

NEWTOWN WATER AND SEWER AUTHORITY

Public Hearing
MARCH 12, 2015

Application from 79 Church Hill, LLC for 43,750 gpd for sewer capacity to support approximately 350 units for multi-family housing.

Prepared by: Frederick W. Hurley Jr.
Director of Public Works &
WSA Administrator

Opening

This is a review of the application of “79 Church Hill LLC”, a contract purchaser of a 35 acre parcel at 79 Church Hill Road, dated February 4, 2015 requesting conditional approval of sewer capacity in and connection to the Newtown sanitary sewer system. This review is based on the applicant’s submittals, existing public documents and public information and the direct observations of staff participants in the development of the Newtown sanitary sewer system. The applicant deems this as a second request (“Document 1”) following a previous request on December 11, 2014 (“Document 2”) for sewer capacity and connection which was denied without prejudice by the Newtown Water & Sewer Authority, (WSA). The initial application claimed that the subject parcel was uniquely bifurcated. However, review of the “Sewer Service Area”, indicates this is incorrect but the denial was based solely on the incompleteness of the application and did not rule on any merits of the request.

There are several important errors in the current application. For example, contrary to the assertions on page one and page three of the applicant’s February 4, 2015 submittal letter, the balance of the parcel in question has always been in a “Sewer Avoidance Area”. The delineation of this area was based on science and engineering, a lot by lot survey by health and engineering professionals (“Document 16”) and confirmed by the CT State Department of Environmental Protection, (DEP) (Now DEEP) as following the design policies of the DEP and the Federal Environmental Protection Agency, (EPA). A narrative of this process is contained in “Document 3”, the minutes of the January 21, 1992 Public Hearing on the 1991 Wastewater Facilities Plan and “Document 4”, the packet of environmental orders from May 15, 1967 to the final November 29, 2000 compliance letter of ORDER NO. WC 4100.

Additional relevant documents and the map demonstrating this point are the 9/11/1989 “Town of Newtown, Connecticut Water Pollution Control Facilities Plan – Volumes I, II, III (“Document 5”) and specifically the 9/3/91 map titled “Town of Newtown, Connecticut Wastewater Facilities Plan Plate 1” (“Document 6”) prepared by Consulting Environmental Engineers, Inc. of West Hartford. For clarity, this map is later designated as Fuss & O’Neill Plate No. 3-1 in their “Town

of Newtown Preliminary Design Report Newtown Sewerage System, January 1994, 92-248” (“Document 7”).

In addition, the map would later carry the designation as the “Eligibility Map” transmitted on 1/7/92 as approved by Bill Hogan, DEP project officer (“Document 8”). This indicates that 79 Church Hill was separated into system eligible fronting Church Hill Road and system ineligible designated as “Sewer Avoidance Area”. Pertaining to this designation was the operational regulation of DEP concerning Clean Water Fund Regulations as revised 11/29/91 (“Document 9”) which states under terms for funding assistance in section 2, “The prime purpose in the award of construction assistance is to solve existing pollution problems and not intended to assist in new development.”

As noted in “Document 3” the facilities plan had been amended after failing to get public funding support four separate times and went to public hearing on 1/21/1992. Approval of this plan confirmed the designation of 79 Church Hill as a “Sewer Avoidance Area” except the immediate frontage on Church Hill Road. The bulk of the parcel was excluded from the “Sewer Service Area” because there was no compelling environmental reason to include it.

Overall, this plan (“Document 5”), which included a volume III titled “Town of Newtown Connecticut Water Pollution Control Facilities Plan – Sewer Avoidance Plan” actually increased areas designated for sewer avoidance from earlier designs.

The Application

Page 1:

The applicant asserts that there is available infrastructure for more than the three acres of the parcel fronting Church Hill because there are two existing 6” laterals on Church Hill Road, with nominal hydraulic capacity of 85,000 gpd each; an 8” main line; a 6” force main and a parallel 8” force main. (These numbers were incorrectly listed in the application but were verbally corrected by the applicant).

First, six inch laterals are required for all parcel hook ups to prevent system clogs and have no reference or bearing on system capacity. Section 8A of the “January 1994 Preliminary Design Report Newtown Sewerage System” (“Document 7”) by

Fuss & O'Neill states, "service laterals will be assumed as 6 inch at a minimum slope of 1% (2% preferred)". There are in excess of a thousand such laterals throughout the sewer system. The property owner would have been required by Section 2 of the WSA Sewer Regulations, ("Document 10"), to hook up the two structures facing Church Hill Road as they were less than 300 feet from the available sewer system. However, any intent to sewer the remaining part of the parcel would have required additional mains and laterals. As the balance of the parcel had no compelling environmental reason and was designated a "Sewer Avoidance Area", this was not done, in accordance with section 1.5.3 of the WSA Sewer Regulations, ("Document 10").

Further, the Fuss & O'Neill "Plan and Profile Map for Church Hill Road, Sanitary Sewer-Contract4" dated 1995 and amended 8/14/97 ("Document 13") clearly shows laterals going to two structures fronting Church Hill Road. There are no other service laterals or mains identified for any other part of the subject parcel. The two existing laterals, regardless of their nominal hydraulic capacity, were sized to prevent material blockages of flow that could cause system stoppages and would never be used as the main line connection for any major development.

Finally, the existence of these two laterals was also the result of a direct conversation between the owner of the property (Carmine Renzulli) and the Public Works Director, who was and is the WSA administrator. The property was only going to get one lateral for the back right residential structure. Mr. Renzulli asked for the second lateral because he was going to remove the barn on the front left part of the property and replace it with another single structure that would need sewer. At no time was the property owner told or lead to believe that there would ever be sewers for the balance of the parcel. Typically if there was any intent to service the larger part of the parcel there would have been a manhole installed with an 8" or larger stub out for that expansion. 6" house laterals would again never have been acceptable or used for this purpose.

The applicant also notes that these laterals connect to an "8 inch sewer main that flows to the Sandy Hook pump station and a 6" force main is used to send the effluent to the main waste water treatment plant. However, the adjacent, parallel 8" force main mentioned only crosses the I-84 bridge without system connection at either end. It has been reserved for future pollution abatement problems that may arise in the Riverside communities and Lake Zoar. While DEP did not fund excess

system capacity, the installation of this pipe was allowed as a hedge against the potential for a community pollution abatement requirement noted above.

Accordingly, that community was removed from immediate direct connection to the central sewer system. The applicant's engineers had originally thought they could use this 8" force main to pump directly to the WWTP but are now aware that this is not an option.

With regard to Section 6.1.4, of the WSA Regulations, ("Document 10"), the applicant notes the downstream capacity issue with the Sandy Hook Pump House, which will be discussed later. There are also issues with the wastewater plant. These issues will be discussed more fully by Fuss & O'Neill.

The second assertion by the applicant is that "there is no environmental condition on the remaining 32 acres that precludes or counsels against making sewer available to this acreage (that is, the balance of the site is not a "sewer avoidance area"). Aside from the fact that we previously established that the acreage is in a "Sewer Avoidance Area", the applicant has the argument exactly backwards. It is precisely because there is no environmental problem with the acreage that it should be following sewer avoidance guidelines and thus not receive sewer.

The final assertion is that planning for any type of multifamily development requires confirmation of available infrastructure. The WSA is a utility. It provides capacity when available and in accordance with its Water Pollution Control Plan ("Document 11") and Regulations ("Document 10"). It has the right and the public obligation to fully understand any project presented to it so it can judge how that project will actually impact the sewer and water systems under its environmental care. It's the obligation of the applicant to fully make the case so that a publicly responsible decision on the availability of infrastructure can be made.

Page 2:

The applicant states that it is their understanding that the WSA would entertain a revised application provided that they met various criteria. The applicant has submitted enough to get to a public hearing. Whether their submittal is adequate to render a decision is yet to be determined.

The applicant makes two very specific requests that are essentially "1) move the sewer service area to include the entire subject property and 2) approve 43,570

gallons of daily sewer treatment capacity and approval to connect. These requests are conditional upon (the applicant) obtaining all other necessary land use approvals.”

The applicant states four understandings in making these requests:

- 1) “23,000 gallons per day of sewer capacity is available for allocation” – this is essentially correct but it is currently limited to applications within the existing “Sewer Service Area”. It represents 100% of the remaining available town treatment capacity in the system and begs the question as to how reasonable is a request to assign all the remaining available capacity to one project that is not within the “Sewer Service Area”. (“Document 11”)
- 2) “The Sandy Hook Pump Station is at capacity but can be upgraded to accommodate greater flow” – The current run time for the pumps at the station are 45/50 minutes on average per hour, which handles approximately 54,000-70,000 gallons per day of flow or 80% of capacity, (“Document 12”) 43,000+ gallons of additional daily flow will push the station 30% over maximum capacity. Depending on a number of factors, even a pump replacement, in our experience, may generate a \$500,000 project. Should there be a need to redesign and rebalance the Sandy Hook sewershed, project costs could be very substantial.
- 3) “The treatment plant has ample capacity (several hundred thousand gallons unused)” – nominally that statement is correct. However, the Town controls very little of that remaining capacity for reasons stated below.
- 4) “The 1993 Agreement with the state... unused capacity... can be ... reallocated to Town use” – First, as a signatory, the Public Works Director can state that the 1993 Agreement with the State (“Document 2 – Exhibit B”) is not as simple as the above clause would imply. For example, any capacity reallocation would require, as a minimum, five (5) state agencies to be participants and agree to any amendment.

Initially, partly because of the animosity between the State and Town over the location of Garner Correctional Facility, Section B-3 prohibited any use of the State's available daily capacity of 600,000 gallons for "future town use of State property". That position did not change until the 2004 sale of the main campus to the Town that included a transfer of 100,000 gpd as a matter of fairness for the inherited environmental liability. However, the agreement designates use of that sewer treatment capacity for use on the Fairfield Hills campus.

The reason for "Article G-Right to Unused Capacity" was the recognition in 1993 that the Newtown Facilities Plan as adopted did not include a large section of the "Riverside Communities", in the eastern part of Sandy Hook. All parties recognized that the excluded community might eventually need to be brought into the central sewer system for compelling environmental necessity. This might occur due to increased regulatory requirements, deteriorating septic systems with continuing impacts on the parcels themselves, Lake Zoar or both. The Town took aggressive action to avoid this possibility including a fully funded "Septic Repair Loan Program"; oversight by a "Health Panel Review Board", in conjunction with the Health District, of all smaller parcels and adherence to general sewer avoidance policies.

However, that septic system failures could continue was a definite possibility and that could be exacerbated by increased regulatory environmental requirements demanding additional pollution abatement infrastructure.

In a direct discussion, with the Town's DEEP Project Manager, it was discussed that the one case in which DEEP would be hard pressed to recommend a transfer or reallocation of treatment plant capacity would be for an environmental emergency such as noted above. Even in that case, a reallocation under G-2 would require a "time of use" requirement. In other words, a permanent reallocation would not necessarily be approved. The WSA and Town would be expected to search for a more permanent solution, and all of the six involved parties would have to agree.

Page 3:

On page 3 of the application reference is made to S690-36. We have no such designation in our regulations but believe this refers, in general to Section 6 of the Newtown Sewer Regulations, ("Document 10").

We will address the items as presented by the applicant:

- A) The applicant wrongly asserts that the main portion of the subject parcel is not in a “Sewer Avoidance Area”. While the parcel may qualify under the new “Incentive Housing Zone” (IHZ), it is not currently eligible because it does not have access to public sewer. The current IHZ map (“Document 14”) exhibits “Potential” sites based on acreage. However, a number of those “Potential” parcels have no sewer and would not be eligible under the IHZ regulations. (“Document 15”)
- B) No Comment
- C) As stated previously the presence of two laterals does not appear to meet the test of available sewer infrastructure on the property and never was intended or shows any intent to sewer the entire parcel
- D) There is 23,000 gpd of unallocated treatment capacity in the Town system but the applicant’s request is for 100% plus of that capacity. The Sandy Hook Pump Station would need to be upgraded because the applicant’s request pushes it substantially over 100% of capacity. There is no evidence that the State would consider a transfer of additional treatment capacity.
- E) No comment
- F) No Comment
- G) No Comment
- H) No Comment

Conclusion: None pending receipt, review and response from the applicant; closure of the public hearing and discussion with the WSA Board.



SHIPMAN & GOODWIN^{LLP}
COUNSELORS AT LAW

Timothy S. Hollister
Phone: (860) 251-5601
Fax: (860) 251-5318
thollister@goodwin.com

February 4, 2015

VIA E-MAIL AND
FEDEX

Ms. Marianne Brown, Chair
and Authority Members
Water and Sewer Authority
c/o Mr. Frederick W. Hurley, Jr., Director
Public Works Department
Town of Newtown
4 Turkey Hill Road
Newtown, CT 06470

Re: Second Request to the Water and Sewer Authority to Extend Authority's Sewer Service Area at 79 Church Hill Road, Newtown, Map 38, Block 2, Lot 1; Request for Conditional Approval of Capacity and Connection

Dear Chair Brown, Authority Members, and Mr. Hurley:

We represent 79 Church Hill Road, LLC ("Church Hill"), which is the contract purchaser of 79 Church Hill Road, Newtown, Connecticut. As you know, in November 2014, Church Hill applied to this Authority for a revision of the public sewer system service area at 79 Church Hill Road, from the three acres currently designated for service to an additional 32 acres on the same parcel. The bases for this request were: (1) there are two 8-inch laterals that extend onto the property, each with approximately 85,000 gallons of capacity, connecting to a 6-inch sewer main and an 8 inch parallel force main in Church Hill Road, demonstrating available infrastructure for far more than the three acres fronting on Church Hill Road; (2) there is no environmental condition on the remaining 32 acres that precludes or counsels against making sewer available to this acreage (that is, the balance of the site is not a "sewer avoidance area"); and (3) planning for any type of multi-family development, for which the subject property is well suited, requires confirmation of available infrastructure.

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and Authority Members
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The Authority denied this request on December 11, 2014, without prejudice. It is our understanding from that denial and subsequent discussion with Town staff that the Authority would entertain a revised application that included:

- evidence that the Planning and Zoning Commission is willing to consider, on this site, multi-family residential development, which would require connection to the public sewer system beyond the current three-acre service area;
- a conceptual development plan, with a capacity calculation;
- a demonstration of the site's ability to handle a comparable development with on-site sewage treatment; and
- consideration of the factors listed in § 690-36 of the Authority's Regulations.

As you know, 79 Church Hill Road LLC filed a Superior Court appeal from the Authority's December 2014 denial, to protect its rights and to open a potential route for settlement discussion. At this time, in lieu of pursuing that appeal, Church Hill is filing this revised application, based on a conclusion that the criteria listed above have been or can be satisfied.

As you know, the Planning and Zoning Commission has now adopted a new overlay zone regulation that makes 79 Church Hill Road eligible for consideration of multi-family residential use.

Thus, at this time, Church Hill applies for (1) revision of the sewer service area from the current three acres to include the parcel's additional 32 acres currently outside the service area; and (2) approval of 43,750 gallons of sewer capacity and approval to connect, conditional upon Church Hill obtaining all other necessary land use approvals, including wetlands and zoning. This capacity is based on the maximum density potential under the MUMI regulation if applied to 79 Church Hill Road. Regarding sewer capacity, it is our understanding that (1) 23,000 gallons of capacity are available for allocation; (2) the Sandy Hook pump station is at capacity but can be upgraded to accommodate greater flow; (3) the treatment plant has ample capacity (several hundred thousand gallons unused); and (4) under the 1993 Agreement with the State, unused treatment plant capacity currently reserved to the State can be requested to be reallocated to Town use. Church Hill is prepared to make that request of the State.

Ms. Marianne Brown, Chair,
and Authority Members
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Page 3

Submitted with this letter is the Water and Sewer Authority's ("WSA") Preliminary Review application form.

With regard to the factors listed in § 690-36, following each lettered criterion:

- A. The property is not in a sewer avoidance district; can be served by on-site treatment (which is an environmentally less desirable alternative); and the Planning and Zoning Commission has now adopted, as an overlay zone, a regulation that identifies 79 Church Hill Road as a parcel to be considered for multi-family residential development, and the regulation requires such development to be served by public sewer;
- B. This request is made by the contract purchaser of the site with the fee owner's consent; and other properties in the vicinity are already connected to the system;
- C. The presence of two laterals on the property connecting to the public system on Church Hill Road indicate an intent to serve the subject property;
- D. Unused capacity exists in the public system, with an ability to upgrade the Sandy Hook pump station and to request additional capacity from the State;
- E. DEEP has issued no relevant orders;
- F. The sewer service extension and necessary pump station upgrade can be privately funded; and
- G.-H. Consistency with Town land use policies (see note below) is demonstrated by the Planning and Zoning Commission's recent action.

We understand that the WSA will conduct a public hearing on this matter in compliance with General Statutes § 7-246 and its Regulations. **The applicant respectfully requests that the WSA set this hearing for Thursday February 26 or Thursday March 5, in order to allow full consideration and input from the applicant and the public, rather than combining this matter with the WSA's regular meeting agenda for March 12.**

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and Authority Members
February 4, 2015
Page 4

As the Authority is aware, the Connecticut courts have ruled that sewer applications are to be handled based on sewer system management and engineering, and are not to be used by a water pollution control authority as a way to control land use. Multi-family development is the exclusive purview of the Planning and Zoning Commission. We trust that the Water and Sewer Authority will abide by this limitation.

Thank you for your consideration.

Very truly yours,



Timothy S. Hollister

TSH:ekf
Attachment

c: 79 Church Hill, LLC (w/ att.)
Westcott and Mapes, Inc. (w/ att.)
David L. Grogins, Esq., Town Attorney for Town of Newtown (w/ att.)
George Benson, Director of Planning, Town of Newtown (w/ att.)

APPLICATION FOR PRELIMINARY REVIEW FROM THE NEWTOWN WPCA

Name of Applicant: 79 Church Hill Road LLC Date: January 30, 2015
Name of Firm: _____
Address: c/o Timothy S. Hollister, Shipman & Goodwin LLP, One Constitution Plaza
City and State: Hartford, CT 06103-1919
Business Phone: (860) 251-5601 Cell Phone: _____
Name of Property Owner Carmine Renzulli
Type of Construction:

Single Family: _____	Number of Units: _____
Subdivision: _____	Number of Units: _____
Multi-Family: <u>X</u>	Number of Units: <u>350</u> (maximum per zoning)
Commercial: _____	Square Feet: _____
Industrial: _____	Square Feet: _____

Street Address of Connection: Church Hill Road
Estimated Starting Date: Fall 2015 Estimated Completion: 2017

Estimated Sewerage Flow:
Average: 43,750 Gallons/Day
Peak Hour Flow: 6,350 Gallons/Day

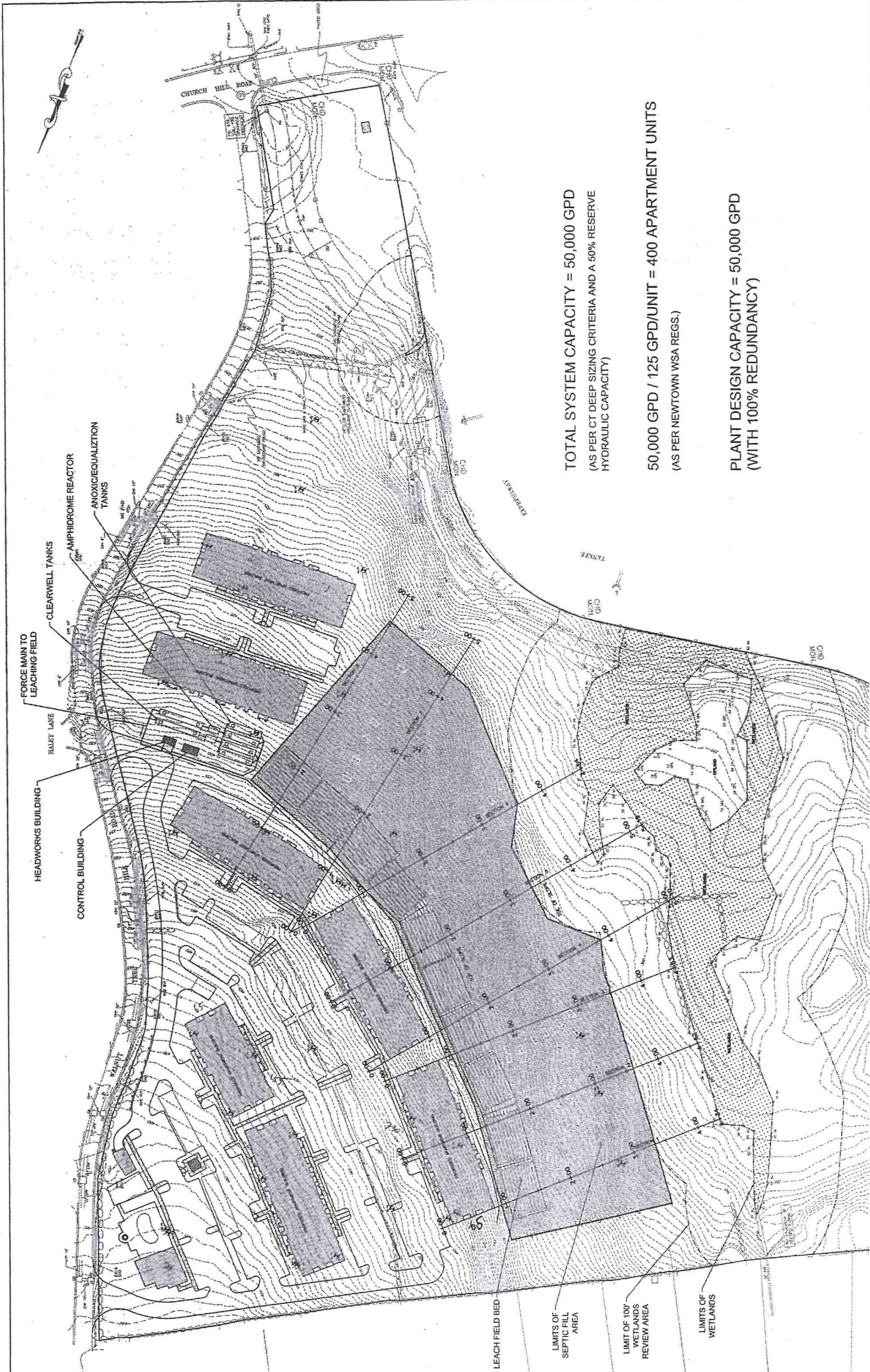
Main Trunk Line Pipe Size: 8 "
Later Line Pipe Size: 6" (From Main to Property Line-6" Required)

Required for Review:

- Eight copies of a Preliminary Lay Out of the proposed development with Approximate Grades and Sewer Schematics.

Additional Information may be Requested by the WPCA at the Time of Application.

Signature of Applicant: T S Hollister, Attorney-in-fact Date: 2/4/15
Signature of Applicant: _____ Date: _____
(Sewer Administrator)

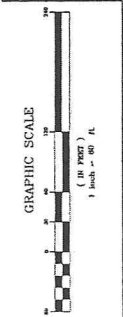


TOTAL SYSTEM CAPACITY = 50,000 GPD
 (AS PER CT DEEP SIZING CRITERIA AND A 50% RESERVE
 HYDRAULIC CAPACITY)

50,000 GPD / 125 GPD/UNIT = 400 APARTMENT UNITS
 (AS PER NEWTOWN WSA REGS.)

PLANT DESIGN CAPACITY = 50,000 GPD
 (WITH 100% REDUNDANCY)

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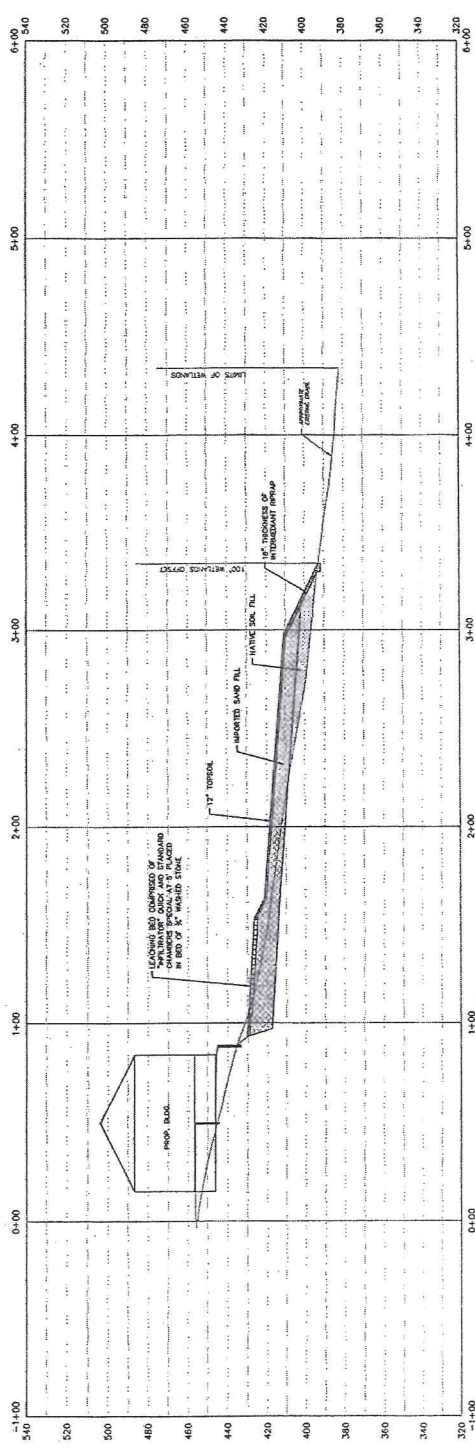
Project Title
**NEWTOWN RESIDENTIAL
 DEVELOPMENT**
 79 CHURCH HILL ROAD
 NEWTOWN, CONNECTICUT
 MAP 88, BLOCK 2, LOT 1

Westcott and Mapes, Inc.
 Consulting Engineers Since 1918
 132 Temple Street
 New Britain, CT 06102
 Tel: (860) 799-1200 FAX: (860) 799-0201
 E-mail address: westcott@westcott.com

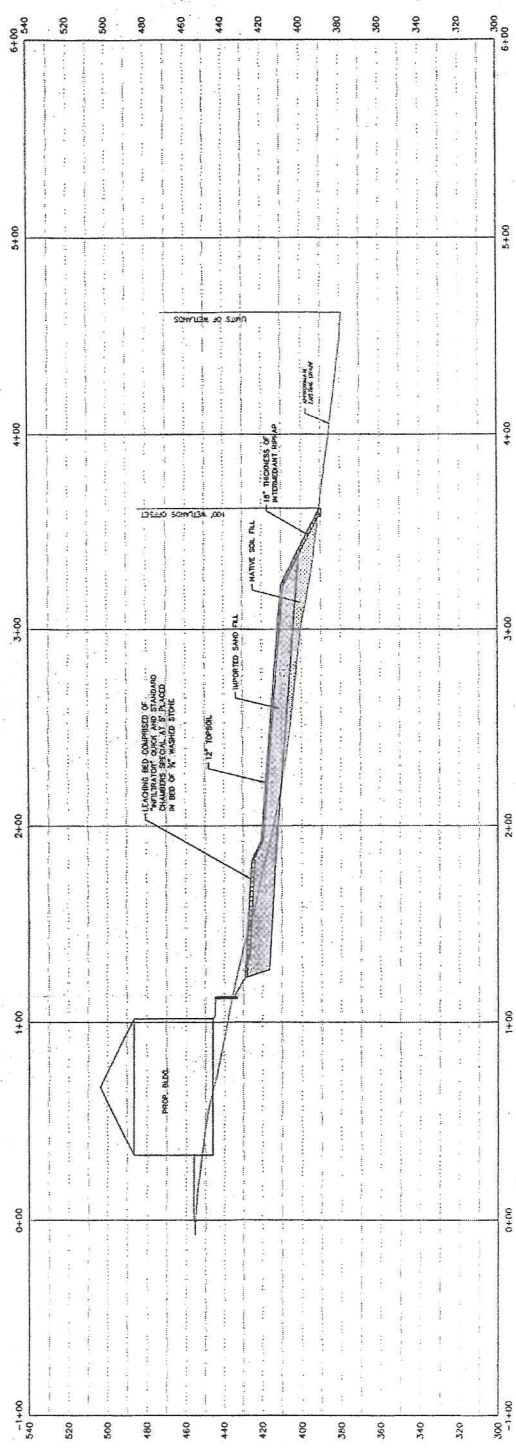


Drawing Title
**CONCEPTUAL DESIGN
 SITE PLAN
 SUBSURFACE SEWAGE
 DISPOSAL SYSTEM**

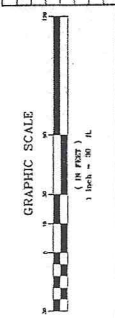
Designed by
 MFC
 Date 07/26/75
 Scale 1" = 60'
 Approved
 14-004-10
 Project No. 100-288-000
 Sheet No. **SP-1**



SECTION 1
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 1" = 30' VERT.



SECTION 2
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 1" = 30' VERT.



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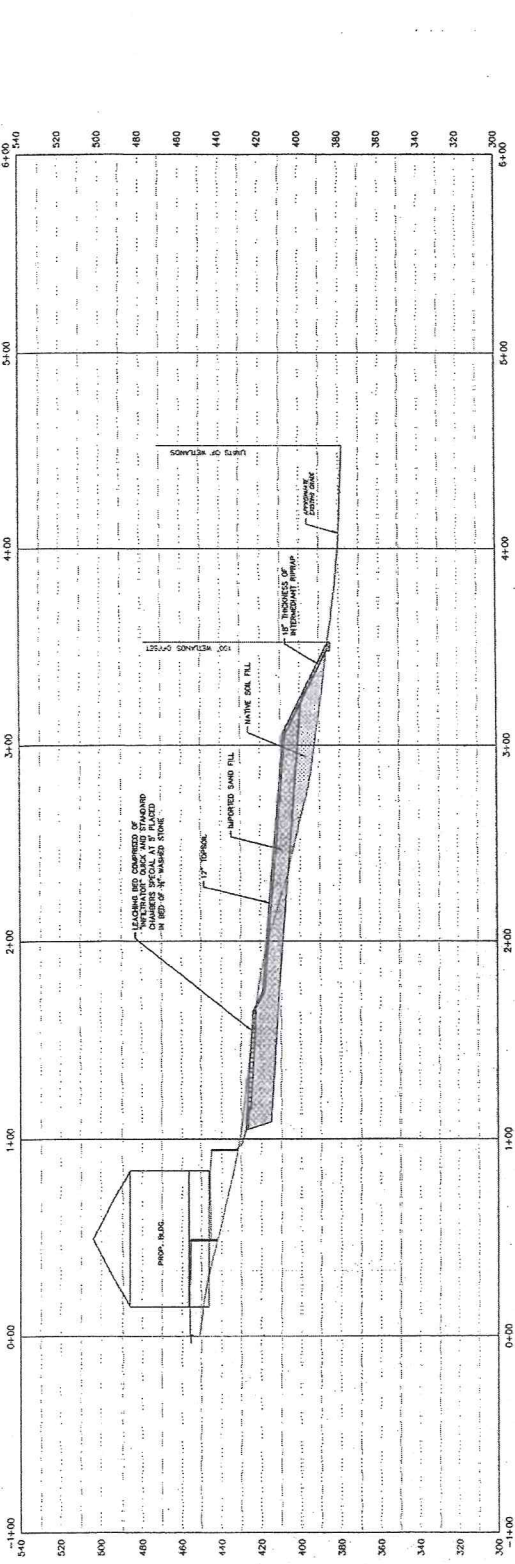
Project Title
NEWTOWN RESIDENTIAL DEVELOPMENT
 79 CHURCH HILL ROAD
 NEWTOWN, CONNECTICUT
 MAP 98, BLOCK 2, LOT 1

Westcott and Mapes, Inc.
 Consulting Engineers since 1916
 157 Temple Street
 New Haven, CT 06510
 Phone: 203-785-1000
 E-mail: westcott@westcottandmapes.com

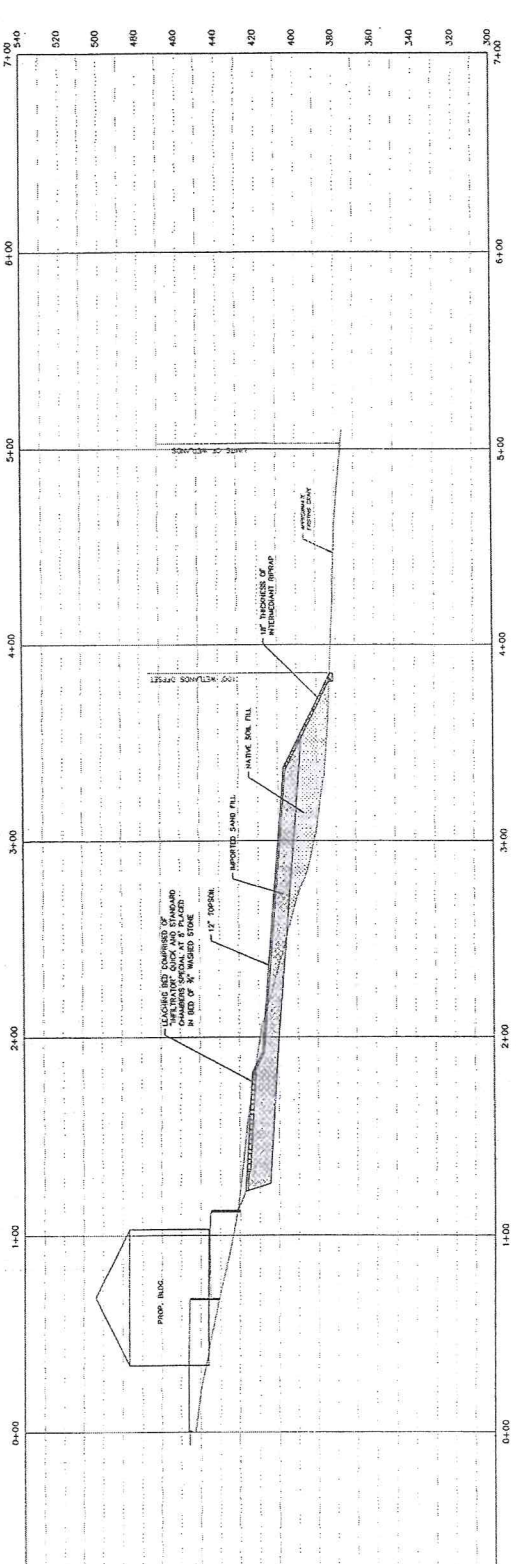


CONCEPTUAL DESIGN
 SECTION
 SUBSURFACE SEWAGE DISPOSAL SYSTEM

Designed by	GA/ATC	Date	02/03/12
Drawn by	WFD	Scale	AS NOTED
Approved by	RPD	Project No.	14-094-10
Checked by		Sheet No.	2

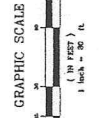


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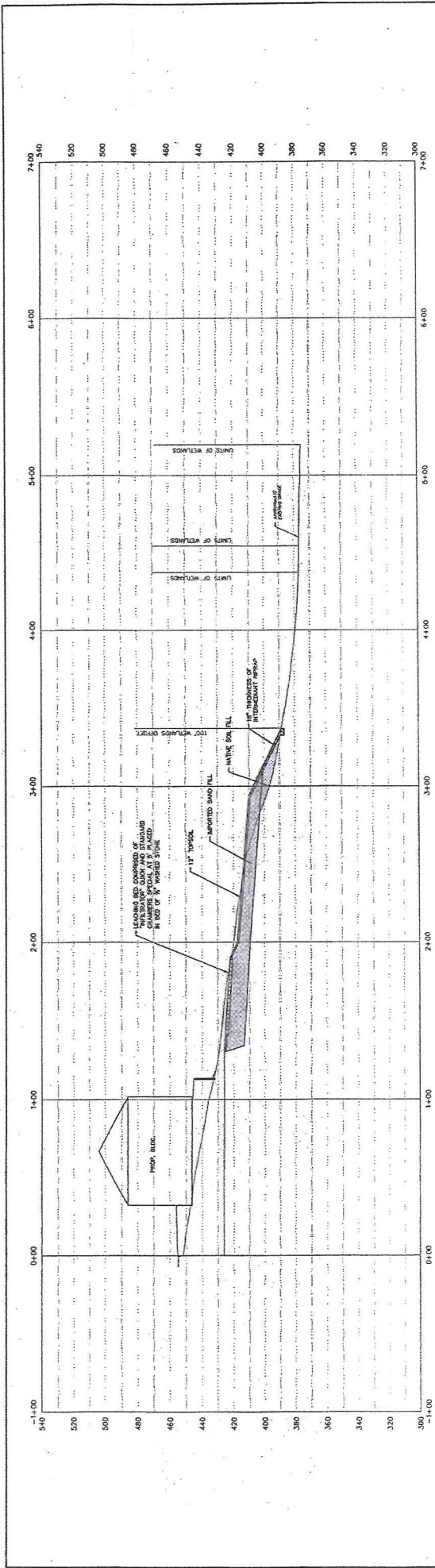
Project Title
NEWTOWN RESIDENTIAL DEVELOPMENT
 79 CHURCH HILL ROAD
 NEWTOWN, CONNECTICUT
 MAP '98, BLOCK 2, LOT 1

Westcott and Mapes, Inc.
 Consulting Engineers and Architects
 147 Temple Street
 Newtown, CT 06470
 Tel: (860) 798-1800 FAX (860) 798-2824
 E-mail: westm@westm.com

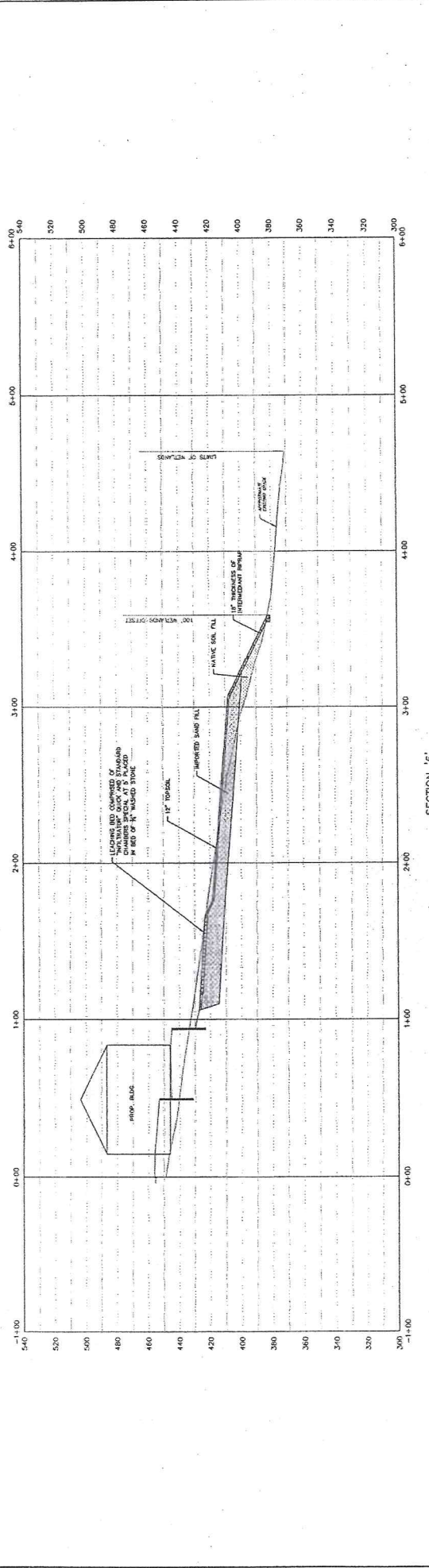


Drawing Title
CONCEPTUAL DESIGN SECTION SUBSURFACE SEWAGE DISPOSAL SYSTEM

Checked	DAJ/NFD	Date	02/02/15
Drawn	WFO	Scale	AS NOTED
Approved	REP	Project No.	14-01-10
Project No.	14-01-10	Sheet No.	3
File Name	14-01-10 30E 03E 03E	Sheet No.	

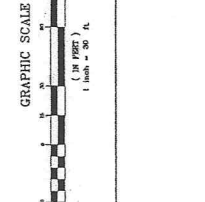


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No.	Date	Revisions	Descriptions

Project Title
NEWTOWN RESIDENTIAL DEVELOPMENT
 79 CHURCH HILL ROAD
 NEWTOWN, CONNECTICUT
 MAP SHEET BLOCK 2, LOT 1

Westcott and Mapes, Inc.
 Consulting Engineers, Inc.
 100 Westcott Drive
 Newtown, CT 06470
 Tel: (203) 799-1800 FAX: (203) 799-2828
 E-mail: westm@westm.com



Drawn By: [Name]
 Checked By: [Name]
 Project No.: 04-110
 Product No.: 03-03-03R
 The Bottom Sheet No.: 4

Designed: 06/03/15
 Date: 02/03/15
 Scale: AS NOTED

**SUBSURFACE SEWAGE DISPOSAL FEASIBILITY REPORT
NEWTOWN RESIDENTIAL DEVELOPMENT
79 CHURCH HILL ROAD
NEWTOWN, CONNECTICUT**



Prepared For:

***79 Church Hill Rd, LLC
c/o Lev & Berlin Attorneys at Law
200 Connecticut Ave.
Norwalk, CT 06854***

Prepared By:

**Westcott and Mapes, Inc.
142 Temple Street
New Haven, CT 06510**

**Project No. 14-004-13
February 4, 2015**



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1.00 INTRODUCTION

This report presents the results of the subsurface sewage disposal feasibility engineering report for use for the Newtown Residential Development plan located on 79 Church Hill Road in Newtown, Connecticut. The site is located on the East Side of I-84 just north of the west bound Exit 10 exit ramp approximately $\frac{3}{4}$ of a mile northeast of Newtown center.

1.10 Objective of Study

This report analyzes available maps and geologic information to determine the capability and extent that a subsurface sewage disposal facility can be accommodated on the project site when using topographic and planimetric data combined with site specific soil conditions.

1.20 Scope of Study

The scope of services performed by Westcott and Mapes, Inc. to meet the above stated objectives to determine the Subsurface Sewage Disposal Feasibility for the site, engineering services include the following:

- 1) A review of the existing Bedrock and Surficial Geology maps for the Newtown Quadrangle.
- 2) A review of the Geotechnical data performed specifically for the site
- 3) A review of the State of Connecticut Department of Environment and Energy Protection (DEEP) Water Quality Classifications for Newtown, CT.
- 4) An analysis of an enhanced pre-treatment method that has been used in the past and that would be appropriate for a discharge to a prepared subsurface sewage disposal field at the project site.
- 5) A conceptual design of a subsurface sewage disposal field which will include, hydraulic capacity analysis, leach bed system sizing calculations and pollutant renovation.
- 6) Establish a determination of the capacity of the project site with respect to a Subsurface Sewage Disposal Discharge.

1.30 Site Description

The site consists of an approximately 35 acres located in the Town of Newton. The site is located in a Mixed-Use, Mixed-Income Overlay Zone (MUMI-10) area bounded by I-84 to the west, Walnut Tree Hill Road to the east, Church Hill Road to the south and residential properties off of Evergreen Road to the north. Historically the site has been used for agricultural purposes. Presently the site is mostly covered with mature trees and light underbrush. The site layout plan is shown on Figure SP-1, attached.

The existing ground surface at the site slopes from a high point located at the northeast corner of the site from an elevation of 491 in a southern direction towards wetlands located along the southern property line at elevation 352. The total grade change for the site is approximately 139 feet.

Surface Run-off from the site flows in a southerly direction into wetlands located along the site's southerly boundaries and thence into a storm water discharge system constructed for the I-84 west bound exit ramp. Here the storm water is discharged to "Tom Brook" which flows in a southerly direction a short distance and empties into the Class B rated Pootatuck River near the outlet of the Municipal Sewage Treatment Plant located on Commerce Street.

1.40 Project Description

The proposed project would consist of mixed-income residential apartment development consistent with the topography, soil type and infrastructure capacity of the site. The development would be high quality design, sensitive in nature to the character of community.

2.0 SOIL AND BEDROCK CONDITIONS

2.10 Surficial Geologic Mapping

The soil mapping of surficial soils of the study area as performed by the Soil Conservation Service indicates a "Paxton" type of soil which predominates in the glacial uplands of Connecticut and can be described as

2.20 Bedrock Geology

According to the Bedrock Geology map of the Newtown Quadrangle the anticipated site of the subsurface sewage disposal facility is underlain by "Unconsolidated Stratified and Unstratified gravels, sands, and silts which overlay a glacial till. The presence of abundant swamps in the southern portion of the quadrangle map in which the project site is located suggests poor drainage and rather slow moving subsurface water.

2.30 Geotechnical Investigation – Recent Subsurface Investigations

On July 16-19 and August 1, 2014, Heller and Johnsen performed a subsurface investigation of the entire site consisting of 36 Type “B” test borings. Twelve of the borings were drilled within the limits of the subsurface sewage disposal system. The test borings provide a generalized profile of the conditions present and in descending order consists of: topsoil, loam and a discontinuous layer of sand and glacial till. Bedrock was encountered only at two locations in the northern central location of the site and was classified as a “Newtown Gneiss”.

The topsoil strata varied in thickness from just a few inches to one foot. It was underlain by a loamy type of soil which varied from 0.5 to 5 feet below ground surface.

The Glacial Till was encountered at depths generally from 2.5 to 17 feet which was the bottom of the boring. This material was described as a medium dense to very dense comprised of sand, silt and gravel.

Groundwater was not encountered during the time of the explorations. This was attributed to the very low permeability of the dense and silty glacial till.

Bedrock was encountered near ground surface in borings HJ-20 and HJ-21 which is outside of the limits of the area of study for the subsurface sewage disposal system.

Boring locations are shown on the site plan Drawing SP-1 contained in the appendix.

3.0 WATER QUALITY CONDITIONS

3.10 Surface Water Quality

According to the Water Quality Classification Map for Newtown, the DEEP has classified Tom Brook as “Class A” which has designated uses for habitat for fish and other aquatic life and wildlife; potential drinking water supplies; recreation, navigation; and water supply for industry and agriculture. This would be consistent with the DEEP’s classification of many of the small brooks throughout the state not receiving a specific classification.

3.20 Ground Water Quality

The Water Quality Classification Map for Newtown as published by DEEP has classified the site’s ground water as “GA”. Class GA designated uses are “existing private wells and potential public or private water supplies of water suitable for drinking without treatment and base flow for hydraulically-connected surface water bodies”. This classification has been applied to all of the areas throughout the site were a more specific designation cannot be determined.

4.00 ENHANCED PRETREATMENT SYSTEM

4.10 General

The wastewater generated by a proposed residential facility of this magnitude will have a high concentration of nitrogen that cannot be reduced to goal levels by use of the usual septic tank. Also, the up gradient drainage basin will most likely not be large enough to capture enough rainfall run off to allow for dilution of nitrogen to acceptable levels. Therefore it can be anticipated that an enhanced pretreatment system will be necessary for the implementation of a subsurface sewage disposal system. The enhanced pretreatment system will also have a dramatic effect on the reduction of other important constituents such as Biochemical Oxygen Demand and Total Suspended Solids.

4.20 Amphidrome™ - Submerged Attached Growth Bioreactor (SAGB)

A treatment process which has proven to provide a high degree of removal of Biochemical Oxygen Demand (BOD₅), Total Suspended Solids (TSS) and Total Nitrogen (TN) is the Amphidrome™ Submerged Attached Growth Bioreactor. This process is on the DEEP's list of processes that would be acceptable for evaluation and use for the enhanced pretreatment that would be necessary for a project of the magnitude proposed. For the purposes of this study, we have used the Amphidrome SAGB system as a basis for the conceptual design of the enhanced pretreatment system. A description of the system and how it operates is as follows:

The Amphidrome (SAGB) system that would be proposed for this site would operate in a batch mode. It would consist of a deep bed sand filter which would be designed for the simultaneous removal of soluble organic matter, nitrogen and suspended solids within one single reactor. To achieve all of this in one reactor the process must provide aerobic and anoxic (absence of oxygen) environments to reduce two different types of microorganisms present.

The first tank, the anoxic/equalization tank, is where raw wastewater enters the system. This tank would have an equalization section, a settling zone and a sludge storage section. It would serve as a primary clarifier prior to the reactor tank.

The Amphidrome Reaction tank receives flow from the anoxic/equalization tank and consists of 5 different sized media. Air is introduced at the bottom of the reactor and as the air flows up through the media, the bubbles are sheared by the gravel/sand thus producing finer bubbles thus reducing nitrogen concentrations. The media functions as a filter which significantly reduces suspended solids. Also the media provides surface area for which an attached growth biomass can be maintained.

To achieve both anoxic and aerobic environments required for removal of soluble organics as well as nitrogen, aeration of the reactor is intermittent, rather than continuous in a conventional plant.

Depending on the strength and volume of the wastewater, a typical aeration scheme may be three to five minutes of air and ten to fifteen minutes without air. The timing of the aeration events can readily be adjusted as the need may arise by the Program Logic Controller which will be located in the plant building.

To achieve a higher degree of treatment, wastewater is returned from the reactor tank back to the anoxic/equalization tank. This cycle can be repeated as necessary to achieve the required treatment necessary for a discharge to the leach field. Wastewater will then be discharged into the clearwell where it is used for backwashing the media in the reaction tank and thence discharged to the leaching fields. A process flow diagram of the enhanced pre-treatment system based on the Amphidrome concept is shown herein as Figure No. 4-1.

The cyclical forward and reverse flow of the wastewater combined with the intermittent aeration of the filter sand is what creates the ideal conditions to achieve a high degree of removal efficiency for BOD₅, Total Suspended Solids (TSS) and total nitrogen (TN) to a level ≤ 10 mg/L for each of these constituents. These limits would meet acceptable criteria for an enhanced pre-treatment facility discharging to a prepared fill leaching system.

4.30 Physical size of Enhanced Pre-Treatment System Components

Based on a design average daily flow rate of 50,000 gallons per day, the physical size of various components of the enhanced waste treatment train are sized as follows:

Design Flow 50,000 gpd (100% redundant with largest unit out of service)

Dual Train Amphidrome System

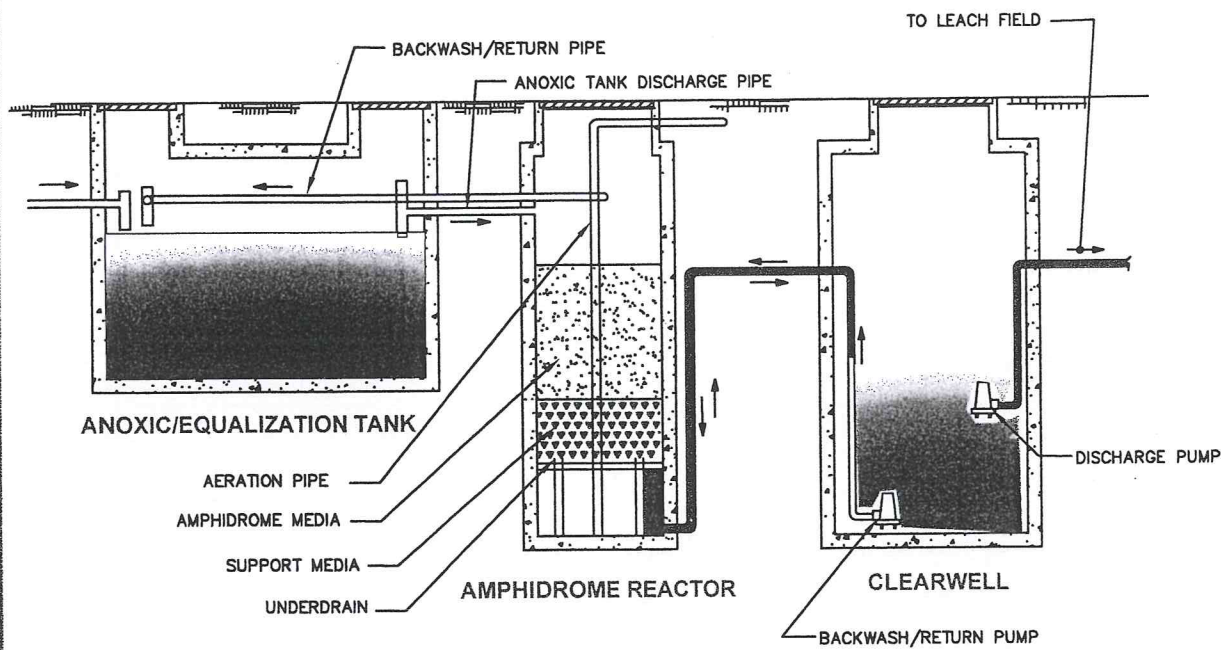
- (2) sets of Anoxic tanks in series @ 50,000 gallons per train, each tank is 25,000 gallons 4 tanks x 25,000 = 100,000 gallons total
- (2) 9.5 x 15 ft. Amphidrome Reactors
- (2) 50,000 gallon clear wells
- (1) Headworks Facility building (20' x 10') to house screening and flow metering equipment.

Subsurface Sewage Disposal Feasibility Report
Newtown Residential Development
79 Church Hill Road
Newtown, CT

February 4, 2015

- (1) Control building (24' x 12') to contain chemical storage and metering pumps, plant controls, emergency stand-by power equipment and small laboratory.

A conceptual layout of the plant system is shown on Drawing SP-1 contained in the appendix.



AMPHIDROME PROCESS FLOW SCHEMATIC

Scale:
Not To Scale

Westcott and Mapes, Inc.
Consulting Engineers since 1916

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**NEWTOWN RESIDENTIAL
DEVELOPMENT
79 CHURCH HILL ROAD
NEWTOWN, CT**

AMPHIDROME PROCESS

FILE NAME: 14-04-13
ISSUE DATE: JAN. 19, 2015

**SUBSURFACE SEWAGE
DISPOSAL
FEASIBILITY REPORT**

FIG.4-1

5.00 LEACH FIELD CAPACITY

5.10 Hydraulic Capacity Using two dimensional analyses

In order to establish hydraulic capacity for this feasibility analysis, eight (8) cross sections were generated in the area having the most potential for a subsurface discharge. These sections will be utilized to determine hydraulic capacity as well as bacteria travel time through the prepared fill.

Based on the geotechnical data accumulated for this project, it is evident that the existing soil conditions would not allow a subsurface discharge. In instances such as this the DEEP takes jurisdiction over the design and permitting of the system and has set forth design criteria. Furthermore they would allow an imported fill material to be used as a filtering media provided it met their criteria for hydraulic capacity, phosphorus removal and bacteria survival and the final effluent did not discharge as a point source in the absence of a watercourse or wetland.

The hydraulic capacity of the leaching system will be analyzed using a basic hydraulic law called Darcy's Law. In its modified form and when used for shallow ground water flow Darcy's Law takes the form of:

$$Q = KiA$$

Where K = The coefficient of permeability of soil through which saturated flow takes place in ft/day

i = The slope of the hydraulic gradient in ft/ft

A = The cross sectional area of saturated flow in ft²

A highly tested and carefully placed "septic fill" will be required to achieve the specific range of permeability range that is normal for the construction and permitting of one of these types of disposal fields.

The Controlled sand fill will have permeability rate of 20-30 ft/day, say use the low end of the permeability range =20 ft/day.

Due to down gradient location of wetlands buffer the leach field will be split into three segments having hydraulic gradients of 0.072, 0.08, and 0.11 ft/ft. The segment with a hydraulic gradient of 0.072 ft/ft (center segment) will have a total width of approximately 230 feet. The segment with a hydraulic gradient of 0.08 ft/ft (northern and center southern segment) will have a total width of approximately 520 feet. The third segment (southerly most) will have a gradient of 0.11 ft/ft. and a 122' width). The height of the unsaturated prepared fill thickness assumed for all of the segments will be 7 feet. The hydraulic capacity is calculated as follows:

Central Segment (Sections 4-6)

Width = 230'

$$A_1 = 230' \times 7' \text{ H} = 1,610 \text{ ft}^2$$

From Darcy's Law Equation; $Q = KiA$

$$Q_1 = 20 \text{ ft/day} \times 0.072 \text{ ft/ft} \times 1,610 \text{ ft}^2 \times 7.48 \text{ gal/ft}^3 = 17,342 \text{ gallons per day}$$

Northern and Center Southern Segment (Sections 1-4 + Sections 6 to 7)

Total Width = 520'

$$A_2 = 520' \times 7' \text{ H} = 3,640 \text{ ft}^2$$

From Darcy's Law Equation; $Q = KiA$

$$Q_2 = 20 \text{ ft/day} \times 0.08 \text{ ft/ft} \times 3,640 \text{ ft}^2 \times 7.48 \text{ gal/ft}^3 = 43,564 \text{ gallons per day}$$

Southern Segment (Sections 7-8)

Total Width = 122'

$$A_3 = 122' \times 7' \text{ H} = 854 \text{ ft}^2$$

From Darcy's Law Equation; $Q = KiA$

$$Q_3 = 20 \text{ ft/day} \times 0.11 \text{ ft/ft} \times 854 \text{ ft}^2 \times 7.48 \text{ gal/ft}^3 = 14,053 \text{ gallons per day}$$

$$\text{TOTAL} = 74,959 \text{ gallons per day}$$

In accordance with DEEP'S criteria we must provide a 50% hydraulic reserve capacity, therefore leach field Design Capacity = $74,959/1.5 = \underline{49,997 \text{ gallons per day}}$

6.00 LONG TERM ACCEPTANCE RATE (LTAR) (System Sizing Calculations)

5.10 Evaluated System

The system evaluated would consist of a large stone filled leaching bed 56 feet wide x 760 feet in length. The total effective leaching area provided is therefore $56 \times 758 = 42,448$ square feet. The Long Term Acceptance Rate (LTAR) permitted by the DEEP for this type of fill system would be 1.2 gal/day/SF of effective leaching area. This rate does not however make allowances for the fact that the effluent being discharged to the leaching system will be pretreated, and thus contains only a fraction of the suspended solids and BOD loadings of a typical septic tank effluent assumed as a basis of the LTAR equation.

The system sizing calculation for the evaluated system is $1.2 \text{ gal/day/SF} \times 42,448 \text{ SF} = \underline{50,938 \text{ gallons/day}}$.

7.0 POLLUTANT RENOVATION

7.10 Virus Removal

The DEEP's criteria to provide for adequate virus removal from the leach field bed is to provide two feet of unsaturated soil or greater from the bottom of leach bed to the mounded level of water as established from the hydraulic analysis as demonstrated in the previous section. Based on the average daily design capacity flow rate of say 50,000 gpd, the depth of the mounded flow will be $50,000/74,959 \times 7' = 4.67'$. Based on the sections prepared for the leaching system the total separation at the leaching bed area approximates $4.5' > 2'$ therefore OK.

7.20 Nitrogen

The criteria for nitrogen treatment is to ensure that total nitrogen levels should not exceed 10 mg/l at the property line, surface water source or wetland. The proposed enhanced pre-treated system that can be designed for this facility has shown that it can meet these criteria at the non-point discharge points of leaching field bed.

7.30 Phosphorus Removal

The accepted DEEP criteria for soil adsorption calls for the sorption of 180 days worth of phosphorus generation based on an adsorption rate of 8 mg/100 grams of soil and a phosphorus discharge rate of 9 mg/L which would lead to a zero rate of phosphorus prior to discharge to property line, watercourse or wetland.

Central Segment (Sections 4-6)

$Q_1 = 17,342$ gallons per day based on depth = 7.0 feet.
Based on 1.5 hydraulic capacity = $17,342 \text{ gpd}/1.5 = 11,561 \text{ gpd}$
Actual Depth of flow = $0.67 \times 7.0 \text{ feet} = 3.13 \text{ feet}$.
Width of flow = say 520'
Cubic feet of soil = $520' \times 3.13' \times 130'$ of length (See Section 7.4 of report) = 93,587 CF
Total Phosphorus Discharge (180 day period) = $11,561 \text{ gpd} \times 3.785 \text{ liters/gal} \times 9 \text{ mg/L} = 3.94 \times 10^5 \text{ mg/day}$
Based on 180 days, total weight of Phosphorus = $180 \times 3.94 \times 10^5 = \underline{7.09 \times 10^7 \text{ mg of P}}$

Total Leaching soil available = $110 \text{ lb/CF} \times 454 \text{ g/lb} = 49,940 \text{ g/CF}$
Mass of soil which the P-laden water will flow = $93,587 \text{ CF} \times 49,940 \text{ g/CF} = 4.67 \times 10^9 \text{ grams}$
Total sorption capacity of the soil = $8 \text{ mg/100 grams} \times 4.67 \times 10^9/100 = \underline{3.74 \times 10^8 \text{ mg. of P}}$
OK greater than $7.09 \times 10^7 \text{ mg of P}$ which will be generated in 180 days of discharge.

Northern and Center Southern Segment (Sections 1-4 + Sections 6 to 7)

$Q_2 = 43,564$ gallons per day based on depth = 7.0 feet.
Based on 1.5 hydraulic capacity = $43,564 \text{ gpd} / 1.5 = 29,042 \text{ gpd}$
Actual Depth of flow = $0.67 \times 7.0 \text{ feet} = 3.13 \text{ feet}$.
Width of flow = say 230'
Cubic feet of soil = $230' \times 3.13' \times 144'$ of length (See Section 7.4 of report) = 103,366 CF
Total Phosphorus Discharge (180 day period) = $29,043 \text{ gpd} \times 3.785 \text{ liters/gal} \times 9 \text{ mg/L} = 9.89 \times 10^5 \text{ mg/day}$
Based on 180 days, total weight of Phosphorus = $180 \times 9.89 \times 10^5 = \underline{1.78 \times 10^8 \text{ mg of P}}$

Total Leaching soil available = $110 \text{ lb/CF} \times 454 \text{ g/lb} = 49,940 \text{ g/CF}$
Mass of soil which the P-laden water will flow = $103,366 \text{ CF} \times 49,940 \text{ g/CF} = 5.16 \times 10^9 \text{ grams}$
Total sorption capacity of the soil = $8 \text{ mg/100 grams} \times 5.16 \times 10^9 / 100 = \underline{4.13 \times 10^8 \text{ mg. of P}}$
OK greater than $1.78 \times 10^8 \text{ mg of P}$ which will be generated in 180 days of discharge.

Southern Segment (Sections 7-8)

$Q_3 = 14,053$ gallons per day based on depth = 7.0 feet.
Based on 1.5 hydraulic capacity = $14,053 \text{ gpd} / 1.5 = 9,369 \text{ gpd}$
Actual Depth of flow = $0.67 \times 7.0 \text{ feet} = 3.13 \text{ feet}$.
Width of flow = say 122'
Cubic feet of soil = $122' \times 3.13' \times 198'$ of length (See Section 7.4 of report) = 75,608 CF
Total Phosphorus Discharge (180 day period) = $9,369 \text{ gpd} \times 3.785 \text{ liters/gal} \times 9 \text{ mg/L} = 3.19 \times 10^5 \text{ mg/day}$
Based on 180 days, total weight of Phosphorus = $180 \times 3.19 \times 10^5 = \underline{5.74 \times 10^7 \text{ mg of P}}$

Total Leaching soil available = $110 \text{ lb/CF} \times 454 \text{ g/lb} = 49,940 \text{ g/CF}$
Mass of soil which the P-laden water will flow = $75,608 \text{ CF} \times 49,940 \text{ g/CF} = 3.78 \times 10^9 \text{ grams}$
Total sorption capacity of the soil = $8 \text{ mg/100 grams} \times 3.78 \times 10^9 / 100 = \underline{3.02 \times 10^8 \text{ mg. of P}}$
OK greater than $5.74 \times 10^7 \text{ mg of P}$ which will be generated in 180 days of discharge.

7.40 Bacterial Survival

The accepted criteria that DEEP uses to evaluate to provide to virus removal is to provide a minimum of 3 weeks detention time prior to discharge to, property line, water course or wetlands limit. The velocity of the discharge through the sand filter is determined by the equation ($V = k \times i / \text{soil porosity, } n$)

Check Central Segment (Sections 4-6)

$k = 30 \text{ ft./day}$ (Maximum in range of permeability)
 $i = 0.072 \text{ ft./ft.}$

$N = \text{porosity} = 0.35$ (Uniform Medium Sand)

$V = (30 \times 0.072)/0.35 = 6.17$ ft./day for 3 weeks travel time we would need $6.17 \times 21 = 130$ linear feet of soil between edge of leaching bed and toe of slope. This distance has been provided for to the limits of the wetlands 100' buffer strip.

Check Northern and Center Southern Segment (Sections 1-4 + Sections 6 to 7)

$k = 30$ ft./day (Maximum in range of permeability)

$I = 0.080$ ft./ft.

$N = \text{porosity} = 0.35$ (Uniform Medium Sand)

$V = (30 \times 0.080)/0.35 = 6.86$ ft./day for 3 weeks travel time we would need $6.86 \times 21 = 144$ linear feet of soil between edge of leaching bed and toe of slope. This distance has been provided for to the limits of the wetlands 100' buffer strip.

Check Southern Segment (Sections 7 & 8)

$k = 30$ ft./day (Maximum in range of permeability)

$I = 0.11$ ft./ft.

$N = \text{porosity} = 0.35$ (Uniform Medium Sand)

$V = (30 \times 0.11)/0.35 = 9.43$ ft./day for 3 weeks travel time we would need $9.43 \times 21 = 198$ linear feet of soil between edge of leaching bed and toe of slope. This distance has been provided for to the limits of the wetlands 100' buffer strip.

8.00 CONCLUSIONS

The site evaluated has the potential for the permitting and construction of a subsurface sewage disposal system having a capacity of approximately 50,000 gallons per day based upon the hydraulic, system sizing, and bacteria travel time criteria (hydraulic capacity controls) as set forth by the DEEP. An enhanced pre-treatment system would have to be employed to reduce nitrogen to acceptable levels prior to discharge to the leaching system. Soil conditions require that the entire leaching system would have to be constructed in prepared fill and that toe of the embankments would have to be tributary to a watercourse or wetlands. All fill areas have been kept out of 100' wetlands buffer area for purposes of this analysis.



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December 11, 2014

VIA HAND-DELIVERY

Ms. Marianne Brown, Chairperson
Water & Sewer Authority of the Town of Newtown
c/o Mr. Frederick W. Hurley, Jr., Director
Public Works Department
Town of Newtown
4 Turkey Hill Road
Newtown, CT 06470

RE: Request to the Water & Sewer Authority of the Town of Newtown, Connecticut, to extend the Authority's designated sewer service area to include an entire parcel of land known as 79 Church Hill Road, Newtown, Connecticut, and designated Map 38, Block 2, Lot 1, by the Assessor of the Town of Newtown, Connecticut.

Dear Chairperson Brown and Members of the Water & Sewer Authority,

The undersigned firm represents 79 Church Hill Road, LLC ("Church Hill"), which is the contract purchaser of 79 Church Hill Road, Newtown, Connecticut ("subject property").

Church Hill seeks to have the designated sewer service line, which bifurcates the subject property into two sewer service areas, moved so as to locate the entire property within the sewer service area. Currently, three acres that front Church Hill Road are located within the sewer service area. The balance of the property comprising thirty-two acres is located outside of the sewer service area. Therefore, approximately 91.4% of the subject property is excluded from sewer service. There are a number of justifications for this application.

First, there are two existing laterals on the three acres that front Church Hill Road. The balance of the property is currently excluded. This bifurcation of the property makes no planning sense.

Second, there is no environmental condition on the acreage beyond the current line that warrants this bifurcation of sewer service.

Ms. Marianne Brown, Chairperson
c/o Mr. Frederick W. Hurley, Jr., Director
December 11, 2014
Page Two

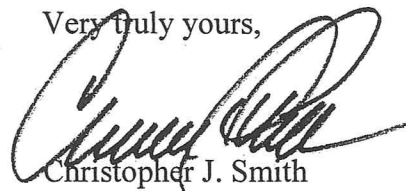
Third, this exclusion of approximately 91.4% of the subject property prohibits uniform use of the property.

Fred Hurley, Newtown's Public Works Director, issued last month an update of the sewer use matrix for the Town's sewer system originally adopted in 1994. The purpose of that matrix was to restrict sewer capacity based on zoning (Exhibit A, attached). As you are aware, the Connecticut courts have ruled in recent cases that sewer applications are to be handled based on sewer system management and engineering, and are not to be used by a water pollution control authority as a way to control land use or enforce existing zoning regulations. In *Dauti Construction v. Water and Sewer Authority*, 125 Conn. App. 652 (2010), the Connecticut Appellate Court ruled that this Sewer Authority could not deny a request for sewer capacity because the application was submitted in connection with a development proposal that did not meet the Town's existing zoning. The Court expressly stated that municipal sewer authorities are tasked with administering the sewer system, not controlling the land uses that sewer may support, which is the exclusive purview of planning and zoning commissions. We respectfully submit that Mr. Hurley's November 2014 report partially updates capacity numbers, but still ties allocation to land use and zoning – that the Appellate Court invalidated.

As previously represented, once sewer service is confirmed for the entire property, Church Hill will then be able to prepare a development proposal. Church Hill will also file an application with the Sewer Authority to confirm the availability of the sewer capacity required to service the property, as provided by the Sewer Authority's Regulations and the Intermunicipal Agreement ("IMA") between the Town of Newtown and State of Connecticut, dated November 17, 1993 (Exhibit B, attached). As provided by the Regulations and IMA, Church Hill would be entitled to any unused capacity on a first come first serve basis as referenced by Newtown's Town Attorney, David Grogins, in his report to the Sewer Authority, dated September 22, 2014 (Exhibit C, attached). We note that if required capacity is not available, the Town and WSA are authorized by the IMA to request additional capacity from the State's unused allocation.

Thank you for your consideration and assistance concerning this matter.

Very truly yours,



Christopher J. Smith

cc: 79 Church Hill, LLC
Westcott and Mapes, Inc.
David L. Grogins, Town Attorney
George Benson, Director of Planning

2014 Newtown WSA Sewer System Capacity and Allocation Review

Do We Have Capacity? The First Question!

Current Usage Background: The current average sewer flow just for the main system is 267,000 gallons per day (gpd) for the past three years. This would seem to indicate that subtracted from the daily average plant design of 332,000 gpd capacity that there is 65,000 gpd of unused daily capacity. This is based on actual measured daily flow at the plant with all metered Fairfield Hills flow deleted.

Correcting A Myth: There has been an ongoing assumption that the design unit (EDU – equivalent dwelling unit) used in the design of the needed capacity was 212.5 gpd. A review of the design material from Fuss & O'Neill (F&O) indicates that was used in the original Facilities Plan but was modified to 185 gpd for the final capacity calculations and for the assumptions of capacity allocation used in the matrix noted below.

1995 Design Flow and Matrix Allocation: The system was designed with an anticipated existing need of 260,000 gallons per day of capacity as its first priority. The allocation of the remaining 72,000 gpd was separated into four (4) additional allocation priorities: second priority - 30,000 gpd potential development within the existing system district; third priority - 4,000 gpd existing development along sewer transmission lines; fourth priority - 21,000 gpd existing development outside of the sewer service area noted in the Facilities Plan as a concern and 17,000 gpd for other existing development outside but close to the sewer service area. (Attachment A).

2000 Matrix Allocation Review: In April of 2000, F&O issued a draft review of the matrix (Attachment B). It was meant to provide an update for the WSA Board for any consideration of a change in the matrix. This review was not a policy statement or recommendation. What is instructive however are the properties that are currently connected to the sewer system and where they were noted in the allocation matrix.

Four properties or projects are of particular note because they are all included in the current plant usage of 267,000 gpd but were not part of the First priority of existing users. The four are Walnut Tree I (80 units), Walnut Tree II (110 units), Oakview/Berkshire (54 units) and Meadowbrook Trailer Park (60 units). These four projects represent approximately 304 edus which would calculate out to 56,240 gpd at 185 gpd per unit. They would by themselves virtually have exhausted all remaining capacity allocation. But we know that is not correct.

In addition to the impact of these four projects, we also know that there were additional allocations under all five priorities; the Dauti settlement and the preliminary approval of Burton's development in Sandy Hook Center that would have pushed the total allocation well beyond the plant capacity design of 332,000 gpd. But we also know that this is not correct.

The Second Question - How Are We Going To Allocate It? We know that the actual unused capacity is somewhere between 267,000 gpd and 332,000 gpd or 65,000 gpd. How much real available capacity do we have and where do we put it is the dilemma. Some of the obvious questions and considerations are as follows:

1. How much do we set aside for vacant commercial property that have already been paying a sewer benefit assessment? (Boulevard, Edmund Road, Church Hill etc.)
2. How much additional capacity aside from #1 do we set aside in the existing sewer service area?
3. How much capacity if any do we assign to any or all of the other four priorities?
4. Do we simplify the matrix to in or out of the sewer service area?
5. What design number(s) do we use in assigning new allocation requests? 125 gpd for trailers? 110 gpd for senior housing ? 185 gpd for any or all edus?

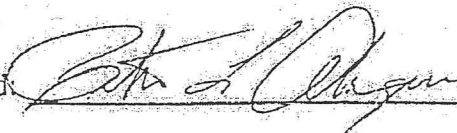
- 1st priority: 260,000 gpd - Existing development within the sewer service area.
- 2nd priority: 30,000 gpd - Potential development meeting current zoning within the sewer service area.
- 3rd priority: 4,000 gpd - Existing development along sewer transmission routes.
- 4th priority: 21,000 gpd - Existing development outside the sewer service area identified as areas of concern in the Facilities Plan and reasonably close to the sewer service area.
- 5th priority: 17,000 gpd - Other existing development outside the sewer service area but in close proximity.

V. Designation and Delineation of Service Areas

The sewer service area includes all properties that were determined to require sewer service during preparation of the Facilities Plan. The outline of the area generally follows that shown on Plate 1, "Recommended Plan," dated September 3, 1991 of the Facilities Plan but it has been modified during design. The WPCA hereby adopts and incorporates in this plan the sewer service area as delineated on the map entitled "Sewer Service Area, Newtown Sewerage System," dated May 11, 1994, prepared by Fuss & O'Neill Inc. All areas outside the sewer service area are designated sewer avoidance areas.

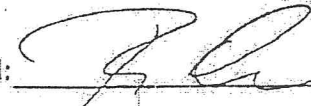
VI. Effective Date

The date of adoption shall be deemed the effective date of this Water Pollution Control Plan. This plan may be amended by the WPCA with the approval of the Board of Selectmen. A copy of this plan and any updates shall be filed with the State Commissioner of Environmental Protection.

Adopted:  3/9/95

Peter L. Alagna
WPCA Chairman

Date

Approved:  3/8/95

Robert A. Cascella
First Selectman

Date

NEWTOWN SEWERAGE SYSTEM
CONNECTION PRIORITY FLOW MATRIX
April 27, 2000

Category	Description	Priority for Allocating Capacity	Number of Units	Flow Allocation (gpd)	Comments
1	Existing development within SSA * Newtown Country Club Martin Street Dayton Street	1st priority	previously assigned 1 3 4	260,000 3,000 555 740 264,295	Required to hook-up as deferred by statute or WPCA criteria
2	Development potential within SSA and within current zoning limits A. Vacant land entirely within SSA B. Maximization of lot potential within SSA C. Vacant land partly within SSA D. Rezoning to elderly or affordable	2nd priority		30,000 (currently under review)	Some (limited) infilling has taken place since 1994.
3	Developed areas along transmission routes Blakslee Road Washington Avenue/Berkshire Road Remaining Oakview Road Crestwood Drive	3rd priority	17 9 3 6	3,145 1,665 555 1,110 6,475	(Earlier allocation was 4,000 gpd)
4	Existing developed areas outside SSA A. Areas of concern identified in facilities plan (reasonably close to SSA) Newtown High School Oakview Road Sandy Hook Elementary School Walnut Tree Village I Rand-Whitney Pitney Bowes Meadowbrook Mobile Home Park B. Other existing development in close proximity to SSA Taunton Press	4th priority 5th priority	N/A 9 N/A 80 1 2 80	6,000 1,665 4,000 6,720 4,000 4,000 10,000 7,500 43,885	
5	Undeveloped property outside SSA Edwards property, Edmond Road Dr. Grossman, Taunton Lake area Walnut Tree Village II Commerce Business Park II Technology Mike Burton, Sandy Hook Washington Avenue/Berkshire Road subdiv. Wendover Road	not intended to be sewered	115 40 2		sewer avoidance area
			TOTAL FLOW =	344,655	

* The redevelopment of the Fairfield Hill Hospital site is not included in this table.

INTERGOVERNMENTAL SEWERAGE AGREEMENT

AGREEMENT made and concluded this 17TH day of November, 1993, by and between the TOWN OF NEWTOWN, a municipal corporation organized and existing under the laws of the State of Connecticut (hereinafter called "Town"), acting through its First Selectman, and the STATE OF CONNECTICUT (hereinafter called "State"); acting through its DEPARTMENT OF MENTAL HEALTH (hereinafter "DMH"), its DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter "DEP"), its OFFICE OF POLICY AND MANAGEMENT (hereinafter called "OPM"), its DEPARTMENT OF PUBLIC WORKS (hereinafter called "DPW") and its DEPARTMENT OF CORRECTIONS (hereinafter called "DOC") duly authorized and acting pursuant to Section 17a-451 (DMH), Section 4-8 (DMH) and Section 22a-6(a)2 (DEP) of the Connecticut General Statutes, as amended and Special Act 91-26 (OPM, DPW and DOC).

W I T N E S S E T H:

WHEREAS, Town plans to design, construct, own, and operate a sewerage system; and

WHEREAS, State desires to enter into an Agreement with Town for sewage treatment, and to share the costs thereof with Town; and

WHEREAS, Town will agree, under certain conditions, to receive

sanitary sewage from State at the Town sewage treatment plant.

NOW THEREFORE, the Parties hereto, for the consideration hereinafter named, agree as follows:

ARTICLE A - Definitions:

Unless the context in which they are used herein clearly indicates otherwise, the following words shall be defined as indicated:

1. MGD: Millions of gallons per day.
2. Septage: The mixed liquid and solid contents pumped from septic tanks and dry wells (cesspools) receiving sanitary sewage only.
3. Sanitary Sewage: The common wastewaters and water carried wastes from human dwellings and from toilet and lavatory fixtures, kitchens, laundries and similar facilities of business and industrial buildings.
4. Sanitary Sewer: A sewer which carries sanitary sewage and acceptable discharge of industrial wastes only, and to which storm, surface, cooling and ground waters are not intentionally admitted.
5. Sewer System: All facilities for the collection and conveyance of sanitary sewage and industrial wastes to the Town Sewage Treatment Plant.
6. Sewage Treatment Plant (Abbreviated STP): Any arrangement of devices and structures used for treating sewage including an outfall.
7. Sewerage System: All facilities for collection,

conveyance and treatment of sanitary sewage and industrial wastes.

8. Industrial Wastes: The liquid waste from industrial processes or facilities including hospital wastes and laboratory wastes as distinct from sanitary sewage.

9. Biochemical Oxygen Demand (Abbreviated BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 30 degrees Centigrade (68 degrees Fahrenheit) expressed in milligrams per liter by weight (or pounds per day).

10. Suspended Solids (Abbreviated SS): Solids that either float on the surface of, or are in suspension in water, or sewage, or wastewater, or other liquids, and which are removable by laboratory filtering, expressed in milligrams per liter by weight (or pounds per day).

11. Combined Sewer: A drain or sewer receiving stormwater runoff, in addition to sanitary sewage and/or industrial wastes.

12. Wastewater(s): The combination of sanitary sewage, industrial wastes and normal infiltration.

13. Average Daily Flow: The total annual flow as measured at a metering station, divided by a number of days in the year.

14. Peak Hourly Flow Rate: The maximum rate of sewage flow occurring over any one-hour duration, expressed in million gallons per day. Such rate has been established by accepted engineering guidelines.

15. Operating and Maintenance Costs: The costs for operation and maintenance of the shared sewerage system including, but not

limited to, direct costs of labor, materials, chemicals, power, fuel, equipment replacement, administration, sludge disposal and other expenses directly attributable to proper operation and maintenance.

16. Capital Cost: The cost of constructing the shared sewerage system or any modification to an existing facility, including, but not necessarily limited to, planning and design costs, administrative and construction costs, engineering and legal fees, interest charges, costs of acquiring land and easements, and legal and surveying costs associated with acquiring land and easements.

17. Town Sewer Use Ordinance: An ordinance duly passed by Town and approved by any State and/or Federal agencies having jurisdiction, that limits or prohibits the discharge of specified wastes and waters for the purpose of: (1) protecting the health, welfare and safety of operation and maintenance personnel for the Sewerage System; (2) protecting equipment, structures and other facilities against excessive wear, corrosion and premature breakage; (3) not interfering with treatment processes; and (4) achieving compliance with discharge requirements set by State and/or Federal agencies having jurisdiction.

18. Infiltration: Water, other than wastewater, that may enter a sewer service system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections or manholes. Infiltration does not include, and is distinguished from, Inflow.

19. Inflow: Water, other than wastewater, that enters into a

sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and Sanitary Sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, Infiltration.

20. Regulation/Ordinance: The terms regulation and ordinance may be used interchangeably, but, as used herein, shall have the same meaning.

21. Shared Sewerage System: The sewer system from the point of connection of the State metering station to the Town sewage treatment plant, the Town sewage treatment plant and the outfall sewer to the Pootatuck River.

ARTICLE B - Wastewater Characteristics:

1. State will not connect any combined sewer into Town's sewer system and will not discharge into the sewer system of Town any drainage, sewer substances or wastes containing such characteristics and/or volume in excess of that allowed by law, determined to be excessive by the State of Connecticut Department of Environmental Protection and/or Town, or wastewaters which are not amenable to treatment or reduction by the sewage treatment processes employed or which are amenable to treatment only to such a degree that the sewage treatment plant cannot meet the effluent discharge requirements of a State and/or Federal agency having

jurisdiction over the discharge of wastewaters.

2. State shall use and apply the Town Sewer Use Ordinance.

3. State's average daily flow into the Town sewerage system shall not exceed 0.6 MGD and the peak hourly flow rate shall not exceed 3.0 times the 0.6 MGD limitation. For the purposes of this Agreement the State's average daily flow shall include flows from the Newtown Housing For The Elderly, Inc. as were discharged on the date of this Agreement. Any future Town use of State property including expansion of the Newtown Housing for the Elderly, Inc. or use of State land transferred to or for the purposes of the Town after the date of this Agreement shall not be included in the 0.6 MGD average daily flow.

4. State may discharge to the Town sewer system only those wastes which originate from within existing state property boundaries as identified in Attachment A and the Newtown Housing For The Elderly, Inc. as were discharged on the date of this Agreement, provided, however, in the event State transfers any property presently covered by this Agreement to any private party or entity other than an agency of State, such party or entity may only connect to the sewer system with the consent of Town; and provided, further, however, State shall not permit any private individual or entity to utilize any portion of its average daily flow into the Town sewer system without the prior consent of Town.

ARTICLE C - Collection of Wastewater

1. Town will construct, own and operate a sewer to collect the

flow from the existing Fairfield Hills Hospital Treatment plant and convey it to the new site, the cost thereof to be in accordance with the allocations set forth in Article E.2.a.

2. State shall install and maintain flow meters at the point of interconnection with State and Town. State shall notify the Town of all new or additional connections to the State's sewer system with 30 days prior notice. Exceeding flow values, as defined in Article B.3, will result in a re-evaluation of State's contribution to capital costs (refer to Article E.2.b).

3. If other than sanitary sewage discharged by State is to be conveyed to the Town STP, then reasonable sampling and laboratory analysis of said wastewater, including the location and frequency of sampling and analysis, may be requested of the State at the discretion of Town and shall be accomplished by the State. (Total costs of said analysis will be borne by State.)

4. The State shall be responsible for the proper operation and maintenance of its sewer system located within State property boundaries.

ARTICLE D - Treatment of Wastewater:

1. Town agrees to operate and maintain a sewage treatment plant to provide treatment of sanitary sewage and industrial wastewater in compliance with applicable State and Federal effluent discharge requirements. Town agrees to receive from State and treat sanitary sewage and such industrial wastes, as characterized and in quantities as described in Article B.

ARTICLE E - Allocation and Payment of Capital Costs:

1. Planning costs associated with the analysis of a joint sewage treatment plant shall be borne entirely by the State. Design, planning and survey costs of the shared sewerage facilities are to be borne entirely by State. Other capital costs shall be allocated as set forth below.

2. Sewage Treatment Plant

a) Initial Construction

State shall pay to Town a share of the capital costs in proportion to the ratio of average daily design flow of 0.6 MGD to the total design flow. The current estimate of the State's share as of the signing of this agreement is \$4.72 million.

b) Future Expansion

i. State and Town mutually recognize that the sewage treatment plant may require improvements, modifications and/or enlargement in the future. In the event that Town is required by any State and/or Federal agency to provide a higher degree of treatment, or to provide improvements or modifications, including final sludge disposal, in the future as a result of changes in its treatment plant requirements, or if replacement or enhancement of non-functioning or obsolete facilities is necessitated, the capital costs of any such work shall be apportioned between Town and State in the

ratio of their respective percentage of design capacity.

- ii. In the event enlargement of the plant is required or requested by the Town only the capital costs of any such work shall be borne solely by the Town. This provision does not prohibit the Town from seeking available funding assistance.
- iii. In the event enlargement of the plant is required or requested by the State only, the capital costs of any such work shall be borne solely by the State.
- iv. In the event enlargement of the plant is required or requested jointly by the Town and the State, the capital costs of any such work shall be apportioned between the Town and the State in the ratio of their respective percentage allocation of the additional design capacity. This provision does not prohibit the Town from seeking available funding assistance.

3. Abandonment of FHH Facilities

The State agrees to connect its wastewater flows within ninety days of notice of availability of the shared sewerage system from the Town.

Upon connection of the State wastewater flows to the shared sewerage system, the State shall be solely responsible for the proper abandonment of the FHH facilities as required by DEP including the payment of all necessary costs.

4. Collection System For new sewers constructed by Town

which carry wastes both from State and Town, capital costs will be apportioned in accordance with the ratio of peak hourly flows of each entity.

5. Payment Method

Payment shall be made to the Town for the State's share of the capital costs of the shared sewerage facilities as funds from other sources as defined in Section I and as specified in Section 2.2 of the Project Loan and Project Grant Agreement to be executed between the Town and DEP.

ARTICLE F - Allocation and Payments of Operating and Maintenance Costs:

1. The cost for operation and maintenance shall be shared in proportion to each party's actual annual average daily flow to the total annual average daily flow.

2. State agrees to pay user charges on a quarterly basis (January 15, April 15, July 15, October 15), in advance. The Town agrees to invoice the State for the quarterly payments 45 days in advance of the aforementioned dates. The payments for each calendar year shall be based on the budgeted operation and maintenance costs for the calendar year. Billing for the second quarter of the following year will be adjusted in order to reflect the actual operation and maintenance costs for the preceding calendar year and shall be so calculated that State's annual share of costs bears to the Total operation and maintenance costs the same ratio as the State's annual average daily flow to the plant

bears to the total annual average daily flow to the plant.

3. All payments shall be due 45 days from receipt of invoice. If payments are not made within two (2) months of receipt of invoice, such payments shall be deemed delinquent and subject to an interest penalty of 1-1/2% per month from the due date. The interest penalty is subject to change to conform with current public acts and general statutes.

ARTICLE G - Right to Unused Capacity

1. Each party to this agreement has the right to request use of unused capacity of the other party at the proposed Town sewage treatment plant.

2. All requests under this article shall be negotiated and include at a minimum a cost sharing and period of time use.

ARTICLE H - Land Transfer/Easements

1. The State shall grant easements at no cost to the Town for Town sewers, the shared sewerage system and the outfall.

2. The State shall transfer title to the Town for the acreage required for the siting of the shared sewage treatment plant in accordance with Special Act 91-26 and applicable State procedures. The land needed for the sewage treatment plant is estimated at 6 acres. The final acreage to be transferred shall be determined from plans and specifications of the sewage treatment plant. The transferred acreage shall be deducted from the 75 acres

of land agreed to be transferred from the State to the Town in the Agreement dated March 27, 1991 per Section 9.

ARTICLE I - Amendment to the Agreement:

This Agreement may be amended at any time by the written consent of all parties.

ARTICLE J - Disputes:

Any dispute arising between Town and State to the interpretation of this Agreement shall be first mediated in a manner acceptable to both parties. However, both parties retain the right to proceed to whatever rights the parties have under law to enforce this agreement when either party determines mediation to be unsatisfactory in reaching a resolution of the dispute.

ARTICLE K - Audit:

1. Town shall keep books and records of all expenditures and disbursements concerning any facility covered by this Agreement in accordance with good accounting practices and shall also render to State, at least annually, a financial accounting setting forth a summary of such receipts and disbursements.

2. All books, records, accounts, statements and other memoranda of the Town concerning the construction, maintenance and operation of any facility covered by this Agreement and the records and costs thereof shall be subject to inspection and audit by State at all reasonable times.

ARTICLE L - Responsibility for Implementation

The responsibility for the continuing implementation of key areas of this Agreement on behalf of the State shall be:

1. DPW, OPM and DOC - Transfer of land to the Town and amendments to the Agreement.
2. DPW - Interagency transfer of funds (\$1,125,000) from DPW to DEP for contribution to the State's share of the shared sewerage system. This transfer shall be completed prior to March 31, 1994.
3. DEP - Payment of capital costs, sewer use ordinance, contract plans and specifications, discharge permit and amendments to the Agreement.
4. DMH - Payment of operating and maintenance costs, land transfer, easements and amendments to the Agreement.

The parties hereby agree to cooperate and seek effective implementation of any and all responsibilities of this Agreement not specified in paragraph 1 and 2 above. The responsibility for the implementation of all areas of this Agreement on behalf of the State shall extend to and bind all successors and assigns of the State hereto.

ARTICLE M - Contract Operations

The Town shall have the sole right to review and elect contract operations of the shared sewerage system.

ARTICLE N - Delay In Funding: In the event that State fails to

provide for funding of the State's share of the shared sewerage System, the DEP shall agree to seek a modification of the Stipulated Judgment between DEP and Town in the case of Leslie Carothers, Commissioner of Environmental Protection vs. Town of Newtown, CV 91-0391777S, for the period of any such delay in funding.

ARTICLE O - Severability

If any provision of this Agreement shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such provision shall not affect any of the remaining provisions of the Agreement and the Agreement shall be construed and enforced as if such invalid and unenforceable provisions had not been contained herein.

ARTICLE P - Successors and Assigns

This Agreement shall extend to and bind all successors and assigns of the parties hereto.

ARTICLE Q - Nondiscrimination

Attachment B entitled "Pursuant to Section 4a-60 of the Connecticut General Statutes and Public Acts 91-407, Section 8 and 91-58, Section 16 (b)" is incorporated herein and made a part of this agreement. For purposes of this article only "Contractor" shall mean the "Town".

IN WITNESS WHEREOF, the parties have executed this Agreement

on the day and year first above written.
Signed In The Presence Of:

David Kroger
Ernest W. Hurley Jr

TOWNSHIP OF NEWTOWN
By: Zita B. McMahon 11/15/93
Zita B. McMahon Date
Its First Selectman
Duly Authorized

Patricia Hanney
Patricia Hanney

DEPARTMENT OF MENTAL HEALTH
By: Albert J. Solnit 11/18/93
Albert J. Solnit, M.D. Date
Its Commissioner
Duly Authorized

Victoria Hope Brown
Monica Bagin

DEPARTMENT OF ENVIRONMENTAL PROTECTION
By: Timothy R.E. Keeney 11/17/93
Timothy R.E. Keeney Date
Its Commissioner
Duly Authorized

Judith B. Leno
Mary Ann Pulmanova

OFFICE OF POLICY AND MANAGEMENT
By: William G. Cibes Jr. 12/23/93
William G. Cibes Jr. Date
Its Secretary
Duly Authorized

Bruce L. Morris
Bruce L. Morris

DEPARTMENT OF PUBLIC WORKS
By: Bruce L. Morris 11/29/93
Bruce L. Morris Date
Its Commissioner
Duly Authorized

DEPARTMENT OF CORRECTIONS

E. L. Palasch

By: [Signature] 12-17-53
Larry R. Meachum Date

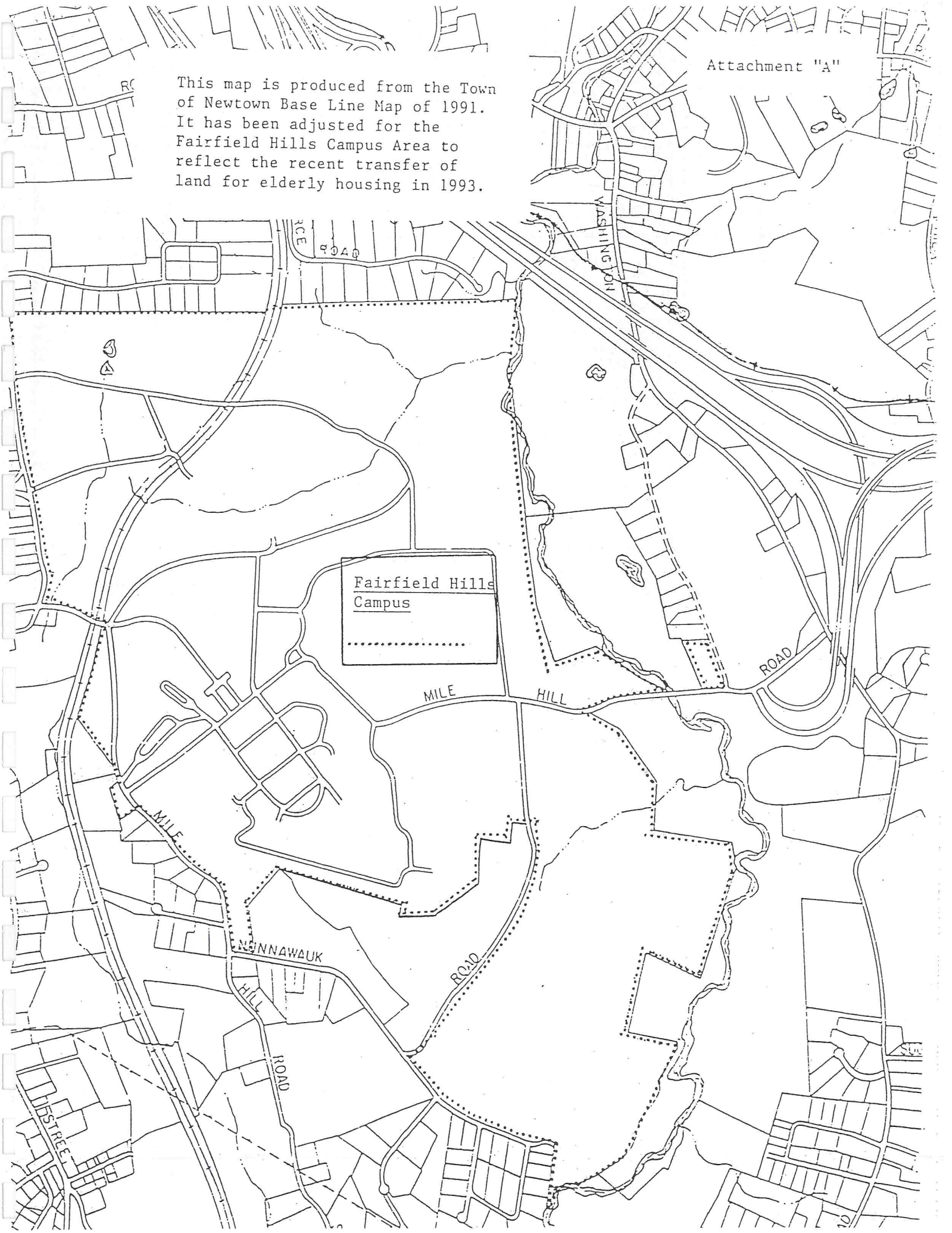
Barbara Daley

Its Commissioner
Duly Authorized

APPROVED TO FORM:

By: [Signature] 2-23-54
Assoc. Attorney General Date

This map is produced from the Town of Newtown Base Line Map of 1991. It has been adjusted for the Fairfield Hills Campus Area to reflect the recent transfer of land for elderly housing in 1993.



Fairfield Hills
Campus

MILE HILL

SENNAWAUK

ROAD

ROAD

WASHINGTON

RD

43

RD

STREET

ROAD

HILL

MILE

St

10

Pursuant to Section 4a-60 of the Connecticut General Statutes and Public Acts 91-407, Section 8 and 91-58, Section 16(b)

This Agreement is subject to the provisions of sections 4a-60(a) to (e) of the Connecticut General Statutes which state:

"(a) Every contract to which the state or any political subdivision of the state other than a municipality is a party shall contain the following provisions: (1) The contractor agrees and warrants that in the performance of the contract such contractor will not discriminate or permit discrimination against any person or group of persons on the grounds of race, color, religious creed, age, marital status, national origin, ancestry, sex, mental retardation or physical disability, including, but not limited to, blindness, unless it is shown by such contractor that such disability prevents performance of the work involved, in any manner prohibited by the laws of the United States or of the state of Connecticut. The contractor further agrees to take affirmative action to insure that applicants with job related qualifications are employed and that employees are treated when employed without regard to their race, color, religious creed, age, marital status, national origin, ancestry, sex, mental retardation, or physical disability, including, but not limited to blindness, unless it is shown by such contractor that such disability prevents performance of the work involved; (2) the contractor agrees, in all solicitations or advertisements for employees placed by or on behalf of the contractor, to state that it is an "affirmative action-equal opportunity employer" in accordance with regulations adopted by the commission; (3) the contractor agrees to provide each labor union or representative of workers with which such contractor has a collective bargaining agreement or other contract or understanding and each vendor with which such contractor has a contract or understanding, a notice to be provided by the commission advising the labor union or workers' representative of the contractor's commitments under this section, and to post copies of the notice in conspicuous places available to employees and applicants for employment; (4) the contractor agrees to comply with each provision of this section and sections 46a-68e and 46a-68f and with each regulation or relevant order issued by said commission pursuant to sections 46a-56, 46a-68e and 46a-68f; (5) the contractor agrees to provide the commission on human rights and opportunities with such information requested by the commission, and permit access to pertinent books, records and accounts, concerning the employment practices and procedures of the contractor as relate to the provisions of this section and section 46a-56. If the contract is a public works contract, the contractor agrees and warrants that he will make good faith efforts to employ minority business enterprises as subcontractors and suppliers of materials on such public works project.

"(b) For the purposes of this section "minority business enterprise" means any small contractor or supplier of materials fifty-one percent (51%) or more of the capital stock, if any, or assets of which is owned by a person or persons: (1) who are active in the daily affairs of the enterprise, (2) who have the power to direct the management and policies of the enterprise and (3) who are members of a minority, as such term is defined in subsection (a) of section 32-9n; and "good faith" means that degree of diligence which a reasonable person would exercise in the performance of legal duties and obligations. "Good faith efforts" shall include, but not be limited to, those reasonable initial efforts necessary to comply with statutory or regulatory requirements and additional or substituted efforts when it is determined that such initial efforts will not be sufficient to comply with such requirements.

"(c) Determination of the contractor's good faith efforts shall include but shall not be limited to the following factors: the contractor's employment and subcontracting policies, patterns and practices; affirmative advertising, recruitment and training; technical assistance activities and such other reasonable activities or efforts as the commission may prescribe that are designed to ensure the participation of minority business enterprises in public works projects.

"(d) The contractor shall develop and maintain adequate documentation, in a manner prescribed by the commission, of its good faith efforts.

"(e) The contractor shall include the provisions of subsection (a) of this section in every subcontract or purchase order entered into in order to fulfill any obligation of a contract with the State and such provisions shall be binding on a subcontractor, vendor or manufacturer unless exempted by regulations or orders of the commission. The contractor shall take such action with respect to any such subcontract or purchase order as the commission may direct as a means of enforcing such provisions including sanctions for noncompliance in accordance with Section 46a-56; provided if such contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the commission, the contractor may request the state of Connecticut to enter into any such litigation or negotiation prior thereto to protect the interests of the State and the State may so enter."

This Agreement is subject to the provisions of Section 4a-60a of the Connecticut General Statutes which states:

"(a) Every contract to which the state or any political subdivision of the state other than a municipality is a party shall contain the following provisions: (1) The contractor agrees and warrants that in the performance of the contract such contractor will not discriminate or permit discrimination against any person or group of persons on the grounds of sexual orientation, in any manner prohibited by the laws of the United States or the state of Connecticut, and that employees are treated when employed without regard to their sexual orientation; (2) the contractor agrees to provide each labor union or representative of workers with which such contractor has a collective bargaining agreement or other contract or understanding and each vendor with which such contractor has a contract or understanding, a notice to be provided by the commission on human rights and opportunities advising the labor union or workers' representative of the contractor's commitments under this section, and to post copies of such notice in conspicuous places available to employees and applicants for employment; (3) the contractor agrees to comply with each provision of this section and with each regulation or relevant order issued by said commission pursuant to section 46a-56; (4) the contractor agrees to provide the commission on human rights and opportunities with such information requested by the commission, and permit access to pertinent books, records and accounts, concerning the employment practices and procedures of the contractor which relate to the provisions of this section and section 46a-56.

"(b) The contractor shall include the provisions of subsection (a) in every subcontract or purchase order entered into in order to fulfill any obligation of a contract with the state and such provisions shall be binding on a subcontractor, vendor or manufacturer unless exempted by regulations or orders of the commission. The contractor shall take such action with respect to any such subcontract or purchase order as the commission may direct as a means of enforcing such provisions including sanctions for noncompliance in accordance with section 46a-56; provided, if such contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the commission, the contractor may request the state of Connecticut to enter into any such litigation or negotiation prior thereto to protect the interests of the state and the state may so enter."

This Agreement is subject to the provisions of Executive Order No. Three of Governor Thomas J. Meskill promulgated June 16, 1971, and, as such, this Agreement may be canceled, terminated or suspended by the State Labor Commissioner for violation of or noncompliance with said Executive Order No. Three, or any State or Federal Law concerning nondiscrimination, notwithstanding that the Labor Commissioner is not a party to this Agreement. The Applicant as part of the consideration hereof, agrees that said Executive Order No. Three is incorporated herein by reference and made a part hereof. The Applicant agrees to abide by said Executive Order and agrees that the State Labor Commissioner shall have continuing jurisdiction in respect to contract performance in regard to nondiscrimination, until the Project is completed or terminated prior to completion. The Applicant agrees as part consideration hereof, that this Agreement is subject to the guidelines and rules issued by the State Labor Commissioner to implement Executive Order No. Three and that she will not discriminate in the Applicant's employment practices or policies, will file all reports as required, and will fully cooperate with the State of Connecticut and the State Labor Commissioner.

This Agreement is subject to the provisions of Executive Order No. Seventeen of Governor Thomas J. Meskill promulgated February 15, 1973, and, as such, this Agreement may be canceled, terminated or suspended by the Commissioner or the State Labor Commissioner for violation of or noncompliance with said Executive Order No. Seventeen, notwithstanding that the Labor Commissioner may not be a party to this Agreement. The Applicant, as part of the consideration hereof, agrees that the Executive Order No. Seventeen is incorporated herein by reference and made a part hereof, including, but not limited to, those provisions requiring the Applicant to list any and all employment openings with the local State of Connecticut Job Center (formerly known as the Connecticut Employment Service). The Applicant agrees to abide by said Executive Order and agrees that the Commissioner and the State Labor Commissioner shall have joint and several continuing jurisdiction in respect to listing all employment openings with the Connecticut Job Center.

HERBERT L. COHEN
(1928-1983)

September 22, 2014

AUSTIN K. WOLF
RICHARD L. ALBRECHT
JONATHAN S. BOWMAN
IRVING J. KERN
STEWART I. EDELSTEIN
NEIL R. MARCUS
G. KENNETH BERNHARD
DAVID L. GROGINS
GRETA E. SOLOMON
ROBIN A. KAHN
RICHARD SLAVIN
DANIEL S. NAGEL
RICHARD J. DI MARCO
DAVID B. ZABEL
MARK A. KIRSCH
DAVID M. LEVINE
JOSEPH G. WALSH
MATTHEW C. SUSMAN
DAVID A. BALL
JOCELYN B. HURWITZ
STUART M. KATZ
MONTE E. FRANK
PATRICIA C. SULLIVAN
VINCENT M. MARINO
JULIE D. KOHLER
ARI J. HOFFMAN
COURTNEY A. GEORGE
BARBARA M. SCHELLENBERG
RACHEL A. PENGU
JASON A. BUCHSBAUM
L. JOYFUL DE FELICE
DAVID M. MOROSAN
LAUREN G. WALTERS
MARCIA M. ESCOBEDO
DAVID DOBIN
NATHAN C. ZEZULA
PHILIP C. PIRÉS
DYAN M. KOZACZKA
ROBYN H. DRUCKER
RACHEL A. SCHWARTZMAN
JORDAN L. FELDSTEIN
SHANE R. GOODRICH
JASON A. KLEIN

Mr. Fred Hurley
Public Works Director
Town of Newtown
4 Turkey Hill Road
Newtown, Connecticut 06470

Re: Water Pollution Control Plan

Dear Fred:

You have asked me to review the current Water Pollution Control Plan ("Plan") of the Water and Sewer Authority relative to the sewer allocation for "potential development" in the sewer district. This issue is addressed in the "2nd Priority" of the Sewer Allocation Matrix found in Paragraph IV of the Plan. It provides that 30,000 gpd is allocated to "potential development meeting current zoning within the sewer service area." Paragraph IV also states that, "as used herein, the terms existing and current refer to the adoption date of this Matrix, April 28, 1994."

As you are aware, the case of Dauti Construction, LLC v. Water and Sewer Authority of the Town of Newtown decided by the Connecticut Appellate Court in December 2010 calls into question the use of this provision to deny access to proposed developments in the sewer service area based upon the availability of sewers to a project. The Appellate Court concluded that, "the 1994 Priority Matrix, as applied to the Plaintiff's (Dauti's) property, foreclosed any possibility of development that exceeded the equivalent of four dwelling units." The Court added that Section 8-2 of the General Statutes authorizes the Zoning Commission to regulate "the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes...". Further, that "the legislature has not authorized water pollution control authorities to exercise zoning powers. The Defendant, in its application of the 1994 Priority Matrix to the Plaintiff's proposal, usurped the authority of the Commission and restricted density and use of the Plaintiff's property."

OF COUNSEL
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THEMES KLARIDES
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WESTPORT, CT 06880
TEL: (203) 222-1034
FAX: (203) 227-1373

657 ORANGE CENTER ROAD
ORANGE, CT 06477
TEL: (203) 298-4066
FAX: (203) 298-4068

September 22, 2014

Page 2

In order to address this holding in Dauti as it affects the Water Pollution Control Plan, it is my suggestion the Plan be amended by deleting the following language from the 2nd Priority: "... meeting current zoning within the sewer service area." I also recommend that the last sentence of the third paragraph of Section IV be deleted in its entirety. The 2nd Priority would read as follows: "2nd Priority: 30,000 gpd – Potential development within the sewer service area, on a first come first serve basis."

If you have any questions or comments, please do not hesitate to contact me.

Very truly yours,



David L. Grogins

DLG:js

NEWTOWN WATER POLLUTION CONTROL AUTHORITY
PUBLIC WORKSHOP ~~HEARING~~ HEARING
1991 WASTEWATER FACILITIES PLAN
JANUARY 21, 1992

BACKGROUND: The 1990 Amendment to the water pollution control Facilities Plan recommended sewerage the South Main Street area as far as Peck's Lane; the north/east Taunton Pond area; all of the Borough; and Church Hill road east to Washington avenue, including Sandy Hook "Center". The year-of-construction cost for implementing this plan was estimated at \$58 million.

A majority vote at a town meeting on the appropriation of design money for this plan resulted in the defeat of the proposal.

The Connecticut Department of Environmental Protection (DEP) responded to the outcome of the town meeting by filing a lawsuit mandating the Town implement the 1989 Facilities Plan and its 1990 Amendment.

Due to four (4) separate attempts by the WPCA to correct the Town's subsurface wastewater pollution problems and to recommend sewers under each state funded proposal, legal considerations revealed that the Town lacked standing in challenging the State through the courts and the only options available were to either implement the 1989/1990 Plan or develop a new and equally environmentally sound alternative.

The obvious and least burdensome course of action was to let the courts dictate to Newtown implementation of the 1989/1990 Plan. However, the WPCA was not satisfied with this course of action and, once again, set out to do everything possible to respond to taxpayers' concerns.

For the consultant to develop a new plan to satisfy the DEP, considerably more funds would be required and local means of funding such a project were limited.

Fortunately, the recent additions to the health department staff and the presence of engineering expertise within the WPCA provided the Town with the technical capacity needed to perform the necessary data gathering and analysis. In this way, the cost for outside engineering services to develop a new plan were held to only \$19,000. Without this in-house technical capability, the Town would have incurred expenses exceeding \$200,000.

DATA BASE AND ANALYSIS: The development of the new plan began with the re-examination of the proposed sewerage area in the 1989/1990 Plan.

In contrast to the earlier Plan, the new study conducted lot-by-lot sanitary surveys of every property within the previously proposed initial sewer service area. The attached maps 1, 2 and 3 define those areas previously identified for sewerage and illustrate the findings of the surveys conducted by health department personnel.

A comparison of the data collected during previous work done by consultants and that of the health department indicated that the percentages of failing septic systems did not differ significantly. All the studies, including that of the health department, have recognized the existence of wastewater disposal problems in some areas of Town.

However, the ability of the Town to survey each individual lot instead of random sampling of lots as in previous studies, enabled the Town to specifically evaluate problematic areas and determine whether on-site solutions were feasible instead of sewerage area wide into a centralized treatment plant.

TABLE 1

STREETS PROPOSED TO BE SEWERED TO CENTRAL TREATMENT PLANT

Academy Lane	Glover Avenue	Mt. Pleasant Terr.
Baldwin Road	Grand Place	Nettleton Road
Birch Rise Drive	Hall Lane#	Orchard Lane
Borough Lane*	Hanover to Hall Ln.	Queen Street#
Boulevard#	Juniper Road	Roosevelt Drive
Budd Drive	Knollwood Drive	Sealand Drive
Castle Hill Rd.#	Lincoln Road	South Main South to Mile Hill
Church Hill Rd. to I-84	Lorraine Drive	Sugar Street to West Street
Currituck Rd. to Old Rd.	Lovells Lane*	Summit Road
Curry Drive	Madison Drive	Sunset Hill Road
Diamond Drive	Main Street	Taunton Lake Drive
Elizabeth Street	Meadow Road	Wendover Road#
Elm Drive#	Mt. Pleasant Road#	West Street

* = Future Sewer # = Partial Sewer

TABLE 2

STREETS PROPOSED TO BE SEWERED
TO SANDY HOOK COMMUNITY SYSTEM

Church Hill -East of I-84	Dickenson Drive*	Riverside Road#
Crestwood *	Eagle Rock Road*	Sunny View *
Dayton Street*	Glen Road#	Washington Ave. #

* = Future Sewered # = Partial Sewered

THE 1991 AMENDMENT TO THE FACILITIES PLAN: The 1991 Plan uses the results of the data and analysis to recommend a sewage collection and treatment program that serves only those neighborhoods and properties that cannot effectively rely upon on-site wastewater disposal. The result is that SEWERS ARE NOW PROPOSED TO BE CONSTRUCTED ONLY IN PORTIONS OF THE BOROUGH AND SANDY HOOK. Many of the streets previously shown to be included in the initial sewer service area have now been deleted. A complete listing of the streets to be included in the initial area is presented in Tables 1 and 2 and shown on maps 1 and 3.

UNDER THE 1991 PLAN, SEWAGE FROM THE BOROUGH WOULD DISCHARGE TO A CENTRAL TREATMENT FACILITY WHILE SEWAGE FROM SANDY HOOK WOULD BE TREATED AT A COMMUNITY TREATMENT FACILITY LOCATED AT TREADWELL PARK.

Table 3 shows a brief comparison of the 1991 Amended Plan and the 1990 Amended Plan.

TABLE 3

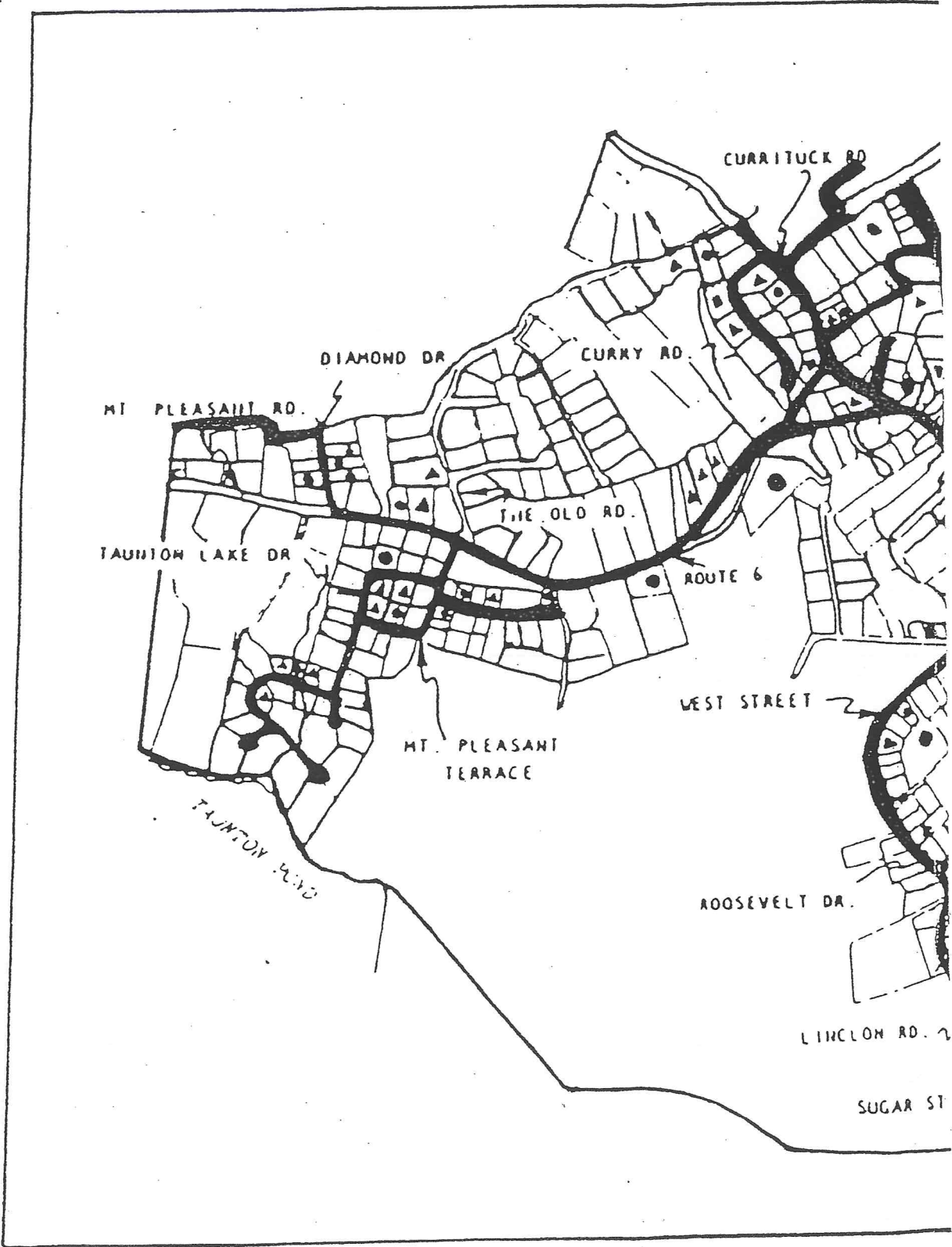
	1990 PLAN	1991 PLAN
PROPOSED SEWER AREA	NORTH/EAST TAUNTON POND AREA, SOUTH MAIN STREET AREA, BOROUGH, SANDY HOOK CENTER	NORTH/EAST TAUNTON POND AREA, BOROUGH, SANDY HOOK CENTER
YEAR-OF-CONSTRUCTION COST	\$58,000,000	\$34,000,000
SHORT & LONG TERM FINANCE CHARGES	\$54,000,000	\$7,000,000
STATE GRANTS	0	(\$4,000,000)
TOTAL LOCAL COST	\$112,000,000	\$37,000,000
NET SAVINGS		- \$75,000,000
AVERAGE BENEFIT ASSESSMENT	\$12,500	\$6,000
AVERAGE MIL RATE INCREASE	1.41	0.87
ESTIMATED ANNUAL USER FEE (1991 DOLLARS)	\$225	\$250
AVERAGE MONTHLY COST TO USERS	\$116	\$51

NOTE: The 1991 projected mill rate and assessment figures include project financing with State grants and low interest loans.

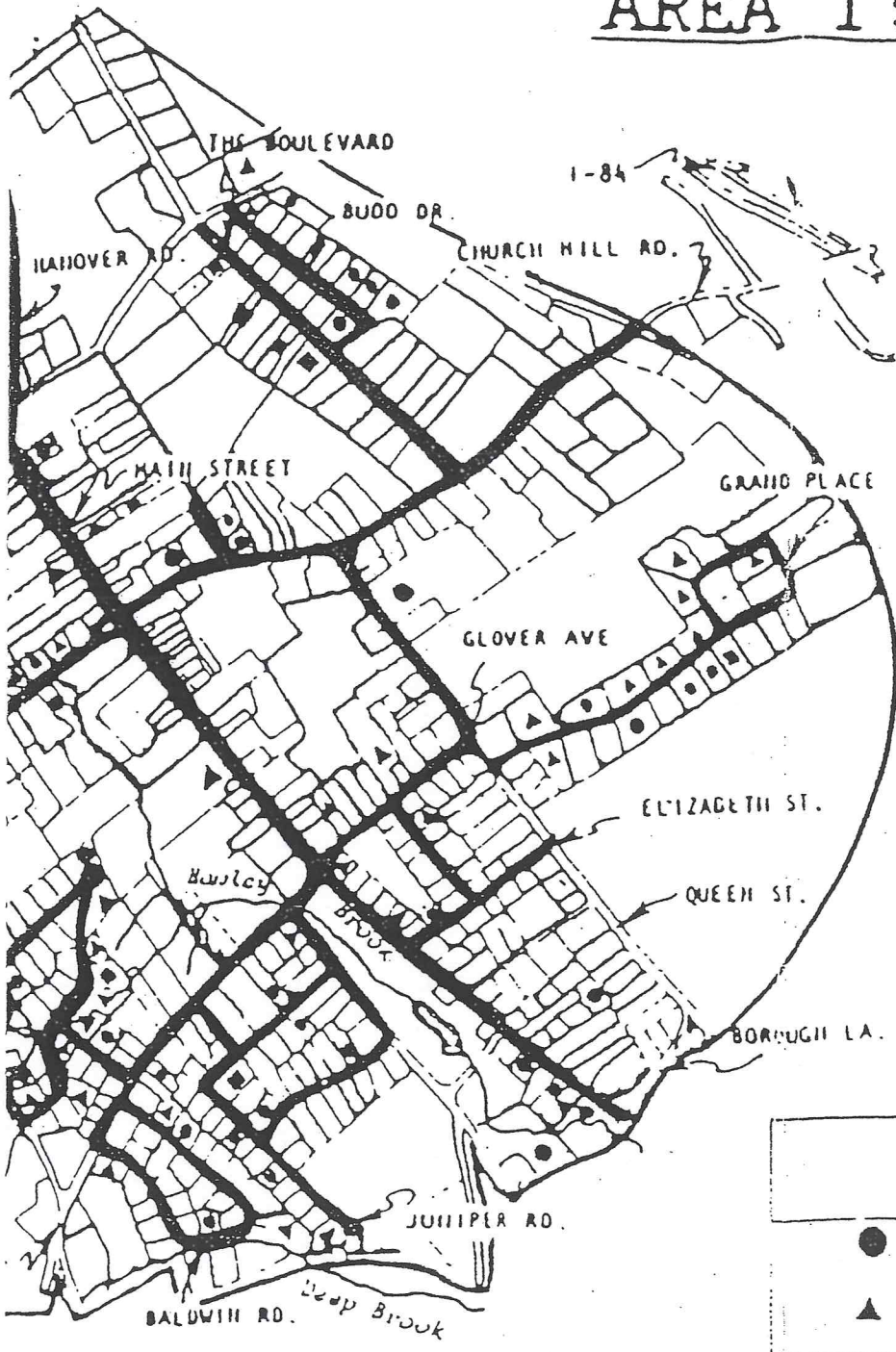
BENEFIT ASSESSMENTS WILL NOT BE LEVIED UNTIL 1997.

The development of this Plan required countless hours of effort on the part of local officials and town employees and the commitment of the WPCA's consultants. All of this effort was nurtured by a strong belief that the Town was capable of charting its own course and could develop a Plan that was both sound and economical while serving the best interests of the community.

To ask any more is simply not possible.

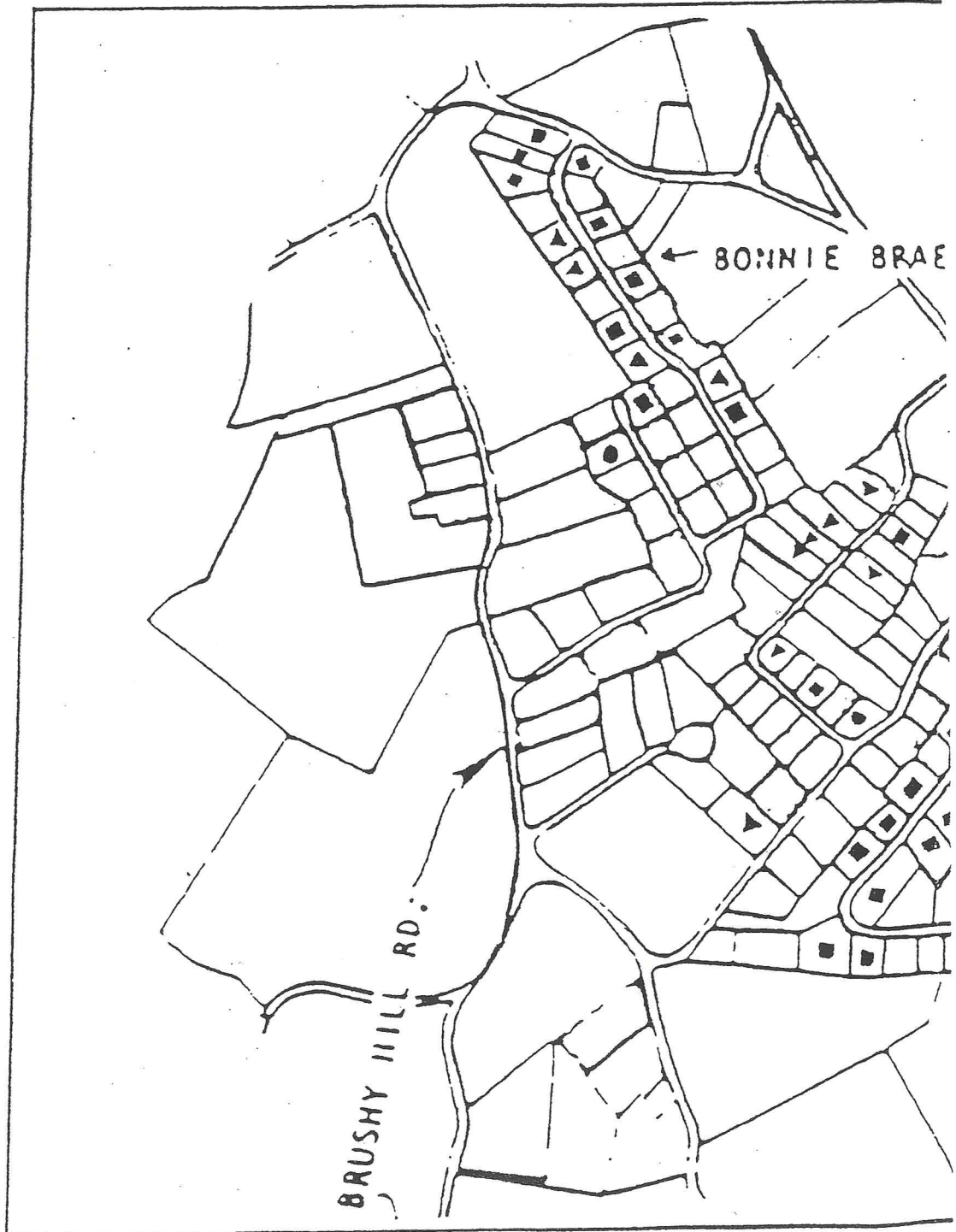


AREA 1: BOROUGH



LEGEND	
● FAILING	■ MARGINAL
▲ SUSPECT	★ WELL DATA
▬ SEWER LINE	

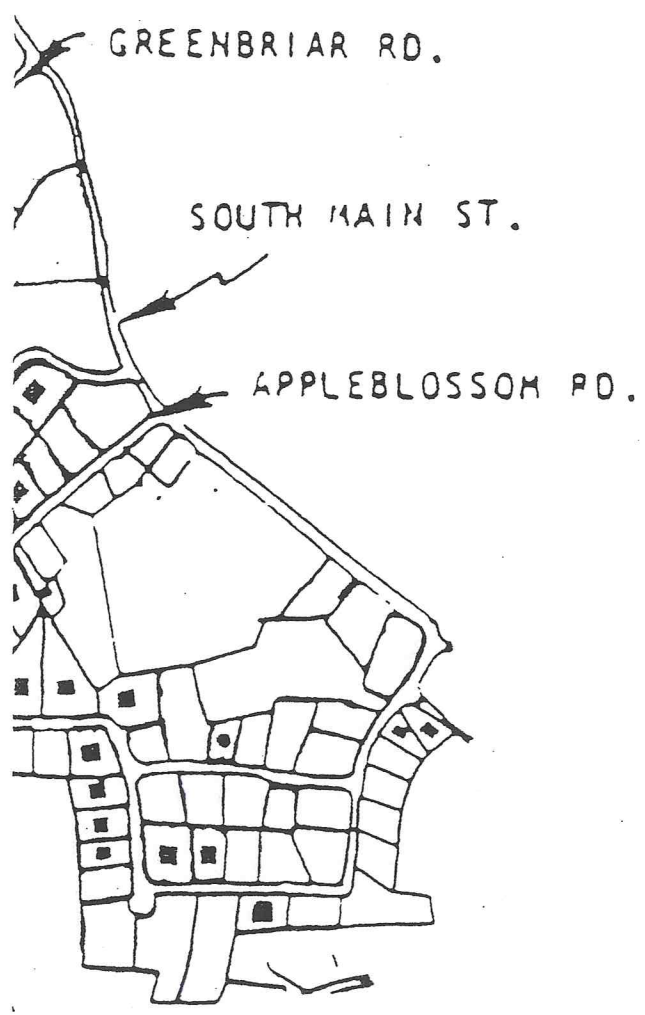
MA



P 2

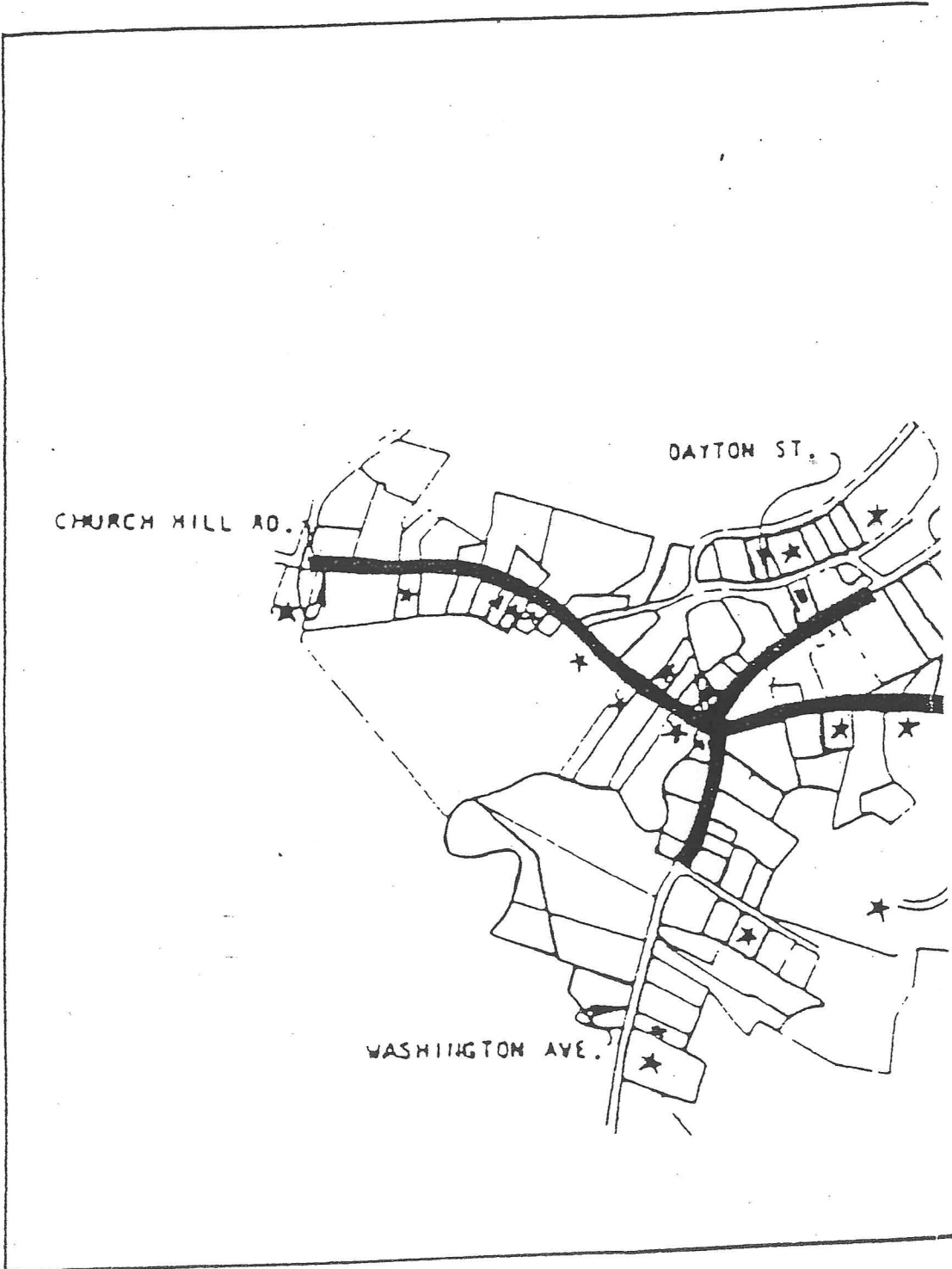
AREA 2: SOUTH MAIN STREET

OP.



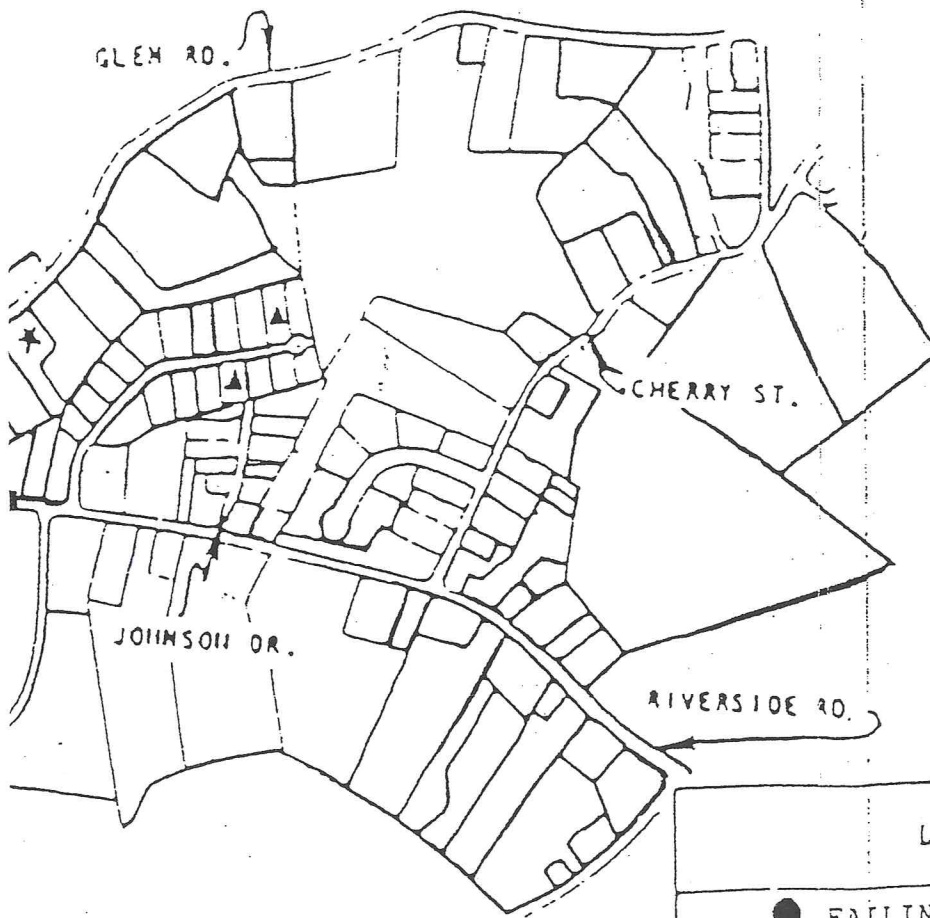
LEGEND	
⊗ FAILING	■ MARGINAL
▲ SUSPECT	★ WELL DATA
SEWER LINE - NONE RECOMMENDED	

MA



AP 3

AREA 3: SANDY HOOK



LEGEND	
● FAILING	■ MARGINAL
▲ SUSPECT	★ WELL DATA
█ SEWER LINE	

Interoffice MEMORANDUM

To: Municipal Order Update
Re: Status of Compliance with Order No.4100

As of 6/25/85 the Town of Newtown was ordered by the DEP to implement the recommendations of the approved Facilities Plan.

As of June 1999 compliance with all steps of the order has been achieved.

Verification of compliance was achieved by checking with files and Town officials.

ORDER NO. WC 4100

The above has been verified by Rowland C. Denny DEP Municipal Facilities staff member on November 29, 2000.

Water Management Bureau
Planning and Standard

CT121 = 6-30-99 ✓
CPOCS ✓
DT ✓
WM ✓



DEPARTMENT OF ENVIRONMENTAL PROTECTION



WC 4100
6-25-85

OK 6/99

STATE OF CONNECTICUT
VS
TOWN OF NEWTOWN

IN THE MATTER OF AN ORDER TO THE TOWN OF NEWTOWN TO ABATE POLLUTION

ORDER

Having found that the Town of Newtown is a municipality causing pollution of the waters of the state under the provisions of Chapter 446k of the General Statutes as amended, the Commissioner of Environmental Protection acting under 22a-428 hereby Orders the Town of Newtown to take such action as is necessary to:

- 1) Construct facilities to correct wastewater disposal problems in accordance with the approved engineering report entitled "Final Report to the Town of Newtown, Connecticut for a Volume I 201 Wastewater Facilities Plan - February 1984".

The Town of Newtown is further Ordered to accomplish the above described program, except as may be revised by the recommendations of detailed engineering study and agreed to by the Commissioner of Environmental Protection in accordance with the following schedule:

- A) On or before July 31, 1986 verify to the Commissioner of Environmental Protection that all necessary local financing has been completed.
- B) On or before October 31, 1987 submit for the review and approval of the Commissioner of Environmental Protection contract plans and specifications..
- C) On or before January 31, 1988 verify to the Commissioner of Environmental Protection that advertising for bids has been accomplished.
- D) On or before June 30, 1988 verify to the Commissioner of Environmental Protection that construction has been started.

Phone:

165 Capitol Avenue • Hartford, Connecticut 06106

An Equal Opportunity Employer

E) On or before June 30, 1990 verify to the Commissioner of Environmental Protection that the constructed facilities have been placed in operation.

Entered as an Order of the Commissioner of Environmental Protection this day of June 25, 1985.

Stanley J. Pac
Stanley J. Pac
COMMISSIONER

ORDER NO. 4100

TOWN OF NEWTOWN

SENT CERTIFIED MAIL - RRR



DEPARTMENT OF ENVIRONMENTAL PROTECTION



STATE OF CONNECTICUT
VS
TOWN OF NEWTOWN

4

4100

6-22-89

ORDER MODIFICATION

IN THE MATTER OF AN ORDER TO THE TOWN OF NEWTOWN TO ABATE POLLUTION

Having found that the Town of Newtown is a municipality which is causing pollution of the waters of the state under the provisions of Chapter 446k of the General Statutes as amended, the Commissioner of Environmental Protection acting under Section 22a-428 hereby Orders the Town of Newtown to comply with all conditions of the Order entered as an Order of the Commissioner on the 25th day of June, 1985 and modified on the 18th day of February 1988 except that:

- 1) Paragraph A, B, C, D, and E are modified by the Commissioner to read as follows:
 - A) On or before September 30, 1989, verify to the Commissioner of Environmental Protection that all necessary local financing has been completed.
 - B) On or before December 31, 1989, submit for the review and approval of the Commissioner of Environmental Protection contract plans and specifications.
 - C) On or before March 30, 1991, verify to the Commissioner of Environmental Protection that advertising for bids has been accomplished.
 - D) On or before August 31, 1991, verify to the Commissioner of Environmental Protection that construction has been started.
 - E) On or before August 31, 1994, verify to the Commissioner of Environmental Protection that the constructed facilities have been placed in operation.

The Town of Newtown shall notify the Commissioner in writing immediately upon becoming aware that any part of the schedule in this order will or may not be met, indicating the reasons therefor and the anticipated dates by which compliance will be achieved.

Phone:

165 Capitol Avenue • Hartford, Connecticut 06106

An Equal Opportunity Employer

Failure to comply with this order subjects the recipient to penalties under Section 22a-438 and injunction under Section 22a-435 of the Connecticut General Statutes.

Entered as a modification of an Order of the Commissioner of Environmental Protection numbered WC 4100 this 22 day of June, 1989 .

Leslie Carothers
Leslie Carothers
Commissioner

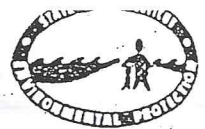
ORDER NO. WC 4100 MODIFIED
TOWN OF NEWTOWN
DISCHARGE CODE M
DEP/WPC 097-001

SENT CERTIFIED MAIL RRR

MAILED TO: HON. RODERICK J. MACKENZIE, JR.
FIRST SELECTMAN
EDMOND TOWN HALL - 45 MAIN ST
NEWTOWN, CT 06470



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



STATE OF CONNECTICUT
VS
TOWN OF NEWTOWN

IN THE MATTER OF A MODIFIED ORDER TO THE TOWN OF NEWTOWN TO ABATE POLLUTION

ORDER

10/3 CD

9-24-86

Having found that the Town of Newtown is a municipality causing pollution of the waters of the state under the provisions of Chapter 446k of the General Statutes as amended, the Commissioner of Environmental Protection acting under 22a-428 hereby Orders the Town of Newtown to comply with all conditions of the Order entered as an Order of the Commissioner on the 25th of June of 1985 except that:

- 1) Paragraph A, B, C, D and E are modified to read as follows:
 - A) *54* On or before July 31, 1987 verify to the Commissioner of Environmental Protection that all necessary local financing has been completed.
 - B) *8* On or before October 31, 1988 submit for the review and approval of the Commissioner of Environmental Protection contract plans and specifications.
 - C) *39* On or before January 31, 1989 verify to the Commissioner of Environmental Protection that advertising for bids has been accomplished.
 - D) *5* On or before June 30, 1989 verify to the Commissioner of Environmental Protection that construction has been started.
 - E) *46* On or before June 30, 1991 verify to the Commissioner of Environmental Protection that the constructed facilities have been placed in operation.

Entered as an Order of the Commissioner of Environmental Protection this 24 day of September, 1986.

097-601

Stanley J. Pac
Stanley J. Pac
COMMISSIONER

ORDER NO. WCU 4100 Modified


TOWN OF NEWTOWN

SENT CERTIFIED MAIL - RRR

Phone:

165 Capitol Avenue • Hartford, Connecticut 06106

An Equal Opportunity Employer



STATE OF CONNECTICUT
VS
TOWN OF NEWTOWN

ORDER MODIFICATION

IN THE MATTER OF AN ORDER TO THE TOWN OF NEWTOWN TO ABATE POLLUTION

Having found that the Town of Newtown is a municipality which is causing pollution of the waters of the state under the provisions of Chapter 446k of the General Statutes as amended, the Commissioner of Environmental Protection acting under Section 22a-428 (formerly 25-54g) hereby Orders the Town of Newtown to comply with all conditions of the Order entered as an Order of the Commissioner on the 25th day of June, 1985 except that:

- 1) Paragraph A, B, C, D, and E are modified by the Commissioner to read as follows:
 - A) On or before July 31, 1988, verify to the Commissioner of Environmental Protection that all necessary local financing has been completed.
 - B) On or before October 31, 1989, submit for the review and approval of the Commissioner of Environmental Protection contract plans and specifications.
 - C) On or before January 31, 1990, verify to the Commissioner of Environmental Protection that advertising for bids has been accomplished.
 - D) On or before June 30, 1990 verify to the Commissioner of Environmental Protection that construction has been started.
 - E) On or before June 30, 1992 verify to the Commissioner of Environmental Protection that the constructed facilities have been placed in operation.

The Town of Newtown shall notify the Commissioner in writing immediately upon becoming aware that any part of the schedule in this order will or may not be met, indicating the reasons therefor and the anticipated dates by which compliance will be achieved.

Phone:

165 Capitol Avenue • Hartford, Connecticut 06106

An Equal Opportunity Employer

Failure to comply with this order subjects the recipient to penalties under Section 22a-438 and injunction under Section 22a-435 of the Connecticut General Statutes.

Entered as a modification of an Order of the Commissioner of Environmental Protection numbered WC 4100 this 18th day of February 1988.

Leslie Carothers

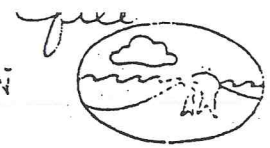
Leslie Carothers
Commissioner

ORDER NO. WC 4100 MODIFIED
TOWN OF NEWTOWN
DISCHARGE CODE M
DEP/WPC - 097-001
MAILED TO: MR. RODERICK J. MACKENZIE, JR.
FIRST SELECTMAN
EDMOND TOWN HALL
NEWTOWN, CT 06470

SENT CERTIFIED MAIL RRR



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



1-Jls.

STATE OF CONNECTICUT
VS
TOWN OF NEWTOWN

001-094

IN THE MATTER OF AN ORDER TO THE TOWN OF NEWTOWN TO ABATE POLLUTION

-06-

ORDER

Having found that the Town of Newtown is a municipality in which a community pollution problem, caused by inadequate or insufficient disposal of septage (septic tank pumpings), exists or can reasonably be anticipated in the future and after giving due regard to regional factors having determined that such pollution may be best abated by action of two or more adjacent municipalities, under the provisions of Chapter 474a of the General Statutes as amended, the Commissioner of Environmental Protection acting under Section 25-54g hereby Orders the Town of Newtown to take such action as is necessary to:

1. Through the lead Town of Brookfield prepare an engineering report which analyzes methods of septage disposal and develops a specific method of septage disposal for implementation.

The Town of Newtown is further Ordered, to accomplish the above described program except as may be revised by the recommendations of a detailed engineering study and agreed to by the Commissioner of Environmental Protection in accordance with the following schedule:

- A. On or before April 30, 1983, through the lead Town of Brookfield, submit for the review and approval of the Commissioner of Environmental Protection an engineering report to achieve compliance with directive number 1.

Entered as an Order of the Commissioner of Environmental Protection this 16th day of December, 1982.

Complete

[Signature]

Per Stanley J. Pac
COMMISSIONER

ORDER NO. 3387

NEWTON

SENT CERTIFIED MAIL

Phone:

State Office Building, Hartford, Connecticut 06115



DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OFFICE BUILDING

HARTFORD, CONNECTICUT 06115



STATE OF CONNECTICUT

VS

TOWNS OF NEWTOWN, SOUTHURY AND WOODBURY

IN THE MATTER OF AN ORDER TO THE TOWNS OF NEWTOWN, SOUTHURY AND WOODBURY
TO ABATE POLLUTION

O R D E R

Having found that the towns of Newtown, Southbury and Woodbury are municipalities in which a community pollution problem can reasonably be anticipated in the future under the provisions of Chapter 474a of the General Statutes as amended, the Commissioner of Environmental Protection acting under Section 25-54g hereby orders the towns of Newtown, Southbury and Woodbury to take such action as is necessary to:

- 1) Provide a plan for regional sewerage needs, giving special attention to those areas where high density residential development exists and/or where industrial, commercial or residential growth is occurring or is contemplated in the future.
- 2) Provide a plan and implementation schedule for the installation of such sewage disposal facilities as are appropriate to service existing needs.
- 3) Provide or plan for the installation of such sewage disposal facilities as are appropriate to service needs anticipated in the future.
- 4) Identify those areas where the installation of municipal sewage disposal facilities are not anticipated and identify existing or proposed municipal ordinance controls which are available or will be instituted to enable the town to insure that the need for the installation of municipal sewage disposal facilities will be precluded.

The towns of Newtown, Southbury and Woodbury are further ordered to accomplish the above described program except as may be revised by agreement reached at or following the pre-report conference required by Section 25-54b of the General Statutes as amended or is agreed to by the Commissioner of Environmental Protection in accordance with the following schedule:

- A) On or before June 1, 1977 submit for the review and approval of the Commissioner of Environmental Protection a Step I (facilities plan) grant application.
- B) On or before June 30, 1977 submit for the review and approval of the Commissioner of Environmental Protection a facilities plan.

Entered as an order of the Commissioner of Environmental Protection
this 8th day June, 1977.

Stanley J. Pac, Commissioner

ORDER NO. 2253
Newtown
Southbury
Woodbury
4/77

SENT CERTIFIED MAIL - RRR



WATER RESOURCES COMMISSION
STATE OFFICE BUILDING - HARTFORD, CONNECTICUT, 06115

STATE OF CONNECTICUT
vs.
TOWN OF NEWTOWN

IN THE MATTER OF AN ORDER TO THE TOWN OF NEWTOWN TO ABATE POLLUTION

ORDER

Having found that the Town of Newtown is a municipality within which a community pollution problem exists under the provisions of Public Act 57 as enacted by the 1957 General Assembly, the Water Resources Commission acting under Section 7 of Public Act 57 hereby orders the Town of Newtown to take such action as is necessary to:

- 1) Construct a sewage treatment facility in the vicinity of the mouth of the Pootatuck River to adequately serve anticipated future sewage flow from the tributary service area appropriately constructed to assure adequate secondary treatment.
- 2) Provide a plan for town wide sewerage needs and install such parts of the sewerage system as are necessary, giving special attention to these areas where pollution is presently occurring and/or where industrial, commercial or population growth is occurring or is contemplated such as in the vicinity of the Village of Sandy Hook, along the Pootatuck River between Sandy Hook and Rocky Glen, and in the vicinity of the intersection of Queen Street and Route 6.
- 3) Provide capacity for the sewerage needs of those areas outside of the Town of Newtown which might logically be served by the sewerage system of the Town of Newtown.

The Town of Newtown is further ordered to accomplish the above described program except as revised by agreement reached at or following the pre-report conference required by Section 21 of Public Act 57 or as amended by the recommendations of detailed engineering study and agreed to by the Water Resources Commission in accordance with the following schedule:

COPY

- NOTED*
- A) On or before June 30, 1968 submit for the review and approval of the Water Resources Commission an engineering report prepared in accordance with Section 21 of Public Act 57 which shall include a ~~current~~ detailed cost estimate of the eligible construction work.
 - B) On or before March 31, 1970 submit for the review and approval of the Water Resources Commission contract plans and specifications.
 - C) On or before May 31, 1970 verify to the Water Resources Commission that all necessary local financing has been completed.
 - D) On or before July 31, 1970 complete the actions necessary for the acceptance of State and/or Federal grants.
 - E) On or before August 31, 1970 verify to the Water Resources Commission that advertising bids has been accomplished.
 - F) On or before October 31, 1970 verify to the Water Resources Commission that construction has been started.
 - G) On or before October 31, 1971 verify to the Water Resources Commission that the constructed facilities have been placed in operation.

Entered as the order of the Water Resources Commission this 15th day of May, 1967.

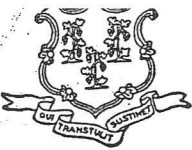
Edward J. McBonough

Edward J. McBonough

Chairman

Sent Certified Mail
Return Receipt Requested

Order No. 29



STATE OF CONNECTICUT
WATER RESOURCES COMMISSION
STATE OFFICE BUILDING - HARTFORD, CONNECTICUT, 06115

STATE OF CONNECTICUT
VS.
TOWN OF NEWTOWN

IN THE MATTER OF AN ORDER TO THE TOWN OF NEWTOWN TO ABATE POLLUTION

ORDER

Having found that the Town of Newtown is a municipality causing pollution of the waters of the state under the provisions of Chapter 474a of the 1967 Supplement to the General Statutes, the Water Resources Commission acting under Sec. 25-54g hereby orders the Town of Newtown to comply with all the conditions of the Order entered as an Order of the Water Resources Commission on the 15th day of May, 1967 except that:

- 1) Paragraph A in conformance with a written request from the Town of Newtown and as agreed to by the Water Resources Commission acting under Sec. 25-54o of the 1967 Supplement to the General Statutes is modified to read as follows:
 - A) On or before March 31, 1969 submit for the review and approval of the Water Resources Commission an engineering report prepared in accordance with Sec. 25-54v of the 1967 Supplement to the General Statutes which shall include a current detailed cost estimate of the eligible construction work.

Entered as a modification of an Order of the Water Resources Commission this 16th day of December, 1968.

Edward J. McDonough

Edward J. McDonough Chairman

Order No. 29 Modified

Sent Certified Mail
Return Receipt Requested

cc: Henry King

COPY



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



STATE OF CONNECTICUT
vs.
TOWNS OF NEWTOWN AND SOUTHBURY

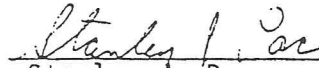
IN THE MATTER OF AN ORDER TO THE TOWNS OF NEWTOWN AND SOUTHBURY TO ABATE POLLUTION

O R D E R

Having found that the Towns of Newtown and Southbury are municipalities in which community pollution problems can reasonably be anticipated in the future under the provisions of Chapter 474a of the General Statutes as amended, the Commissioner of Environmental Protection acting under Section 25-54g hereby Orders The Towns of Newtown and Southbury to comply with all the conditions of the Order entered as an Order of the Commissioner of Environmental Protection on the 8th day of June, 1977 except that:

- 1) All references to the Town of Woodbury are hereby deleted.

Entered as a modification of an Order of the Commissioner of Environmental Protection this 1 May 1981.


Stanley J. Pac
Commissioner

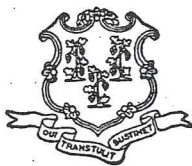
ORDER No. 2253 Modified

Newtown
Southbury

SENT CERTIFIED MAIL - RRR

Phone:

State Office Building, Hartford, Connecticut 06115



STATE OF CONNECTICUT
 WATER RESOURCES COMMISSION
 STATE OFFICE BUILDING - HARTFORD, CONNECTICUT, 06115

STATE OF CONNECTICUT
 VS.
 TOWN OF NEWTOWN

IN THE MATTER OF AN ORDER TO THE TOWN OF NEWTOWN TO ABATE POLLUTION

ORDER

Having found that the Town of Newtown is a municipality within which a community pollution problem exists under the provisions of Chapter 474a of the 1967 Supplement to the General Statutes, the Water Resources Commission acting under Sec. 25-54g hereby orders the Town of Newtown to comply with all the conditions of the Order entered as an Order of the Water Resources Commission on the 15th day of May, 1967 except that:

- 1) Paragraphs B through G inclusive, in conformance with a written request from the Town of Newtown and agreed to by the Water Resources Commission acting under Sec. 25-54g of the 1967 Supplement to the General Statutes are modified to read as follows:
- B) On or before July 31, 1970 submit for the review and approval of the Water Resources Commission contract plans and specifications.
- C) On or before September 30, 1970 verify to the Water Resources Commission that all necessary local financing has been completed.
- D) On or before November 30, 1970 complete the actions necessary for the acceptance of state and/or federal grants.
- E) On or before December 31, 1970 verify to the Water Resources Commission that advertising for bids has been accomplished.
- F) On or before February 28, 1971 verify to the Water Resources Commission that construction has been started.
- G) On or before February 29, 1972 verify to the Water Resources Commission that the constructed facilities have been placed in operation.

Entered as a modification of an Order of the Water Resources Commission this 21st day of April, 1969.

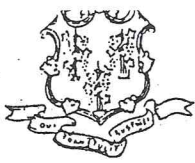
Edward J. McDonough Chairman
 Edward J. McDonough

Order No. 20 Modified

Sent Certified Mail
 Return Receipt Requested

cc: Henry King

COPY



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



STATE OF CONNECTICUT
vs.
TOWNS OF NEWTOWN AND SOUTHBURY

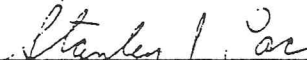
IN THE MATTER OF AN ORDER TO THE TOWNS OF NEWTOWN AND SOUTHBURY TO ABATE POLLUTION

ORDER

Having found that the Towns of Newtown and Southbury are municipalities in which community pollution problems can reasonably be anticipated in the future under the provisions of Chapter 474a of the General Statutes as amended, the Commissioner of Environmental Protection acting under Section 25-54g hereby Orders The Towns of Newtown and Southbury to comply with all the conditions of the Order entered as an Order of the Commissioner of Environmental Protection on the 8th day of June, 1977 except that:

- 1) All references to the Town of Woodbury are hereby deleted.

Entered as a modification of an Order of the Commissioner of Environmental Protection this 1 May 1981.


Stanley J. Pac
Commissioner

ORDER No. 2253 Modified

Newtown
Southbury

SENT CERTIFIED MAIL - RRR

Phone:

State Office Building, Hartford, Connecticut 06115

An Equal Opportunity Employer



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OFFICE BUILDING HARTFORD, CONNECTICUT 06115



STATE OF CONNECTICUT
VS.
TOWNS OF NEWTOWN, SOUTHBURY AND WOODBURY

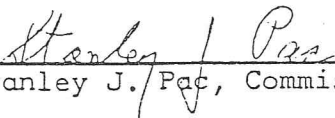
IN THE MATTER OF AN ORDER TO THE TOWNS OF NEWTOWN, SOUTHBURY AND WOODBURY
TO ABATE POLLUTION

O R D E R

Having found that the Towns of Newtown, Southbury and Woodbury are municipalities in which a community pollution problem can reasonably be anticipated in the future under the provisions of Chapter 474a of the General Statutes as amended, the Commissioner of Environmental Protection acting under Section 25-54g hereby Orders the Towns of Newtown, Southbury and Woodbury to comply with all the conditions of the Order entered as an Order of the Commissioner of Environmental Protection on the 8th day of June, 1977 except that:

- 1) Paragraph B is modified by the Commissioner to read as follows:
 - B) On or before September 30, 1979 submit for the review and approval of the Commissioner of Environmental Protection a facilities plan.

Entered as a modification of an Order of the Commissioner of Environmental Protection this 13th day of September, 1978.


Stanley J. Pac, Commissioner

ORDER NO. 2253 Modified
Newtown
Southbury
Woodbury
8/78

SENT CERTIFIED MAIL - RRR

TOWN OF NEWTOWN, CONNECTICUT
WATER POLLUTION CONTROL
FACILITIES PLAN

VOLUME I

September 11, 1989

Prepared For:

TOWN OF NEWTOWN
WATER POLLUTION CONTROL AUTHORITY

Peter Alagna, Chairman

Members:

Polly Brody
Mark Dennen
Ernest Fenn
David Kates
Eleanor Mayer
Adam Zabinski

Prepared By:

CONSULTING ENVIRONMENTAL ENGINEERS, INC.
80 Shield Street
West Hartford, Connecticut 06110

TOWN OF NEWTOWN, CONNECTICUT
WATER POLLUTION CONTROL FACILITIES PLAN
INTERIM REPORT
1987 SANITARY SURVEY RESULTS
VOLUME II

July, 1987

Prepared For:

TOWN OF NEWTOWN
WATER POLLUTION CONTROL AUTHORITY

Peter Alagna, Chairman

Members:

Polly Brody
Mark Dennen
Ernest Fenn
David Kates
Eleanor Mayer
Adam Zabinski

Prepared By:

CONSULTING ENVIRONMENTAL ENGINEERS, INC.
80 Shield Street
West Hartford, Connecticut 06110

**TOWN OF NEWTOWN, CONNECTICUT
WATER POLLUTION CONTROL FACILITIES PLAN**

SEWER AVOIDANCE PLAN

VOLUME III

September 11, 1989

Prepared For:

**TOWN OF NEWTOWN
WATER POLLUTION CONTROL AUTHORITY**

Peter Alagna, Chairman

Members:

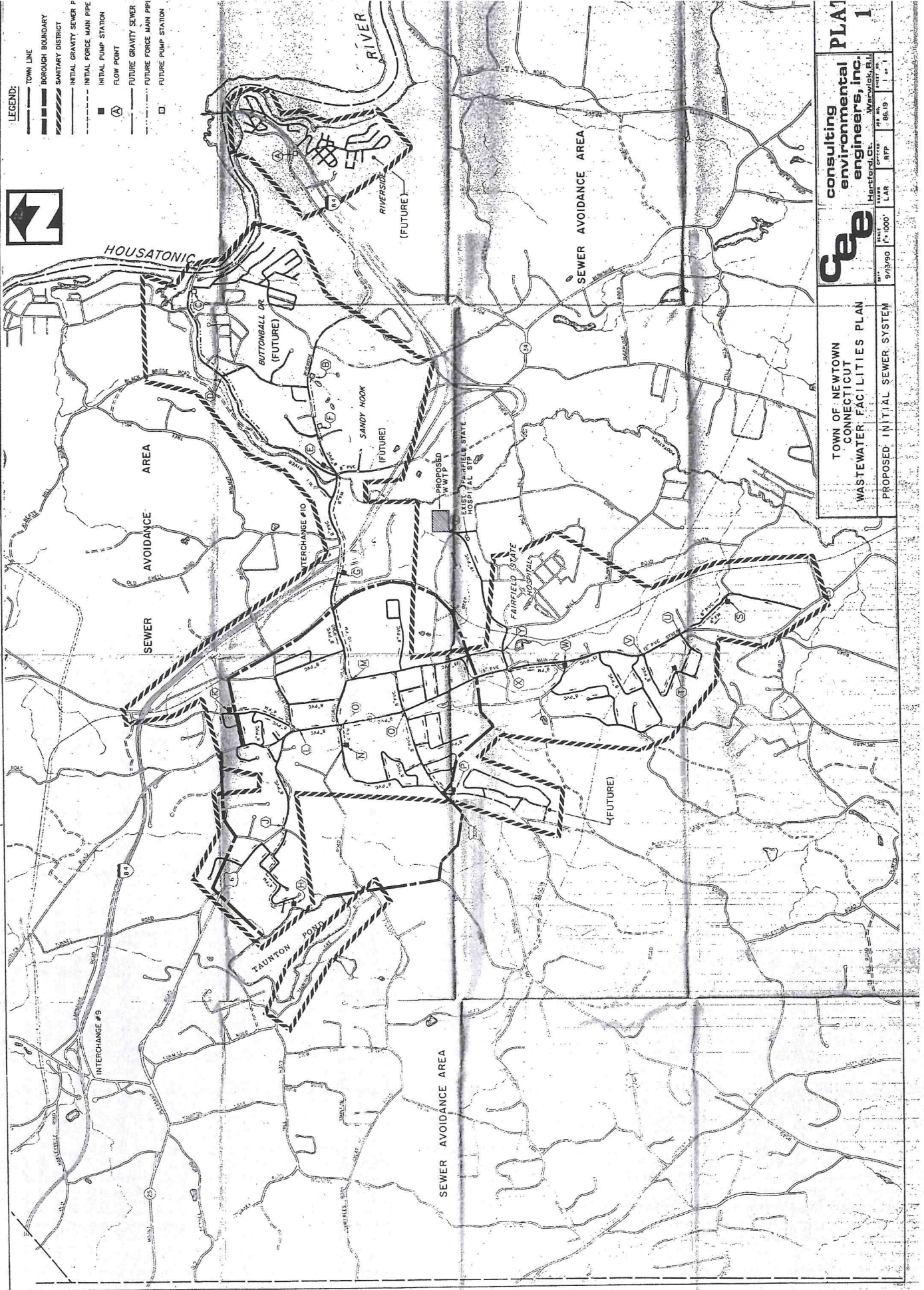
Polly Brody
Mark Dennen
Ernest Fenn
David Kates
Eleanor Mayer
Adam Zabinski

Prepared By:

**CONSULTING ENVIRONMENTAL ENGINEERS, INC.
80 Shield Street
West Hartford, Connecticut 06110**



- LEGEND:**
- TOWN LINE
 - BOROUGH BOUNDARY
 - SANITARY DISTRICT
 - INITIAL GRAVITY SEWER P
 - INITIAL FORCE MAIN PIPE
 - FLOW POINT
 - FUTURE GRAVITY SEWER
 - FUTURE FORCE MAIN PIPE
 - FUTURE PUMP STATION



PLAT 1

consulting environmental engineers, inc.
 1000
 Hartford, Ct. 06119
 Warwick, R.I. 02886

TOWN OF NEWTOWN CONNECTICUT WASTEWATER FACILITIES PLAN

PROPOSED INITIAL SEWER SYSTEM

SCALE: 1" = 1000'

DATE: 05/90

BY: RPP

PROJECT NO.: 88-19

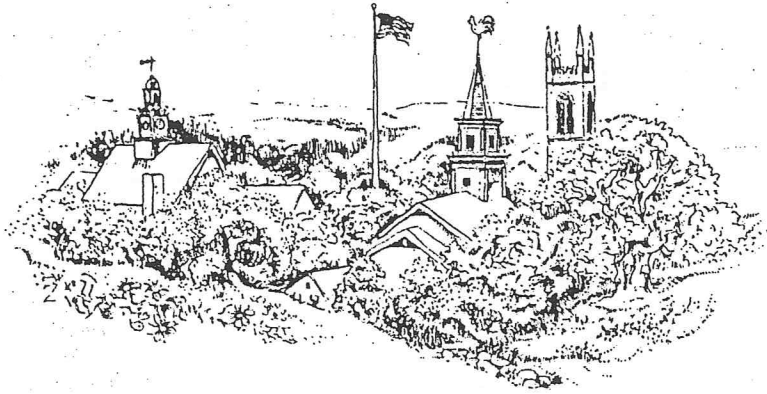
SHEET NO.: 1 OF 1

APPROVALS:

 DATE: _____

 DATE: _____

 DATE: _____



TOWN OF NEWTOWN

PRELIMINARY DESIGN REPORT

NEWTOWN SEWERAGE SYSTEM

JANUARY 1994

92-248



Fuss & O'Neill Inc. *Consulting Engineers*

NEWTOWN SEWERS SEWER DESIGN CRITERIA

A. GRAVITY SEWERS

Sewer design criteria shall be as shown in Chapter 2 of the *Guide for the Design of Wastewater Treatment Works (TR-16)*, prepared by the Technical Advisory Board of the New England Interstate Water Pollution Control Commission, supplemented as follows:

- Sewers will be designed to accommodate ultimate peak flows.
- Sewers will normally be installed in the middle of the road.
- Sewers will be located along the shoulders in state roads with concrete base pavement where possible. Crossings will be minimized. "Dual sewers" may be utilized.
- Sewer depth will be set with the goal of serving sanitary outlets by gravity. Where this would result in unusually deep sewers, an analysis will be prepared to compare the cost of the deep sewer versus pumping.
- A minimum slope for the furthest upstream reach of sewer will be 1% where possible to minimize depositions. Slopes of less than 0.5% will not be used.
- PVC SDR 35 sewer pipe will generally be used. Where ductile iron is necessary (such as force mains and within 25 feet of wells), it will be Class 52.
- Chimneys shall be precast units.
- Service laterals will be assumed as 6 inch at a minimum slope of 1% (2% preferred).
- Manholes will normally be 4 feet diameter. Increase diameter to 5 feet for sewers 18" through 24".
- Manholes will be precast concrete, waterproof, cored openings with rubber boots.
- Drop manholes will be avoided whenever possible. When drop manholes are unavoidable, inside drops will be used to facilitate maintenance. Drop pipes may be PVC.
- Manhole frames and covers will be Traffic Type 24 inch opening non-vented covers, with "Newtown Sewers" cast in the cover.
- Manhole covers on cross country runs will not be buried.



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
 165 CAPITOL AVENUE HARTFORD, CONNECTICUT 06106
 WATER COMPLIANCE UNIT — CONSTRUCTION GRANTS SECTION



TO: <i>Water Pollution Control Authority</i>	LETTER OF TRANSMITTAL
<i>45 Main Street</i>	DATE: <i>1/7/92</i>
<i>Newton, Ct. 06470</i>	MUNICIPALITY: <i>Newton</i>
	CG ID NUMBER
ATTN: <i>Peter Magana</i>	CONTRACT NO.

GENTLEMEN

- WE ARE SENDING YOU ATTACHED UNDER SEPARATE COVER VIA _____ THE FOLLOWING ITEMS:
- CHANGE ORDERS REPORTS PLANS ADDENDA SPECIFICATIONS
- COPY OF LETTER _____

COPIES	DATE OR NO.	DESCRIPTION
1		<i>Eligibility Map</i>

THESE ARE TRANSMITTED AS CHECKED BELOW:

- | | | |
|--|--|---|
| <input type="checkbox"/> FOR APPROVAL | <input type="checkbox"/> NO EXCEPTIONS TAKEN | <input type="checkbox"/> RESUBMIT _____ COPIES FOR APPROVAL |
| <input checked="" type="checkbox"/> FOR YOUR USE | <input type="checkbox"/> EXCEPTIONS TAKEN | REPLY TO: _____ |
| <input checked="" type="checkbox"/> AS REQUESTED | <input type="checkbox"/> REVISE & RESUBMIT | TITLE: _____ |
| <input type="checkbox"/> FOR REVIEW AND COMMENT | <input type="checkbox"/> APPROVED BY DEP. | PHONE NO.: _____ |

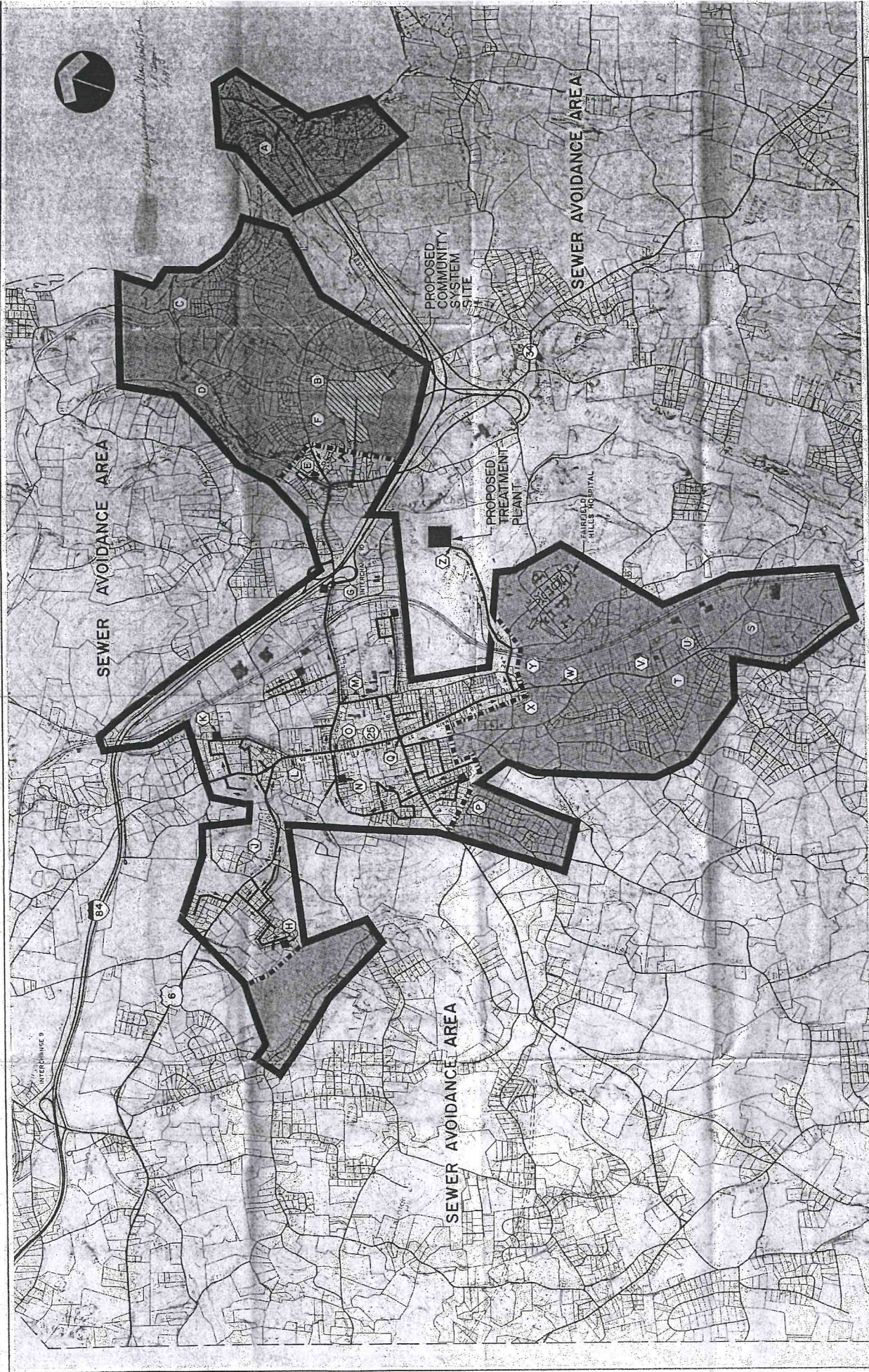
REMARKS: _____

COPIES: _____

SIGNED: *Peter Magana*
 TITLE: _____
 PHONE NO.: *566-2793*



Engineering and Planning, Inc. 10/1/00



	CONSULTING engineers, inc. <small>West Hartford, Ct. Waterbury, Ct.</small>	DATE: 9/3/91 SCALE: 1" = 1,000' SHEET: 8619 REF.	PLATT
	TOWN OF NEWTOWN, CONNECTICUT WASTEWATER FACILITIES PLAN		
KEY		FLOW POINT 	RECOMMENDED PLAN
GRAVITY MAIN 		SERVICE AREA 	
FORCE MAIN 		PUMPING STATION 	
AREA EXCLUDED FROM INITIAL STUDY OF 50 YEAR PLAN 			

STATE OF CONNECTICUT
REGULATION
OF

NAME OF AGENCY
 DEPARTMENT OF ENVIRONMENT PROTECTION

Concerning

SUBJECT MATTER OF REGULATION
 CLEAN WATER FUND REGULATIONS

CTION _____

(H) a cash flow projection.

(3) An Application for Construction Assistance which shall include:

(A) all requirements for design funding assistance as specified in subdivision (c)(2) of this section;

(B) a final legal opinion stating that the acquisition of all sites, easements or rights-of-way necessary to assure undisturbed construction and operation and maintenance of the proposed project have been acquired. The cost of any real property eligible for funding assistance must reflect fair market value as determined by standard recognized appraisal methods;

(C) two copies of contract plans and specifications for the review and approval of the Commissioner;

(D) a schedule for submission of a proper operation and maintenance program including a preliminary plan of operation;

(E) an approved user charge system developed in accordance with the requirements set forth in section 22a-482-3(e) of the Regulations of Connecticut State Agencies;

(F) a cash flow projection; and

(G) amounts and terms of any other financial assistance.

(d) Terms of Funding Assistance.

(1) No financial assistance shall be made for a pollution abatement facility that would provide capacity for new connections or other developments to be located in environmentally sensitive land such as wetlands, floodplains, prime agricultural lands, or regulated coastal zones. Appropriate and effective funding conditions (e.g. restricting sewer hook-ups) should be used where necessary to protect these resources from new development.

(2) The prime purpose in the award of construction assistance is to solve existing pollution problems and not intended to assist in new development.

(3) For engineering reports and design, no financial assistance will be allowed for any engineering work performed before award without the prior written approval of the Commissioner.

(4) Except as otherwise provided in this subsection, no assistance for construction may be awarded for any construction which is initiated prior to the date of award. Preliminary construction work, such as advance acquisition of major equipment items requiring long lead times, acquisition of an option for the purchase of eligible land, or advance construction of minor portions of a pollution abatement facility, including associated engineering costs, in emergencies or instances where delay could result in significant cost increases, may be approved by the Commissioner after the completion of an environmental review, but only if the municipality submits a written and adequately substantiated request.

(5) The approval of a plan of study, an engineering report, plans and specifications, advance acquisition of equipment or advance construction will not constitute a commitment or approval of assistance for a subsequent phase of the project. In instances where such approval is obtained, the applicant proceeds at its own risk, since payment for such costs cannot be made unless assistance for the project is awarded.



TOWN OF NEWTOWN

SEWER USE REGULATIONS

Adopted January 8, 2015

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Rec'd. for Record 1-28 2015
Town Clerk of Newtown 3:00 PM 1/8/2015
Debbie Aurdia Halstead

1.4.7 Discharge or Indirect Discharge. Pollutants introduced into the sewerage system from any nonresidential source regulated under Section 307(b), (c), or (d) of the Act.

1.4.8 Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, a duly authorized official of said agency.

1.4.9 Facilities Plan. "Town of Newtown, Connecticut Water Pollution Control Facilities Plan" dated September 1989, as amended by "Addendum #1" dated September 27, 1990 and "Addendum #2" dated October 10, 1991, prepared by Consulting Environmental Engineers, Inc. of West Hartford, CT.

1.4.10 Grab Sample. A representative 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.

1.4.11 Industrial Waste. The liquid or water-carried wastes of any industrial process not clearly included within the definitions of sewage, storm water, non-contact cooling water or subsoil drainage herein.

1.4.12 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 composite sample collected, independent of the flow rate and the duration of the sampling event.

1.4.13 Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the WWTP, 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 a limitation of sewage sludge use or disposal.

1.4.14 Medical Waste. Isolation wastes, infectious agents, human blood and blood products, animal carcasses or parts thereof, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

1.4.15 Newtown Water & Sewer Authority or WSA. The agency established by the Town to oversee the rules and regulations governing the sewerage system in accordance with Chapter 103 of the Connecticut General Statutes as amended.

1.4.16 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.

1.4.17 NPDES. National Pollutant Discharge Elimination System; the Federal and State permit program which regulates discharges to surface water bodies.

1.4.18 Pass Through. A discharge which exits the WWTP 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 the Town's NPDES permit, including an increase in the magnitude or duration of a violation.

1.4.19 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.

1.4.20 pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

1.4.21 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) as measured by standard methods for the examination of water and wastewater.

1.4.22 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 sewerage system. 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.

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

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

1.4.25 Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 3.2 herein.

1.4.26 Public Works Director. The Public Works Director of the Town of Newtown.

1.4.27 Subsoil Drainage. Water from soil percolating into subsoil drains and through foundation walls, basement floors, or underground pipes or from similar sources.

1.4.28 Septage. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

1.4.29 Sewage. Sanitary wastewater and gray water from domestic sources.

1.4.30 Sewer or Public Sewer. The main, pipe, or conduit, including manholes and other structures and equipment thereto appurtenant, provided to carry wastewater.

1.4.31 Sewerage System. A "treatment works," as defined by Section 212 of the Act (33 U.S.C. §1292) which is owned by the Town of Newtown. This definition includes any device or system used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature.

1.4.32 Sewer Service Area. The portion(s) of the Town designated by the WSA to be served by a sewerage system.

1.4.33 Slug Load or Slug. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 3.2 of these regulations.

1.4.34 Storm Drain. A sewer or drain, with appurtenances, provided and intended for the conveyance of stormwater.

1.4.35 Stormwater. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

1.4.36 Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

1.4.37 Town. The Town of Newtown, or its agents.

1.4.38 Transmission Main. A sewer not specifically intended to serve the properties on which it is located or which it abuts.

1.4.39 Wastewater. Industrial waste and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the sewerage system.

1.4.40 Wastewater Treatment Plant or WWTP. That portion of the sewerage system which is designed to provide treatment of sewage and industrial waste.

1.4.41 UNIT For the purposes of determining capacity requirements from the Sewage System relative to applications to connect to said system, or extend the Sewer Service Area, or the Level of Assessments hereunder, Unit shall mean the following: 185gdp which shall apply to single family stand alone housing; (.6759 of a "UNIT")125gpd for trailers or multifamily attached dwellings; (.5946 of a "UNIT")110gpd for senior housing attached; for commercial and industrial flows industry standard flow estimates shall be utilized, expressed in "UNITS" or fractions of "UNITS".

1.5 Water Pollution Control Plan

1.5.1 A Water Pollution Control Plan has been filed with the Commissioner as required by the CGS. The purpose of this plan is to designate and delineate the boundaries of areas to be

served by the Town's sewerage systems and areas where sewers are to be avoided, and to describe the policies and programs to be carried out to control surface and groundwater pollution problems. The Plan was adopted March 8, 1995 by the WSA and the First Selectman, and may be amended from time to time by these parties.

1.5.2 The Sewer Service Area (SSA) is delineated on map entitled "Sewer Service Area, Newtown Sewerage System" on file at the Office of the Town Clerk. The current map is dated April 28, 2011 and may be amended from time to time by the WSA.

1.5.3 All areas outside the SSA are designated as a sewer avoidance zone. The Town does not intend to extend sewers outside the SSA and intends to control surface and groundwater pollution problems in these areas through aggressive administration of an On-Site Wastewater Management Policy.

1.5.4 The Plan establishes priorities for allocation of WWTP capacity, in the following descending order:

1. Existing development within the SSA.
2. Potential development within SSA.
3. Existing development along sewer transmission routes.
4. Existing development outside the SSA identified as areas of concern in the Facilities Plan and reasonably close to the SSA.
5. Other existing development outside the SSA but in close proximity.

1.6 Hawleyville Sewer Service Area

A specified portion of the northwesterly part of Newtown, the "Hawleyville Area", has been delineated as a Sewer Service Area to be served by sewers in Bethel which in turn flow into the Danbury sewerage system for conveyance and treatment. The sewerage of the Hawleyville area, including the limits of this service area, are governed by three intermunicipal agreements:

- a. "Newtown-Danbury Interlocal Sewer Service Agreement", dated December 1, 1994;
- b. "Agreement between the Town of Bethel and the Town of Newtown for Sharing the Cost of a Sewer Transmission Line to be Constructed from the Newtown Bethel Line on United States Route Six to the Existing Sanitary Manhole Located on Old Sherman Turnpike in the City of Danbury, Connecticut", dated March 6, 1991;
- c. "Modification [to Bethel-Newtown Agreement]", dated August 11, 1991.

1.7 Purchasing

The Purchasing Regulations for Town Agencies (Reg. 4) are

hereby adopted by the WSA and are made applicable to the purchase of all services and/or materials under these Sewer Use Regulations.

SECTION 2 - CONNECTION TO SEWERS

2.1 Sewer Connections Required

2.1.1 The owner of any property within a SSA abutting any street, alley or right-of-way in which there is located a public sewer shall be required to install a building sewer to connect the building drain to the public sewer in accordance with the provisions of these regulations. Properties within the Hawleyville SSA may be connected only with the approval of the Town and the WSA.

2.1.2 All owners of property abutting public sewers shall connect their building drains to said sewers within one hundred twenty (120) days after receiving notice from the WSA or other specific time designated by the WSA. Any person who neglects to connect within said time shall be liable to a penalty of ten dollars (\$10.00) for each and every day such neglect shall continue.

2.1.3 An exception to the connection requirements above shall be made when a property abuts only a transmission main. In this case the owner shall not be required to connect unless there is a failure of all or a portion of its on-site wastewater disposal system, at which time the owner shall have thirty (30) days in which to connect to public sewer. The owner of property abutting a transmission main may request to connect to the public sewer at any time prior by written request to the WSA. The WSA shall consider such request on its merits including its conformance to the Water Pollution Control Plan. Upon granting of such request the property will be subject to all assessments, user fees, and other charges as may apply.

2.1.4 An exception to the connection requirements above may be made for a residential property where a residence is more than 300 feet from the nearest public sewer.

2.1.5 It shall be unlawful for any person to use, construct or repair any privy, septic tank, cesspool, or other facility intended for the disposal of sewage if public sewers are available unless recommended by the Newtown Health District and approved by the WSA.

2.2 Connection Permits Required

2.2.1 Any person proposing a new connection to the public sewerage system shall first obtain a permit to connect from the Public Works Director. Every permit issued hereunder shall be subject to the rules and regulations of the Town and the WSA. The permit application shall be made at least five (5) days prior to the proposed change or connection and shall be accompanied by a payment of \$50.

2.2.2 Any person proposing a discharge for which a permit is required from the DEEP in accordance with Section 22a-430

of the CGS and Section 3.4 herein shall obtain a permit from the DEEP and present evidence of same before the Town will act upon the connection permit for said property.

2.2.3 Users shall notify the Public Works Director of any transfer of ownership or operation of properties connected to the sewerage system. Properties with State discharge permits shall obtain authorization for transfer of said permit or obtain a new permit from DEEP prior to actual transfer of property.

2.2.4 Users shall notify the Public Works Director of any substantial change in the volume or character of pollutants that are being discharged into the sewerage system.

2.3 Technical Requirements for Connections

2.3.1 No person(s) shall uncover, make any connections with or opening into, use, alter, repair or disturb any public sewer or appurtenance thereof unless authorized by the Public Works Director.

2.3.2 Applications for connection permits shall be made on forms provided by the Public Works Director, and shall be accompanied by a plan showing the proposed installation in sufficient detail to enable the Public Works Director 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 and by the qualified contractor chosen to install and connect the building drain to the public sewer. Upon approval of the application and plan, a permit shall be issued to have the work performed by the stated contractor. In the event the premises changes ownership before the work is completed, or if another contractor is chosen to perform or finish the work, the original permit shall become void, and a new permit shall be obtained by the new parties in interest.

2.3.3 Connection to the public sewer shall be made only after the building's plumbing has been approved by the Town's Building Inspector or his agent in order to insure that minimum standards are met for the installation. Plumbing shall be in good working order and a fresh air vent shall be required.

2.3.4 No trench containing a building drain or connection to a public sewer shall be backfilled until the Public Works Director or his designated agent has completed an inspection and approved the work. The water level in the trench shall be maintained at a level below the sewer connection until such time as it has been inspected, approved and backfilled. The contractor shall notify the Public Works Director at least twenty-four (24) hours before starting any work authorized by the permit.

2.3.5 The Public Works Director may revoke any permit to connect to the public sewer for good cause, and the Town and the WSA shall be held harmless as a consequence of said revocation or the cause thereof. All other parties in interest shall be held to have waived the right to claim damages from

the Town and the WSA or its agents on account of said revocation.

2.3.6 All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town and the WSA from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

2.3.7 A separate and independent building sewer shall be provided for each building.

2.3.8 The size, slope, alignment, and materials of construction of a building sewer; the methods used in excavating, pipe laying, jointing, testing, and backfilling; and the connection of the building sewer to the public sewer shall all conform to the requirements of the building and plumbing codes and other applicable rules and regulations of the Town as specified in the permit application.

SECTION 3 - GENERAL SEWER USE REQUIREMENTS

3.1 General Prohibitions

No person shall introduce or cause to be introduced into the sewerage system any pollutant or wastewater which causes pass through or interference. These general prohibitions shall apply to all users of the sewerage system whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements. Pollutants, substances, or wastewater prohibited by Section 3.2 or 3.3 herein shall not be processed or stored in such a manner that they could be discharged to the sewerage system.

3.2 Specific Prohibitions

No person shall introduce or cause to be introduced into the sewerage system the following pollutants, substances, or wastewater:

3.2.1 Any liquids, solids or gases which by reason of their nature or quantity may be sufficient, either alone or by interaction with other substances, to create a fire or explosive hazard in the sewerage system including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;

3.2.2 Wastewater having a pH of more than 9.0 or less than 6.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the sewerage system;

3.2.3 Solid or viscous substances in amounts which may cause obstruction of the flow in the sewerage system or other interference with its operation, including substances such as, but not limited to, grease, particles greater than one-half (½) inch in any dimension, animal guts or tissues, paunch, manure, bones, hair hides, or fleshings, entrails, whole blood, feathers,

ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, paint, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or grass, or grinding and polishing wastes;

3.2.4 Pollutants, including oxygen-demanding pollutants (BOD, COD, Suspended Solids, Phenols, etc.), released at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, may cause a significant load to the WWTP or result in the WWTP not meeting the limits stipulated in its NPDES Permit;

3.2.5 Wastewater having a temperature greater than 150°F (65°C), or which causes the temperature at the introduction into the WWTP to exceed 104°F (40°C), or which may inhibit or interfere with biological activity in the treatment plant;

3.2.6 Pollutants which result in the presence of toxic gases, vapors, or fumes within the sewerage system in a quantity that may cause acute public or worker health and safety problems;

3.2.7 Trucked or hauled pollutants, except at discharge points designated by the Public Works Director;

3.2.8 Noxious or malodorous liquids, gases, solids, or other wastewater which, either alone or by interaction with other substances, may be sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewerage system for maintenance or repair;

3.2.9 Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the Town's NPDES permit;

3.2.10 Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;

3.2.11 Storm water, surface water, ground water, artesian well water, roof runoff, subsoil drainage, swimming pool drainage, condensate, deionized water and non-contact cooling water;

3.2.12 Sludges, screenings, or other residues from the pretreatment of industrial wastes;

3.2.13 Medical wastes;

3.2.14 Wastewater causing, alone or in conjunction with other sources, the WWTP effluent to fail a toxicity test;

3.2.15 Detergents, surface-active agents, or other substances which may cause excessive foaming in the WWTP;

3.2.16 Fats, wax, oils, greases of animal or vegetable origin, petroleum, cutting oil or mineral oil, whether emulsified or not, in concentrations greater than 100 mg/l or in amounts that will

cause interference or pass through. Floatable oil shall not exceed 20 mg/l or contain substances which may solidify or become viscous at temperatures between 32°F and 150°F;

3.2.17 Wastewater causing two readings on an explosion hazard meter at the point of discharge into or at any point in the sewerage system, of more than 5% or any single reading over 10% of the Lower Explosive Limit of the meter;

3.2.18 Overflow from holding tanks or other receptacles storing organic wastes.

3.3 Pollutant Limits

a. 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 concentrations:

0.05 mg/l Arsenic as As	0.01 mg/l Mercury
20.0 mg/l Benzene	1.00 mg/l Nickel
0.10 mg/l Beryllium	100 mg/l Oil and Grease, Total
0.07 mg/l Cadmium	20.0 mg/l Oil and Grease, Floatable
1.00 mg/l Chromium (Total)	1.00 mg/l Selenium
0.10 mg/l Chromium (+6)	0.10 mg/l Silver
1.00 mg/l Copper as Cu	2.00 mg/l Tin
0.10 mg/l Cyanides as CN (Amenable)	1.00 mg/l Zinc
20.0 mg/l Fluoride	20.0 mg/l Ammonia as N
0.10 mg/l Lead	10.0 mg/l Surfactants

The above limits apply at the point where the wastewater enters the sewerage system. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Public Works Director may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

3.4 State Discharge Requirements

3.4.1 In accordance with Section 22a-430 of the CGS, as amended, a permit from the Commissioner of Environmental Protection is required prior to the initiation of a discharge of any of the following wastewaters to a public sewer:

- Industrial wastewater of any quantity.
- Domestic sewage in excess of 46,600 gallons per day from a single site.

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

3.4.2 If any discharge or proposed discharge contains the substances or possesses the characteristics enumerated in Section 3.2 or 3.3 of these regulations, and which, in the judgement of the Commissioner or the Public Works Director, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise may create a hazard to life or constitute a public nuisance, the

Commissioner or the Public Works Director, in accordance with Section 22a-430(b) of the CGS, may:

- Prohibit the discharge;
- Require pretreatment to an acceptable condition before discharge; or
- Require control over the quantities and rates of discharge.

3.4.3 Users shall provide wastewater treatment as necessary to comply with these regulations and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 3.1 through 3.3 of these regulations within the time limitation specified by EPA, the State, or the Public Works Director, 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 the Commissioner and the Public Works Director for review and acceptance before such facilities are constructed. The review and acceptance of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce an acceptable discharge under the provisions of these regulations.

3.4.4 Additional Pretreatment Measures

a. The Public Works Director may require users to restrict their discharge during peak flow periods, discharge certain wastewater only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, or meet other conditions as may be necessary to protect the sewerage system or determine compliance with the requirements of these regulations.

b. The Public Works Director may require users 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.

c. The Public Works Director may require interceptors for the handling of wastewater containing excessive amounts of grease, oil, or sand; except that such interceptors shall not be required for residential users. External grease traps shall be required for all food preparation facilities and restaurants. All interception units shall be of a type and capacity approved by the Public Works Director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be installed, inspected, cleaned, and repaired regularly, as needed, at the user's expense.

Removal and hauling of the collected materials shall be performed at the user's expense by a waste disposal firm which possesses a valid permit from the Commissioner under Section 22a-429 of the CGS.

d. The Public Works Director may require users with the potential to discharge flammable substances to install and

maintain an approved combustible gas detection meter.

3.4.5 Where pretreatment or flow-equalizing facilities are provided or required for any wastewater, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

3.4.6 Where required by the Public Works Director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observations, sampling, and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Commissioner and the WSA. 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 him so as to be safe and accessible at all times.

3.4.7 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 Section 22a-430 of the CGS, including, but not limited to, installation, use, and maintenance of monitoring equipment, recordkeeping, and reporting to the Commissioner. Such records shall be made available upon request of the Commissioner or the WSA. Sampling methods, location, times, durations, and frequencies shall be determined on an individual basis subject to the stipulations and general conditions of the discharger's State Discharge Permit.

3.4.8 No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the WSA and any industrial user whereby an industrial waste of unusual strength or character may be discharged for treatment, provided that such agreement does not contravene any requirement of existing State or Federal Regulations.

3.4.9 Upon the promulgation of a new or amended Federal Categorical Pretreatment Standard for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed herein, shall supersede the limitations imposed under these regulations.

3.4.10 Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated herein. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. The Commissioner or the WSA may require that plans showing facilities and operating procedures be submitted for review and approval prior to construction of the facilities.

a. Within five (5) days following an accidental discharge, the user shall submit to the Public Works Director and the Commissioner, a detailed, written report describing the cause

of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user or any expense, loss, damage, or other liability which may be incurred as a result of damage to the sewerage system, fish kills, aquatic plants, or any other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by these rules or other applicable law.

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

3.4.11 The following minimum levels of treatment apply to the various categories of discharge, subject to the approval of the Commissioner. The Commissioner may require additional treatment on a case-by-case basis.

a. For minor photographic processing wastewaters, silver recovery.

b. For groundwater contamination recovery system wastewaters from oil recovery operations, gravity separation and skimming of floatable materials in a tank with a retention time of at least six hours and, for groundwater contamination recovery system wastewaters from gasoline recovery operations, aeration or carbon adsorption. For receiving waters designated in the "Connecticut Water Quality Standard and Classifications" as a goal of AA or A, the total volatile hydrocarbon concentration of the discharge shall not be greater than ten parts per billion at any time.

c. For vehicle service drains and vehicle washing facilities, gravity separation and skimming in a tank with a capacity of 1000 gallons or a retention time of at least twenty four hours at the average daily flow, whichever is greater.

d. For minor tumbling and cleaning of parts wastewaters, gravity separation in a tank with a retention time of at least twenty four hours at average daily flow.

e. For furniture refinishing rinse waters, neutralization if acids are used in the process, and solids removal by gravity separation or filtration.

f. For transfer station floor drains, gravity separation and skimming of floatable materials.

g. For incinerator scrubber wastewaters, neutralization to a pH of between 6.5 and 9.0, and gravity settling.

h. For carpet and upholstery cleaners, removal of lint through filtration.

3.5 Town's Right of Revision

The Town reserves the right to reject the discharge of any

waste; and to establish, by regulation or in wastewater discharge permits, more stringent standards or requirements on discharges to the sewerage system.

3.6 Dilution

No user shall 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 Public Works Director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.

3.7 Protection from Damage

It shall be a violation of these regulations to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewerage system.

3.8 Right of Entry: Inspection and Sampling

3.8.1 The Public Works Director shall have the right to enter the premises of any user to determine compliance with any requirement of these regulations, wastewater discharge permit, or order issued hereunder. Users shall allow the Public Works Director reasonable access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

3.8.2 Where a user has security measures in force which require identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Public Works Director will be permitted to enter without delay for the purposes of performing specific responsibilities.

3.8.3 The Public Works Director shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

3.8.4 The Public Works Director may require the user to install sampling and monitoring equipment as necessary. The equipment shall be installed and maintained at all times in a safe and proper operating condition at the user's expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.

3.8.5 Any temporary or permanent obstruction to safe and easy access to the parts of the premises to be inspected and/or sampled shall be promptly removed by the user at the formal written request of the Public Works Director and shall not be replaced. The costs of clearing such access shall be borne by the user.

3.8.6 Unreasonable delays in allowing the Public Works Director access to the user's premises shall be a violation of these regulations.

SECTION 4 - ADMINISTRATIVE ENFORCEMENT REMEDIES

4.1 Notice of Violation

Where the Public Works Director 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 Public Works Director may serve upon that user a written Notice of Violation. Within thirty (30) 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 actions, shall be submitted by the user to the Public Works Director. Submission of this plan in no way shall relieve 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 Public Works Director to take any emergency action or other enforcement action without first issuing a Notice of Violation.

4.2 Cease and Desist Orders

Where the Public Works Director 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 past violations are likely to recur, the Public Works Director may issue an order directing the user to:

- a. Cease and desist all such violations;
- b. Immediately comply with all requirements; and
- c. Take such appropriate remedial or preventive action 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.

4.3 Administrative Fines

4.3.1 Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of one and one-half percent (1½ %) of the unpaid balance, and interest shall accrue thereafter at a rate of one and one-half percent (1½ %) per month. Such unpaid charges, fines and penalties shall constitute a lien upon the real estate against which such charge, fine or penalty was levied from the date of such levy and may be continued, recorded, released and enforced in the manner provided by the CGS for delinquent benefit assessments and delinquent use charges in accordance

with Sections 7-254 and 7-258, respectively. The First Selectman or his designee is authorized to designate the tax collector, with respect to delinquent benefit assessments, or any other person, with respect to other charges, fines and penalties as the collector of such charges, fines, and penalties and such official shall have all powers of collection delegated by such Sections 7-254 and 7-258 for the collection of benefit assessments and use charges.

4.3.2 Such fines may be appealed by written request accompanied by full payment of the fine amount within twenty-one (21) days of being notified of the fine. The WSA shall convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The WSA may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

4.3.3 Assessment of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

4.4 Termination of Discharge

If any person, in defiance of a proper order or direction from the Public Works Director, shall fail to take the remedial steps, or perform the acts required by the above Sections or these regulations, or where there is imminent threat to health or welfare, the Public Works Director may disconnect the building sewer or otherwise act to prevent discharge into the public sewer. The Town may collect the cost of such disconnection or other act from the person responsible for or willfully concerned in such violation. If the Town shall be so required to act, such building sewer shall not again be connected to or permitted to discharge into the public sewers until such cost shall have been paid.

4.5 Civil

4.5.1 The Town, acting by the WSA, may recover reasonable attorneys' fees, court costs, the cost of any actual damages incurred by the Town and other expenses related to the enforcement of these regulations including sampling and monitoring expenses at the same rate and in the same manner as provided by the CGS for the enforcement of real property taxes.

4.6 Hearing Procedure

4.6.1 Upon the issuance of a cease and desist order or any order pursuant to Section 4.2 above, or upon the assessment of a fine pursuant to Section 4.3.1 above, or upon the issuance of an order of termination of discharge pursuant to Section 4.4 above, the party so notified of said order or assessment shall be entitled to request a hearing before the WSA within seven (7) days of receipt of notice of the order or assessment, by sending a written request therefore to the Chairman of the WSA. Within fourteen (14) days of receipt of said request, the

Chairman shall give notice to the applicant of the time and place of the hearing by mailing notice to said applicant, certified mail, return receipt requested, not less than seven (7) days prior to the date of said hearing.

4.6.2 The Chairman of the WSA shall preside at said hearing. The applicant shall have the right to be represented by counsel. All witnesses at said hearing shall be placed under oath and each party shall have the opportunity to cross-examine all witnesses to be presented by the other. Unless both the Town and the applicant shall waive the keeping of a transcript, a verbatim record of said proceeding shall be kept. Either party shall have the right to order a copy of said record upon the payment, in advance, of the cost thereof. The rules of evidence shall not apply to any proceeding hereunder.

4.6.3 In the event that the WSA shall determine, by a majority of the WSA members present and voting, that the applicant is in violation of this Article, the WSA shall take such action as may be proper under the provisions of this Article. Notice of such action shall be given to the applicant, in writing, by mailing thereof, certified mail, return receipt requested, to said applicant not less than five (5) days prior to the effective date of said action.

4.7 Right of Appeal

Any person aggrieved by any action of the WSA may, after exhausting the administrative appeals herein, within sixty (60) days of disposition of appeal, bring an appeal to the Superior Court, Judicial District of Danbury.

SECTION 5 - SEWER USE CHARGES

5.1 Authority of Town to Establish Use Charges

The Town, acting through the WSA, shall establish, and may from time to time revise, fair and reasonable charges for the use of the sewerage systems. Such charges shall result in the distribution of the cost of operation and maintenance in proportion to a user's contribution to that system.

5.2 Criteria for Establishing Rates

In establishing or revising such charges, the WSA may classify the property connected to the sewerage system and the users of such system, including categories of industrial users, and may give consideration to any factors relating to the kind, quality or extent of use of any property or classification of property including:

- a. The volume of wastewater discharged into the sewerage system;
- b. The type or size of buildings connected to the sewerage system;
- c. The number of plumbing fixtures connected to the sewerage system;

- d. The number of persons customarily using the property served by the sewerage system;
- e. In the case of commercial or industrial property, the average number of employees and visitors using the property;
- f. The quality and character of the material discharged into the sewerage system.
- g. Intergovernmental agreements relevant to the sewage system.

Such use charges shall meet the requirements of the Act and the provisions of Section 7-255 of the CGS.

5.3 Enactment of Proposed Charges; Public Hearing; WSA Approval

5.3.1 No use charge shall be established or revised until after a public hearing conducted by the WSA at which time the owners of property against which such charges are to be levied shall have an opportunity to be heard concerning the proposed charges. Notice of the time, place and purpose of such hearing shall be published at least ten (10) days before the date thereof in a newspaper having a substantial circulation in the Town. A copy of the proposed charges shall be on file in the office of the Town Clerk and available for inspection by the public at least ten (10) days before the date of such hearing.

5.3.2 Subsequent to the public hearing, the proposed charges shall become effective if approved by a majority of the members of the WSA present and voting at a regular or special meeting of the WSA and fourteen (14) days after publication in a newspaper having a substantial circulation in the Town.

5.4 Owner Responsible for Payment

The owner of property against which any use charge is levied shall be liable for the payment thereof.

5.5 Due Date; Delinquency; Penalty

The Town is hereby authorized to collect all sewer use charges established by the WSA together with any applicable interest and lien fees. If any charge is not paid in full on or before the same date of next succeeding month corresponding to that of the month on which it became due and payable, the whole or such part of such charge as is unpaid shall thereupon be delinquent and shall be subject to interest from the due date of such delinquent charge. Interest shall be determined at the rate and in the manner provided by the CGS for delinquent property taxes.

5.6 Abatement Because of Disuse or Unoccupied Premises

5.6.1 An abatement of the sewer use charge because of disuse

or because the premises are unoccupied may be allowed by the WSA upon notice to the Public Works Director.

5.6.2 The Public Works Director shall cause an inspection of the subject premises to be made before any abatement is granted.

5.6.3 Any abatement so granted shall be for a period to be determined by the Public Works Director, but in no event shall it exceed one year; provided further, that said premises remain unoccupied.

5.7 Sewer Use Charges

5.7.1 There is hereby established a quarterly sewer use charge applicable with respect to all bills rendered on or after the effective date of service to all sewer users provided with metered public water service. Such charge, established in accordance with the criteria contained in Section 5.2 of these regulations, shall be determined in accordance with the following formula:

$$\text{Quarterly Sewer Use Charge} = \text{Rate per thousand gallons} \times A \times 90\%$$

where A equals the volume of water in gallons, as measured through the user's water meter, used during the previous billing period. Notwithstanding the prior provisions of this section, the minimum quarterly sewer use charge shall be twenty-five dollars and no cents (\$25.00/quarter).

5.7.2 All users with non-metered water supplies shall be charged for sewer units or fractions thereof based on the relationship between their use and the use generated by a single-family residence. A sewer unit shall represent the sewer use for a single-family residence and shall be determined by the typical quarterly 90% average water use of metered, single-family residences. A fractional sewer unit shall be assessed for a portion of a property which, in the opinion of the Public Works Director, bears, with respect to sewer usage, the same relationship to a whole sewer unit as that portion of the dwelling bears to a single-family residence. The Public Works Director may require that any non-residential user supply and install a water meter at the user's expense.

5.7.3 Where a user may have a private source or sources of water, the amount of water so used may be metered at the expense of the property owner and the sewer use charge shall be levied based upon the volume of water supplied by the owner. Industrial or commercial users may, at their own expense and with the approval of the Public Works Director, install exception meters for water consumed in manufacturing processes. Exception meters will be maintained and tested as specified by the State of Connecticut Department of Public Utilities Control. Test and maintenance records for these meters shall be provided to the Public Works Director who may, at his option, witness any and all maintenance or testing of said meters.

5.8 Establishment of Surcharges

In addition to sewer use charges based on water volume, industrial users or premises generating high strength wastes shall be subject to surcharges established by the WSA and based upon wastewater strength, volume, and/or cost of treatment.

5.9 Payment Schedule

5.9.1 Use charges will be levied quarterly (July, October, January, April).

5.9.2 Each sewer use charge levied pursuant to these regulations is hereby made a lien upon the building or premises served by a connection to the sewerage system and if the same is not paid within thirty (30) days after it shall be due and payable, it shall be collected in the manner provided by the CGS for collection of delinquent property taxes.

5.10 State Facilities at Fairfield Hills

Sewer use charges for Garner Correctional Facility and other State facilities connected to the State sewer system serving said properties, shall be levied based on wastewater flow measurements in accordance with the Town - State Intergovernmental Agreement.

SECTION 6 - EXTENSIONS OF SEWER SERVICE AREA OR SEWERAGE SYSTEM

6.1 General

The WSA may extend the sewer service area or sewerage system if it deems it is in the Town's best interest to do so. The WSA may consider the following in determining whether to approve sewer extensions.

6.1.1 Information gathered from the Town's on-site management program, including reports from the Newtown Health District, regarding performance of on-site wastewater disposal systems (septic systems) in unsewered areas, and the ability of said properties to support environmentally-sound long-term subsurface disposal.

6.1.2 Requests from property owners inside and outside the current sewer service area, including detailed information submitted to describe such proposed extensions.

6.1.3 Conformance to the Town's Water Pollution Control Plan, including priorities for capacity allocation.

6.1.4 Current availability of capacity in downstream sewerage system facilities.

6.1.5 Orders of the Department of Energy & Environmental Protection.

6.1.6 Availability of funding for said extension(s).

6.1.7 Conformance of proposed extension with the Town's Plan of Development and with the State's "Conservation and Development Policies Plan for Connecticut".

6.1.8 Conformance of proposed extension with the Town's Planning and Zoning Commission requirements and Inland Wetlands requirements.

6.1.9 Conformance with the City of Danbury Sanitary Sewerage Ordinance (for extensions proposed to flow to the Bethel/Danbury sewerage system).

6.1.10 In determining whether or not a request for an extension to the Sewer Service Area shall be granted hereunder, the requirements of Section 3 above shall apply

6.2 Extensions Funded by Town

The WSA may decide that it is in the Town's best interest for certain extensions to be administered and funded by the Town. In such cases the Town may undertake the planning, design and construction of the sewer extension acting through the Public Works Director. The Town shall obtain funding for the project from sources which may include the DEEP Clean Water Fund and as provided by the Town Charter and CGS. The Town shall recover the costs of such projects, including financing costs, by levying sewer assessments against the properties benefiting from said extensions in accordance with Section 7 herein.

6.3 Extensions Funded by Private Parties

The WSA may decide that it is in the Town's best interest for certain extensions to the sewerage system to be funded in whole or in part by parties other than the Town. In such cases a Sewer Extension Agreement shall be required between the party requesting such extension and the Town in accordance with Section 8 herein.

6.4 Revisions to Sewer Service Area

Where the WSA approves extensions of sewers, it shall revise the sewer service area map accordingly, indicating the limits of the sewer service area and location of transmission mains.

SECTION 7 - ASSESSMENT OF BENEFITS

7.1 General

The Town acting through the WSA may levy benefit assessments. Such assessments of benefits shall be made in accordance with this Section and in accordance with Sections 7-249 through 7-253 of the CGS.

7.2 Determination of Cost of Sewerage system; Authority to Divide Benefited Territory into Districts

7.2.1 The WSA shall ascertain the cost of the sewerage system and in so doing shall take into account all costs of construction, including, but not limited to, the cost of construction, land acquisition, all costs connected with borrowing whether by temporary or permanent financing, all engineering or legal fees especially chargeable to the project, and any other costs or expenses needed to build the sewerage system or a portion thereof, and may divide the total territory to be benefited into districts or segments pursuant to this section, the Charter of the Town of Newtown and Section 7-249 of the CGS.

7.2.2 The sum of initial and subsequent assessments shall not exceed the special benefit accruing to the property. No lien securing payment shall be filed until the property is assessed.

7.2.3 In assessing benefits against a property in any district, the WSA may add to the cost of the part of the sewerage system located in the district a proportionate share of the cost of any part of the sewerage system located outside the district but deemed by the WSA to be necessary or desirable for the operation of the part of the system within the district.

7.3 Level of Assessments

7.3.1 All improved residential properties within the initial sewer service area shall be assessed at \$9,900 per improved unit. A unit is defined as one dwelling. New assessments shall be subject to escalation based on U.S. Bureau of Labor Statistics CPI data for the New York and Northeast Regions.

7.3.2 All nonresidential properties within the initial sewer service area shall be assessed at 90 percent of the estimated special benefit to each respective property. The WSA shall engage the services of a certified real estate appraiser to determine the special benefit accruing to each nonresidential vacant and improved property. This special benefit will be based on, but not limited to the differential between:

- a) The value of the nonresidential property on the date of assessment without the benefit of sewer service and
- b) The value of the nonresidential property on the date of assessment with the benefit of sewer service.

The appraiser shall consider the following factors which may affect value:

- 1) Cost of installing and maintaining an on-site sewage disposal system.
- 2) Comparable sales data of sewered and nonsewered properties.
- 3) Comparable and actual income data of sewered and non-sewered properties.
- 4) Proportionate share of the cost of any portion of the sewerage system.
- 5) Additional relevant factors recommended by the WSA.

7.4 Enactment Procedure

7.4.1 Pursuant to Sections 7-252 and 7-253 of the CGS, the due date of the original assessments shall be August 15, 1998 and shall be paid in twenty (20) equal annual installments due on the same day each year thereafter, unless property owner elects to pay in full.

7.4.2 No assessment shall be made until after a public hearing before the WSA at which the owner of the property to be assessed shall have an opportunity to be heard concerning the proposed assessment. Notice of the time, place and purpose of such hearing shall be published at least ten (10) days before the date of such hearing. When the WSA has determined the amount of the assessment to be levied, it shall file a copy thereof in the office of the town clerk and, not later than five (5) days after such filing, shall cause the same to be published in a newspaper having a substantial circulation in the Town and it shall mail a copy of such assessment to the owner of any property to be affected thereby at such owner's address as shown in the last-completed grand list of the Town or at any later address of which the Town may have knowledge. Such publication shall state the date on which such assessment was filed and that any appeals from such assessment must be taken within twenty-one (21) days after such filing. Any person aggrieved by any assessment may appeal to the Superior Court for the Judicial District of Danbury, at Danbury, which appeal shall be brought in strict conformance and in accordance with CGS, Section 7-250.

7.5 Applicability to Future Construction

In the event a building or buildings are constructed or expanded after the initial assessment hereunder, the WSA may assess benefits against the property as if said buildings or structures had existed at the time of the initial assessment (and may elect to assign such portion of said funds as represent an accrued assessment from the initial assessment date for the acquisition or construction of the sewerage system).

7.6 Properties Exempted; Exception to Exemption

7.6.1 Benefits shall not be assessed against property not zoned for business, commercial or industrial purposes nor for land classified as farm land, forest land or open space land as of the last-completed grand list of the Town pursuant to Sections 12-107a through 12-107e inclusive of the CGS unless said land has been constructed upon or has been approved for construction, expansion or development.

7.6.2 The provisions of subsection 7.7.1 above notwithstanding, property zoned for residential use may be assessed in accordance with the provisions hereof if same has been subdivided, has been built upon or where a building permit has been issued thereon.

7.7 Deferred Assessments

7.7.1 In the case of assessments for property zoned for residential use where said parcel contains a residential use and excess land as herein defined, the assessment shall be deferred to the extent that said excess property exceeds by more than one hundred (100) per cent the size of the smallest lot permitted in the lowest density residential zone of the Town until such excess land shall be built upon, be subdivided or until a building permit for construction on said excess land shall be issued, whichever shall first occur.

7.7.2 No lien for payment shall be filed on property for which a deferral of assessment is required hereunder, but the WSA shall cause the Tax Collector on its behalf to place a caveat on the land records as to all land for which an assessment of benefits has been deferred hereunder.

7.8 Delinquent Assessments

Delinquent assessments shall be secured in the method hereinafter provided:

7.8.1 Any assessment of benefits or any installment thereof, not paid within thirty (30) days after the due date, shall be delinquent and shall be subject to interest from such due date at the interest rate and in the manner provided by the CGS for delinquent property taxes. Each addition of interest shall be collectible as a part of such assessment.

7.8.2 Any unpaid assessment and any interest due thereon shall constitute a lien upon the real estate against which the assessment was levied from the date of such levy. Each such lien may be continued, recorded and released in the manner provided by the CGS for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances except taxes and may be foreclosed in the same manner as property tax liens. The Town may collect such assessments in accordance with any mandatory provision of the CGS for the collection of property taxes, and the municipality may recover any such assessment in a civil action against any person liable therefor.

7.9 New and Supplementary Assessments

If any assessment is not valid or enforceable for any reason, a new assessment may be made. If any assessment is made which is not sufficient to cover the entire cost of the work to be paid for by such assessment, a supplementary assessment may be levied against those properties previously assessed to the end that a sum sufficient to pay the cost of such work may be obtained, provided that no such supplementary assessment together with the original assessment, shall exceed the value of the special benefit to accrue to the property against which the benefit is assessed.

7.10 Relief for Taxpayers

Any residential property owner who is eligible for tax relief provided by the Town of Newtown Ordinance #45A may apply to the WSA to pay only the annual interest charge of the

benefit assessment levied by the Town. The outstanding balance of principal deferred shall become due upon any transfer of title of the property subject to such assessment or upon death of the property owner. The application shall be subject to annual review by the WSA.

SECTION 8 - SEWER EXTENSION AGREEMENTS

8.1 Sewer Extension Agreements Allowed

The Town may enter into a Sewer Extension Agreement with any individual for the construction of sewers to serve property outside the existing Sewer Service Area, provided the WSA has approved such extension per Section 6 of these regulations. Said Agreement shall include, among other things, provisions to satisfy the requirements of Section 7 and Sections 8.1 through 8.7 herein. Agreement shall require, whenever the work is not in a duly accepted public highway, that adequate rights-of-way be conveyed to the Town prior to the start of construction of such sewer, the terms of conveyance being subject to approval of the Town Attorney. The Applicant shall be liable for that portion of the assessed sewer benefit over and above the cost of the sewer extensions in Town streets or right-of-ways.

8.2 Sewer Extensions in Private Lands

Sewers located in lands owned by the Applicant or other private lands shall be constructed by the Applicant who shall, before commencing any work, or at a stipulated time, deposit with the Town a sum deemed by the Public Works Director to be sufficient to defray his share of the cost of review, inspection, supervisory engineering, measuring, testing, and all other expenses of the Town incurred prior to and during construction and during any maintenance period stipulated, including allowances for pension, insurance, and similar costs related to payroll.

8.3 Sewer Extensions in Town Lands

Public sewers in existing Town streets, public rights of way, or in lands owned by the Town will be constructed by the Town at the expense in whole or in part of the Applicant, who shall, before the Town commences any work or at a stipulated time, deposit with the Town a sum deemed by the Public Works Director to be sufficient to defray his share of the cost of construction, review inspection, supervisory engineering, grade staking, measuring, testing, and all other expenses incurred by the Town prior to and during construction, and during any maintenance period stipulated, including allowances for pension, insurance, and similar costs related to payroll.

8.4 Adjustments in Costs

The Sewer Extension Agreement shall provide that, in the event deposits made by the Applicant prove to be insufficient at any time during the progress of the work, a further deposit

shall be made upon notification by the Public Works Director and that, upon acceptance of the sewer, any unexpended portion of said deposits shall be returned to the Applicant.

8.5 Other Benefiting Properties

Whenever a sewer, which has been constructed for or by the Town under a Sewer Extension Agreement, benefits a property owned by others, which later may be included in the Sewer Service area, no connection shall be permitted unless the benefit has been assessed in accordance with Section 7 herein.

8.6 Design and Construction Standards; Cost Estimates

Plans and specifications for all sewers to be installed under a Sewer Extension Agreement shall be prepared by the Applicant at the Applicant's expense in a form acceptable to the Public Works Director and shall be approved by him. Plans and specifications for sewers in existing Town streets or Town lands must be prepared separately from plans and specifications for sewers located in other lands. All plans and specifications prepared by the Applicant must be submitted with a complete detailed cost estimate, prepared by the Applicant, including items, quantities, and estimated unit costs.

8.7 Facilities in Excess of Applicant's Needs

The Applicant may be required to install a larger sewer, pump station, or force main, for the purpose of providing sewer service to other properties not owned by him. The Town may agree that the Applicant be reimbursed for costs in excess of the Applicant's needs.

SECTION 9 – ADOPTION SECTION

9.1 Effective Date

These regulations shall be in full force and effect immediately following their passage, approval, and publication as provided by law.

9.2 Amendments

A copy of all amendments to these regulations shall be forwarded to the following parties within ten (10) days of its passage in accordance with law and shall be deemed to be duly given (i) when personally delivered, or (ii) upon delivery by United States Express Mail or similar overnight courier service which provides evidence of delivery, or (iii) when five (5) days have elapsed after its transmittal by registered or certified mail, postage prepared, return receipt requested, addressed to the party to whom directed at that party's address as it appears below or another address of which that has given notice. Notices of address change shall be effective only upon receipt notwithstanding the provisions of the foregoing sentence.

Notice to the Board of Selectmen shall be sufficient if given to:

Board of Selectman
c/o the First Selectman's Office – Newtown Municipal Center, 3 Primrose Street, Newtown, CT 06470

Notice to the Legislative Council shall be sufficient if given to:
Legislative Council
c/o the First Selectman's Office – Newtown Municipal Center, 3 Primrose Street, Newtown, CT 06470

9.3 Town Approval

Passed and adopted by the Water & Sewer Authority of the Town of Newtown, Connecticut, on the 8th day of January, 2015 by the following vote:

Ayes: 5; Namely M. Brown, G. Hill, G. Vetrano,

R. Zang, C. Zencey

Nays: 0; Namely _____

Signed: Marianne Brown WSA Chairman

Debbie Aurelia Halstead Town Clerk

Signed: C. Patricia Lopez, First Selectman

History of Amendments: Original issue 8/13/97

11/13/97: Provided tax relief for elderly [7.10]

2/12/98: Adopted Town Purchasing Regulations [1.7]; Revised hearing procedure [4.6]; Increased sewer use charge from \$4.40 to \$4.65/ 1000 gallons and decreased minimum quarterly charge from \$50 to \$25. [5.7.1]

2/11/99: Incorporated recommendations of Ordinance #77 adopted by Legislative Council 10/21/98.

5/27/99: Authorized First Selectman or his designee (was Public Works Director) to administer, implement, and enforce regulations [1.2]; Town may undertake planning, design, construction of sewer extensions (was will undertake) [6.2]

9/27/01: Adopted map of SSA dated 9/25/01 (was 5/11/94) [1.5.2]; Increased sewer use charge from \$4.65 to \$4.98/ 1000 gallons [5.7.1]; Subjected new assessments to escalation [7.3.1]

8/11/11: WSA was WPCA; DEEP was DEP [1.3 and 1.4]; Deleted [1.5.4] reference to Plan allocations for sewer capacity; Added Hawleyville provision [2.1.1]; Sewer use charge changed to Rate per thousand gallons (was \$4.98/1000) [5.7.1]; Deleted reference to Fairfield Hills Hospital [5.10]; Changed addresses from 45 Main St to 3 Primrose St. [9.2];

1/8/14: Added definition of UNIT; map date was Sept 25,2001 [1.5.2]; deleted "meeting current zoning" from item 2 [1.5.4]; Added "Sewer Service Area" [6.1]; added "original" [7.4.1].

4 Turkey Hill Road
Newtown, CT 06470
Tel (203) 270-4300
Fax (203) 426-9968



Fred Hurley,
Director

**TOWN OF NEWTOWN
WATER AND SEWER AUTHORITY**

Marianne Brown,
Chairman
Louis Carbone
George Hill
Alan Shepard
Gene Vetrano
Richard Zang
Carl Zencey

WATER POLLUTION CONTROL PLAN

Adopted 1/8/2015

I. Authority and Purpose

The Newtown Water Pollution Control Authority was established as an agency of the Town by Ordinance 56, adopted by the Legislative Council on May 7, 1980, in accordance with Chapter 103 of the Connecticut General Statutes and redesignated as the Water and Sewer Authority ("WSA") by Ordinance 56A adopted by the Legislative Council on April 7, 2004.

The WSA hereby establishes this Water Pollution Control Plan for the Town of Newtown. The purpose of the plan is to designate and delineate the boundaries of areas to be served by Town sewers and areas where sewers are to be avoided and to describe the policies and programs to be carried out to control surface and groundwater pollution control problems.

II. Facilities Plans

At a Town Meeting in March 1992, the Town accepted the recommendations for wastewater treatment as described in the "Town of Newtown, Connecticut Water Pollution Control Facilities Plan" dated September 1989, as amended by "Addendum #1" dated September 27, 1990 and "Addendum #2" dated October 10, 1991, prepared by Consulting Environmental Engineers, Inc. of West Hartford, CT.

The Town had rejected the original version of the Facilities Plan in 1989 and the first amended plan in 1990. Each of the two addenda scaled back the sewer service area based on lot-by-lot surveys undertaken by members of the Health Department and the WSA.

The plans for wastewater treatment were modified by the State/Town Intergovernmental Sewerage Agreement which calls for the discharge of sanitary sewage from State facilities into the Town plant. During design other plan improvements were made including the elimination of the need for four pump stations and a community treatment facility at Treadwell Park.

The wastewater treatment facility serves the central sewer service area consisting generally of the Borough, an area north of Taunton Pond, a portion of Sandy Hook, State-owned properties, and, as a result of the 2004 property transfer from the State to the Town, a portion of the Fairfield Hills campus.

Additional treatment capacity for economic development is available in the Hawleyville area as a result of interlocal agreements with Danbury and Bethel, CT. The Hawleyville Area Facility Plan prepared by Fuss & O'Neill Inc. Consulting Engineers of Manchester, CT was adopted by the WSA on November 12, 1998.

Rec'd. for Record 1-28 2015
Town Clerk of Newtown 3:00PM
Debbie Aurelia Halstead

III. Sewer Avoidance

In January, 1978 the State Department of Environmental Protection published "A Report to the Joint Standing Committee on the Environment On the Establishment and Administration of a Municipal and Town Sewer Avoidance Program." The document served as a principal basis for the 1978 amendments to Section 7-246 of the Connecticut General Statutes that provided for the preparation of a Water Pollution Control Plan by municipalities. Sewer avoidance was recognized to be a desirable policy in rural communities where sewers do not exist and are not planned.

Based on Facilities Plan as amended, the WSA concludes that sewer avoidance is an appropriate policy for areas outside the sewer service areas as defined herein. The Town does not intend extend sewers to areas outside the sewer service areas and intends to control surface and groundwater pollution problems in these areas through aggressive administration of a sewer avoidance policy to the extent permitted by zoning regulations. This policy requires the support of all Town agencies to avoid future problems with onsite disposal.

IV. Policies and Objectives

In accordance with Town Policy, any new development outside a sewer service area shall not exceed the ability of the land on which it is located to support property subsurface wastewater disposal on site except where specifically permitted by zoning regulations. The design of such onsite disposal systems shall meet all current State and Town regulations, standards, and codes.

A sewer avoidance policy shall be adopted which shall promote the vigorous enforcement of technical standards for new and repaired disposal systems, the proper operation of disposal systems through public education, the monitoring of disposal systems and their effects on surface water and groundwater, and the identification of malfunctioning disposal systems and implementation of effective onsite repairs or alternative solutions.

The WSA adopted a priority matrix for the central sewer service area to ensure that the limited treatment plant capacity of 332,000 gallons per day ("gpd") can be allocated in a logical manner.

Priority	Allocation (gpd)	Type of development
1 st priority	267,000	Existing average metered capacity usage as of 11/1/14
2 nd priority	31,630	Previously allocated capacity to suspended existing usage (Sandy Hook School), paid commercial/industrial property assessment, existing and pending allocation requests
3 rd priority	9,960	Reserve environmental capacity buffer of 3% of permitted capacity of 332,000 gpd
4 th priority	23,410	Unallocated capacity available on a "first come, first serve" basis within the approved sewer service area

V. Designation and Delineation of Sewer Service Areas

The central sewer service area includes all properties that were determined to require sewer service during preparation of the Facilities Plan. The outline of the area generally follows that shown on Plate 1 "Recommended Plan," dated September 3, 1991 of the Facilities Plan but it has been modified during design and by subsequent additions. The WSA hereby adopts and incorporates in this plan the sewer service areas as delineated on the map entitled "Sewer Service Area, Newtown Sewerage System," dated May 11, 1994 and any revisions or additions to sewer service areas on maps subsequently approved by the WSA.

No Sewer Service Area has been established for the Hawleyville area. The Hawleyville Sewerage System serves individual properties and may be extended for economic development approved by the Town and WSA.

VI. Effective Date

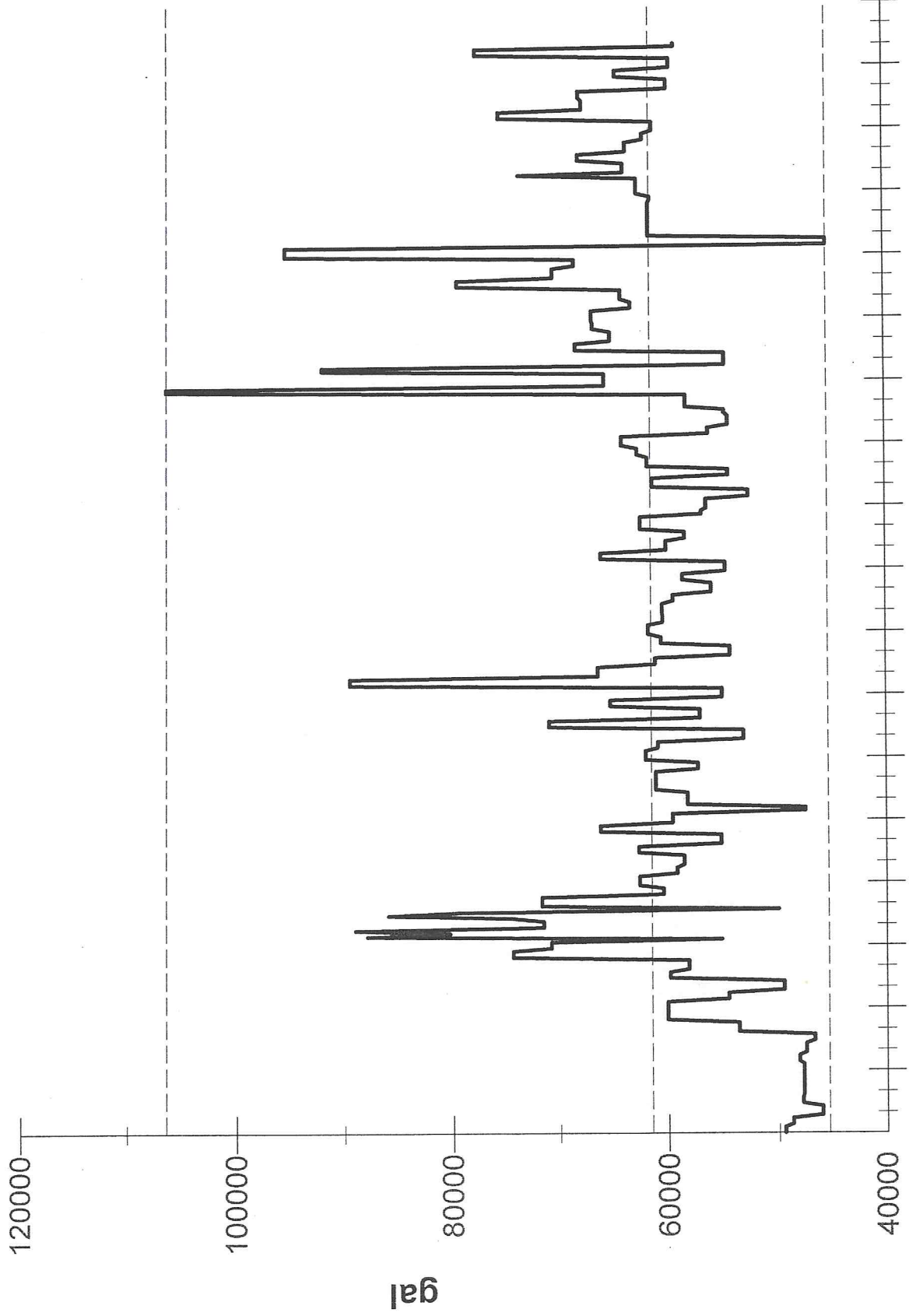
The date of adoption shall be deemed the effective date of this Water Pollution Control Plan. This plan may be amended by the WSA with the approval of the Board of Selectmen. A copy of this plan and any updates shall be filed with the State Commissioner of Environmental Protection.

The original Water Pollution Plan was adopted on February 9, 1995 and previously amended on June 24, 1999 and August 13, 2009.

Date: 1/28/15 Amended: Marianne Brown
Marianne Brown, WSA Chairman

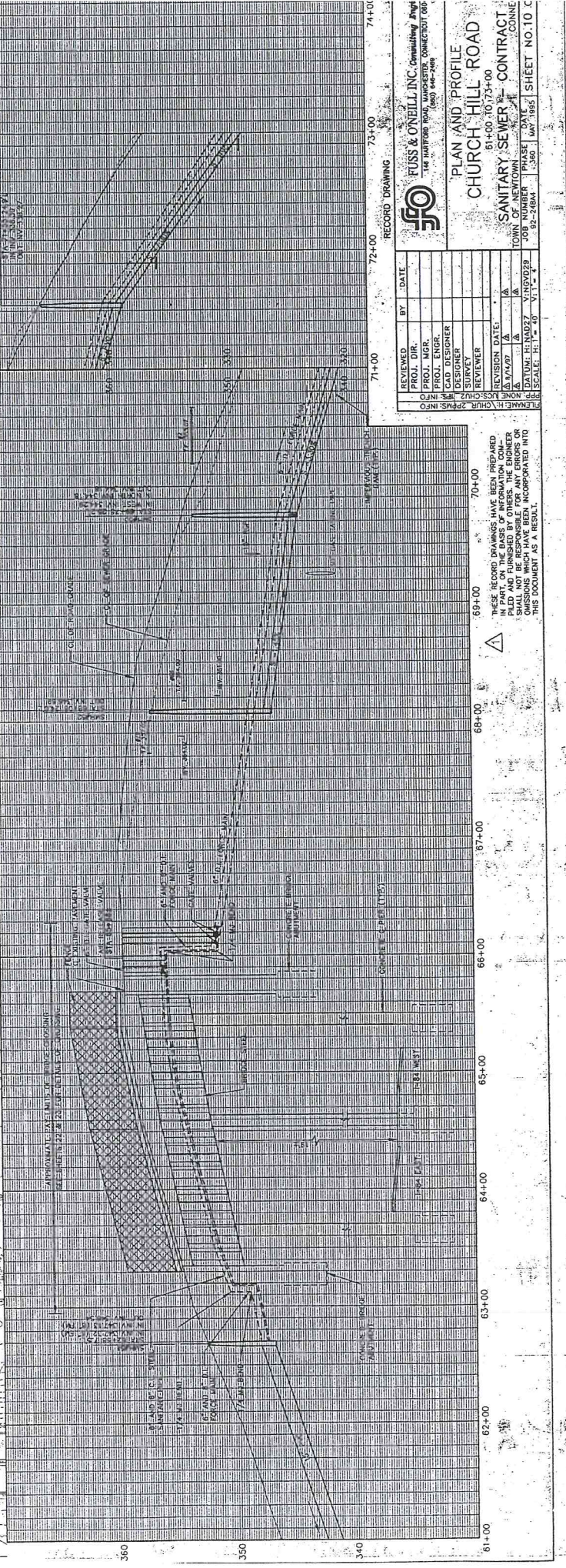
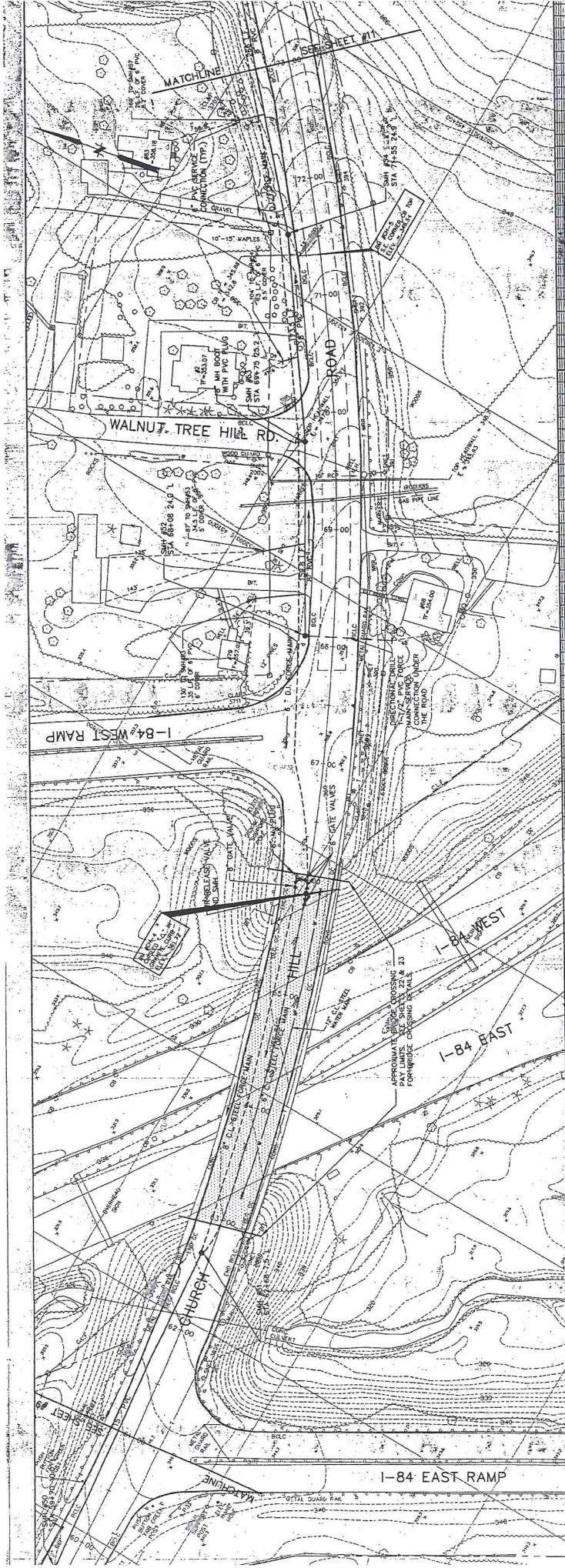
Date: 1/28/15 Approved: E. Patricia Llodra
E Patricia Llodra, First Selectman

SANDY HOOK PUMP STATION



Date (1/1/2011 to 12/31/2011)

/ Sandy Hook PS Flow WIMS (CT NEWTOWN WWTP (NEWTOWN, CT))



REVIEWED	DATE	BY	DATE
PROJECT MGR			
PROJ. ENGR.			
CAD DESIGNER			
DESIGNER			
SURVEY			
REVIEWER			
REVISION DATE:			
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THESE RECORD DRAWINGS HAVE BEEN PREPARED BY THE ENGINEER AND HIS FIRM. THE ENGINEER SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS WHICH MAY BE INCORPORATED INTO THIS DOCUMENT AS A RESULT OF SUCH CHANGES.

REVISION DATE: 4/1/97

DATE: 4/1/97

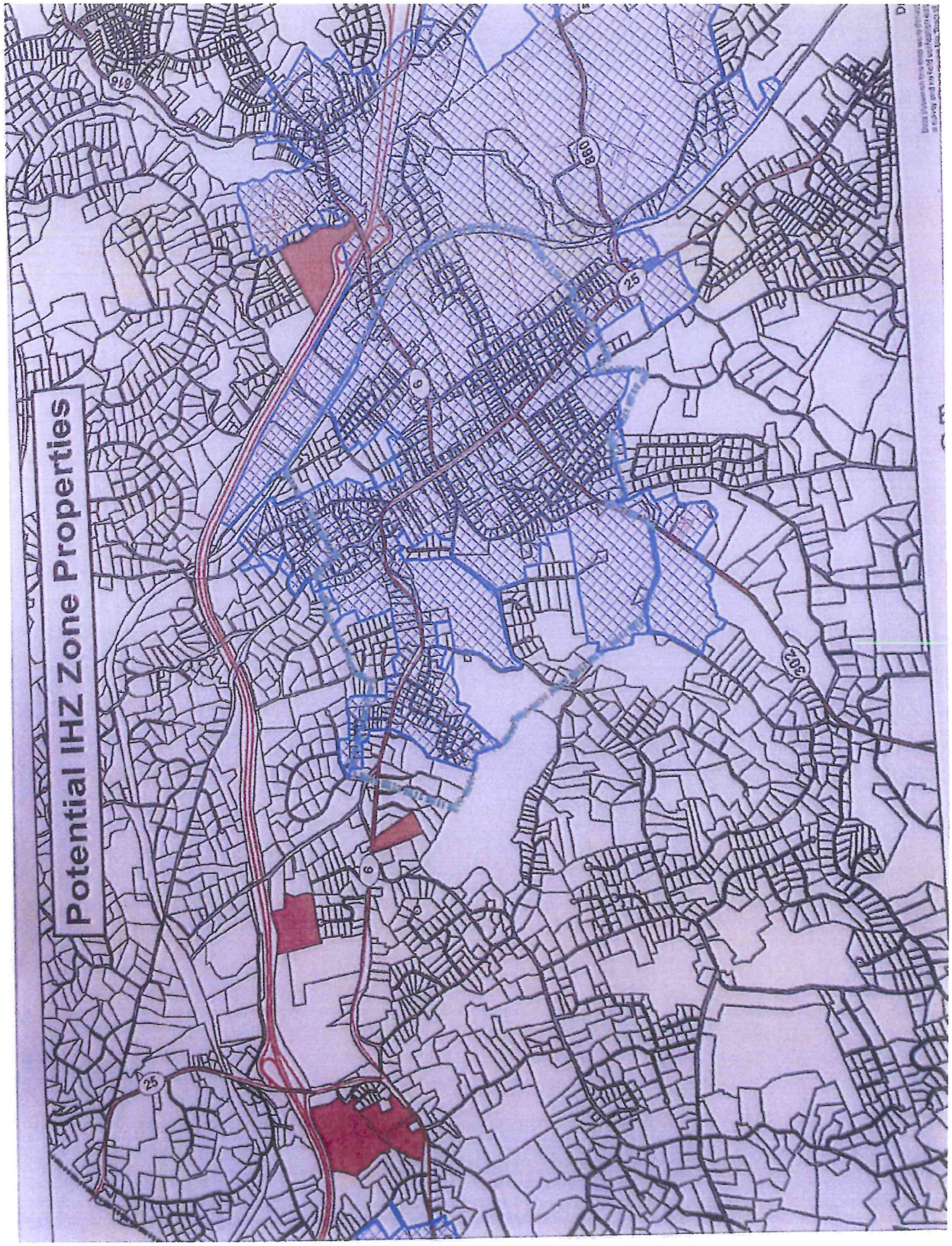
PROJECT: SANITARY SEWER - CONTRACT

CLIENT: TOWN OF NEWTOWN, MASSACHUSETTS

DESIGNER: RUSS & O'NEILL, INC.

PROJECT NO. 10173-00
SHEET NO. 10 C

Potential IHZ Zone Properties



Map prepared by the author
in a hurry and for his personal use

Section 3 - Incentive Housing Overlay Zone – 1/15/15

3.03 Incentive Housing Overlay Zone (IHOZ -10)

3.03.100 Purpose and Intent. The intent of this zone is to allow affordable housing in mixed-use developments at locations with adequate transportation and utility services, in order to provide housing choice and variety for those working in Newtown, single-parent households and aging households, among others. It is a further intent of these regulations to protect open spaces and rural areas of the community by encouraging development in smart growth locations.

The purpose of this zone is to promote the inclusion of affordable housing units in mixed-use, mixed-income developments consistent with topography, soil types and infrastructure capacity. Another purpose is to ensure high-quality design that is sensitive to the rural character of the community and the neighborhood surrounding the development in particular.

As an overlay zone, the IHOZ offers additional regulations to the applicable underlying zoning district regulations. Except as modified in this Section 3, the provisions of the underlying district will govern.

3.03.200 Location Criteria

Applications for a IHOZ-permitted use must meet the following criteria:

- a) Application to amend Official Zoning Map to include IHOZ overlay zone to a particular parcel(s).
- b) Minimum lot size of ten (10) acres.
- c) All parcel(s) must have frontage on a principal arterial roads or State Route.
- d) Applicants must demonstrate that all parcels have access to public sanitary sewer and public water or that the applicant has the ability to acquire such access prior to construction.

3.03.300 Permitted Uses

In all IHOZ developments, not less than twenty percent (20%) of the dwelling units will be conveyed by deeds containing covenants or restrictions which shall require that, for at least thirty years after the initial occupation of the proposed development, such dwelling units shall be sold

or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty percent or less of their annual income, where such income is less than or equal to eighty percent of the area median income. Each application will require an affordability plan, which shall describe in detail how the development will comply with these regulations, and how the affordability covenants and restrictions will be administered.

3.03.310 The following IHOZ uses are permitted by Special Exception:

a) The following uses are permitted by Special Exception in addition to the uses allowed in the underlying zone.

The following uses shall be limited to the R-2, R-3 and Business Zones, provided, however, that the use or uses allowed in this overlay zone may not be in conflict with the primary uses allowed in the underlying zone, so that Apartments and Town Houses will only be allowed in parcels zoned for Residential uses and Mixed-Use Buildings and Developments will only be allowed in parcels zoned for Business uses.

b) Townhouses and Garden Apartments. There shall be no more than twelve (12) units per usable acre based upon deduction of area as applicable. Such density shall be calculated as usable using the total site acreage. Acreage having a slope of 25 percent (25%) or more shall be calculated using 50 percent (50%) of such area. Acreage having wetlands, watercourses or area within base flood elevation as determined by the Federal Emergency Management Agency shall be calculated as usable using 25 percent (25%) of such areas. All other acreage is considered usable site and density shall be calculated at 100 percent (100%).

c) Mixed-Use Buildings. Mixed-use buildings must contain commercial and residential uses, and meet the following provisions:

1) Residential uses are not permitted on the first floor.

2) Commercial uses in such buildings are limited to retail, professional office, restaurant, financial institutions, and personal service establishments.

3) No more than 12 dwelling units per usable acre are allowed. Such density shall be calculated as usable using the total site acreage. Acreage having a slope of 25 percent (25%) or more shall be calculated using 50 percent (50%) of such area. Acreage having wetlands, watercourses or area within base flood elevation as determined by the Federal Emergency Management Agency shall be calculated as usable using 25 percent (25%) of

such areas. All other acreage is considered usable site and density shall be calculated at 100 percent (100%).

d) Mixed-Use Developments. Mixed-use developments are developments of multiple buildings on a parcel or adjacent parcels under unified ownership or control that includes at least one building containing residential use and at least one building containing commercial use(s). Mixed-use developments shall meet the following provisions:

1) Residential units are permitted in townhouse and garden apartment structures only.

2) Commercial uses are limited to retail, professional office, restaurant, financial institutions.

3) No more than twelve (12) dwelling units per usable acre are allowed. Such density shall be calculated as usable using the total site acreage. Acreage having a slope of 25 percent (25%) or more shall be calculated using 50 percent (50%) of such area. Acreage having wetlands, watercourses or area within base flood elevation as determined by the Federal Emergency Management Agency shall be calculated as usable using 25 percent (25%) of such areas. All other acreage is considered usable site and density shall be calculated at 100 percent (100%).

3.03.400 Area, Height, Yard and Building Coverage Requirements. Article VII, Area, Height and Yard Requirements and all other applicable sections of these regulations apply, in addition:

a) Street frontage. Each lot shall have a minimum frontage of 100 feet.

b) Front yard setback. The minimum setback from the street shall be seventy-five (75) feet from the street line and in the Hawleyville and Sandy Hook Design Districts, the front setback shall be in compliance with the applicable zone regulations. Adjacent parcels to the Design Districts could utilize the front setbacks for the specific Design District at the discretion of the Commission.

c) Side and Rear Setbacks. The minimum side yards shall be thirty-five (35) feet, and the minimum rear yard shall be fifty (50) feet.

d) Building Height: No building shall exceed thirty-six (36) feet in height above the average finished ground level to the midpoint of the roof at the side of the building closest to the street or private road and no portion of the structure shall be more fifty-four (54) feet to the highest point of the ground level on any side of the building and no structure shall be more than

ten (10) feet below the average finished ground level at the front of the building.

e) Building coverage: Building coverage shall not exceed thirty percent (30%)

f) The Commission by a 4/5 vote can approve modifications to 3.03.400 on a project specific basis, including but not limited to the following parameters; topography, building design and aesthetics.

3.03.500 Building Design Standards

Each Townhouse dwelling unit shall have an entrance providing direct access to the exterior, which access shall not be shared in common with any other dwelling unit.

Affordable units shall be of a construction quality that is comparable to market-rate units within the development, and shall be dispersed throughout the development.

3.03.600 Building Design Standards

Dwelling units shall contain no less than one (1) bedroom and no more than three (3) bedrooms.

Affordable units shall be of a construction quality and design that is comparable to market-rate units within the development, and shall be dispersed throughout the development. The set-aside units shall contain at least twenty percent (20%) of the total bedrooms proposed for the project.

(a) Facades

- i. Building greater than sixty (60) feet in length shall be visually broken into smaller elements and incorporate architectural details in order to add visual character and human scale.
- ii. Ground floor "front facing" facades shall incorporate projecting covered entries at least three (3) feet in depth.
 - a. Entrances should be designed to reflect a scale for the number of dwellings / tenants served.
 - b. Entrances serving multiple dwellings / tenants may use a variety of detailing to provide identity within a building and a complex.
- iii. No uninterrupted length of any façade, except as noted below, shall be permitted to exceed the lesser of forty (40%) percent of total length of the façade or forty (40) feet without incorporating a change in color, material, texture / pattern, projection, recess, window, balcony, trellis, or similar

architectural feature.

- a. Exception. Accessory structures less than twenty (20) feet in height and twenty-four (24) feet in depth used for housing automobiles; for example, carports and garages that are designed to complement the building and site and that incorporate like materials. Clubhouse is not an accessory structure. Cupolas are also allowed on top of the roofs of carports and garages.
 - iv. Front façade design may incorporate a distinction between ground floor and upper stories through the use of masonry water-tables, entry features, and other architectural elements appropriate to the scale and design of the building.
 - v. Placement of windows and other major architectural elements / features on upper stories shall to the extent practicable be arranged with a balanced spacing and evident rhythm.
 - vi. Blank wall surfaces greater than twenty (20) feet along the horizontal plane of the building are prohibited at the street level on any building façade adjacent to a sidewalk or public way.
 - vii. Where blank wall surfaces are permitted and deemed necessary, wall panels, pilasters, building bays, or other architectural elements shall be carried across the blank surface to relieve uninteresting facades. A waiver may be granted by the commission to this requirement for facades that are within, or will be within, ten (10) feet of an adjacent building and therefore not visible from the public ways.
 - viii. Residential side and rear facades which are visible from the public ways shall be articulated in a manner compatible with the design of the front façade.
- (b) Materials and Colors
- i. New building materials shall be selected to convey a sense of quality, durability and permanence, and shall be economically maintained and able to retain their appearance over time.
 - ii. Building façade materials permitted within the district include brick, stone, wood, cementitious fiberboard, cast stone, manufactured limestone, PVC trim and vinyl.
 - a. Artificial / faux materials can be used provided they are of good quality and consistent with "natural" / traditional materials.
 - iii. Stone, cast stone, cultured stone or brick veneers can be used as an accent material to provide scale to a building. It is encouraged to use stone water-tables at the first floor and to establish a horizontal datum for the building to grow from the site. These veneer materials are encouraged to be used as architectural elements such as piers, columns, column bases, chimneys, stepped

vertical material offsets, etc. to provide scale and detail to larger building(s).

- iv. Poured-in-place concrete or pre-cast concrete are appropriate as a basic building material provided special consideration is given to formwork, pigments, and aggregates to create a rich surface.
- v. A limited but consistent pallet of materials is encouraged to be used to establish both uniformity and variety at human scale with-in the zone.

(c) Roofs

- i. Roof forms shall complement the buildings in terms of style, detailing and material.
- ii. Roof forms may vary within a building and shall include sloped roofs, parapets, decorative cornice treatments, soffits, overhangs from six (6) inches to thirty-six (36) inches, dormers, cupolas, or other architectural element to complement the building without creating a cluttered visual appearance. Cupolas, parapets, bulkheads and mechanical screening can range from 4 feet to 17 feet and are in addition to maximum building height.
- iii. Flat roofs shall be screened from public view using parapets or other architectural elements.
- iv. Mechanical equipment, metal chimneys, chimneys, elevator shafts and stair bulkhead roofs shall be encouraged to be screened from public view using parapets or other architectural element.

3.03.610 Parking. Parking shall conform to the requirements of Article VIII, Section 3 in general.

Shared parking for mixed-use buildings and mixed-use developments is encouraged to reduce impervious surfaces. Applicants should submit a Parking Demand Study conducted by a qualified firm, which details peak parking demand by uses and recommends a shared parking arrangement.

The minimum number of parking spaces required shall generally comply with Section 8.03.600. The Commission may reduce parking requirements where the applicant submits data or a plan demonstrating the adequacy of the lower number.

3.03.620 Private roads. Private roads within IHOZ developments shall be Twenty-two (22) feet wide with a surface that meets Town standards (may want to encourage/incentivize pervious surfaces).

3.03.630 Pedestrian Circulation. In all developments, sidewalks and pedestrian pathways shall be constructed on frontage roads to connect with proposed or existing Town sidewalks. Internal on-site sidewalks constructed at the Commission's discretion.

3.03.640 Landscaping. Existing vegetation and natural changes in topography shall be maintained to the greatest extent possible in designing site development. Screening from adjacent properties shall be enhanced by maintaining existing vegetation and topography shall be supplemented with fences, walls, berms and dense landscaping which will adequately screen MUMI developments from adjacent properties year round.

3.03.650 – Lighting – Lighting Plan shall conform to Article VIII - Supplemental Regulations, Section 5- Exterior Lighting.

303.03.660 – Design Advisory Board – The project shall be reviewed by the Design Advisory Board in compliance with Newtown Zoning Regulation, 2.02.330.

303.03.650 – Traffic Report – A traffic impact analysis shall be completed by a certified traffic engineer.

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Newtown Health District
*serving the towns of
Bridgewater, Newtown
and Roxbury*

NEWTOWN DISTRICT DEPARTMENT OF HEALTH

March 11, 2015

TO: Newtown Water and Sewer Authority (WSA)

COPY: Fred Hurley, Director of Public Works
File

FROM: Donna M. Culbert, MPH, PE, RS *DMC*
Director of Health

RE: Sewer Service Area of Newtown

The WSA is currently reviewing the Sewer Service Area and Sewer Avoidance Area as part of a Public Hearing process. This writer, as well as many of the individuals who serve on or for the WSA, had worked on the development of the wastewater management plan for the Town of Newtown in the 1980s and 1990s and continue to work on its successful operation today.

The Town of Newtown was under Order by the State of Connecticut Department of Environmental Protection to investigate its wastewater pollution problems and to develop and implement a plan to remedy those problems. A thorough investigation and data collection process was conducted which included on-site sanitary surveys (investigative walk-overs) of more than 1,000 properties. Very extensive review was conducted of the properties along proposed sewer lines to account for existing use as well as potential future use, for the purpose of determining wastewater flows for sizing sewer pipes, pumping stations and ultimately the capacity of the wastewater treatment plant.

The driving force for the work and the adopted and implemented plan was to abate pollution with a long-term wastewater disposal solution. The Town was under Order from the CT DEP. The planning, design and construction was funded in part by the Clean Water Fund as well as town tax dollars. There was extensive work and review to limit the size of the solution, as the cost to implement was in the tens of millions. There was no consideration for economic growth - it was a wastewater pollution abatement project.

If you have any questions or require any additional information, please contact me.