

TOWN OF EAST HADDAM
WATER POLLUTION CONTROL AUTHORITY
SEWER USE AND POLLUTION CONTROL REGULATIONS

PREFACE

The Sewer Use and Pollution Control Regulations govern the installation, connection and use of public sewers and the discharge of water and wastes into the public sewer system.

The Regulations pertain to the area served by the Sewer Service and fall within the jurisdiction of the East Haddam Water Pollution Control Authority.

TABLE OF CONTENTS

SECTION 1 - GENERAL	Page 3
Article 1-1 Introduction	
Article 1-2 Background:.....	
Article 1-3 Water Pollution Control Plan:	
Article 1-4 Definitions and Abbreviations:.....	
Article 1-5 Right of Revision.....	
Article 1-6 Validity	
SECTION 2 - SEWER CONNECTIONS	Page 17
Article 2-1 Permits	
Article 2-2 Industrial and Commercial Wastes	
Article 2-3 Building Sewers	
Article 2-4 Building Sewer Construction.....	
Article 2-5 Pumps	
Article 2-6 Surface or Groundwater Drains	
Article 2-7 Inspection.....	
Article 2-8 Protection.....	
Article 2-9 Testing	
SECTION 3 - USE OF SEWERS	Page 24
Article 3-1 General.....	
Article 3-2 Unpolluted Drainage.....	
Article 3-3 Prohibited Discharges.....	
Article 3-4 Special Provision for Prohibited Wastes	
Article 3-5 Special Traps	
Article 3-6 Pretreatment of Wastewater.....	
Article 3-7 Control Manholes	
Article 3-8 User Information Requirements	
Article 3-9 Waste Water Analyses.....	
Article 3-10 Special Volume Exceptions.....	
Article 3.11 Upset	

SECTION 4 - ANNUAL SEWER OPERATION AND MAINTENANCE FEES

Article 4-1. Purpose.	Page 32
Article 4-2. Sewer Operation and Maintenance Charge.	
Article 4-3. Discharge Standards.	
Article 4-4. Municipal Establishments.	
Article 4-5. Dates.	
Article 4-6. Liability of Owner.	
Article 4-8. Collection.	
Article 4-9. Invalidity.	

SECTION 5 - PROVISIONS FOR THE EXTENSION OF SEWERS.....Page 35

Article 5-1 Policy on Extending Sewers	
Article 5-2 Commission May Require Bond	
Article 5-3 Incorporation into Public System	
Article 5-4 Town Authority	
Article 5-5 Rights-of-Way	
Article 5-6 As-Built Drawings.....	

SECTION 6 - INSPECTION, PENALTIES AND VALIDITYPage 37

Article 6-1 (Reserved).....	
Article 6-2 Permission to Enter Sewer Easement	
Article 6-3 Penalties.....	
Article 6-4 Reports from Users.....	
Article 6-5 Notice of Violation/Repeat Sampling and Reporting.....	

SECTION 7 - ADMINISTRATIVE ENFORCEMENT REMEDIESPage 39

Article 7-1 Notification of Violation	
Article 7-2 Consent Orders	
Article 7-3 Show Cause Hearing	
Article 7-4 Compliance Orders.....	
Article 7-5 Cease and Desist Orders	
Article 7-6 Emergency Suspensions	
Article 7-7 Termination of Discharge.....	

SECTION 8 - JUDICIAL ENFORCEMENT REMEDIESPage 42

Article 8-1 Injunctive Relief	
Article 8-2 Administrative Fine	
Article 8-3 Remedies Nonexclusive	

SECTION 9 - SUPPLEMENTAL ENFORCEMENT ACTION.....Page 43

Article 9-1 Performance Bonds.....	
Article 9-2 Liability Insurance	

TOWN OF EAST HADDAM
WATER POLLUTION CONTROL AUTHORITY
SEWER USE AND POLLUTION CONTROL REGULATIONS

1-1 INTRODUCTION

These regulations pertain to the installation and use of the various components of East Haddam Village public sewer system and discharges of waters and wastes within all sewer avoidance districts identified in the Water Pollution Control Plan.

1-2 BACKGROUND On August 10, 1988, the Board of Selectmen formed the East Haddam Board of Selectmen formed the East Haddam Water Pollution Control Authority. In 1989 the Connecticut Department of Environmental Protection ("DEP") responded to citizens' complaints about the water quality of Succor Brook in the East Haddam Village area ("the Village"). The DEP collected water samples of surface water and groundwater and determined that the brook was contaminated with raw, untreated domestic waste. Additionally groundwater wells used as drinking water supply wells were contaminated with unhealthy levels of contaminants. In accordance with Connecticut General Statutes ("C.G.S.") § 22a-428, the DEP issued an Order No. WC-4883 requiring the Town of East Haddam ("the Town") to investigate and correct the water quality problems in the Village.

In accordance with the provisions of the order, the EHWPCA retained the consulting firm Land-Tech, Inc. to investigate the pollution problem in the Village. Land-Tech's sanitary survey found that 13 sanitary septic systems were failing to adequately treat sanitary wastes. In addition, another 41 systems in the Village were likely to fail. Due to small lot sizes, health code restrictions, poor soil conditions, shallow groundwater and proximity to surface waters, these systems could not be repaired to a point that would satisfactorily protect water quality. It was therefore necessary for Land-Tech and the EHWPCA to explore alternative solutions including a community septic system, shared systems, gravity sewers and pressure sewers. Based on a number of factors, including cost, ease of construction, expected growth, the EHWPCA selected a hybrid sewer system having pressure and gravity components as a remedy to the water pollution problem.

1-3 WATER POLLUTION CONTROL PLAN

A. PURPOSE AND AUTHORITY

In accordance with Chapter 103, and particularly Section 7-246, of the Connecticut General Statutes, the East Haddam Water Pollution Control Authority ("EHWPCA") hereby establishes this East Haddam Water Pollution Control Plan ("Plan") for the Town of East Haddam.

B. AREA OF CONCERN

In response to statutory and regulatory requirements administered and enforced by the Connecticut Department of Environmental Protection, the Town of East Haddam (the "Town") caused a survey to be conducted from 1990 to 1993 to evaluate the condition of existing sanitary waste disposal systems in East Haddam along Connecticut Routes 82 and 151 in the vicinity of the East Haddam Village. The study was intended, in part, to define and evaluate the nature, location, and scope of existing developed sites that were then experiencing, or were likely to experience, failures of their on-site subsurface sewage disposal facilities. The study, conducted by the engineering firm of Land-Tech, Inc., resulted in the publication in 1993 of the Town of East Haddam Water Pollution Control Authority Wastewater Study (the "Study"). Among the conclusions of the Study were the following:

1. 13 dwelling units, had subsurface sewage disposal systems that had failed and that were incapable of being repaired and/or replaced on-site due to physical limitations and current Health Code requirements.
2. 41 units had marginal subsurface sewage disposal systems that had a significant potential to fail in the future and that could not be repaired and/or replaced on-site due to physical limitations and current Health Code requirements.
3. The failure or potential failure of those septic systems in the Study area poses substantial immediate and long-term dangers to public health and the environment.

On the basis of the Study, the Authority determined that the geographical portion of the Town shown and designated as the "East Haddam Village Sewer District" on the map referenced in Section D of this Plan, is an area within which sewer construction is appropriate as a result of existing and likely septic-system failures.

C. LAND USE CONSIDERATIONS

East Haddam is primarily a rural and residential town. The Town's growth and development have been controlled by a number of factors, especially physical limitations such as soil, bedrock, and groundwater conditions. Proper cognizance of soils and other

environmental limitations in most areas of the Town has resulted in relatively predictable, lower densities of development consistent with the Town's rural nature.

Continued development controlled by the natural limitations of the soil would be consistent with the Town's historical growth patterns, its Plan of Development, and the state of Connecticut's Plan of Conservation and Development. One of the specific objectives of the latter plan is to "support the extension of sewage collection systems into non-urban areas in areas of environmental concern only where it can be demonstrated as the cost-effective alternative to correct an identified public health hazard." State Plan of Conservation and Development, Policy D, Paragraph 1, page 85.

D. SEWER AVOIDANCE

In January, 1978, the Connecticut Department of Environmental Protection published a document entitled "A Report To The Joint Standing Committee On The Environment On The Establishment And Administration Of A Municipal And Town Sewer Avoidance Program." The Department's recommendations served as the principal basis for the 1978 amendments to Section 7-246 of the Connecticut General Statutes, which provided for the preparation of a water pollution control plan by municipal water pollution control authorities. Sewer avoidance was recognized to be a desirable policy in rural communities where sewers do not exist and are not planned. It was further recognized in the Report that sewer avoidance was a useful and, indeed, necessary tool in some communities to avoid urban sprawl inconsistent with historical or desired development patterns. The Authority concludes that sewer avoidance is generally appropriate as a policy for the entire Town of East Haddam.

In particular, East Haddam is the fortunate home of a number of important recreational water resources, including the Salmon, Eight Mile and Connecticut Rivers; Lake Hayward, Bashan Lake, Moodus Reservoir and Pickerel Lake. Historic patterns of development in some of these areas have resulted in relatively dense communities of primarily summer homes. These sensitive resources require protection from the type of density increase that can be expected from the construction of sewers in such areas. Accordingly, the EHWPCA intends to protect water quality in these water bodies by implementing water quality monitoring and improvement plan in conjunction with other town land use control agencies.

E. FINDINGS, POLICIES AND OBJECTIVES

The Authority specifically adopts the statements set forth in Articles II through IV, inclusive, of this Plan as its findings. On the basis of those findings, the Authority hereby establishes the following policies and objectives:

1. Sewer avoidance shall be the official policy for the entire geographical area of the Town of East Haddam, and such regulations as the Authority may adopt shall be consistent with that policy.

2. Special measures beyond sewer avoidance shall be implemented in the watersheds of sensitive riverine and lacustrine environments. Such measures may include water quality monitoring, septic system inspection and cleaning programs or pollution abatement projects.
3. The East Haddam Village Sewer District, as shown and depicted on the map referenced in Article VI of this plan, includes all of the lots and parcels of land for which the Authority has determined sewer extension to be presently necessary.
4. The excess capacity of the sewer line present in the village of East Haddam shall be preserved for only those properties within the district.

F. DESIGNATION AND DELINEATION OF SERVICE AND NON-SERVICE AREAS

The Authority hereby adopts and incorporates in this Plan by reference the map entitled "East Haddam Water Pollution Control Authority, East Haddam, CT, East Haddam Village Sewer District Map."

The map officially designates the following:

1. The area presently served by a municipal sewerage system;

All geographical areas (including individual lots and parcels) located within the Town of East Haddam outside of the Village District are established as areas where sewers are to be avoided. In the following designated areas, the presence of important natural aquatic resources requires the implementation of protective measures in order to achieve the sewer avoidance goal:

1. Lake Hayward Watershed
2. Moodus Reservoir Watershed
3. Bashan Lake Watershed
4. Salmon River Watershed
5. Eight Mile River Watershed

Protective measures may include land use restrictions, water quality monitoring, septic system maintenance programs or non-point source pollution control.

1-4 DEFINITIONS AND ABBREVIATIONS

A. DEFINITIONS

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

Act or the Act The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq.*

Administration shall mean the administration of the sewage works and subsurface disposal system.

Approval Authority State of Connecticut, Department of Environmental Protection, Water Management Bureau, 79 Elm Street, Hartford, CT 06106-5127

Authorized Representative of the User

1. If the user is a corporation:
 - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
3. If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
4. The individuals described in paragraphs 1 through 3, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Town.

Bedrock means solid or decomposed rock, commonly called ledge rock, that forms the crust of the earth as a coherent unit either exposed at the surface of underlying soil or other unconsolidated superficial material.

Biochemical Oxygen Demand or BOD The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 centigrade, usually expressed as a concentration in milligrams per liter (mg/l).

Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building well.

Building Sewer where the context so indicates or implies, shall mean a pipe connecting a building, house, or other property to a grinder pump or pump station for the purpose of conveying sewage.

Categorical Pretreatment Standard or Categorical Standard Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Commercial Sewage means sewage composed of spent wastewater from commercial businesses. Such sewage may be composed entirely of human wastes or include a combination of human wastes and wastes from human service activities such as restaurants, beauty parlors, laundries, bakeries, etc.

Cooling Water shall include the clean waste water from air conditioning, industrial cooling, condensing, and similar apparatus and from hydraulically-powered equipment.

District means the East Haddam Village Sewer District as delineated on the map titled "East Haddam Water Pollution Control Authority, East Haddam, CT, East Haddam Village Sewer District Map."

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

Drain Layer or Licensed Drain Layer shall mean either an individual, partnership or corporation to whom the State of Connecticut shall have issued a license to install and repair sewers, sewer connections, house connections, subsurface disposal fields and septic tank systems, during the period when such license is valid, and the proper agents and

representatives of such drain layer.

Engineer shall mean the Water Pollution Control Authority's engineer, or his duly authorized representative.

Environmental Protection Agency or EPA The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

Existing Source Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

Grab Sample A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

Grinder Pump means the individual pumps located within sewer easements on properties that convey sanitary waste from users' properties to the low pressure sewer line.

Gray Water means any domestic sewage which does not include human excretions.

Ground Water means subsurface water occupying the saturation zone from which wells and springs are fed.

House Sewer means a tight sewer pipe extending from within the building served to the septic tank.

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

Industrial Wastes shall include the liquid or water-carried wastes of any industrial process not clearly included within the definitions of sanitary sewage, storm water, cooling water or ground water or commercial sewage.

Instantaneous Maximum Allowable Discharge Limit The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

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 its sludge processes, use or disposal; and therefore, is a cause of a violation of the Town's 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. Larger User means those properties that discharge greater than 1,315 gallons per day or the equivalent of 5 EDUs.

Leaching Bed means a level excavated area partially filled with stone or gravel and equipped with a series of distribution pipes.

Leaching Gallery means a level, hollow, and covered trench between three and eight feet in width, constructed with a perforated lining surrounded by stone or gravel.

Leaching Pit means a hollow covered pit constructed with a perforated lining surrounded by stone or gravel.

Leaching System means a structure, excavation or other facility designed to allow settled sewage to percolate into the underlying soil without overflow.

Leaching Trench means a level excavation not exceeding three feet in width, with vertical sides and a flat bottom partially filled with stone or gravel and equipped with a single distribution line running the entire length of the trench.

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.

New Source

1. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the building,

structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - a. Begun, or caused to begin, as part of a continuous on-site construction program
 - i. any placement, assembly, or installation of facilities or equipment; or
 - ii. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Non-contact Cooling Water Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Non-residential Building means any commercial, industrial, institutional, public or other building not occupied as a dwelling. Boarding houses, hotels and motels are non-residential buildings.

One-Inch Broken Stone or One-Inch Screened Gravel means stone which has been washed and graded so that the stone will pass through a screen with two-inch openings and be retained on a screen with three-quarter inch openings.

Open Watercourse means a well-defined surface channel, produced wholly or in part by a definite flow of water and through which water flows continuously or intermittently, and includes any ditch, canal, aqueduct or other artificial or natural channel for the conveyance of water to or away from a given place, but not including gutters for storm drainage formed as an integral part of a paved roadway; or any lake, pond or other surface body of water intermittently or permanently covered with water, fresh or tidal.

Pass Through A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of East Haddam's NPDES permit, including an increase in the magnitude or duration of a violation.

Person Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

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

Plans means any documents which may include layout, topography, construction specifications, site testing information, and seepage analysis which have been prepared by a registered 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, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Pretreatment The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Pretreatment Requirements Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

Pretreatment Standards or Standards Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

Professional Engineer shall mean an engineer licensed by the State of Connecticut to

practice engineering for the public.

Prohibited Discharge Standards or Prohibited Discharges Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this ordinance.

Property Owner or Owner of Property or Owner as used herein shall include both the owner of fee in any real estate and also 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 shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by the Water Pollution Control Authority.

Publicly Owned Treatment Works or POTW A “treatment works,” as defined by Section 212 of the Act (33 U.S.C. §1292) which is owned by EHWPCA or its designated agent. This definition 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 means the Dock Road Pump Station that collects sanitary wastewater from the gravity flow portion of the sanitary sewer system and pumps it to the treatment plant.

Registered Land Surveyor shall mean a land surveyor licensed by the State of Connecticut to practice land surveying for the public.

Residential Building means any house, apartment, trailer or mobile home, or other structure occupied by individuals permanently or temporarily as a dwelling place.

Sanitary Sewage shall mean the common waste water and water-carried wastes from human dwellings and from toilet and lavatory fixtures, kitchens, laundries and similar facilities of business and industrial buildings.

Sanitarian shall mean the duly appointed representative of the Town of East Haddam Health Official and Water Pollution Control Authority, authorized to act for the official and authority as defined in these regulations and the State Public Health Code.

Sanitary Sewer shall mean a sewer intended to convey only sanitary sewage. Sanitary sewers shall not be used to convey storm water.

Seepage Analysis means a mathematical or physical determination of water movement in soils.

Septage means any water or material withdrawn from a septic tank which is used to treat sewage.

Septic Tank means a watertight receptacle designed and constructed so as to permit settling of solids, the digestion of organic matter, and the discharge of settled sewage.

Sewage shall mean waste water, water-carried wastes, or a combination of them, being the spent water from a community household, commercial or industrial building or establishment.

Sewage Works shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

Sewer shall include the main pipe or conduit, manholes, and other structures and equipment appurtenance thereto, provided to carry sewage, industrial wastes, storm water, cooling water or similar wastes, subject, in each particular case, to the purposes and limitations imposed upon the particular pipe or conduit or sewer.

Sewer Charges shall include the fees for operation and maintenance of the sewer system and benefit assessments.

Shall is mandatory; may is permissive.

Significant User

1. A user subject to categorical pretreatment standards; or
2. A user that:
 - a. Discharges twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);
 - b. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. Is designated as such by the Town on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
3. Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Town may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

Slug shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four(24) hour concentration or flows during normal operation.

Standard Industrial Classification (SIC) Code A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.

Storm Water Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt including runoff or discharge of rain and melted snow or other clean water from roads, surfaces of public or private lands or elsewhere.

Subsurface Drain means any perforated or open joint pipe or other constructed subsurface conveyance to which ground water discharges or in which groundwater is collected and transported during any season of any year.

Subsurface Pipe means a pipe which has no loose or open joints, perforations, slots or porous openings which are intended to allow sewage to escape from or water to enter the pipe.

Subsurface Sewage Disposal System means a system consisting of a septic tank followed by leaching trenches, pits, beds or galleries.

Suspended Solids shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

Village Sewer Service Area is defined as those properties which the State of Connecticut, Department of Environmental Protection has identified as causing pollution of the waters of the State and on account of which the Town of East Haddam has been issued an Order of Abatement identified as Order No. WC-4883, as the same has been from time to time modified, which properties are more fully numbered and identified on a map attached hereto and made a part hereof, and such other properties as the authority may incorporate into the system pursuant to the provisions of the Connecticut General Statutes and of these Regulations.

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

Water Pollution Control Authority (WPCA) shall mean the duly appointed committee of the Town of East Haddam charged with the responsibility, among other things, of insuring compliance with this regulation.

Water Table is the upper surface of the zone of saturation.

Wastewater Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

Wastewater Treatment Plant or Treatment Plant That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

B. ABBREVIATIONS

The following abbreviations shall have the designated meanings:

BOD	- Biochemical Oxygen Demand
CFR	- Code of Federal Regulations
COD	- Chemical Oxygen Demand
CSG	- Connecticut General Statutes
DEP	- Connecticut Department of Environmental Protection
EPA	- U.S. Environmental Protection Agency
gpd	- gallons per day
mg/l	- milligrams per liter
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

1-5 RIGHT OF REVISION

The EHWPCa reserves the right to establish, by regulation or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

1-6 VALIDITY

All Water Pollution Control Authority ordinances, rules and regulations or parts thereof in conflict herewith are hereby repealed.

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

SECTION 2 - SEWER CONNECTIONS

2-1 PERMITS

All properties within the district must connect to the sanitary sewer. During the construction phase of the project, properties within the district may connect without individual permits from the Water Pollution Control Authority. Building permits are required to connect the building to the grinder pump. Under no other circumstances may any person uncover, make any connections with or opening into, discharge any waste into, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Water Pollution Control Authority.

A. NEW CONNECTIONS

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 4.5 of this ordinance, must be filed at least 45 days prior to the date upon which any discharge will begin or recommence.

B. PERMITS

Permits to connect and discharge to the existing public sewer may be granted only by the Water Pollution Control Authority. Permit to connect to the public sewer may only be issued when, in the opinion of the Authority, 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 Article 2-2, Industrial and Commercial Wastes.
- d. Water conservation measures will be implemented prior to connection to the public sewer.
- e. No single discharge shall exceed 500 gpd of waste water without a Special Volume Exception permit from the Authority, in accordance with Article 3-10.
- f. For good cause shown the Authority may waive or modify the foregoing requirements.

C. WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS

All users required to obtain a wastewater discharge permit must submit a permit application. EHWPCA or its designated agent may require all users to submit as part of an application the following information:

- a. All information required by Section 6.1(B) of this ordinance;
- b. Description of activities, 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 POTW;
- c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- d. Each product produced by type, amount, process or processes, and rate of production;
- e. Type and amount of raw materials processed (average and maximum per day);
- f. 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;
- g. Time and duration of discharges;
- h. Any other information as may be deemed necessary by EHWPCA or its designated agent to evaluate the wastewater discharge permit application; and
- i. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by EHWPCA or its designated agent 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.

D. WASTEWATER DISCHARGE PERMIT APPEALS

EHWPCA or its designated agent shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition EHWPCA or its designated agent to reconsider the terms of a wastewater discharge permit within 45 days of notice of its issuance.

1. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
2. 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.
3. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
4. If EHWPCA or its designated agent fails to act within forty-five (45) 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.
5. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Superior Court of Middlesex, County of Middletown.

E. WASTEWATER DISCHARGE PERMIT MODIFICATION

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

1. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
2. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to Town of East Haddam's POTW, Town personnel, or the receiving waters;
5. Violation of any terms or conditions of the wastewater discharge permit;
6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
7. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

8. To correct typographical or other errors in the wastewater discharge permit; or
9. To reflect a transfer of the facility ownership or operation to a new owner or operator.

F. 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 EHWPCA within one week of closing or its designated agent within one week of closing. The notice to EHWPCA or its designated agent must include a written certification by the new owner or operator which:

1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
2. Identifies the specific date on which the transfer occurred; and
3. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to such advance of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

G. WASTEWATER DISCHARGE PERMIT REVOCATION

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

1. Failure to notify EHWPCA or its designated agent of significant changes to the wastewater prior to the changed discharge;
2. Failure to provide prior notification to EHWPCA or its designated agent of changed conditions pursuant to Section 6.5 of this ordinance;
3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
4. Falsifying self-monitoring reports;
5. Tampering with monitoring equipment;
6. Refusing to allow EHWPCA or its designated agent timely access to the facility premises and records;

7. Failure to meet effluent limitations;
8. Failure to pay fines;
9. Failure to pay sewer charges;
10. Failure to meet compliance schedules;
11. Failure to complete a wastewater survey or the wastewater discharge permit application;
12. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
13. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

Wastewater discharge permits held by large users shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

H. WASTEWATER DISCHARGE PERMIT REISSUANCE

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 4.5 of this ordinance, a minimum of sixty (60) days prior to the expiration of the user's existing wastewater discharge permit.

I. APPLICATION SIGNATORIES AND CERTIFICATION

All wastewater discharge permit applications 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.”

J. WASTEWATER DISCHARGE PERMIT DECISIONS

EHWPCA or its designated agent will evaluate the data furnished by the user and may require additional information. Within 45 days of receipt of a complete wastewater discharge permit application, EHWPCA or its designated agent will determine whether or not to issue a wastewater discharge permit. EHWPCA or its designated agent may deny any application for a wastewater discharge permit.

1. No construction or repair of any sewer or sewer component shall commence until all necessary utility companies have marked out subsurface structures or equipment.

2-2 INDUSTRIAL AND COMMERCIAL WASTES

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 Authority. The permit application shall be supplemented by any plans, specifications, approvals, and any other information considered pertinent in the judgment of the Authority.

2-3 BUILDING SEWERS

1. Existing building sewers may be used only when they have been determined by examination at the time of installation by the Town Sanitarian and tested at the owner's expense to meet all the requirements of this ordinance.
2. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the user, including indemnifying the Town and Water Pollution Control Authority for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewers.
3. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building though an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building, and the whole considered as one building sewer. In such case, the Water Pollution Control Authority standards for a sanitary sewer and may require easement and maintenance rights in favor of the EHWPCA. In such case, at the discretion of the EHWPCA may take over and maintain the completed sewer.

4. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing or pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of building and plumbing codes in effect in the State of Connecticut, Town of East Haddam, and the EHWPCA, and to applicable rules and regulations of the Authority.

2-4 BUILDING SEWER CONSTRUCTION

The following construction practices and materials shall be used to install building sewer connections:

Before starting any work, in or upon any building where a sanitary sewer has been constructed, a permit must be obtained from the WPCA. Work must be completed and certified by a licensed drain layer in compliance with all pertinent regulations and codes. No surface water shall be allowed to enter the sewer. All work in connection with main house drain must be done by a licensed plumber and in accordance with local, state and national building and plumbing codes.

2-5 PUMPS

Whenever possible, the building sewer shall be a gravity sewer. When not, then sewage shall be transferred by gravity flow to a grinder pump owned by the EHWPCA.

2-6 SURFACE TO GROUNDWATER DRAINS

No person shall make connections of roof downspouts, exterior foundation drains, areaway drains, sump pumps or other sources of surface runoff or groundwater to a building sewer or building drain, which in turn is connected directly or indirectly to a Town sanitary sewer.

2-7 INSPECTIONS

The applicant for the building sewer permit shall notify the Town Sanitarian when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Sanitarian or his representative.

2-8 PROTECTION

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town and the Water Pollution Control Authority.

2-9 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 of pipe per 24 hours.

SECTION 3 - USE OF SEWERS

3-1 GENERAL

The sewer system is designed to transport and treat normal strengths and limited quantities of domestic type sewage only. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or industrial process waters to any sanitary sewer.

3-2 UNPOLLUTED DRAINAGE

Stormwater, industrial cooling water, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the pertinent authorities and commissions of the Town of East Haddam.

3-3 PROHIBITED DISCHARGES

A. PURPOSE AND POLICY

This regulation sets forth uniform requirements for users of the Publicly Owned Treatment Works for the Town of East Haddam and enables the Town of East Haddam to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this ordinance are:

1. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
2. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
3. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
4. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
5. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
6. To enable the Town of East Haddam to comply with its National Pollutant

Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

- B. This ordinance shall apply to all users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.
1. No person shall discharge or cause to be discharged any of the following described waters or wastes to any Town of East Haddam sewers:
 - a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
 - b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
 - c. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the sewage works.
 - d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works, such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
 - e. Any liquid or vapor having a temperature higher than one hundred fifty (150)F (65C).
 - f. Any water or waste containing 25 m/L petroleum oil, non-biodegradable cutting oil, or product of mineral oil origin, waste waters which contain floatable fats, oils, and grease substances which may solidify or become viscous at temperatures between thirty two (32) and one hundred and fifty (150)F (0 and 65C). Please review the DEP General Permit for Discharge of Wastewater Associated with Food Preparation Establishments.
 - g. Any garbage.
 - h. Any process waste water from industrial plants, other than the normal domestic sewage from the plant.

- i. Any process waste water from commercial laundries.
- j. Any waste water from commercial kitchens including restaurants that is not pre-treated.
- k. Any waters or wastes containing dissolved or suspended metals, including but not limited to chrome, cyanide, copper, iron, nickel, zinc, and similar objectionable or toxic substances.
- l. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Water Pollution Control Authority as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal and other public agencies or jurisdiction for such discharge to the receiving waters.
- m. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits, established by the applicable State or Federal regulations.
- n. Any water or wastes having a pH in excess of 9.5.
- o. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
- p. Excessive discoloration (such as but not limited to, dye wastes and vegetable tanning solutions).
- q. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
- r. Unusual volume of flow or concentration of wastes constituting "sludge" as defined herein.
- s. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are liable to shorten or affect the life of the treatment works.
- t. Any water or waste which by interaction with other water or wastes in the public sewer releases obnoxious odors, forms suspended solids which interfere with the collection system, or creates a condition deleterious to structures or treatment processes.
- u. Wastes prohibited by the State Department of Environmental Protection.

3-4 SPECIAL PROVISIONS FOR PROHIBITED WASTES

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics similar to those proscribed in Sections 3-3 and 3-4, the Water Pollution Control Authority may:

1. Reject 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; and,
4. Require payment to cover the added cost of processing the wastes not covered by existing taxes or sewer charges.

If the Water Pollution Control Authority 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 approval of the WPCA and the State Department of Environmental Protection, and subject to the requirements of all applicable Water Pollution Control Authority, Town, State and/or Federal codes, ordinances, and/or laws.

5. Local Limits

The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following instantaneous maximum allowable discharge limits:

0.05 mg/l arsenic

300 mg/l BOD₅

0.1 mg/l cadmium

1.0 mg/l chromium

1.0 mg/l copper

0.1 mg/l cyanide

0.1 mg/l lead

0.01 mg/l mercury

1.0 mg/l nickel

100 mg/l oil and grease

20 mg/l floatable oil and grease

0.1 mg/l silver

300 mg/l total suspended solids

1.0 mg/l zinc

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for “total” metal unless indicated otherwise. The EHWPCA or its designated agent may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

6. Dilution

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The EHWPCA or its designated agent may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

3-5 SPECIAL TRAPS - NON-RESIDENTIAL PROPERTIES

Grease, oil, and sand traps or interceptors shall be provided and maintained when they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients and in conformance with the Draft Department Environmental standards in their *General Permit for the Discharge of Wastewater Associated with Food Preparation Establishments* as promulgated. Such interceptors shall not be required for private living quarters or dwelling units.

3-6 PRETREATMENT OF WASTEWATER

1. Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 2.1 of this ordinance within the time limitations specified by EPA or the EHWPCA or its designated agent, whichever is more stringent. Any

facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to EHWPCA or its designated agent for review, and shall be acceptable to EHWPCA or its designated agent before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the EHWPCA or its designated agent under the provisions of this ordinance.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense, and shall be subject to inspection and monitoring.

2. Additional Pretreatment Measures

- A. EHWPCA or its designated agent may require any person discharging into the POTW 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.
- B. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

3-7 CONTROL MANHOLES

When required by the Water Pollution Control Authority, 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 facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Engineer. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

3-8 USER INFORMATION REQUIREMENTS

The EHWPCA or its designated agent may require user to provide information needed to determine compliance with this ordinance. This information may include:

- 1. Peak and average flow rate.
- 2. Chemical Analysis.
- 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 waste water pretreatment facilities.
7. Details of systems to prevent and control spills to the sewer of unauthorized wastes.

3-9 WASTE WATER ANALYSES

All measurements, tests, and analyses of the characteristics of waters, and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of *STANDARD METHODS FOR THE EXAMINATION OF WATER AND WASTEWATER*, published by the American Public Health Association, and shall be determined by analysis of suitable samples taken at appropriate location. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon 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 premise 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 hour composites of all outfalls; whereas pH's are determined from periodic grab samples.

3-10 SPECIAL VOLUME EXCEPTIONS

Any new discharge from a single source of domestic waste water in excess of 500 gallons per day will be allowed only by Special Permit of the Water Pollution Control Authority. In evaluating the request for Special Permit the Authority 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 and existing flow rates, the potential for exceeding the rate of flow projected by the applicant. Special exceptions when greater 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.

3-11 UPSET

- A. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment 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, or careless or improper operation.

- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment 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 EHWPCA or its designated agent within twenty-four (24) hours of becoming aware of the upset
 - a. A description of the indirect discharge and cause of noncompliance;
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment 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.

SECTION 4 - ANNUAL OPERATION AND MAINTENANCE FEES

4-1 PURPOSE

The purpose of this Regulation is to establish fair and reasonable charges for use of the East Haddam Village Sewer system so that the maintenance and operation of said sewerage system shall be self-sustaining.

4-2 SEWER OPERATION AND MAINTENANCE CHARGE

An annual operation and maintenance charge shall be fixed and imposed on every sewer user. The sewer operation and maintenance charge for each user shall be counted by multiplying the specific number of units assigned to each user by the cost per unit established by the Authority. Except as otherwise provided in Article 4-2(e) hereafter, the number of units for each user shall be derived by using the "Equivalency Dwelling Unit Assignment" in the tabulation of average daily wastewater flows, and which schedule, marked Exhibit "A", which may be amended is attached hereto and made a part hereof.

- a. The Equivalent Dwelling Unit ("EDU") was the method used in the development of units of usage. 1 EDU is the equivalent average use of a single family home.
- b. Cost per Sewer Unit of Use - The user charge system shall generate sufficient revenue to offset the cost of all treatment works operation and maintenance proposed by the EHWPCA, including equipment replacement funds and capital improvements.

The sewer usage rate is computed to be the annual operating costs plus appropriate contingency and reserve funds, as determined by the WPCA divided by the number of units.

No money transfers, resulting from excess budget expenses, shall be transferred to any other town account. The money shall be retained solely for sewer usage budget items.

- c. Any new user discharging into the East Haddam sewer system shall pay their proportional share of costs.
- d. In future years, determination of numbers of units, EDU flows, and yearly operating costs shall be performed administratively each year for the purpose of setting the unit charge for the year in question.
- e. Alternative Methods of Determining a User's sewer operation and maintenance fee.

The Water Pollution Control Authority may establish alternative methods of determining sewer user's operation and maintenance fee. The Water Pollution Control Authority may also require large users of five (5) EDUs or more to install and maintain a water meter at the sole expense of such users for the assistance of establishing an alternative method of determining a user's operation and maintenance fee.

4-3 DISCHARGE STANDARDS

All discharges shall be in accordance with the qualities defined in the Sewer Use and Pollution Control Regulations. Should the Authority determine that the sewage does not come within the standards, the Authority shall order that user to pretreat the effluent to those standards. Any additional cost to the Authority for the treatment because of these discharges shall be directly passed on the user responsible for such discharge.

4-4 MUNICIPAL ESTABLISHMENTS

The sewer charges for municipal properties will be paid for by the Town of East Haddam.

4-5 DATES

Sewer charges for other than large users shall be payable by October 15 each year. Sewer charges for large users shall be assessed in two equal installments, payable by October 15 and April 15 of 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 less than fifteen (15) days shall be disregarded and a period in excess of fifteen (15) days shall be deemed a full month.

4-6 LIABILITY OF OWNER

The owner of record, as of July 1 of each year, of the property on which a building is located, shall be liable for the payment of sewer charges.

4-7. LIEN AND COLLECTION

Sewer charges not paid within thirty (30) days of the due date shall be delinquent and shall bear interest from the due date at the rate provided in the General Statutes for delinquent property taxes. Such charges together with interest thereon, shall constitute a lien upon 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 General Statutes for property tax liens.

4-8 COLLECTION

Sewer charges shall be collected by the Town of East Haddam as agent for the Authority, or by such other agent as the Authority may hereafter designate, and shall be deposited in a special account, separate from other town funds and used solely to operate and maintain the

sewerage system and for any other use required and/or permitted by law.

4-9 INVALIDITY

The invalidity of any portion of this regulation shall not affect the remainder thereof, and this regulation may be amended at such time or times pursuant to statute as the Authority in its judgment considers necessary.

SECTION 5 - PROVISIONS FOR THE EXTENSION OF SEWERS

5-1 POLICY ON EXTENDING SEWERS

In accordance with the provisions of the Water Pollution Control Plan it is the policy of the EHWPCA to avoid extending sewers into unserved areas. It is the EHWPCA's policy to extend sewers only if there are no viable alternative methods to comply with DEP orders or to remedy a pressing pollution problem. In the event that alternatives to sewers do not exist, then extensions may be considered.

The Water Pollution Control Authority shall specify the terms, the materials, limits, sizes and grades of the sewers to be built and the nature of and limitations on the water or waste liquids to be conveyed. Sewer plans must be approved by the Water Pollution Control Authority before work is permitted. Plans for sewer work must be prepared by a licensed Professional Engineer, registered in the State of Connecticut. As-built location information may be shown and certified by a licensed Land Surveyor or Professional Engineer.

5-2 COMMISSION MAY REQUIRE BOND

The Water Pollution Control Authority whenever, in its opinion, there is a possibility of loss by the Town by reason of failure of the owner or agent to complete the work contemplated in the agreement, or any part thereof, or to comply with any maintenance requirements, may require as a part of said agreement that adequate bond or other surety acceptable to the Water Pollution Control Authority and Town be submitted to insure completion and maintenance of the work.

5-3 INCORPORATION INTO THE PUBLIC SYSTEM

After certification by the EHWPCA or its designated agent, that any sewer constructed under the terms of this ordinance has been completed in accordance with the plans, specifications and standards of the Water Pollution Control Authority; 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 Authority may incorporate said sewer into the public sewer system of the Town.

5-4 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.

5-5 RIGHT-OF-WAY

The owners or agents are required, whenever the work is not in a duly accepted public highway, that adequate rights-of-way be conveyed to the Town prior to the acceptance of

the sewer; the terms of conveyance being subject to the approval of the Town's attorney.

5-6 AS-BUILT DRAWINGS

Upon completion of the work and prior to acceptance of the sewer and water lines by the Water Pollution Control Authority, the developer or owner shall furnish the Authority with "As-Built" maps showing utility locations, building service and lateral connections with distance ties certified as-built by a registered professional engineer. 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.

SECTION 6 - INSPECTION, PENALTIES, AND VALIDITY

6-1 (RESERVED)

6-2 PERMISSION TO ENTER SEWER EASEMENTS

Duly authorized employees or agents of the Water Pollution Control Authority, bearing proper credentials and identification shall be permitted to enter all private properties through which the Town of East Haddam holds a duly negotiated easements for the purposes of, but not limited to, inspection of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

If EHWPCA or its designated agent has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of Town of East Haddam designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then EHWPCA or its designated agent may seek issuance of a search warrant from the Superior Court of Middlesex County for Middletown.

6-3 PENALTIES

Any person found to be violating any provision of this regulation shall be served by the Water Pollution Control Authority 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 this regulation shall become liable to the Town of East Haddam for any expense, loss, or damage occasioned by reason of such violation.

6-4 REPORTS FROM USERS

All users shall provide appropriate reports to EHWPCA or its designated agent as EHWPCA or its designated agent may require.

6-5 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING

If sampling performed by a user indicates a violation, the user must notify EHWPCA 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 EHWPCA or its designated agent within thirty (30) days after becoming aware of the violation. The user is not required to resample if EHWPCA or its designated agent monitors at the user's facility at least once a month, or if EHWPCA or its designated agent samples between the user's initial sampling and when the user receives the results of this sampling.

SECTION 7 - ADMINISTRATIVE ENFORCEMENT REMEDIES

7-1 NOTIFICATION OF VIOLATION

When EHWPCA or its designated agent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, EHWPCA or its designated agent may serve upon that user a written Notice of Violation. Within fifteen (15) 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 EHWPCA 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 EHWPCA or its designated agent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

7-2 CONSENT ORDERS

EHWPCA 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 noncompliance 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 11-4 and 11-5 of this ordinance and shall be judicially enforceable.

7-3 SHOW CAUSE HEARING

EHWPCA or its designated agent may order a user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before EHWPCA or its designated agent and show cause why the proposed enforcement action should not be taken. Notice 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 registered or certified mail (return receipt requested) at least fifteen (15) 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.

7-4 COMPLIANCE ORDERS

When EHWPCA or its designated agent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, EHWPCA 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.

7-5 CEASE AND DESIST ORDERS

When EHWPCA or its designated agent finds that a user has violated, or continues to violate, any provision of this ordinance, 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, EHWPCA 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 properly 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, taking any other action against the user.

7-6 EMERGENCY SUSPENSIONS

EHWPCA 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. EHWPCA 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, EHWPCA 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. EHWPCA or its designated agent may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of EHWPCA or its designated agent that the period of endangerment has passed, unless the termination proceedings in Section 6.8 of this ordinance 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 EHWPCA or its designated agent prior to the date of any show cause or termination hearing under Sections 6.3 or 6.8 of this ordinance.

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

7-7 TERMINATION OF DISCHARGE

In addition to the provisions in Section 2-1 G of this ordinance, any user 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 in Section 2 of this ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 6.3 of this ordinance why the proposed action should not be taken. Exercise of this option by EHWPCA or its designated agent shall not be a bar to, or a prerequisite for, taking any other action against the user.

SECTION 8 - JUDICIAL ENFORCEMENT REMEDIES

8-1 INJUNCTIVE RELIEF

When EHWPCA or its designated agent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, EHWPCA or its designated agent may petition the Superior Court of Middlesex County of Middletown through the Town'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 this ordinance on activities of the user. EHWPCA 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.

8-2 ADMINISTRATIVE FINE

- A. A user who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Town of East Haddam for a maximum civil penalty of \$100 per violation, per day in accordance with Section 7-148(c)(10)(A) of the Connecticut General Statutes. 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. EHWPCA 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 Town of East Haddam.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

8-3 REMEDIES NONEXCLUSIVE

The remedies provided for in this ordinance are not exclusive. EHWPCA or its designated agent may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with EHWPCA's enforcement response plan. However, EHWPCA or its designated agent may take other action against any user when the circumstances warrant. Further, EHWPCA or its designated agent is empowered to take more than one enforcement action against any noncompliant user.

SECTION 9 - SUPPLEMENTAL ENFORCEMENT ACTION

9-1 PERFORMANCE BONDS

EHWPCA 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 this ordinance, 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 Town of East Haddam, in a sum not to exceed a value determined by EHWPCA or its designated agent to be necessary to achieve consistent compliance.

9-2 LIABILITY INSURANCE

EHWPCA 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 this ordinance, 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.