

**BROOKFIELD WATER POLLUTION CONTROL AUTHORITY
PUBLIC HEARING OCTOBER 27, 2021
(Filing #1)**

**PROPOSED AMENDMENTS TO THE SEWER USE REGULATIONS
TO ESTABLISH SEWER CONNECTION MORATORIUM**

The Brookfield Water Pollution Control Authority proposes to impose a partial sewer connection moratorium effective as of January 1, 2022 due to the prospect that the Town of Brookfield will exceed its treatment plant capacity within the immediate future. It is intended that the sewer connection moratorium shall continue indefinitely until it is determined that additional capacity is available from the regional wastewater treatment plant in Danbury or elsewhere. To implement such moratorium, the Authority proposes to adopt amendments to Section 1.2 and to Section 2.0 the Sewer Use Rules and Regulations and to adopt an Amended Water Pollution Control Plan.

A Public Hearing will be held on Wednesday, October 27, 2021 at 6:00 p.m. in Room 133 of the Brookfield Municipal Center, 100 Pocono Road, Brookfield, Connecticut to receive public comment on proposed amendments.

The proposed Amended Water Pollution Control Plan is contained in a separate document filed for public inspection (Filing #2). The proposed amendments to the Sewer Use Regulations are as follows:

NOTE: LANGUAGE TO BE DELETED IS STRICKEN. LANGUAGE TO BE ADDED IS UNDERLINED.

Proposed Amendment to Sewer Use Rules and Regulations

Proposed amendment to Section 1.2 Treatment Capacity Management:

1.2 TREATMENT CAPACITY MANAGEMENT

Sewage treatment capacity available to the Town of Brookfield is limited. The capacity limit at the initial adoption of these regulations was an average daily flow of 500,000 gallons per day. The City of Danbury, however, has informed the Town of Brookfield that it intends to reduce the Town of Brookfield's capacity allocation, effective in calendar 2022, to an average daily flow of 380,000 gallons per day. The Authority reports for fiscal year ending (FYE) June 2020, the average daily discharge to Danbury was 304,000 gallons per day; and Authority records demonstrate that the daily discharge to Danbury for FYE June 2021 was 316,000 gallons per day. But for the last 4 months, May to August 2021 the daily average elevated to 345,000 gallons per day. Moreover, the Facilities Plan projected additional flows from within existing sewer districts to total 221,000 gallons per day, including additional flows of 70,500 gallons per day from assessed but not connected properties, 70,000 gallons per day from approved but unbuilt developments, 68,100 gallons per day from failure only connections and 12,400 gallons per day from the Dean Road/Pocono Road area. To ensure that the Town does not exceed its available treatment capacity, effective as of January 1, 2022, no sewer connection or discharge permit shall be issued by the Authority with respect to any property, and no such property shall be permitted a discharge in excess of 2,000 gallons per day, unless that property falls within one of the following categories:

- a) properties which are or have been subject to the levy of a sewer benefit assessment as a result of the construction of municipal sewer facilities;
- b) properties which are subject to an agreement or resolution adopted by the Authority to reserve sewage treatment capacity upon the payment of a sewer capacity reservation fee;
- c) properties determined by the Authority to require an allocation of sewage treatment capacity to effectively abate or mitigate an existing or threatened pollution problem; (An owner claiming to have a failed septic system or a system in danger of imminent failure, shall provide written documentation from a professional engineer licensed in the State of Connecticut and verified by the Town Sanitarian confirming the condition of the system. Discharge shall be limited as necessary to an existing building, facilities and/or uses.);
- d) properties owned by the Town of Brookfield or owned by a not-for-profit organization performing an essential municipal function (e.g., fire, ambulance or rescue services); and
- e)

Notwithstanding the foregoing, applications for Sewer Connection and Discharge Permits shall be considered only when the Authority determines that the public sewer system and existing sewage treatment capacity is capable of conveying and adequately treating the sewage to be discharged.

Proposed Amendment to Section 2.0, Sewer Connection Permit: Standards of Construction – Lapse of Permit

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

Upon issuance of a Sewer Connection Permit and the payment by the Applicant to the Authority of a non-refundable Sewer Application Fee in accordance with Section 7.2 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 Application Fee (See Section 7.2.2) shall be paid to the Authority prior to the issuance of the Sewer Connection Permit, customarily upon application for such permit. *NOTE: This fee is in addition to the \$750.00 cash bond.*

The Sewer Connection Permit shall automatically lapse two (2) years after the date of issuance unless a written extension not to exceed a maximum of one (1) year is granted by the Authority prior to the expiration of said two (2) year period. Within such time, the permittee must either a) begin construction of the building sewer or b) complete the connection to the sewer line and obtain an inspection and approval of the connection by the Authority. No discharge to the sewer system shall be permitted until a Sewer Discharge Permit is issued by the Authority and only after the filing of "as-built" drawings and all work, including the actual connection to the sewer line, has been inspected and approved by the Authority.

Once a Sewer Connection Permit has lapsed, a new Sewer Connection Permit application (subject to the requirements of Section 1.2 Treatment Capacity Management) 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 Connection Permit under which it is being performed has lapsed.