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TOWN OF NEW MILFORD SEWER COMMISSION

SEWER USE REGULATIONS

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TOWN OF NEW MILFORD SEWER COMMISSION

SEWER USE REGULATIONS

1.0 SEWER USE PERMITS

No person shall uncover, make any connection with or opening into, alter, repair, disturb, use or discharge to any public sewer or appurtenance thereof without first obtaining a written Sewer Use Permit from the Sewer Commission. No person shall increase the volume of sewage nor change the character of pollutants discharged to the sewer system nor expand or change the use of any premises without first obtaining a written Sewer Use Permit from the Sewer Commission.

The Sewer Commission's decision to issue a Sewer Use Permit shall be based upon the Commission's determination that the proposed sewer use complies with the requirements of the Sewer Use Regulations. Existing and future sewer treatment capacity shall be available to existing and proposed sewer users in a manner which is consistent with the priorities set forth in the New Milford Plan of Conservation and Development, adopted on October 29, 1997, by the New Milford Planning Commission; and in a manner which is consistent with the Commission's objective of avoidance, abatement and mitigation of existing or threatened pollution problems. The Plan of Conservation and Development recommends that priority in the use of sewage treatment capacity

for future development be given to non-residential uses which will strengthen the tax and employment base of the Town; and that the use of sewage treatment capacity to serve residential uses be limited to such density of development as is permitted by the Zoning Regulations for the zoning district in which the property to be served is classified. Unless necessary to abate or mitigate an existing or threatened pollution problem, all community sewerage systems (as defined by Section 7-245 of the General Statutes, as amended) involving package treatment plants, pump stations, subsurface septic systems or subsurface leaching system shall be prohibited.

1.1 FILING: APPLICATION FOR SEWER USE PERMIT

Any property owner or person having an equitable interest in property by virtue of a contract of sale, desiring to discharge sewage to the public sewer system, or to increase the volume of sewage discharged to the public sewer system, or to change the character of the pollutants being discharged to the public sewer system, or to change the use of any premises discharging to the sewer system shall file an application for a Sewer Use Permit with the New Milford Sewer Commission. Those applications filed by a person having an equitable interest in property by virtue of

a contract of sale shall be signed by the property owner by way of consent.

1.1.1 PAYMENT OF DELINQUENT CHARGES AND ASSESSMENT

No Sewer Use Permit shall be issued by the Sewer Commission with respect to any property for which sewer use charges or assessments are delinquent. Each applicant for, or person desiring or requiring, a Sewer Use Permit shall pay all delinquent sewer use charges and delinquent sewer assessments with respect to the property for which such permit is sought prior to the issuance of a Sewer Use Permit with respect to such property.

Similarly, no Sewer Connection Permit shall be issued by the Sewer Commission with respect to any property for which sewer use charges or assessments have become delinquent subsequent to issuance of a Sewer Use Permit.

For the purpose of these regulations, charges, fees and assessments payable in installments shall be considered delinquent if they remain unpaid for thirty (30) days following issuance of a bill for same.

In the case of delinquent use charges, fees and assessments subject to payment plans over time, such charges, fees and assessments shall be deemed delinquent until fully paid.

1.2 RESIDENTIAL/MULTI-FAMILY PERMIT

In the case of an application for a Sewer Use Permit for a single-family dwelling or a multi-family complex, the applicant shall provide the Sewer Commission with the following information:

- a) Number of separate dwelling units
- b) Total number of rooms
- c) Total number of bedrooms
- d) Source of water

1.3 COMMERCIAL PERMITS

In the case of an application for a Sewer Use Permit for commercial establishments, the applicant shall provide the Sewer Commission with the following information:

- a) Total number of separate commercial units
- b) Total number of rooms
- c) Total number of rooms with sanitary facilities
- d) Total number of persons employed
- e) Total number of employee hours per day
- f) Type or types of business
- g) Source of water

1.4 INDUSTRIAL PERMITS

In the case of an application for a Sewer Use Permit for industrial establishments, the applicant shall provide the Sewer Commission with the following information:

- a) Total number of persons employed
- b) Total number of employee hours per day
- c) Type or types of products
- d) Nature of industrial waste
- e) Average daily quantities of industrial wastes
- f) Maximum hourly quantity of industrial waste
- g) Other waste characteristics
- h) Source of water

1.5 ADDITIONAL SEWER USE PERMIT APPLICATION REQUIREMENTS

1.5.1 Zoning/Use Conformity. All applicants must file with their application for Sewer Use Permit a copy of a valid zoning permit (or evidence in writing from the zoning enforcement officer that the proposed building and/or use will satisfy the zoning requirements in those cases where the issuance of a zoning permit is conditioned upon prior receipt of a Sewer Use Permit), a copy of the deed on file with the Town Clerk evidencing current ownership of the property, an A-2 survey or plot plan satisfactory to the Commission, and a detailed sewer plan of proposed buildings including their connection to the sanitary sewer line.

1.5.2 Special DEP Permits. All applicants who desire to discharge (1) sewage in excess of 5,000 gallons per day; (2) industrial waste waters; and/or (3) cooling waters to the New

Milford Sewage Treatment Plant must first obtain a permit from the Department of Environmental Protection under the provisions of Section 22a-430 of the Connecticut General Statutes and a copy of such permit must be filed with such applicant's application for a Sewer Use Permit.

1.5.3 Cash Deposit; Performance Bond. In order to assure completion of the work associated with any Sewer Use Permit and compliance with the provisions of Section 2.0 et. seq. of these Regulations, no Sewer Use Permit shall be issued unless the applicant has first provided the Sewer Commission with a \$750.00 deposit by cash, bank or certified check to insure completion of the permit work in accordance with the requirements of these Regulations. Such cash deposit or bond shall be in addition to fees prescribed by the Sewer Commission for professionals engaged by the Sewer Commission or for the costs of inspections to assure compliance with the technical specifications of connection. Upon the completion of the permit work in accordance with these Regulations, the permittee shall be entitled to the return of the \$750.00 deposit. In the event that the permittee fails to complete the permit work in accordance with these Regulations or in the event that the permit expires, such cash deposit shall be forfeited to the Sewer Commission. In lieu of requiring a cash deposit, the Sewer Commission may authorize the applicant to post

a performance bond with surety in the amount of not less than two thousand two hundred fifty (\$2,250.00) dollars conditioned upon the completion of the permit work and compliance with these Regulations. Persons engaged in the business of making sewer connections may post a performance bond to cover not more than three installations at any one time. When a performance bond is authorized, such performance bond shall be in the form authorized for use by the Commission's Attorney. The surety shall be a company authorized to act as surety by the State of Connecticut and shall be subject to approval by the Sewer Commission.

1.5.4 Waiving of Deposit or Bond. The Sewer Commission may waive the cash deposit and/or performance bond requirement for expansion or change in use of premises or for change in the character of the discharge where no new permit work is required.

1.5.5 Charge for Inspections. The Sewer Commission will provide for reviews, construction observation and technical and administrative services associated with the construction of the work. When, due to the size or scope of a project requiring an internal collection system, it may be necessary for the Sewer Commission to retain outside technical assistance to assure compliance with the regulations, any costs incurred by the Sewer Commission to provide these services shall be paid by the applicant. The application for a Sewer Use Permit shall be

accompanied by an inspection fee established by the Commission in an amount estimated to meet the Commission's expense for outside engineering review and report. Any funds not needed by the Commission shall be returned to the application within 30 days of issuance of the sewer use permit.

1.6 VALIDITY OF PERMIT APPLICATIONS

Applications for Sewer Use Permits shall be considered only when the Sewer Commission determines that the public sewer system is capable of conveying and adequately treating the sewage to be discharged. Applications for Sewer Use Permits which are incomplete or which are not accompanied by the items specified in paragraph 1.5 of these Regulations shall not be approved.

2.0 SEWER USE PERMIT: STANDARDS OF CONSTRUCTION - LAPSE OF PERMIT

Upon approval of a Sewer Use Permit application and the payment by the applicant to the Sewer Commission of a non-refundable Sewer Connection Fee in accordance with Section 5.2 et seq. of these Regulations, the applicant is authorized to

construct the building sewer in accordance with the sewer plan, as filed, and subject to the requirements set forth in the Town Ordinances and Regulations governing sewer use. The Connection Fee shall be paid to the Sewer Commission prior to the issuance of the Sewer Use Permit, customarily upon application for such permit.

The Sewer Use Permit shall automatically lapse one hundred eighty (180) days after the date of the issuance unless a written extension is granted by the Sewer Commission prior to the expiration of said one hundred eighty (180) day period. Within such time period, the permittee must construct the sewer, complete the connection to the sewer line and obtain an inspection and approval of the connection by the Sewer Commission. No discharge to the sewer system shall be permitted until after the filing of "as-built" drawings and only after all work, including the actual connection to the sewer line, has been inspected and approved by the Sewer Commission. Upon connection to the sewer system, the permittee shall be billed for, and shall be obligated to pay, the sewer use charges, regardless of discharge.

Once a Sewer Use Permit has lapsed, a new Sewer Use Permit application will be required before further authorization to construct and connect the building sewer will be granted. All

work on the construction of the building sewer shall immediately cease whenever the Sewer Use Permit under which it is being performed has lapsed.

2.1 SEWER USE PERMIT: EXISTING BUILDING SEWERS

Existing building sewers may be used in connection with existing buildings only when they are found, on examination and testing by the Sewer Commission, to be not less than 4" in diameter and to meet all requirements of these regulations and only with a written permit from the Sewer Commission.

2.2 SEWER USE PERMIT: ABANDONMENT OF SEPTIC TANKS

Prior to connecting any building to the municipal sewer system, the owner shall abandon any existing septic tank, or other hollow leaching structure, in such a manner as to eliminate the danger of collapse or entry into such septic tank or leaching structure. Prior to abandonment, the septic tank or leaching structure shall be pumped of all septic wastes. The accepted methods of abandonment shall be to crush such tank or structure and backfill with clean soil or to fill the tank or structure with medium to coarse sand. Notwithstanding the foregoing, prior to abandonment, the owner shall secure a permit authorizing such abandonment from the Director of Health and shall comply with all requirements imposed by the Director of Health.

2.3 SEWER USE PERMIT: SIZE, SLOPE & LOCATION OF BUILDING SEWERS

The size of and slope of the building sewer shall be subject to the approval of the Sewer Commission, but in no event shall the diameter be less than six (6) inches, except as provided in Section 2.1. The slope of such six-inch pipe shall not be less than one-quarter inch per foot except as otherwise authorized by the Commission.

For multi-family buildings, the Sewer Commission may require the installation of a separate and independent building sewer line for each dwelling unit.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipes and fittings.

No building sewer shall be constructed within 25 feet of a water supply well. If a building sewer is constructed within 25-75 feet of a water supply well it shall be constructed in accordance with all applicable guidelines promulgated by the Department of Environmental Protection and/or Department of Health.

2.4 SEWER USE PERMIT: SEWER LIFT STATIONS

In all buildings in which a building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by an approved artificial means and discharged to the building sewer. Duplex lift systems shall be provided for commercial and industrial buildings. All lift station design and installation must be approved by the Commission.

2.5 SEWER USE PERMIT: BUILDING CODE COMPLIANCE & INSPECTION

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench and connection of the building sewer to the public sewer shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town of New Milford. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM shall apply.

All excavations required for the installation of a building sewer shall be open trench work, unless otherwise approved by the sewer commission. The water level in the trench shall be maintained at a level below the building sewer. No discharge

into the public sewer shall be made until such time as the building sewer and connection has been inspected and approved. No trench containing a building sewer shall be backfilled until the Sewer Commission has completed an inspection of and approved the work.

The applicant for the Sewer Use Permit shall notify the Sewer Commission when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Sewer Commission or its authorized agent. Special fittings may be used for the connection of the building sewer to the public sewer only when approved by the Sewer Commission or its authorized agent.

All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property may be disturbed in the course of the work only pursuant to a permit issued to the applicant by the Department of Public Works and shall be restored in a manner satisfactory to such Department.

2.6 COST OF CONSTRUCTION

All cost and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that

may directly or indirectly be occasioned by the installation of the building sewer.

2.7 MAINTENANCE AND REPAIR OF BUILDING SEWER.

A "building sewer" means the entire length of pipe from a building to the connection at the publicly owned sewer main, including the portion within public easements and right-of-ways.

It shall be the responsibility of the building owner, whose property is benefited by the building sewer, to make all necessary maintenance, repairs, extensions, relocations or changes for a building sewer.

3.0 EXPANSION PERMIT: SEWAGE COLLECTION SYSTEM

3.1 GENERAL

When the Sewer Commission has adopted a water pollution control plan as provided for in Conn. Gen. Stat., Sec. 7-246(b), which provides for an expansion of the sewage collection system, and when a preliminary or detailed design for such expansion or a

portion thereof has been approved by the Sewer Commission and by the Planning Commission or legislative body pursuant to Conn. Gen. Stat., Sec. 8-24, then, in such event, the sewage collection system may be expanded to accommodate real estate development located within such expansion area as provided for herein. Any such expansion shall be consistent with and complementary to the New Milford Plan of Conservation and Development, as currently in effect, by the New Milford Planning Commission; and shall be restricted to serve property located within the "Central Development Area" as delineated on that certain map entitled "Land Use Plan, New Milford, Connecticut" as revised, as contained in said Plan of Conservation and Development. Areas beyond the boundaries of said "Central Development Area" are areas where sewers are to be avoided except a) where necessary to abate or mitigate an existing or threatened pollution problem; and b) where it is demonstrated to the satisfaction of the Commission, based upon a favorable recommendation by the Planning Commission, that the Town of New Milford will realize a distinct and significant benefit from the extension of the sewerage collection system beyond the limits of said "Central Development Area".

3.2 EXPANSION OF SEWAGE COLLECTION SYSTEM BY OWNER OR DEVELOPER

3.2.1 Application. Any person desiring to connect property to the sewerage system where the sewage collection system does not serve such property, or where the existing sewage collection system requires upgrading, shall apply to the Commission for an Expansion Permit.

3.3 PRELIMINARY APPLICATION

Prior to the submission of an application for an Expansion Permit, any person desiring to expand the sewer collection system shall file a Preliminary Letter Application describing the purpose and nature of the proposed expansion and addressing the items described in this section. The Preliminary Letter Application shall be submitted to the Commission not less than ten (10) days before a regular meeting and must be reviewed and approved by a majority of the full Commission at a regular meeting of the Sewer Commission. The Preliminary Letter Application shall serve as a basis for determining (1) whether the proposed expansion is consistent with the Water Pollution Control Plan; (2) whether the proposed expansion is consistent with a preliminary or detailed design which has been previously approved by the Sewer Commission; (3) whether the proposed expansion has been submitted by the Sewer Commission to the Planning Commission for consideration pursuant to Section 8-24 of

the General Statutes and the nature of the Planning Commission's report to the Sewer Commission; (4) whether the proposed expansion is for the connection of residential uses, and if so, whether at a density of development permitted by the New Milford Zoning Regulations for the zoning district in which the property to be served is classified; and (5) the basis for the design requirement of any such proposed expansion.

3.4 APPLICATION

3.4.1 Application form and requirements. The application shall be of such form and type as the Commission may prescribe. An application must be accompanied by five (5) complete sets of maps or plans of the proposed work. Said plans or maps shall be prepared as class A-2 survey, certified by the applicant's design engineer and shall show:

- a. all proposed sewer lines, trunks, laterals and mains, including any affected portions of the existing sewage collection systems,
- b. all affected public or private roadways, rights of ways or private access ways,
- c. all adjoining properties, property boundaries, property dimensions, and record owners thereof,
- d. location of all utilities,
- e. location of all existing or planned lots and structures,

f. location and dimensions of all proposed easements. Sewer easements shall be not less than twenty-five (25') in width.

The applicant shall provide information on the number and type of dwellings and/or buildings contemplated for construction and the existing and proposed use of the property to be served by the proposed expansion or improvement of the sewage collection system. The applicant shall provide the Commission with written assurance that Commission members or designees thereof will be permitted to make reasonable inspection of the site before, during and after construction. The Commission may require additional information as it deems necessary. The application shall be accompanied by an application fee established by the Commission to meet the Commission's estimated expense for administration and for engineering and legal review and analysis. The minimum of such fee shall be \$3,500.00.

3.4.2 Permit application submittal. In order for the Commission to consider any application at a regularly scheduled meeting, the application must be submitted to the Commission at its office at least ten (10) days prior that meeting.

3.4.3 Waiver. The Commission may, upon a showing of undue hardship by the applicant, waive any application requirement.

3.4.4 Approval. Unless it decides otherwise, the Commission shall not consider an incomplete application. Before

the Sewer Commission approves an application under subsection 3.4, the proposed work as shown on the plans shall (1) be consistent with the Sewer Commission's water pollution control plan, (2) conform to the design, easement and contract requirements of the Sewer Commission, (3) be approved pursuant to Section 8-24 of the General Statutes, (4) if intended for the connection of residential uses, be consistent with the density of development permitted by the New Milford Zoning Regulations for the zoning district in which the property to be served is classified, (5) be performed by a contractor approved by the Sewer Commission, (6) be subject to inspection during construction by the Sewer Commission and (7) if work is to be performed within public rights of way or upon public property, be secured by performance and payment bonds in the form and with surety approved by the Town or Commission Attorney in amounts equal to one hundred percent (100%) of the estimated cost of such work, and (8) if the Sewer Commission is to acquire or construct any part of the proposed work, be subject of a public hearing and notice pursuant to Section 7-247a of the General Statutes. The owner or developer shall provide the Sewer Commission with all necessary easements in a form satisfactory to the Town or Commission Attorney before commencing such work and with complete "As-Built" plans and elevations within 30 days following the

completion of such work. The Sewer Commission shall closely monitor the construction. As a condition of approval, the owner or developer shall be required, within thirty (30) days of billing, to reimburse the Commission for all expense incurred by the Commission in the administration of the project and for engineering and legal review, analysis and inspections. The application fee required by Section 3.4.1 shall be applied against such expense.

3.4.5 Bond. Prior to final acceptance of such sewage collection system, such owner or developer shall file with the Sewer Commission a surety or cash bond, in a form acceptable to the Sewer Commission, in the amount of ten percent (10%) of the value of the work accepted. The term of such bond shall be one (1) year from the date of final acceptance for sewer lines and manholes and three (3) years from the date of final acceptance for other structures and for all electrical, mechanical and pumping equipment. Such bond shall be held to assure proper maintenance of such sewage collection system. During such maintenance period, the owner/developer shall, when notified by the Sewer Commission or its agent, promptly, and at such owner or developer's expense, repair all defects and failures in the construction or operation of such sewage collection system occurring during such one year period. Should

the owner or developer fail to cure and repair such defect or failure, the Sewer Commission, upon written notice to the owner or developer and to the surety, may cause the required repairs or replacements to be made and recover the cost of same from said maintenance bond.

3.4.6 Connection Fee. Notwithstanding the expansion or improvement of the sewage collection system by an owner or developer pursuant to section 3.4 hereof, a sewer connection fee shall be paid by such owner or developer at the time application is made for a Sewer Use Permit. (See Sections 1.0 through 2.0 hereof.) Such fee shall be in an amount and shall be payable on the same terms and conditions as prevailing for new sewer users on the date such connection fee is imposed as prescribed under Sections 5.0 et seq. of these regulations.

3.5 DEVELOPMENT REQUIRING OWNER/DEVELOPER DESIGN AND CONSTRUCTION OF COMMUNITY SEWERAGE SYSTEM

3.5.1 Approval of plan. Any person desiring to construct, enlarge, modify, or install a community sewerage system as defined in Section 7-245 of the General Statutes, or any part thereof, shall, before such construction, enlargement, modification or installation, apply to the Sewer Commission for

approval of the design and layout of such community sewerage system and for permission to construct said system. No community sewerage system shall be approved to serve residential uses at densities greater than permitted by the New Milford Zoning Regulations for the zoning district in which the property to be served by such community sewerage system is located. Unless necessary to abate or mitigate an existing or threatened pollution problem, no community sewerage system involving proposed package treatment plants, community pump stations, subsurface septic systems or subsurface leaching systems shall be permitted.

3.5.2 Application form and requirements. The application shall be of such form and type as the Commission may prescribe. An application must be accompanied by a complete set and five (5) copies of maps or plans of the proposed work. Such plans or maps shall be stamped by a licensed engineer and shall show:

- a. all proposed sewer lines, trunks, laterals, connections and mains, pump station and sewage treatment facilities including any affected portions of the existing municipal sewage collection system,
- b. all affected public or private roadways, rights of ways and private access ways,
- c. location of all existing or planned utilities,

- d. location of all existing or planned structures,
- e. location and dimensions of all proposed easements.

The applicant shall provide information on the number and type of dwellings and/or buildings contemplated for construction and the existing and proposed use of the property to be served by the proposed community sewage system. The applicant shall identify the zoning district in which the property to be served by the proposed community sewerage system is located and shall specify the residential density permitted by the Zoning Regulations for such zoning district. The applicant shall provide the Commission with written assurance that Commission members or designees thereof will be permitted to make reasonable inspection of the site before, during and after construction. The Commission may require such additional information as it deems necessary. The application shall be accompanied by an application fee established by the Commission to meet the Commission's estimated expense for administration and for engineering and legal review and analysis. The minimum of such fee shall be \$3,500.

3.5.3 Permit application submittal. In order for the Commission to consider any application at a regularly scheduled meeting, the application must be submitted to the Commission at its office at least ten (10) days prior to that meeting.

3.5.4 Waiver. The Commission may, upon a showing of undue hardship by the applicant, waive any application requirement.

3.5.5 Planning Commission Approval. Prior to any approval of an application respecting a Community Sewerage System, the Sewer Commission shall forward same to the Planning Commission for its consideration as to whether such system should be accepted as a municipal sewer improvement as provided for in Section 8-24 of the General Statutes.

3.5.6 Approval of Community Sewerage System. Unless it decides otherwise, the Commission shall not consider an incomplete application. Before the Sewer Commission approves an application, the plans shall (1) satisfy the requirements of Section 7-246f of the General Statutes, (2) be consistent with the Sewer Commission's water pollution control plan and the requirements of the Sewer Use Regulations, as amended, (3) conform to the design, easement and contract requirements of the Sewer Commission, (4) be approved by the Zoning Commission and by the Inland Wetlands Commission as to compliance with applicable zoning and Wetlands Regulations, (5) have received prior approval from the Inland Wetlands Commission and from the Zoning Commission, (6) be performed by a contractor approved by the Sewer Commission, (7) be subject to inspection during construction by the Sewer Commission, (8) be secured by a cash

performance bond or approved form of letter of credit issued by a Connecticut banking institution approved by the Commission equal to one hundred percent (100%) of the estimated cost of the work, and (9) conform to such other requirements established by the Commission to preserve the public health and safety and to preserve water quality, including, but not limited to, the execution of a permanent management and depreciation escrow agreement ensuring the proper management, maintenance and replacement of the community sewerage system upon terms and conditions established by the Commission, including provision for a cash escrow providing for ten percent (10%) funding of the replacement cost of such system. The applicant shall provide the Sewer Commission with all proposed manufacturer equipment warranties, contractor warranties and necessary easements in a form satisfactory to the Town or Commission Attorney before commencing any work on the community sewerage system and with complete "As-Built" plans and elevations of the system within thirty (30) days following the completion of such work. In addition, as a condition of approval, the owner or developer, within thirty (30) days of billing, shall be required to reimburse the Commission for all expenses incurred by the Commission in the administration of the project and for engineering and legal review, analysis and inspections. The

application fee required by Section 3.5.2 shall be applied against such expense.

3.5.7 Acceptance of Community Sewerage System. Upon completion of the work associated with such community sewerage system, the applicant shall offer same to the Sewer Commission for acceptance into the municipal sewer system together with a Bond as required by Paragraph 3.5.8 hereof. If said community sewerage system is accepted by the Commission, the ownership of the system shall be conveyed to the Town of New Milford, along with such manufacturer and contractor warranties, easements and rights-of-way which, in the opinion of Sewer Commission are necessary for the operation, maintenance, and repair of the system. Municipal ownership shall include all collection works and pump stations, but shall not include laterals between buildings and collector sewers, nor any interior facilities. Upon acceptance, the Sewer Commission shall assume responsibility for operation, maintenance and repair of the portion of the system owned by the Town. Acceptance shall occur only after total completion of the entire system, and only if the system has, in the opinion of the Sewer Commission, been constructed in strict accordance with the specifications and standards of the Sewer Commission. Acceptance shall occur only after a public

hearing is held in accordance with the provisions of Section 7-247a of the General Statutes.

3.5.8 Bond. Prior to final acceptance of such community sewerage system, the applicant shall file with the Sewer Commission a surety or cash bond, in a form acceptable to the Sewer Commission, in the amount of ten percent (10%) of the value of the work accepted. The term of such bond shall be one (1) year from the date of final acceptance for sewer lines and manholes and three (3) years from the date of final acceptance for other structures and for all electrical, mechanical and pumping equipment. Such bond shall be held to assure proper maintenance of such sewage collection system. During such maintenance period, the owner/developer shall, when notified by the Sewer Commission or its agent, promptly, and at such owner or developer's expense, repair all defects and failures in the construction or operation of such sewage collection system occurring during such one year period. Should the owner or developer fail to cure and repair such defect or failure, the Sewer Commission, upon written notice to the owner or developer and to the surety, may cause the required repairs or replacements to be made and recover the cost of same from said maintenance bond.

3.5.9 Notice to be filed. Upon approval of community sewage system, the applicant shall provide the Sewer Commission with a "Notice of Sewer Connection and User Charges" in a form prepared by the Commission's attorney. The Sewer Commission shall record or cause to be recorded the Notice on the land records of the Town of New Milford for the purposes of informing existing or future property owners of liability for future sewer connection and user charges.

3.5.10 Connection charge. When any community sewage system is accepted by the Town, sewer user charges and, if otherwise applicable, sewer connection charges shall be levied by the Sewer Commission against each property owner whose property is served by or has access to such sewage system. Such charge shall be in an amount and shall be payable on the same terms and conditions as prescribed by Section 5.0 et seq. of these Regulations and in accordance with the Fee Schedule in effect at the time of acceptance. The Commission may also assess benefits in accord with Section 5.3 of these Regulations.

4.0 SEWER DISCHARGE CRITERIA

No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff or

subsurface drainage to any sanitary sewer. No person shall connect any roof downspout, foundation drain, areaway drain or any other source of surface water runoff or groundwater to a building sewer or to a building drain which in turn is connected directly or indirectly to a public sewer.

No person shall discharge or cause to be discharged to the town sewer system any sewage, wastewater or pollutant which will interfere with the operation or performance of the sewage treatment plant.

No person shall discharge or cause to be discharged to the town sewer system any "septage" as defined in Section 8.0 dd except at the municipal treatment plant and only under the direction, supervision and authority of the Sewer Commission.

No person shall discharge or cause to be discharged to the town sewer system any of the following described waters or waste:

(a) Any gasoline, benzene, naphtha, fuel oil or other inflammable or explosive liquid, solid or gas. The lower explosive limit reading on an explosion hazard meter, at the point of discharge into the sewer system or at any point in the system shall not exceed five percent (5%) for any two successive readings nor ten percent (10%) for any single reading;

(b) Any solid or viscous substance which is capable of causing an obstruction to the flow in the sewers or other interference with the proper operation of the sewerage system, including, but not limited to grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch, manure, bones, hair, hides or fleshings,

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

(c) Any waters or wastes having a pH lower than five and five-tenths (5.5) or higher than nine (9) or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewerage works;

(d) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create a hazard in the receiving waters of the sewage treatment plant;

(e) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant, or which causes the effluent limitations of the Town's NPDES permit to be exceeded;

(f) Any noxious or malodorous gas or substance capable of creating a public nuisance or of preventing entry into the public sewer for purposes of maintenance and repair;

(g) Any sewage which exceeds the limitations set forth in an applicable "Categorical Pretreatment Standard."

Except as approved by the sewer commission, no person shall discharge or cause to be discharged to the town sewer system any of the following described waters or wastes:

(a) Any liquid or vapor having a temperature higher than one hundred fifty degrees (150) Fahrenheit;

(b) Any waters or wastes which may contain more than one hundred (100) parts per million by weight

of fat, wax, petroleum, oil or grease; or which may contain more than twenty (20) parts per million by weight of floatable oil; or which may contain substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty degrees (150) Fahrenheit;

(c) Any garbage that has not been properly shredded to particle size of not greater than one-half inch (1/2") in any dimension;

(d) Any sewage or waste containing odor producing substances which exceed limits established by the Department of Environmental Protection;

(e) Any radioactive wastes or isotopes, or concentrations thereof, which exceed limits established by the Department of Environmental Protection;

(f) Any discharge of phosphates which will interfere with the operation or performance of the treatment plant;

(g) Any wastes or material which exerts or causes;

1) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

2) Unusual concentrations of inert suspended solids (such as, but not limited to sodium chloride and sodium sulfate);

3) Unusual biochemical oxygen demand (BOD), chemical oxygen demand or chlorine demand and thereby constituting a significant load on the sewage treatment plant;

4) Unusual volume of flow or concentrations of wastes constituting a "slug" as defined in Section 8 (kk);

5) Overflow from holding tanks or other receptacles storing organic wastes;

6) Sewage with a concentration of pollutants in excess of the following limits (note: All metals are to be measured as total metals):

<u>Pollutant</u>	<u>Concentration:</u>	<u>Parts/million mg/l</u>
Arsenic		0.05
Barium		5.0
Boron		5.0
Cyanides		0.1
Fluoride		20.0
Chromium (total)		1.0
Chromium (Cr +6)		0.1
Magnesium		100.0
Manganese		5.0
Copper		1.0
Zinc		1.0
Cadmium		0.1
Lead		0.1
Tin		2.0
Silver		0.1
Mercury		0.01
Nickel		1.0

The admission into the public sewer system of any sewage, waters or waste:

- a) having a five day biochemical oxygen demand greater than three hundred (300) parts per million by weight; or
- b) containing more than three hundred-fifty (350) parts per million by weight of suspended solids; or
- c) containing any quantity of substances having the characteristics described herein (Section 3.0); or
- d) having an average daily flow greater than one thousand gallons (1000); or
- e) from any flow-equalizing or "off peak discharge" facility.

Shall be subject to the review and approval of the Sewer Commission.

4.1 INTERCEPTORS

Grease, oil and sand interceptors shall be provided when, in the opinion of the Sewer Commission or Health Department, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, and/or other harmful ingredients; except, such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Sewer Commission or its designated agent and shall be easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. Such interceptors shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

In addition to and notwithstanding the foregoing paragraph, all gas stations and motor vehicle repair shops, connected to municipal sewer system on or after July 1, 1995 shall be served by an external grease trap or oil interceptor, as appropriate, having minimum capacity of 1,000 gallons. All Food Preparation

Establishments, connected to municipal sewer system shall be subject to Section 4.4 of these Regulations.

Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times. The owner thereof shall cause said grease, oil or sand interceptor to be pumped and cleaned once every three months during the third month of each calendar quarter (i.e. March, July, September and December) pursuant to a routine maintenance program and by a licensed septic tank hauler approved by the New Milford Sewer Commission. In addition, the owner shall cause an inspection and pumping log, in a form approved by the Sewer Commission to be maintained at the premises served by said grease, oil or sand interceptor, which log shall be completed by said approved licensed septic hauler to reflect the date and observations of each inspection and the date of each interceptor pumping. Said log shall be available for examination by the Sewer Commission and by the Director of Health, their agents, servants and employees at all times during normal business hours of said premises. Within thirty days following the conclusion of each calendar year, the owner shall file the original of said inspection log with the New Milford Sewer Commission.

4.2 SPECIAL DISCHARGE FACILITIES

The Sewer Commission may require the installation of pre-treatment to reduce the biochemical oxygen demand to three hundred (300) parts per million and the suspended solids to three hundred-fifty (350) parts per million by weight; or, reduce objectionable characteristics or constituents to within the maximum limits provided in section 3.0; or flow-equalizing or "off peak discharge" facilities to control the quantities and rates of discharge to sewage to the public sewer system.

Plans, specifications and any other pertinent information relating to such facilities shall be submitted to the Sewer Commission for approval, and no construction of such facilities shall commence until the sewer commission has approved such plans and specifications in writing.

Where pretreatment, flow equalizing or "off peak discharge" facilities are utilized for any sewage, such facilities shall be maintained by the owner, at his expense, continuously and in satisfactory and effective operating condition.

When required by the sewer commission, 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 observation, 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 sewer commission. 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.

4.3 SPECIAL CRITERIA

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in these regulations, shall be made and determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, locations, times, durations and frequencies may be determined by the sewer commission for individual users of the sewage system. All costs incurred by the Sewer Commission in connection with such measurement tests and analyses shall be reimbursed to the Sewer Commission by the property owner; and if not sooner paid, may be added to and collected in the same manner as such property owner's sewer use charges.

No person shall dilute, by process water or otherwise, a discharge to the sewage system as a partial or complete substitute for adequate pretreatment to achieve compliance with specific pollutant limitations which may be imposed by the Sewer Commission.

4.4 FATS, OILS AND GREASE PRETREATMENT

4.4.1 Purpose

The State of Connecticut has issued a General Permit for the Discharge of Waste Water Associated with Food Preparation Establishments ("General Permit") as a regulatory instrument applicable to all Food Preparation Establishments (FPE) with the particular focus on Class III and Class IV food service establishments as defined by the Public Health Code. The Town of New Milford Sewer Commission acting as Water Pollution Control Authority in support of the General Permit and to regulate the discharge of FOG into its Water Pollution Control Facility, adopts this local grease pretreatment program. This regulation shall apply to FPE and other commercial facilities that discharge fats, oils, and grease in their wastewater flow shall install, operate and maintain a FOG pretreatment facility.

4.4.2 Definitions

AGENT: The new Milford Sewer Commission ("NMSC") as the Water Pollution Control Authority of the Town of New Milford

shall be the agent for regulation and enforcement of these regulations.

CONTACT PERSON: The contact person shall mean the individual responsible for overseeing daily operation of the FPE and who is responsible for overseeing the FPE compliance with FOG Pretreatment Program.

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

FOG INTERCEPTOR: A passive tank installed outside a building and designed to remove fats, oils and grease from flowing wastewater while allowing wastewater to flow through it, as further defined herein.

FOG RECOVERY UNIT: All active indoor mechanical systems designed to remove fats, oils and grease b physical separation from flowing wastewater, as further defined herein.

FOG PRETREATMENT SYSTEM: Refers to properly installed and operated FOG Interceptors and FOG recovery units as approved by the New Milford Sewer Commission.

FOOD PREPARATION ESTABLISHMENTS: Class III and Class IV food service establishments as defined under Section 19-13-b42 of the Connecticut Public Health Code, and any other facility determined by the NMSC to discharge FOG above the set limits in Section 5(c)(2) of the State Department of Environmental Protection *General Permit for the Discharge of Wastewater Associated with Food Preparation establishments*. These facilities shall include but not be limited to restaurants, hotel kitchens, school kitchens, bars, careering establishments, factory cafeterias and clubs. Class III and IV food service establishments shall be defined under Section 19-13-B42 of the State of Connecticut Public Health Code.

NON-RENDERABLE FATS, OILS AND GREASE: Non-renderable fats, oils and grease is food grade grease that has become contaminated with sewage, detergents or other constituents that make it unacceptable for rendering.

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

RENDERABLE FATS, OILS AND GREASE CONTAINER: Refers to a closed, leak-proof container for collection and storage of food grade fats, oils and grease.

REGIONAL FOG DISPOSAL FACILITY: A facility for the collection and disposal of non-renderable FOG approved by the State Department of Environmental Protection.

4.4.3 Application to Install a FOG Pretreatment System

A. FOG Pretreatment system shall be provided for:

- 1) new and existing FPE, including restaurants, cafeterias, diners and similar non-industrial facilities using food preparation processes that have the potential to generate FOG in wastewater at concentrations in excess of the limits defined in this regulation.

2) new and existing facilities which, in the opinion of the New Milford Sewer Commission, require FOG Pretreatment Systems for the proper handling of wastewater containing fats, oils or grease, except that such FOG shall not be required for private living quarters or dwelling units.

B. All new FPE which generate and discharge wastewater containing fats, oils and grease and which will require a FOG Pretreatment System prior to beginning operation, as determined by the NMSC, shall include the design and specifications for the FOG Pretreatment System as part of the sewer connection application as described in NMSC regulations.

C. All existing FPE which generate, and discharge wastewater containing fats, oils and grease, shall submit an application for the installation of the FOG Pretreatment System if the facility is undergoing renovation in the food preparation area, and/or dining area with the total cost in excess of \$20,000 in any calendar year, or having a combined cost of multiple renovation projects to the above areas in excess of \$40,000 between Sept. 30, 2005 and July 1, 2011.

D. Any FPE with a change of ownership shall be in compliance with these regulations within 60 days of resuming operations.

E. All existing FPE which generate and discharge wastewater containing fats, oils and grease must be in compliance by July 1, 2011.

F. All costs and related expenses associated with the installation and connection of the FOG Interceptor or FOG Recovery Unit shall be borne by the FPE. The FPE shall indemnify the Town of New Milford and its Agents for any loss or damage that may directly or indirectly occur due to the installation of the FOG Pretreatment System.

4.4.4 Discharge limits

A. No facility shall discharge or cause to be discharged any wastewater with a FOG concentration in excess of one hundred (100) milligrams per liter, as determined by the currently approved test for total recoverable fats and grease listed in 40 CFR 136.3, or in concentrations or in quantities which will harm either the sewers, or the Water Pollution Control Facility, as determined by the New Milford Sewer Commission.

4.4.5 Pretreatment System Requirements

A. An application for the design and installation of a FOG Pretreatment System shall be subject to review and approval by the NMSC per the Town Ordinance and Sewer Use Regulations, as amended and subject to the requirement of other applicable codes, ordinances and laws.

B. The wastewater generated from FPEs shall be treated to remove FOG by either a FOG Interceptor or an approved FOG Recovery Unit.

C. Every structure at the subject facility shall be constructed, operated and maintained, in a manner to ensure that the discharge of food preparation wastewater is directed solely to the FOG Interceptor or FOG Recovery Unit. No valve or bypass piping that could prevent the discharge of food preparation wastewater from entering the appropriate pretreatment equipment shall be present.

D. The Contact Person at each FPE shall notify the NMSC when the FOG Pretreatment System is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of NMSC or its agent.

E. All applicable local plumbing/building codes shall be followed during installation of the FOG Pretreatment System.

F. FOG Interceptor Requirements.

1) The Fog Interceptor shall be installed on a separate building sewer servicing kitchen flows and shall only be connected to those fixtures or drains which can allow fats, oils and grease to be discharged into the sewer. This shall include:

(a) Pot sinks;

(b) Pre-rinse sinks or dishwashers without pre-rinse sinks;

(c) Any sink into which fats, oils and grease may be introduced;

(d) Soup kettles or similar devices;

(e) Wok stations;

(f) Floor drains or sinks into which kettles may be drained;

(g) Automated hood wash units;

(h) Dishwashers without pre-rinse sinks; and

(i) Any other fixtures or drains that can allow fats, oils and grease to be discharged into the sewer.

2) No pipe carrying any wastewater other than from those listed in the paragraph above shall be connected to the FOG Interceptor.

3) No food grinder shall discharge to the FOG Interceptor.

4) The FOG Interceptor shall be located so as to maintain the separating distances from well water supplies set forth in Section 19-13-B51d of the Public Health Code.

5) The following minimum-separating distances shall be maintained between the FOG Interceptor and the items listed below:

- | | |
|---|-------|
| (a) Property Line | 10 ft |
| (b) Building Served (no footing drains) | 15 ft |
| (c) Ground water intercepting drains, footing drains and storm drainage systems | 25 ft |
| (d) Open watercourse | 50 ft |

6) The FOG Interceptor minimum capacity shall be 1,000 gallons. The FOG Interceptor shall have a retention time of at least twenty-four (24) hours at the maximum daily flow based on water meter records or other calculation methods as approved by the NMSC. FOG Interceptors shall have a minimum of two compartments. The two compartments shall be separated by a baffle that extends from the bottom of the FOG Interceptor to a minimum of five (5) inches above the static water level. An opening in the baffle shall be located at mid-water level. The size of the

opening shall be at least eight (8) inches in diameter but not have an area exceeding 180 square inches.

7) FOG Interceptor shall be watertight and constructed of pre-cast concrete, or other durable material.

8) FOG Interceptors constructed of pre-cast concrete shall meet the following requirements:

(a)The exterior of the FOG Interceptor, including the exterior top and bottom and extension to grade manholes, shall be coated with a waterproof sealant.

(b)All concrete FOG Interceptors shall be fabricated using minimum 4,000-psi concrete per ASTM standards with 4 to 7 percent air entrainment.

(c)All structural seams shall be grouted with non-shrinking cement or similar material and coated with a waterproof sealant.

(d)Voids between the Fog Interceptors walls and inlet and outlet piping shall be grouted with non-shrinking cement and coated with a waterproof sealant.

9) All non-concrete septic tanks must be approved for use by the NMSC.

10) The FOG Interceptor shall be accessible for convenient inspection and maintenance. No structures shall be placed directly upon or over the FOG Interceptor.

11) The FOG Interceptor shall be installed on a level stable base that has been mechanically compacted with a minimum of six (6) inches of crushed stone to prevent uneven settling.

12) Select backfill shall be placed and compacted around the FOG Interceptor in a manner to prevent damage to the tank and to prevent movement caused by frost action.

13) The outlet discharge line from the FOG Interceptor shall be directly connected to the municipal sanitary sewer.

14) The FOG Interceptor shall have a minimum liquid depth of thirty-six (36) inches.

15) Separate clean-outs shall be provided on the inlet and outlet piping.

16) The FOG Interceptor shall have separate manholes with extensions to grade, above the inlet and outlet piping. FOG

Interceptors installed in areas subject to traffic shall have manhole extensions to grade with ductile iron frames and round manhole covers. The word ``SEWER'' shall be cast into the manhole covers. FOG Interceptors installed outside areas subject to traffic may have concrete risers with lids either having a minimum weight of 59 lbs or shall be provided with a lock system to prevent unauthorized entrance. All manholes and extensions to grade providing accesses to the Fog Interceptor shall be at least seventeen (17) inches in diameter.

17) Inlet and outlet piping shall have a minimum diameter of four (4) inches and be constructed of schedule 40 PVC meeting ASTM 1785 with solvent weld couplings.

18) The inlet and outlet shall each utilize a tee-pipe on the interior of the FOG Interceptor. No caps or plugs shall be installed on the tee-pipes. The inlet and outlet shall be located at the centerline of the Fog Interceptor and at least twelve (12) inches above the maximum ground water elevation. The inlet tee shall extend to within 12 inches of the bottom of the FOG Interceptor. The inlet invert elevation shall be at least three (3) inches above the invert elevation of the outlet but not greater than four (4) inches. The outlet tee-pipe shall extend no closer than twelve (12) inches from the bottom of the FOG

Interceptor and the diameter of this tee-pipe shall be a minimum of four (4) inches.

19) The diameter of the outlet discharge line shall be at least the size of the inlet pipe and in no event less than four (4) inches.

20) When necessary due to installation concerns, testing for leakage will be performed using either a vacuum test or water-pressure test.

4.4.6 Alternate FOG Pretreatment System

A. When in the opinion of the NMSC it is not feasible for a FPE to install an outdoor in-ground FOG Interceptor per Sec. 4.4.5; an Alternate FOG Pretreatment System may be utilized upon approval by NMSC and upon receipt of a ``Notification of Approved Alternate FOG Pretreatment System.'' Approval of an alternate system shall be based on demonstrated efficiencies and reliability of operation. The NMSC will approve these systems on a case-by-case basis. The Contact person may be required to furnish the manufacturer's analytical data demonstrating that FOG discharge concentrations do not exceed the limits established by this Regulation.

B. Alternate FOG Pretreated Systems shall consist of a FOG Recovery Unit meeting the requirements of Section 4.4.6D, unless there are special circumstances that preclude such installation, as approved by NMSC, and in accordance with Section 4.4.6E.

C. Alternate FOG Pretreatment Systems shall meet the requirements of Section 4.4.5.A-E, inclusive and 4.4.5F (2) and (3) and shall be installed downstream of each of the fixtures and drains listed in 4.4.5.F.(1)

D. Alternate FOG Pretreatment System Requirements.

1) FOG Recovery Units shall be sized to properly pretreat the measured or calculated flows using methods approved by NMSC.

2) FOG Recovery Units shall be constructed of corrosion-resistant material such as stainless steel or plastic.

3) Solids shall be intercepted and separated from the effluent flow using a strainer mechanism that is integral to the unit.

4) FOG Recovery Units shall operate using a skimming device, automatic draw-off, or other mechanical means to automatically remove separated FOG. This skimming device shall be

controlled using a timer, FOG sensor, or other means of automatic operation.

5) Fog Recovery Units shall be included with an internal or external flow control device.

6) Fog Recovery Units shall be located to permit frequent access for maintenance and inspection.

E. Other Alternate FOG Pretreatment System

1) Other Alternate FOG Pretreatment Systems that do not meet the requirements of Section 4.4.5.F or 4.4.6.D may be considered for approval by the NMSC on a case-by-case basis. That application shall include:

(a) Documented evidence that the Alternate FOG Pretreatment System will not discharge FOG concentration that exceed the limits per Sec. 4.4.4.

(b) Plans and specifications for the proposed system including plans and profile of system installation, manufacturer's literature, documentation of performance and any other information detailing alternate system.

(c) A written Operation and Maintenance Plan, which shall include the schedule of cleaning and maintenance, copies of maintenance log forms, a list of spare parts to be maintained at the FPE, and a list of contacts for the manufacturer and supplier. Following receipt of written Notification of Approved Alternate FOG Pretreatment System from the NMSC, the Operation and Maintenance Plan shall be maintained on the premises. The plan and maintenance log forms shall be made available for inspection upon demand by the NMSC.

(d) A written FOG Minimization Plan, which shall include all procedures for all FPE employees to minimize FOG entering the wastewater collection system.

(e) Description of FOG Pretreatment Training Program for FPE employees in minimization procedures.

4.4.7. Pretreatment Equipment Maintenance

A. The FOG Pretreatment System shall be maintained continuously in satisfactory and effective operation, at the FPE's expense.

B. The Contact person shall be responsible for the proper removal and disposal, but appropriate means, of the collected material removed from the FOG Pretreatment System.

C. A record of all FOG Pretreatment System maintenance activities and cleaning and inspection records shall be maintained on the premises for a minimum of five (5) years.

D. The Contact Person shall insure that the Fog Interceptor is inspected when pumped to ensure that all fittings and fixtures inside the interceptor are in good condition and functioning properly. The depth of grease inside the tank shall be measured and recorded in the maintenance log during every inspection along with any deficiencies, and the identity of the inspector.

E. The Contact Person shall determine the frequency at which its FOG Interceptor(s) shall be pumped in accordance with the following criteria:

1) The FOG Interceptor shall be completely cleaned by licensed waste hauler when 25% of the operating depth of the FOG Interceptor is occupied by grease and settles solids, or a minimum of once every three (3) months, whichever is more frequent.

2) If the Contact Person can provide data demonstrating that less frequent cleaning of the FOG Interceptor will not result in a grease level in excess of 25% of the operating depth of the FOG Interceptor, the NMSC may allow less frequent cleaning. The Contact Person shall provide data including pumping receipts for four (4) consecutive cleanings of the FOG Interceptor, complete with a report from the FOG hauler indicating the grease level at each cleaning, and the FOG Interceptor maintenance log.

3) A maintenance log shall be maintained on the premises, and shall include the following information: data of all activities, volume pumped, grease depth, hauler's name, location of waster disposal, means of disposal for all material removed from the FOG Interceptor, and the name of the individual recording the information. The maintenance log and waster hauler's receipts shall be made available to the NMSC for inspection upon demand.

F. All removal and hauling of the collected materials must be performed by State approved waste disposal firm(s). Pumped material shall be disposed of at a Regional FOG Disposal Facility. Pumping shall include the complete removal of all contents, including floating materials, wastewater and settled

sludge. Decanting back into the FOG Interceptor shall not be permitted. FOG Interceptor cleaning shall include scraping excess solids from the wall, floors, baffles and all piping.

G. The Contact Person shall be responsible for the cost of scheduling of all installation and maintenance of the FOG Pretreatment System components. Installation and maintenance required by the NMSC shall be completed within the time limits given below:

<u>Violation</u>	<u>Days from inspection to correct violation</u>
Equipment not registered	30 days
Installation violations(indoor and outdoor)	90 days
Operational violations	30 days

4.4.8 FOG Minimization

A. The Contact Person shall make every practical effort to reduce the amount of FOG contributed to the sewer system.

B. Renderable fats, oils and grease shall not be disposed of, in any sewer or FOG Interceptor. All renderable fats, oils and grease shall be stored in a separate, covered, leak-proof,

Renderable FOG Container, stored out of reach of vermin, and collected by a renderer.

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

5.0 DETERMINATION OF SEWER USER AND CONNECTION CHARGES; ASSESSMENT OF BENEFITS

5.1 USER CHARGES

5.1.1 User charges in general. Sewer user charges shall be established for each fiscal year to recover on a proportional basis from each user the costs anticipated by the Sewer

Commission for the operation, rehabilitation and maintenance of the sanitary sewer system. The user charges shall generate sufficient revenue to offset the cost of all treatment works, operation, rehabilitation and maintenance provided by the Commission. Shortfalls in revenue will be recouped in subsequent fiscal years. Revenue surplus, if any, will be used as a source of funds to offset user charges in subsequent fiscal years.

The Commission shall give special consideration to the calculation of user charges applicable to Complexes having or constituting hotels, motels, boarding houses and bed and breakfast inns. In such cases, the Commission shall, for the purposes of calculating the annual user charge, determine the number of Units based on the following formula: 1.0 plus .25 for each "sleeping unit" located within the complex with "sleeping unit" being defined as the equivalent of a room designed for not more than double occupancy. Other uses located within such complexes (e.g. restaurants, gift shops, banquet facilities) shall be treated as additional units. Such adjustment in the manner of calculating the user charge for such Complex shall be prospective only, i.e., effective as of the next billing cycle after the adoption of this regulation.

5.1.2 Commission to calculate user charges. Each fiscal year the Sewer Commission shall determine, fix and charge user

charges following public hearing as required by Section 7-255 of the General Statutes according to criteria including, but not limited to, (1) anticipated or actual costs of operation, rehabilitation and maintenance, (2) discharge types and volumes, (3) local, state, or federal flow and other standards, and (4) the costs of bonds and other indebtedness incurred to finance the construction or improvement of the sewerage system or any part thereof. In determining the user charges, the Commission may classify groups of users, and make reasonable estimations. The Commission may prescribe a minimum annual user charge for any class of user. An owner of a multi-family or commercial complex serviced by a private water supply may install a single water meter per building for the purposes of determining the gallonage charge. A meter shall not be added mid-year but shall be in place at the start of the billing year. The Commission may set a service fee for quarterly reading of such a meter.

5.1.3 Allocation of expansion and rehabilitation costs.

The Commission may apportion among different classes or users, a proportional share of the costs incurred in the construction, rehabilitation and renovation, of the sewerage facilities, in such manner as the Commission may from time to time determine. Such costs may be recovered through user fees, connection fees, or through benefit assessments imposed in accordance with the

Connecticut General Statutes. The Commission may defer the collection of any portion of the costs so allocated.

5.1.4 Deferred payment for recovery of expansion and rehabilitation costs. Where the Commission determines that recovery of expansion or rehabilitation costs by charges to sewer users would present, if charged in one billing year, an undue burden on users, the Commission may allow installment payments for such costs over a period of years and provide options for payment.

5.1.5 When charges are due and payable. Sewer user charges shall be assessed as of July 1st of each year, in advance, upon the record owner of property served by the sewer system and such owner shall be liable for the payment of such sewer user charge. User charges shall be due and payable as provided in Section 8.4.

5.1.6 Prorated charges. In the case of a residential property not connected to the sewage collection system for the entire year, the user charge shall be prorated on a daily basis for the actual number of days the property was connected for that billing year. There shall be no prorating for installation of a water meter during the billing year.

5.1.7 Charge constitutes a lien. Sewer user charges, together with interest thereon, and costs and fees incurred in the collection thereof, shall constitute a lien upon the property

served by the sewer system and such lien may be foreclosed and such charges collected in the manner provided by the Connecticut General Statutes.

5.1.8 Special account(s). Sewer charges, fees, assessments and revenues collected by or for the Sewer Commission shall be deposited into one or more special accounts, separate from all other Town funds, and shall be used solely for the operation, renovation and expansion of the sewerage system and for the payment of principal and interest on any indebtedness incurred for such purposes.

5.2 CONNECTION FEES

5.2.1.a Applicability. Sewer Connection Fees shall be paid to the Sewer Commission upon issuance of the Sewer Use Permit. Any property owner or person having an equitable interest in property by virtue of a contract of sale, desiring to discharge sewage to the public sewer system, or to increase the volume of sewage discharged to the public sewer system, or to change the character of the pollutants being discharged to the public sewer system, or to expand or change the use or occupancy of any premises shall file an application for a Sewer Use Permit with the New Milford Sewer Commission. Connection Fees shall be paid

to the Sewer Commission at the time that the sewer permit application is filed with the Commission pursuant to Section 1 of these Regulations unless otherwise provided in Section 5.2.1.b or Section 5.2.1.c of these Regulations. No person shall uncover, make any connection with or opening into, alter, repair, disturb, use or discharge to any public sewer or appurtenance thereof without first obtaining a written Sewer Use Permit from the Sewer Commission and without first paying to the Commission a Sewer Connection Fee.

5.2.1.b Deferred Payment of Connection Fee.

Any property owner required to pay a Connection Fee who voluntarily makes application for a Sewer Use Permit and who connects an existing building or other structure, whether directly or indirectly, to the Route 7 South - Still River Drive to Brookfield Town Line Expansion within one year of September 1, 2014 may, at the option of such property owner and only after the Sewer Commission has first established a deferred payment plan for the payment of such connection fees, elect to pay the connection fee in 10 equal installments together with interest on the unpaid amount at the rate of 2% per annum. The first such installment shall be payable at the time application is made for the Connection Permit. Subsequent installments, together with accrued interest, shall be due and payable commencing on a date

to be established by the Sewer Commission and annually thereafter. If any installment remains unpaid for thirty (30) days after the same shall become due, the entire unpaid connection fee, together with all unpaid interest, shall become immediately due and payable. The Commission shall have all rights provided by the Connecticut General Statutes to enforce collection and payment of said unpaid amount, including those rights provided by Section 7-254 of the Connecticut General Statutes, as amended.

The liability of any person electing to defer payment of the Connection Fee in accordance with this section shall be reflected on the land records by the recording of appropriate documentation evidencing the existence of such deferred payment plan.

5.2.1.C Capital Recovery Connection Fee in Excess of Ten Thousand Dollars (\$10,000.00)

Any property owner who is required to pay a Connection Fee in excess of Ten Thousand Dollars (\$10,000.00) may, at the option of such property owner, elect to pay the Connection Fee together with interest on the unpaid principal amount at the rate of 5.5% per annum, in accordance with the following installment plan. The first installment shall be in the amount of Five Thousand Dollars (\$5,000.00) and shall be payable at the time application is made

for the Sewer Connection Permit. The balance of the Connection Fee shall be paid in nine (9) equal annual installments of principal, together with accrued interest, commencing on October 1st next following issuance of the connection Permit. If any installment remains unpaid for thirty (30) days after the same shall become due, the entire unpaid balance of the Connection Fee, together with all unpaid interest, shall become immediately due and payable. The Commission shall have all rights provided by the Connecticut General Statutes to enforce collection and payment of said unpaid amount, including those rights provided by Section 7-254 of the Connecticut General Statutes, as amended.

In the event that subsequent audit pursuant to Section 5.2.2 of the Sewer Use Regulations results in an increase in the Connection Fee, the then remaining installments due pursuant to said installment payment plan shall be increased in an amount sufficient to pay the total amount of the audit increase in equal installments over the then remaining term of such installment payment plan.

The liability of any person electing to defer payment of the Connection Fee in accordance with this section shall be reflected on the land records by the recording of appropriate documentation evidencing the existence of such deferred payment plan.

Any person electing to defer payment of the Connection Fee in accordance with this section shall pay the applicable cost of recording such documentation.

5.2.2 Calculated.

a. The Commission may determine, fix and charge a sewer connection fee based upon criteria including, but not limited to, (1) anticipated or actual costs (including interest) of operation, improvement, rehabilitation and maintenance of the sewer system, (2) discharge types and volumes, (3) estimated residential sewage flows as contained in the Connecticut Public Health Code, Section 19-13B-103, Table 4, (4) other local, state, or federal flow and other standards, and (4) the increased burden imposed on the sewer system. The Commission may determine connection charges on a case-by-case basis. In determining connection charges, the Commission may make reasonable estimates. The Commission may prescribe a minimum connection charge. The connection fee to be paid upon the expansion of or the change in use or occupancy of premises for which a previous connection fee has been paid shall be based upon the increase in discharge to the sewer system, it being the intention of the Commission that the total connection fee paid be based upon the maximum actual discharge to the sewer system from said premises.

Whenever a connection fee is established based upon estimated average daily sewage flow, the Commission may subsequently conduct an audit to determine the actual average daily sewage flow generated by the premises. Said audit may be based upon metered water usage. If the Commission determines that the average daily sewage flow exceeds the original or subsequent estimates based upon annual water usage, the Commission may assess an additional connection fee based upon a per gallon charge for each gallon by which the average daily flow exceeds the estimate. Such additional payment shall be paid within thirty days of issuance of a bill for same; provided however, that if the property owner has elected to defer payment of the Connection Fee pursuant to section 5.2.1.c of these Regulations, such additional payment shall be spread and paid in equal amounts over the then remaining term of such installment payment plan. If a subsequent change in use or occupancy of the premises results in a further increase in discharge to the sewage system, the Commission may conduct additional audits and impose additional connection fees in the same manner as aforesaid, it being the intention of the Commission that the total connection fee paid be based upon the maximum actual discharge to the sewer system from said premises. If a decrease in discharge results, there shall be no refund. However, if a decrease in discharge

occurs there shall be no additional connection fee for any subsequent increase until and unless the original gallonage is exceeded, and then only in an amount relative to the original gallons.

b. Notwithstanding the provisions of subsection a. of this Sec. 5.2.2, the Commission may waive connection fees under the following conditions:

1. The applicant must be the owner or lessee of a property within the sewer service area upon which he or she conducts a business;

2. The applicant must be the owner, lessee of or must be proposing to acquire an ownership or leasehold interest of a property within the sewer service area at which he or she proposes to move the existing business;

3. All sewer connection fees, user fees and benefit assess fees at both locations shall be current;

4. The commercial use shall be the same at the new location;

5. The commercial use shall be disconnected at the former location;

6. New commercial uses at the former location shall be subject to connection fees payable to the sewer commission if

there is a change of use or occupancy in accordance with Subsection a. of this Sec. 5.2.2;

7. If the ownership or use changes at the new property, the Commission may set a new connection fee for the new owner or use in accordance with Subsection 5.2.2.a;

8. The Commission may at any time conduct an audit of actual gallons use and adjust the connection fee in accordance with Subsection 5.2.2.a;

9. The waiver is approved by vote of the Commission after an application is submitted; and

10. The title owner of both properties shall concur in writing with the waiver of connection fees.

5.2.3 Special account. Connection fees collected by or for the Sewer Commission shall be deposited in a special account, separate from other Town funds, and be used solely for the operation, rehabilitation and expansion of the sewerage system and for the payment of principal and interest on any indebtedness incurred for such purposes.

5.3 ASSESSMENT OF BENEFITS

5.3.1 General. At any time after the expansion, improvement or construction of the sewerage system or any portion thereof, the Sewer Commission may levy benefit assessments upon

the lands and buildings which in its judgment are especially benefited thereby, whether they abut on such sewerage system or not, and upon the owners of such land buildings according to the provisions of Section 7-249 of the Connecticut General Statutes and according to the provisions of these Regulations. No property shall be assessed in excess of the benefit accrued or accruing to it.

5.3.2 Applicability to present and future construction.

(a) Buildings subsequently expanded or constructed.

In the event buildings or structures are constructed or expanded after the initial assessment of benefits, the Sewer Commission may assess benefits against such buildings or structures as if they had existed at the time of the initial assessment, provided however, that the calculation of such additional or supplemental assessment shall be made in accordance with the "Formula For Calculation of Benefit Assessments" (Section 5.3.5) then in effect. The Commission may assign all or a portion of such additional assessment to a capital account for the acquisition, construction or expansion of a sewerage system treatment plant and/or the sewer collection system.

5.3.3 Determination of cost of sewerage system; authority to divide benefited territory into districts.

(a) The Sewer Commission shall ascertain the cost of the expansion, improvement or construction of the sewerage system and in so doing shall take into account all costs, including but not limited to, the cost of preliminary studies and surveys, plans and specifications, land and easement acquisition, engineering and legal fees, construction costs, expenses incurred in connection with temporary or permanent financing, and any and all costs or expenses incurred.

(b) In assessing benefits the Sewer Commission may divide the total territory to be benefited into districts or segments pursuant to Section 7-249 of the Connecticut General Statutes. The Sewer Commission may add to the cost of the part of the sewerage system located in any district the proportionate share of the cost of any part of the sewerage system located outside such district but deemed by the Commission to be necessary or desirable for operation of the part of the system within such district.

5.3.4 Criteria for Determination of Benefit Assessments.

For purposes of establishing benefit assessments, the following classification of properties shall apply:

- (1) Residential property shall include property designed or used for year round or seasonal occupancy as follows:

(a) Single family dwelling - a dwelling for one single family.

(b) Single family dwelling with accessory apartment - a dwelling for a single family with an additional unit for related family members, provided that said unit is currently permitted by the New Milford Zoning Commission.

(c) Multifamily dwelling - a dwelling for two or more family units.

(d) Single family condominium dwelling - an individually owned single family dwelling within a multi-unit condominium structure.

(2) Commercial/industrial property includes properties designed or used for commercial and industrial purposes, excludes residential use classified under Section 5.3.4 (1) above and excludes restaurant properties classified under Section 5.3.4 (3) below and shall include, but is not limited to:

(a) motel, hotel, boarding house and bed and breakfast inn - buildings normally operated for commercial purposes providing rooms, toilet facilities and may include dining and other facilities.

(b) commercial:

(i) retail - includes properties used for all common retail operations including, but not limited to, grocery and convenience stores, delicatessens, gas stations, automotive repair garages, nurseries, beauty salons, pharmacies, florists and kennels.

(ii) professional office - includes, but is not limited to, banks, medical offices and law offices.

(c) industrial - includes, but is not limited to, structures used in all manner of manufacturing operations and machine shops.

(d) warehouse - all structures used solely for the storage of merchandise, commodities or household goods.

(3) Restaurant property shall include properties designed or used as:

- (a) restaurants
- (b) luncheonettes
- (c) bars

(4) School property shall include:

(a) all educational facilities operated, designed for or used by public or private entities.

(5) other property shall include, but is not limited to-

- (a) churches
- (b) hospitals
- (c) nursing homes and convalescent homes
- (d) government buildings
- (e) mixed use property including, but not limited to; residential/commercial, residential/restaurant, commercial/restaurant
- (f) any other property benefitting from the availability of public sewers

5.3.5 Formula for Calculation of Sewer Benefit Assessment _

(a) The assessment of benefits shall be made in accordance with the following formula:

Sewer Benefit Assessment = (basic unit charge x classification factor) + (value charge equal to one percent of the assessed value of land and buildings)

(b) Benefit Assessment Formula Components include the following:

(1) Basic Unit Charge - Each existing unit shall be charged at least one basic unit charge, or portion thereof, as determined by the application of the Classification Factor described hereafter.

The initial Basic Unit Charge shall be \$4,500.00. The Sewer Commission may increase or decrease the Basic Unit Charge in accordance with the procedure for setting rates and charges established by Section 7-255 of the Connecticut General Statutes, as amended. Changes to the Basic Unit Charge shall account for such factors as the Commission deems relevant, including but not limited to inflation, bond or borrowing expense, and the cost of sewer replacements, modifications, expansions or improvements.

(2) Value Charge - In addition to the basic unit charge, the benefit assessment shall include an assessment factor equal to one percent (1.0%) of the subject property's assessed value (land and buildings) on the last completed grand list. In the event of subsequent adjustment to the assessed value by the Assessor, Board of Tax Review or Superior Court, a supplemental benefit assessment may be imposed or the original benefit assessment reduced to reflect the adjusted assessed value.

In the case of new construction not reflected on the last completed grand list, the benefit assessment shall include or a supplemental benefit assessment shall be levied to include the assessed value of the improvement(s) as determined by the Tax Assessor as of the date of the issuance of the Certificate of Occupancy (the Assessor's "C.O. Assessment", so-called) without proration.

The sewer benefit assessment levied against property consisting of vacant land shall be based upon the Value Charge portion of the Sewer Benefit Assessment Formula. When such property is improved, such property shall be subject to supplemental benefit assessment(s) which shall be determined and levied in accordance with Section 5.3.7 of these Regulations.

(3) Classification Factor - Each existing or subsequently added unit shall have a classification factor applied to the Basic Unit Charge according to the property classification(s) defined herein. The basic unit value shall be modified by the appropriate classification factor in accordance with the following schedule:

PROPERTY CLASSIFICATION	CLASSIFICATION FACTOR
single family dwelling	1
single family dwelling with accessory apartment	1.25
single family condominium dwelling	0.75
multi-family dwelling	(1.0) + (0.5 for each dwelling contained in the structure)
hotel/motel/boarding house/Bed & Breakfast Inn	(1.0) + (0.25 for each sleeping unit contained in the structure)
commercial	(1.0) + (0.50 for each increment of 3000 square feet of building space, or fraction thereof)
commercial condominium	(1.0 ÷ total number of condominium units within building) + (0.50 for each increment of 3,000 square feet of condominium unit space or fraction thereof)
industrial	(1.0) + (0.50 for each increment of 5000 square feet of building space,

	or fraction thereof)
warehouse	(1.0) + (0.50 for each increment of 20,000 square feet of building space, or fraction thereof)
restaurants/luncheonettes/ bars	(1.0) + (0.50 for each 30 persons, or fraction thereof, permitted to be seated at any one time, as determined by the commission based upon available information as provided by the Fire Marshall's office)
schools	see detailed procedure explained in Section 5.3.5 (c) below
churches	(1.0) for each structure intended for human occupancy
government buildings	same as commercial classification
mixed use properties	sum of factors obtained by the application of appropriate formulas for each particular classification
hospitals and nursing homes	(1.0) + (0.10 per each licensed bed)

(c) Determination of Classification factor for schools -

(1) Schools with cafeteria facilities and athletic programs which include locker room and shower facilities shall be assessed 1 Unit Charge for each 225 gallons per day (GPD) of wastewater discharged by the facility based on the application of the following formula. For the purposes of the initial assessment, the number of staff and pupils using the facility as of October 1, prior to the assessment date shall be used.

number of pupils x 8 GPD = total flow from the facility
total flow/225 GPD = number of assessable units
number of assessable units x Basic Unit Charge = total unit charge

(2) Schools with cafeteria facilities and athletic programs which do not include locker room and shower facilities shall be assessed 1 Unit Charge for each 225 gallons per day (GPD) of wastewater discharged by the facility based on the application of the following formula. For the purposes of the initial assessment, the number of staff and pupils using the facility as of October 1, prior to the assessment date shall be used.

number of pupils x 7 GPD = total flow from the facility
total flow/225 GPD = number of assessable units
number of assessable units x Basic Unit Charge = total unit charge

(3) Schools which do not include cafeteria facilities or locker room and shower facilities shall be assessed 1 Unit Charge for each 225 gallons per day (GPD) of wastewater discharged by the facility based on the application of the following formula. For the purposes of the initial assessment, the number of staff and pupils using the facility as of October 1, prior to the assessment date, shall be used.

number of pupils x 6 GPD = total flow from the facility
total flow/225 GPD = number of assessable units
number of assessable units x Basic Unit Charge = total unit charge

5.3.7. Supplemental Benefit Assessments

Whenever property consisting of vacant land is improved or divided, and whenever improved property is expanded, modified or altered so as to increase its assessed value, its number of assessable units, the use classification of its assessable units or the benefit which it derives from the municipal sewer system, then in any such event, the property shall be subject to the levy of a supplemental benefit assessment. Such supplemental benefit assessment shall reflect the increase in value or the value added to property as a whole as a result of division, new construction and change in number or classification of assessable units. Such benefit assessment shall be calculated in accordance with the "Formula For Calculation of benefit Assessments" (Section 5.3.5) then in effect.

Such supplemental benefit assessment shall be due and payable in full as follows: If an existing installment method for the payment of the original benefit assessment remains in effect, the supplemental benefit assessment may be treated for payment purposes as if it had been levied on the date of original assessment. In such case that portion of the principal that would have otherwise been paid to date under the original installment plan shall be immediately due and payable. The remaining unpaid principal balance shall

be payable in equal principal installments, together with interest at the established rate, over the remaining term of the installment payment plan.

Any person electing to defer payment of a supplemental benefit assessment in accordance with this section shall execute such documentation required by the Commission to reflect on the land records the liability of the property owner for the payment of the supplemental benefit assessment, and shall pay a fee of \$43.00 to cover the recording of such documentation.

Except as so provided, any such supplemental benefit assessment shall be immediately due and payable in full when levied.

5.3.8 Authority of commission to provide for installment method of payment. The Sewer Commission may, by resolution, provide for the installment method of payment of any assessment levied hereunder pursuant to the provisions of Section 7-253 of the Connecticut General Statutes.

5.3.9 Enactment procedure. The Sewer Commission shall fix by resolution the due date of any benefit assessments made hereunder as well as the manner in which same shall be paid, whether in full or by installment, pursuant to Sections 7-252 and 7-253 of the Connecticut General Statutes.

No assessment shall be made until after a public hearing before the Sewer Commission at which time 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 thereof in a newspaper having a general circulation in the municipality, and a copy of such notice shall be mailed to the owner of any property to be affected thereby at such owner's address as shown on the last-completed grand list of the Town or at any later address of which the Sewer Commission may have knowledge. A copy of the proposed assessment shall be on file in the office of the Town Clerk and available for inspection by the public for at least ten (10) days before the date of such hearing. When the Sewer Commission 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 general circulation in the Town and shall mail a copy of such assessment to the owner of property affected thereby at such owner's address as shown on the last completed grand list of the Town or at any later address of which the Sewer Commission may have knowledge. Such publication and mailing 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 Litchfield in accordance with the provisions of Section 7-250 of the Connecticut General Statutes.

5.3.10 Payment of Benefit Assessments - Acceleration.

Benefit Assessments shall be due and payable at such time as fixed by the Sewer commission. The Sewer Commission may provide for the payment of benefit assessments in not more than thirty (30) substantially equal annual installments, together with interest, all as provided for in Section 7-253 of the General Statutes; provided, however, that if any installment remains unpaid for thirty (30) days after the same shall become due and payable, then at the option of the Sewer Commission, the entire unpaid balance of such benefit assessment, together with all unpaid interest, shall become immediately due and payable.

5.3.11 Payment method option for elderly property owners.

The Sewer Commission may permit any property owner eligible for tax relief under the provisions of Sections 12-129b or 12-170a of the Connecticut General Statutes, or under a plan of tax relief adopted by the Town in accord with Section 12-129n, to apply to the Sewer Commission for approval of an optional method of payment of such owner's sewer benefit assessments, provided,

however, that the Town has first adopted an Ordinance permitting such optional method of payment as provided for in Section 7-253a of the Connecticut General Statutes. Any such optional payment method shall be subject to the provisions of Section 7-253a of the Connecticut General Statutes and to annual review by the Sewer Commission.

5.3.12 Deferred assessments due to anticipated development.

(a) Pursuant to provisions of Section 7-249 of the Connecticut General Statutes, the assessment of benefits due to the anticipated development of land which is zoned for other than business, commercial or industrial purposes or which is classified as farm land, forest land or open space land pursuant to the provisions of Section 12-107a through 12-107e, inclusive, of the Connecticut General Statutes, or due to the anticipated construction or expansion of buildings or structures, shall be deferred until such anticipated development, construction or expansion is approved or occurs. In the case of property so zoned or classified which exceeds the size of the smallest lot permitted in the lowest density residential zone of the Town by more than one hundred percent (100%), assessment of such excess land shall be deferred until such excess land shall be built upon, or a building permit issued therefor or until the Planning

Commission has approved a subdivision plan for such excess property, whichever event shall first occur.

(b) No lien for payment shall be filed on property for which a deferral of assessment is required hereunder, but the Sewer Commission shall cause its 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.

5.3.13 Delinquent assessments. Delinquent assessments shall be secured in the method hereinafter provided:

a. 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 General Statutes for delinquent property taxes. Each addition of interest shall be collectible as a part of such assessment.

b. Whenever any installment of an assessment becomes delinquent, the interest on such delinquent installment shall be as provided in paragraph (a) or five dollars (\$5.00), whichever is greater. 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 General Statutes 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 Sewer Commission's Collector may collect such assessments in accordance with any mandatory provision of the General Statutes for the collection of property taxes, and the Town may recover any such assessment in a civil action against any person liable therefor.

6.0 ORDERS TO CONNECT

In accordance with the provisions of Section 7-257 of the Connecticut General Statutes, the Sewer Commission may order the owner of any building to which a sewerage system is available to connect such building with the sewer system. The owner(s) of all houses, buildings or properties used for business, commercial or industrial purposes situated within New Milford Sewer Service Area and abutting on any street, sewer easement or right of way in which there is now located within 200 feet or may in the future be located a public sanitary sewer, and where there is:

- (i) a change of use;
- (ii) a new structure built on the property;
- (iii) addition or expansion to the building(s) thereon; or
- (iv)

necessity to repair or upgrade onsite septic system; is hereby required, at their expense, to connect such facilities directly with the proper public sewer in accordance with the provision of these Rules and Regulations.

No such order shall be issued until after a public hearing with respect thereto after due notice in writing to such property owner.

Notwithstanding the foregoing, no owner of property used solely as a single family residence and served by a properly operated and maintained septic system meeting the requirements of the Public Health Code shall be ordered to connect to the sewer system unless such connection is otherwise required by the New Milford Director of Health.

Whenever an order to connect is issued against a property owner, such owner shall fully comply with the requirements of these regulations in making the connection to and in to use of the sewer system.

7.0 SEPTAGE WASTE REMOVAL AND DISPOSAL

7.1 SEPTAGE PUMPING PERMITS-PROPERTY OWNER

Not applicable

7.2 SEPTAGE DISPOSAL PERMITS - HAULERS

a. Permit required to deposit. No septage hauler or other person shall deposit, unload, dump, or otherwise discharge septage at the sewerage treatment facility or to the sewerage disposal system unless he has first obtained from the Sewer Commission a Septage Disposal Permit.

b. Application. Any septage hauler or other person desiring a Septage Disposal Permit shall file an application for same in such form as the Commission requires. Applications for Septage Disposal Permits which are incomplete or which are not accompanied by items required by the Commission shall not be considered. The Sewer Commission may charge a fee for the issuance of the permit to cover the administrative expenses relating thereto.

c. Issuance. In order to be eligible for a Septage Disposal Permit, the applicant a) must be licensed by the State of Connecticut pursuant to Section 20-341a et seq. of the Connecticut General Statutes; b) must agree to deposit all septage collected within the Town of New Milford at the town-owned sewerage treatment facility or at such other permitted

treatment or disposal facility approved by the Commission: c) must agree to comply with the rules, regulations and procedures established by the Commission relative to the disposal of septage at the municipal treatment facility; All representations made in conjunction with an application for a Septage Disposal Permit shall be made under penalties of false statement under Section 53a-157 of the Connecticut General Statutes.

The Commission may deny an application for a permit or place restrictions on a permit on the basis of any of the following reasons: (1) the septage hauler wishes to deposit at the treatment facility septage of a quality incommensurate with the capacities and processing abilities of the treatment facility; (2) the septage hauler's licensed from the state is or has been suspended or revoked; (3) the septage hauler has been charged with violations of federal, state or local environmental laws, regulations or codes; (4) the septage hauler makes misrepresentations of fact on his application; and (5) the Sewer Commission determines that the issuance of the permit will not be in the Commission's or Town's interest in abating water and ground water pollution or in preserving water quality in the Town of New Milford.

Only one permit shall be issued to each septage hauler. Each such permit shall be valid for a period of not more than one

year and to a date established by the Commission. Permits may be renewed by the Sewer Commission provided the permittee demonstrates continued compliance with the requirements for issuance of a permit.

7.3 REQUIREMENTS FOR DISPOSAL OF SEPTAGE

a. Septage collected from systems in New Milford. No driver, employee, or agent of a septage hauler possessing a valid Septage Disposal Permit and desiring to deposit septage collected from a septic system located in the Town of New Milford may deposit septage for treatment at the town sewerage treatment facility unless he (1) physically shows the Septage Disposal Permit to an authorized Town or Commission employee upon each delivery to the town sewerage treatment facility, (2) pays a processing fee upon such terms and in such amounts as the Sewer Commission may prescribe, (3) demonstrates that the septage meets the Sewer Commission's quality specifications, (4) demonstrates insurance coverage in amounts required by the Sewer Commission; and (5) satisfies other criteria which the Commission may prescribe. Where the Sewer Commission deems it necessary, a septage hauler may be required to separate loads from different systems and tanks.

b. Septage collected from systems outside New Milford. No driver, employee or agent of a septage hauler possessing a valid

Septage Disposal Permit and desiring to dispose of septage collected from a septic system located outside the Town of New Milford may deposit septage for treatment at the treatment facility unless he, at the time of depositing, (1) shows the permit to an authorized Town or Commission employee upon each delivery of a load to the treatment facility, (2) shows in a manner prescribed by the Sewer Commission the source of the septage; (3) demonstrates in a manner prescribed by the Sewer Commission that the source of the septage was a municipality from which the Sewer Commission has agreed to accept septage, (4) pays a processing fee upon such terms and in such amounts as the Sewer Commission may prescribe, (5) demonstrates that the septage meets quality specifications as the Commission may prescribe, and (6) demonstrates insurance coverage in amounts required by the Sewer Commission, and (7) satisfies other criteria which the Commission may prescribe. Where the Sewer Commission deems it necessary, a septage hauler may be required to separate loads from different systems and tanks.

8.0 FINANCIAL OPERATION

8.1 FISCAL YEAR

The fiscal year for the Commission shall be July 1 to June 30.

8.2 ANNUAL BUDGET

At least two months prior to the end of each fiscal year the Commission shall prepare a proposed operating budget for the succeeding fiscal year. The budget shall identify, itemize and total all projected income and expenses (including surplus or deficit) relating to the operation, rehabilitation and maintenance of the sewerage facilities. The budget, once adopted by the Commission, shall be placed on file with the Town Clerk for public inspection.

8.3 SURPLUSES

Unallocated surpluses from previous fiscal years shall be considered in determining the annual budget.

8.4 CUSTOMER PAYMENT OF CHARGES

Sewer use charges shall be billed to property owners on July 1 of each fiscal year and shall be payable in installments due on July 1 and January 1. All bills shall be due and payable thirty (30) days after the date of billing.

9.0 DEFINITIONS

The following definitions shall apply in the interpretation of these Regulations except where inconsistent with the context in which the term or terms are used:

- a) Biochemical Oxygen Demand ("BOD") means the amount of oxygen required by bacteria while stabilizing decomposable organic matter under aerobic conditions for five days. The determination of BOD shall be performed in accordance with the procedures prescribed in the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Health Association.
- b) Building Drain means that part of the lowest horizontal piping of a building plumbing which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- c) Building means any structure including each individual residential unit in a multi-family or cluster housing complex.
- d) Building Sewer means the extension from the building drain to the public sewer or other place of disposal.
- e) Categorical Standards mean the National Categorical Pretreatment Standards or Pretreatment Standards.
- f) Commission or Sewer Commission means the Sewer Commission of the Town of New Milford.
- g) Compatible Pollutant means BOD, suspended solids, pH and fecal coliform bacteria, and any additional pollutants identified in the water pollution control facility's NPDES permit where the water pollution control facility is designed to treat such pollutants and in fact does treat such pollutants to the degree required by the NPDES permit.

h) Composite Sample means a mixture of aliquot samples obtained at regular interval over a time period. The volume of each aliquot is proportional to the discharge flow rate for the sampling intervals. The minimum time period for composite sampling shall be four (4) hours.

i) Cooling Water means process water in general used for cooling purposes to which the only pollutant added is heat and which has such characteristics that it may be discharged to a natural outlet in accordance with Federal, State and local laws, regulations and ordinances.

j) Commercial and industrial units shall mean any structures or portion of structures not defined as a residential dwelling unit, or a public or quasi-public unit.

1] Commercial designation shall apply when the majority of the effluence discharged to the system is sanitary waste. Commercial designation shall apply to each structure having four (4) or more residential dwelling units.

2] Industrial designation shall apply when the majority of the effluence discharged to the system is industrial waste.

3] Major industrial use shall mean when the industrial discharge averages a flow which exceeds the equivalent of 25,000 gallons per day of domestic effluence.

k) Complexes shall mean structures or portions of structures containing two or more separate commercial, industrial and/or residential units with a common water source.

A separate unit in a complex shall mean a residential unit and/or any fully partitioned area in which a distinct and specific enterprise is conducted, and from which effluence is discharged.

l) Domestic Sewage means sewage that consists of water and human excretions or other water-borne wastes incidental to the occupancy of a residential building

but not wastewater from water-softening equipment, commercial laundry, wastewater, and blowdown from heating and cooling equipment.

m) Floatable Oil is oil, fat or grease in a physical state such that it will separate by gravity from sewage by treatment in an approved pretreatment facility.

n) Garbage means the animal or vegetable waste resulting from the handling, preparation, cooking or serving of foods.

o) Grab Sample means a sample which is taken from a waste stream on a onetime basis with no regard to the flow in the waste stream and without consideration of time.

p) Holding Tank Waste is any waste from holding tanks such as vessels, chemical toilets, campers, trailers septic tanks and septage hauling trucks.

q) Incompatible Pollutant all pollutants other than compatible pollutants as defined in Para. 3.0.

r) Industrial Wastewater means all wastewater from industrial process, trade, or business and is distinct from domestic sewage.

s) "May" is permissive (see "Shall").

t) National Pollution Discharge Elimination System (NPDES) Permit - A permit issued pursuant to Section 402 of the Federal Water Pollution Control Act, also known as the Clean Water Act (33 USC 1342).

u) Oil means oil which is of either mineral or vegetable origin, and disperses in water or sewage at temperatures between 0 degrees and 65 degrees C. For the purposes of this ordinance, emulsified oil shall be considered as soluble oil.

v) Person means any individual, partnership, joint venture, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include

the feminine, the singular shall include the plural where indicated by the context.

w) pH means the logarithm of the reciprocal of the hydrogen ion concentrations. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

x) Pretreatment or Treatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a water pollution control facility. The reduction or alteration can be obtained by physical, chemical or biological processes, except as prohibited by Title 40, Code of Federal Regulations, Section 403.6(d).

y) Properly Shredded Garbage shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle having any dimension greater than 1/2 inch (1.27 centimeters).

z) Property owner means any person owning an interest in land, in fee or lesser estate or, a contract purchaser.

aa) Public Sewer shall mean a common sanitary sewer controlled by a governmental agency or public utility.

bb) Residential Dwelling Unit shall mean a structure or portion of a structure which provides the ordinary comforts of living on a permanent or semi-permanent basis and shall specifically include single and multi-family dwelling units, apartment units, condominium units and mobile homes, and shall specifically exclude hotels, motels, and other forms of transient guest quarters. Notwithstanding the foregoing, any structure having four (4) or more residential dwelling units shall be considered as commercial units pursuant to Section 8.0(j)[1].

- cc) Sanitary Sewer means a sewer which collects and conveys domestic sewage from residences, public buildings, commercial establishments, industries and institutions. A sanitary sewer may also collect and convey permitted industrial wastewater and unintentionally admitted ground, storm and surface waters.
- dd) Septage means the liquid and solids which are removed from a tank used as part of a subsurface sewage disposal system.
- ee) Septage hauler means any person offering to the public the general services of cleaning or servicing subsurface sewage disposal systems and wishing to deposit septage at the treatment facility.
- ff) Sewage means human and animal excretions and all domestic and such manufacturing wastes as may tend to be detrimental to the public health.
- gg) Sewage Collection System means the structures and equipment required to collect and convey sewage to the Water Pollution Control Facility.
- hh) Sewer System means all sewers, mains, lines, laterals, trunks, valves, and all processing equipment, including the treatment facility, for disposing of sewerage.
- ii) Sewerage means all wastewater and septage from septic tanks and systems discharged directly or indirectly into the sewer system.
- jj) "Shall" is mandatory (See "May").
- kk) Slug means any sudden or excessive discharge which exceeds permitted levels either in terms of pollutant concentration, or instantaneous flow rate in such manner as to adversely affect the sewage collection system and/or the water pollution control facility.
- ll) Special Discharge Facilities means the installation of pretreatment, flow-equalizing or "off-peak discharge" facilities required by the Commission to:

1. Reduce the biochemical oxygen demand to three hundred (300) parts per million, and the suspended solids to three hundred fifty (350) parts per million by weight; or
2. Reduce objectionable characteristics or constituents to within the maximum limits provided for, or
3. Control the quantities and rates of discharge to sewage to the public sewer system.

mm) Storm Sewer means a sewer which collects and conveys storm water or groundwater.

nn) Suspended Solids means the solids matter, measured in mg/liter, which may be in suspension, floatable, or settleable and removable by laboratory filtering as prescribed in the latest edition of "Standard Methods for Examination of Water and Wastewater."

oo) Toxic Pollutant means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of Section 307 (a) of the Federal Water Pollution Control Act or other Acts.

pp) Treatment Facility means the Town of New Milford Sewerage Treatment Plant and all parts, additions and modifications thereto.

qq) Unit shall mean a residential dwelling unit, public and/or quasi-public unit, commercial unit and/or industrial unit from which effluence is discharged as hereinafter defined.

rr) User is any person who contributes causes or permits the contribution of sewage into the (municipalities) sewer system.

ss) Water Pollution Control Facility (WPCF) means an arrangement of devices for the treatment of sewage and sludge.

tt) Watercourse means a natural or artificial channel for the passage of water either continuously or intermittently.

10.0 SAVINGS CLAUSE

The invalidity of any section, clause, sentence or provision of these Regulations shall not affect the validity of any other part of these Regulations.

