nurseries, beauty salons, pharmacies, florists and kennels.
 2. Professional offices include, but are not limited to, banks, post offices, medical offices and law offices.
 3. Light industrial includes, but is not limited to, machine shops and automotive repair garages.
 4. Motel, hotel and rooming house – buildings normally operated for commercial purposes providing rooms, toilet facilities and May include dining and other facilities.
- c) Restaurant properties shall include:
1. Restaurants
 2. Luncheonettes
 3. Taverns
 4. Cocktail Lounges
 5. Bakeries/Deli
- d) Institutional properties shall include:
1. Churches
 2. Schools
 3. Government Buildings – Libraries/Museums
- e) Mixed Use Properties shall include:
1. residential/commercial, residential/restaurant, commercial/restaurant
- f) Any other use of property benefiting from the availability of Public Sewers

7.4 BASE SEWER BENEFIT ASSESSMENT – EQUIVALENT DWELLING UNIT

The minimum base assessment to be levied against all properties is to recover capital expenditures in a reasonable manner based on the value of having the benefit of public sewers. The minimum base assessment amount is subject to change by action of the MWPCA as the rates of inflation, prices and costs increase or decrease. As provided below, the equivalent dwelling unit charge may be modified depending on the particular use classification of the property.

7.5 DETERMINATION OF THE AMOUNT OF THE SEWER BENEFIT ASSESSMENT

In accordance with CGS 7-249 as amended, the MWPCA will determine the sewer benefit assessment. The total benefit amount is determined by taking the minimum base assessment rate and multiplying it by the EDU's for the applicable property. In accordance with CGS 7-250 as amended, the MWPCA shall hold a public hearing on the assessment and send notice of said public hearing and assessment amount to any affected property owner. Appeals of assessments are to be made to the Superior Court Judicial District at Hartford, County of Hartford within the time frame specified in CGS 7-250, as amended.

In addition to and in recognition of the appreciated value of the availability of public sewers by reason of inflation and property appreciation, the costs of financing the original sewer construction loans and carrying such loans for the benefit of subsequent users, the minimum base assessment rate computed for future users of the system, in accordance with the herein outlined assessment policy, shall be subject to yearly increases.

7.6 VACANT LAND AND BUILDINGS OR STRUCTURES CONSTRUCTED OR EXPANDED AFTER THE INITIAL ASSESSMENT LOCATED WITHIN THE SEWER SERVICE AREA AND ASSOCIATED APPRECIATION CHARGE POLICY

Vacant residential land will not be assessed by the MWPCA until such time as it is developed and derives a direct benefit from the public sewer. Vacant Commercial or Industrial land will be assessed one (1) EDU. The assessment of vacant land and the assessment of building or structures constructed or expanded after the initial assessment shall be subject to the provisions of Sections 7.10 and 7.11 below.

7.7 DEFERRED ASSESSMENTS FOR PUBLIC PROPERTIES

Sewer assessments for public properties may be deferred. Assessments so deferred shall be assumed by the Town and not assumed by the other property owners using the public sewer. Record of said deferment and the amount of assessment shall be kept at the Office of the Town Clerk and should the ownership of said property be changed or should public property be used for other purposes, the assessment will become due and payable.

7.8 DEFERRED ASSESSMENTS FOR PRIVATE PROPERTIES

Sewer assessments for private properties may be deferred if the property contains a one hundred (100) percent fully code compliant septic system including one hundred percent reserve area and the septic system was installed after September 1, 2004.

If the property owner seeks a connection to the public sewer then the full assessment will become due and payable prior to issuance of permit to connect.

7.9 AMOUNT OF DEFERRED ASSESSMENTS

The amount of a deferred assessment shall be calculated at the time a connection is sought as described in Section 7.10.A of these Regulations.

7.10 DETERMINATION OF SPECIAL CONNECTION CHARGES

In general, the following rule or method for determining a special connection charge shall be used as the basis for assessing properties previously deferred or unassessed for their share of benefits derived from the construction of local sewers, and for the apportionment of sanitary sewers built by developers and for properties previously assessed which have or will have a greater intensity of use in accordance with the CGS.

A. DEFERRED ASSESSMENTS

Wherever an assessment has been deferred and a connection to the sewer system is sought a deferred assessment charge shall be imposed.

Calculation of the deferred assessment charge shall be determined by taking the minimum base assessment rate and multiplying it by the EDU's for the applicable property. The minimum base assessment used for the calculation is the applicable rate for the year the deferment is sought.

B. SEWERS BUILT BY DEVELOPERS OR OTHER OWNERS

Wherever a developer has installed a local sewer passing land owned by others in accordance with the provisions of Section 6.2 of these Regulations, a special connection charge shall be imposed, consisting of the connection charge applicable at the time the connection is sought and any other MWPCA charge that is a part of a particular developer's agreement.

For the purposes of the remainder of this Section of the regulations with regard to a parcel of property, a "Developer" "an Owner" or an "Owner's Agent" will be referred to as an "Owner" or "Owners". The owner of another property related to that of an "Owner" only by proximity, will be referred to as an "Owner of Other Property".

When a sewer has been built for the MWPCA under a developer's permit agreement and passes land owned by an Owner of Other Property who may request a house connection to the sewer, no connection shall be permitted by the MWPCA unless:

- (1) The Owner of Other Property pays a special connection charge as Section 7.10 of these Regulations; or
- (3) The MWPCA has approved the design of the sewer connection sought.

C. ASSESSMENT OF PROPERTIES NOT PREVIOUSLY ASSESSED

Whenever a sewer has been laid out and constructed by the MWPCA after the initial construction phase to serve a particular section of highway or a particular area. No connection will be permitted thereto for any property which has not been previously assessed. The MWPCA May by appropriate vote, permit payment of said assessment over a period to be determined by the MWPCA.

D. CHARGES FOR INDUSTRIAL USERS OF FEDERALLY FINANCED SEWAGE SYSTEMS

Industrial cost recovery payments required by the EPA and the Commissioner shall be determined, billed and paid for in accordance with the most current and applicable federal rules and regulations as published and amended. Disbursement of the funds recovered from industrial users shall also be made by the Town in accordance with the same rules and regulations.

7.11 SUPPLEMENTAL CHARGES FOR INCREASED INTENSITY OF USE

Wherever an assessment has been levied against a property and an increased intensity of use has taken or will take place such as construction of new or expanded buildings or structures or a substantial change in use after the initial assessment has been levied, a supplemental sewer connection charge may be imposed. The MWPCA, in such cases shall determine the amount of the additional connection charge to be levied against such land in accordance with the increased intensity of use and in accordance with the established formula for levying such charges which shall take into consideration any previous assessment charges levied. No building permit shall be granted for said construction until the special connection charge, so levied by the MWPCA, has been paid or until an agreement providing for the payment of said charge over a period of time executed by the land owner and suitable for recording on the land records has been completed and delivered to the MWPCA.

7.12 COLLECTION OF DEFERRED ASSESSMENTS

When a deferred assessment is declared due and payable, it shall be collectible in the same manner and in the same amount as defined in Section 7.4 of these Regulations.

7.13 COLLECTION OF SPECIAL CONNECTION CHARGES WHEN NO ASSESSMENT HAS BEEN MADE

In all cases in which the MWPCA has constructed or caused to be constructed through a developer's agreement a public sanitary sewer or sewers through any public highway or highways within its territorial limits or its jurisdiction, for which no assessment of benefits and damages has been made, the MWPCA may establish special connection charges as defined in Section 7.10 of these

Regulations. If the MWPCA elects to extend the payment of the assessment over a period of years as provided in Section 7.15 of these Regulations, the special connection charges may be payable in equal annual installments until such time as the equitable cost of installing such sewer has been paid by the property owner or owners whose property has been benefited by the construction and use of such sewer.

7.14 SEWER USE CHARGE ADJUSTMENTS

Special rates may be established where unusual conditions exist at the discretion of the MWPCA. Minimum charges may also be adopted.

7.15 GENERAL PAYMENT INFORMATION

1. Sewer benefit assessments levied as part of any future construction of Marlborough's sewerage system may be payable over a period of years, not to exceed twenty (20) years, as determined by the MWPCA. The unpaid balance of a benefit assessment may be assumed by any subsequent owner of the property on transfer of the property.
2. The MWPCA may adopt a plan subject to the limitations of CGS 7-253a, which allows for the deferral of principal payments for those elderly taxpayers eligible for property tax relief under the provisions of CGS 12-129b and 12-170a.
3. The MWPCA may levy sewer benefit assessments under the terms of developer's agreements that are generally in accordance with the provisions of the policy. Details of such payment terms are available from the Administrator of the MWPCA.
4. Assessments for public properties may be deferred. Any deferred assessments shall be assumed by the Town and not assumed solely by the property owners within the sewer service district. At such time that the public property is transferred to a private entity the benefit assessment will be applied to the property.

8.0 ANNUAL SEWER USE CHARGE SYSTEM

In accordance with the provisions of CGS 7- 255 as amended, a use charge shall be levied annually on all properties connected to the public sewer.

8.1 BASIS FOR CHARGE

- a) The annual charge for each residential property shall be based upon the equivalent discharge by a single family dwelling unit of 300 gpd sanitary wastes per day. A single family dwelling unit shall be defined as a three (3) bedroom dwelling unit or less.
- b) "Equivalent Dwelling Unit" (EDU) is a unit with approximately the same average discharge as a single family dwelling unit. An additional 0.25 EDU's shall be added for each bedroom in a single family dwelling unit above three (3) bedrooms.
- c) Charges for non-residential uses will be based on the technical standards of the State of Connecticut Public Health Code and an additional flow factor of 1.25. Food service establishments flow will include fifty (50) take-out meals per day
- d) Any property which does not fit within the classifications set forth in the State of Connecticut Public Health Code, will be given an EDU number based upon the estimated average discharge of wastes per day of the planned use as compared to the average discharge of sanitary wastes per day of a single family dwelling unit.
- e) A minimum of one (1) EDU shall be assigned to each property required to be connected to the public sewer.
- f) EDU 's for properties with multiple uses will be based upon the sum of the EDU for each use.
- g) The sewer use charge for users discharging high strength wastes or other pollutants will be additionally charged based on the cost of treating the wastewater or managing the effluent or sludge.

8.2 BASE RATE

- a) The MWPCA shall annually adopt a projected Operation, Maintenance & Replacement Budget. The budget so adopted shall be divided by the anticipated number of EDUs to be connected to the system to establish the base user fee rate to be charged for each EDU. In computing individual User charges (base rate multiplied by the property's EDU number), the number of EDUs shall be rounded to the hundredth and the charge derived from this calculation shall be rounded off to the nearest dollar.
- b) The "operation and maintenance" portion of the budget shall be adjusted annually to reflect the actual costs incurred in the previous fiscal year and anticipated cost increases. No money transfer, resulting from excess operation and maintenance budget expenses, shall be transferred to any other Town accounts. The money shall be retained solely for sewer usage budget items.
- c) The MWPCA will hold a public hearing yearly on the Operation, Maintenance & Replacement Budget and the annual user charge. Appeals of User Charge assessments are to be made to the Superior Court Judicial District at Hartford, County of Hartford within the time frame specified in CGS 7-255, as amended.

8.3 DUE DATES FOR USER FEE PAYMENTS

Payment of the initial user fee charge will be due at the time of the connection to the sewer and will cover the proportionate share of a full year for the period from the connection through the annual use fee due date as determined by the MWPCA. Subsequent use charges will be due and payable in full on or before the annual due date.

User fee charges shall be payable by October 31 each year. In the case of a property which was not connected during the entire period, the charges shall be pro-rated on a monthly basis for the actual number of months within the stated period that the property was connected. A period of fifteen (15) days or more shall be deemed a full month.

8.4 LIABILITY FOR PAYMENT

Owners of property against which the user charge is levied shall be liable for payment and for interest on delinquent payment from the due date until such charge is paid in full. Interest shall be computed in the manner provided in CGS 7-258 and CGS 12-146, as amended.

Sewer charges not paid within one (1) year of the due date shall be delinquent such charges together with interest thereon, shall constitute a lien on the property on which the building is located, and such lien may be foreclosed and such charges may be collected, in the matter provided in the CGS for property tax liens. Each such lien shall take precedence over all other liens and encumbrances except property taxes and may be foreclosed in the same manner as a lien for property taxes.

8.5 COLLECTION OF WATER POLLUTION CONTROL REVENUES

Shall be done in accordance with Section 7.2

8.6 COLLECTION OF USER CHARGE FOR UNCONNECTED PROPERTIES

All properties not connected after issuance of the Connection Notice shall be liable for the annual User Charge.

9.0 INSPECTION, PENALTIES, AND VALIDITY

9.1 POWERS AND AUTHORITY OF INSPECTORS

The MWPCA, through its officers, agents, employees and persons in contact with it bearing proper credentials and identification shall be permitted to enter all properties within the sewer district and gain access for grinder pump to inspection, observation, measurement, sampling and testing in accordance with the provisions of these Regulations.

During the performance of the necessary work on private properties referred to in above paragraph, the MWPCA through its officers, agents, employees and shall observe all safety rules applicable. The user shall be held harmless for injury or death to the MWPCA officers, agents and employees and the MWPCA and the Town shall indemnify the user against loss or damage to its property by the MWPCA officers, agents and 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 Section 3.7 of these Regulations.

9.2 PERMISSION TO ENTER PRIVATE PROPERTY

Where the MWPCA/Town holds a duly negotiated easements or grinder pump agreement entry onto the property for the purposes of, but not limited to, inspection of any portion of the sewage works lying within said easement or agreement area will take place from time to time with reasonable notice when possible. All entry and subsequent work, if any, on said easement or agreement area, shall be done in full accordance with the terms of the negotiated easement pertaining to the private property involved and/or the conditions of the grinder pump agreement.

If the MWPCA or its designated agent has been refused access to a building, structure, or property, or any part thereof, and believe that there may be a violation of these Regulations, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the MWPCA designed to verify compliance with these Regulations or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the MWPCA or its designated agent may seek issuance of a

search warrant from the Superior Court Judicial District at Hartford of Hartford County.

9.3 PERMITTED CONSTRUCTION TIMES

No sewer or appurtenance may be cut into or connection made therewith, or any pipe laid, except in the presence of or under the directions of an Inspector authorized by the MWPCA. At least three (3) business day's notice must be given to the agent of the MWPCA before such inspector is needed on the work. In general, inspectors will be available between the hours of 8:00 a.m. to 4:30 p.m. on Mondays through Friday. Deviation of these construction times is only permitted after authorization by the MWPCA or in the case of emergency construction.

9.4 PENALTIES

Any person found to be violating any provision of these Regulations shall be served by the MWPCA 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. Any person violating any of the provisions of these Regulations and/or any provisions of a wastewater discharge permit issued by the MWPCA will be subject to the provisions of Section 10 Administrative Enforcement Remedies and/or Section 11 Judicial Enforcement Remedies of these Regulations and shall become liable to the MWPCA and the Town for any expense, loss, or damage occasioned by reason of such violation.

9.5 REPORTS FROM USERS

All users shall provide appropriate reports to the MWPCA or its designated agent as the MWPCA or its designated agent may require as a part of a permit to discharge or from time to time when the MWPCA finds it necessary to request such a reports. Failure to submit the required reports to the MWPCA is a violation of these Regulations and the MWPCA will take the appropriate action in accordance with Section 10 Administrative Enforcement Remedies and/or Section 11 Judicial Enforcement Remedies of these Regulations.

9.6 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING

If sampling performed by a user indicates a violation, the user must notify the MWPCA or its designated agent within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the MWPCA or its designated agent within thirty (30) days after becoming aware of the violation or sooner if requested by the MWPCA. Failure to submit the required reports to the MWPCA is a violation of these Regulations and the MWPCA will take the appropriate action in accordance with Section 9 Administrative Enforcement Remedies and/or Section 10 Judicial Enforcement Remedies of these Regulations.

9.7 DISCHARGE STANDARDS

All discharges shall be in accordance with the qualities defined these Regulations. Should the MWPCA determine that the sewage does not come within the standards, the MWPCA shall order the User to implement pretreatment of the effluent to meet those standards. Any additional cost to the MWPCA for the treatment because of these discharges shall be directly passed on to the user responsible for such discharge.

10 ADMINISTRATIVE ENFORCEMENT REMEDIES

10.2 NOTIFICATION OF VIOLATION

When the MWPCA or its designated agent finds that a user has violated, or continues to violate, any provision of these Regulations, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the MWPCA or its designated agent may serve upon that user a written Notice of Violation. Within five (5) business days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the MWPCA or its designated agent. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the MWPCA or its designated agent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

Any party in receipt of a notice of violation may petition in writing to the MWPCA that a Show /Cause Hearing in accordance with Section 10.3 be held by the MWPCA.

10.3 CONSENT ORDERS

The MWPCA or its designated agent may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the non-compliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of these Regulations and shall be judicially enforceable.

10.4 SHOW CAUSE HEARING

Allows users that receive a notice of violation an opportunity to appear before the MWPCA or its designated agent and show cause why the proposed enforcement action should not be taken. Notice of a Show Cause Hearing shall be served on the user specifying the time and place for the meeting, the

proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by certificate of mailing at least five (5) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

10.5 COMPLIANCE ORDERS

When the MWPCA or its designated agent finds that a user has violated, or continues to violate, any provision of these Regulations, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the MWPCA or its designated agent may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

10.6 CEASE AND DESIST ORDERS

When the MWPCA or its designated agent finds that a user has violated, or continues to violate, any provision of these Regulations, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the MWPCA or its designated agent may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- a. Immediately comply with all requirements; and

- b. Take such appropriate remedial or preventive action as may be needed to address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, the MWPCA taking any other action against the user.

10.7 EMERGENCY SUSPENSIONS

The MWPCA or its designated agent may immediately suspend a user's discharge, after notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The MWPCA or its designated agent may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- a. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the MWPCA or its designated agent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The MWPCA or its designated agent may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the MWPCA or its designated agent that the period of endangerment has passed, unless the termination proceedings in Section 3.18 of these Regulations are initiated against the user.
- b. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the MWPCA or its designated agent prior to the date of any show cause or termination hearing under Sections 3.18 or 10.3 of these Regulations.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

10.8 TERMINATION OF DISCHARGE

In addition to the provisions in Section 3.18 of these Regulations, any user /owner who violates the following conditions is subject to discharge termination:

- a. Violation of wastewater discharge permit conditions;
- b. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- c. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- d. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- e. Violation of the pretreatment standards of these Regulations.

Such user/owner will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of these Regulations why the proposed action should not be taken. Exercise of this option by the MWPCA or its designated agent shall not be a bar to, or a prerequisite for, taking any other action against the user.

11 JUDICIAL ENFORCEMENT REMEDIES

11.2 INJUNCTIVE RELIEF

When the MWPCA or its designated agent finds that a user has violated, or continues to violate, any provision of these Regulations, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the MWPCA or its designated agent may petition the Superior Court Judicial District at Hartford, County of Hartford through the MWPCA's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by these Regulations on activities of the user/owner. The MWPCA or its designated agent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user/owner.

11.3 ADMINISTRATIVE FINE

- a. A user/owner who has violated, or continues to violate, any provision of these Regulations, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Town for a maximum civil penalty of \$250 per violation, per day in accordance with CGS 7-148(c)(10)(A). In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- b. The MWPCA or its designated agent may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the MWPCA.
- c. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for taking any other action against a user/owner

11.4 REMEDIES NON-EXCLUSIVE

The remedies provided for in these Regulations are not exclusive. The MWPCA or its designated agent may take any, all, or any combination of these actions against a noncompliant user.

11.5 CRIMINAL PROSECUTION

In addition to other actions available to the MWPCA, the MWPCA may institute criminal prosecution of any person or user, as allowed by State and Federal law, for violation of the provisions of these Regulations.

12 SUPPLEMENTAL ENFORCEMENT ACTION

12.2 PERFORMANCE BONDS

The MWPCA or its designated agent may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of these Regulations, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the MWPCA and Town, in a sum not to exceed a value determined by the MWPCA or its designated agent to be necessary to achieve consistent compliance.

12.3 LIABILITY INSURANCE

The MWPCA or its designated agent may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of these Regulation, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

13 PUBLIC ACCESS TO INFORMATION

In accordance with CGS Chapter 14 Freedom of Information Act all information maintained by the MWCPA relating to the operation and maintenance of the public sewer system shall be available to the public without restriction.

Public access to records will only be restricted when the user specifically requests in writing to the MWPCA for exclusion of their records, and is able to demonstrate the statutory authority for the granting of such request, or other legal or satisfactory reason that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State and Federal law. Any such request must be asserted at the time of submission of information or data.

If the MWPCA finds that a user can demonstrate certain information made available to the MWPCA shall be held confidential, the portions of information received that might disclose trade secrets or secret processes shall be held in a file denoting that the information in that file is not to be made available for public inspection. However, any confidential information shall be made available immediately upon request of governmental agencies for uses related to the NPDES program, pretreatment program, and in enforcement proceedings involving the person furnishing the report or the property owner. Wastewater constituents and characteristics and other effluent data as defined by 40 CFR 2.32 will not be recognized as confidential information and will be available to the public without restriction.

14 REGULATION IN FORCE

14.2 This regulation shall take effect upon its filing with the Town Clerk after its adoption by the Marlborough Water Pollution Control Authority.

14.3 Passed and adopted by the MWPCA of the Town of Marlborough, State of Connecticut, on the 14th day of January, 2010, with an effective date on the 22nd day of January, 2010.

14.4 Amendments

5/14/15 – General Rewrite of the Regulations

Approved this 14th day of May, 2015

(Signed) _____ Chairman

Attest:

(Signed) _____ Town Clerk

