

#1. Proposal to amend Section 1.2. Treatment Capacity Management of the Sewer Use Rules and Regulations to clarify that “design flows” for purposes of evaluating new connection permits shall be based on the Connecticut Public Health Code and to clarify that changes in property configuration will not serve to increase available discharge allocation. The proposal is to amend Section 1.2 to read as follows:

1.2 TREATMENT CAPACITY MANAGEMENT

Sewage treatment capacity available to the Town of Brookfield is limited. 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 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

Notwithstanding the foregoing, for vacant properties, no such property shall be permitted a new connection permit based on design flows in excess of 2,000 gallons per day or a discharge calculated at the rate of 400 gallons per day, per acre, whichever is greater¹. For improved properties presently or previously connected to the municipal sewer, no such property shall be permitted a new connection permit based on design flows in excess of 2,000 gallons per day or

¹ Example 1: a vacant 10 acre parcel will be allowed a discharge up to 4,000 gallons per day based on design flows: 400 gallons per day times 10 acres equals 4,000 gallons per day.

150% of existing or pre-existing design flows, whichever is greater.² For purposes of the foregoing, “design flows” shall be determined in accordance with the requirements of Section IV, Design Flows, of the Technical Standards for Subsurface Sewage Disposal Systems as set forth in the Connecticut Public Health Code, as amended; and “existing or pre-existing design flows” shall be determined as of January 1, 2022. The merger or division of parcels subsequent to January 1, 2022 shall not serve as a basis for any cumulative increase in allowed allocation of sewage discharge capacity.

Further 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.

#2. Proposal to amend Section 7.3.2 of the Sewer Use Rules and Regulations to add a provision allowing certain property owners to elect to defer payment of capital cost recovery connection fee in excess of \$5,000 over a period of four (4) years and other technical changes. The proposal is to amend Section 7.3.2 to read as follows:

7.3.2 DEFERRED PAYMENT OF CAPITAL COST RECOVERY CONNECTION CHARGE

Any property owner who shall be required to pay a 2% Capital Cost Recovery Connection Charge (“Connection Charge”) in excess of Five Thousand Dollars (\$5,000.00), but less than Fifteen Thousand Dollars (\$15,000.00) may, at the option of such property owner, elect to pay the capital cost recovery connection charge together with interest on the unpaid principal amount at the rate of 6.8.0% per annum, in accordance with the following installment plan. The first installment shall be in the amount of Two Thousand Dollars (\$2,000.00) and shall be

² Example 2: a property connected or previously connected to the municipal sewer with discharge of 2,000 gallons per day based on design flow may be torn down and permitted an expansion that increases that discharge to a maximum of 3,000 gallons per day. A property with a discharge of 250 gallons per day, however, would be allowed a maximum discharge of 2,000 gallons per day since this is greater than the gallonage calculated at 150% of existing discharge.

payable at the time that the Capital Cost Recovery Connection Charge is assessed. The balance of the Connection Charge shall be paid in four (4) equal annual installments of principal, together with accrued interest, commencing on December 1 next following issuance of the assessment of the Capital Cost Recovery Connection Charge.

Any property owner who shall be required to pay a 2% Capital Cost Recovery Connection Charge (“Connection Charge”) in excess of Fifteen Thousand Dollars (\$15,000.00), but less than Fifty Thousand Dollars (\$50,000.00) may, at the option of such property owner, elect to pay the capital cost recovery connection charge together with interest on the unpaid principal amount at the rate of 46.0% per annum, in accordance with the following installment plan. The first installment shall be in the amount of Ten Thousand Dollars (\$10,000.00) and shall be payable at the time that the Capital Cost Recovery Connection Charge is assessed. The balance of the Connection Charge shall be paid in four (4) equal annual installments of principal, together with accrued interest, commencing on December 1 next following issuance of the assessment of the Capital Cost Recovery Connection Charge.

Any property owner who shall be required to pay a Capital Cost Recovery Connection Charge (“Connection Charge”) in excess of Fifty Thousand Dollars (\$50,000.00) but less than One Hundred Thousand Dollars (\$100,000.00) may, at the option of such property owner, elect to pay the capital cost recovery connection charge together with interest on the unpaid principal amount at the rate of 46.0% per annum, in accordance with the following installment plan. The first installment shall be in the amount of Fifteen Thousand Dollars (\$15,000.00) and shall be payable at the time that the Capital Cost Recovery Connection Charge is assessed. The balance of the Connection Charge shall be paid in seven (7) equal annual installments of principal, together with accrued interest, commencing on December 1 next following issuance of the assessment of the Capital Cost Recovery Connection Charge.

Any property owner who shall be required to pay a Capital Cost Recovery Connection Charge (“Connection Charge”) in excess of One Hundred Thousand Dollars (\$100,000.00) may, at the option of such property owner, elect to pay the capital cost recovery connection charge

together with interest on the unpaid principal amount at the rate of ~~46.0~~4.0% per annum, in accordance with the following installment plan. The first installment shall be in the amount of Twenty-Five ~~Fifteen~~ Thousand Dollars (\$25,000.00) and shall be payable at the time that the Capital Cost Recovery Connection Charge is assessed. The balance of the Connection Charge shall be paid in nine (9) equal annual installments of principal, together with accrued interest, commencing on December 1 next following issuance of the assessment of the Capital Cost Recovery Connection Charge.

If any installment remains unpaid for thirty (30) days after the same shall become due, the entire unpaid balance of the Capital Cost Recovery Connection Charge, together with all unpaid interest, shall become immediately due and payable. The Authority 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.

Any person electing to defer payment of the 2% Capital Cost Recovery Connection Charge in accordance with this section shall execute such documentation required by the Authority to reflect the liability of the property owner for the payment of the Connection Charge on the land records and shall pay a fee equal to the amount of the Town Clerk's recording fee for such documentation.