

## **Brookfield Water Pollution Control Authority**

### **Proposed Amendment to Section 1.2 Treatment Capacity Management to facilitate Brownfield Remediation**

#### **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 greater<sup>1</sup>. 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

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<sup>1</sup> 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.<sup>2</sup> 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.

A special exception to the above referenced sewage design flow limitation may be permitted after public hearing<sup>3</sup> to facilitate remediation of any property for which the Town of Brookfield has received grant funding under the Connecticut Brownfield Remediation and Development Program, provided however, that the exception to the sewage design flow limitation is determined by the Authority to be the minimum deviation reasonably necessary to achieve the environmental remediation of such property. An applicant desiring to discharge in excess of the design flow limitation to facilitate the environmental remediation shall be required to demonstrate 1) that grant funding, and the conditions of such grant funding, has been provided to the Town of Brookfield under the Connecticut Brownfield Remediation and Development Program for the remediation of such property, 2) that the applicant has considered use and design alternatives to the proposed development plan that would comply with, or would more closely comply with, the design flow limitations of these Regulations, 3) that there are no economically feasible alternatives to the proposed development plan that would enable the applicant to comply with, or more closely comply with, the design flow limitations of these Regulation while still being able to remediate the property. The alternatives to the proposed development plan to be considered by the applicant are those that would have a less detrimental impact to allowed design

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<sup>2</sup> 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.

<sup>3</sup> Not less than 14 days prior to the public hearing the applicant shall placard the property with a sign of not less than 4' x 6' dimension giving notice of the date, time and place of public hearing and of the design flow exception requested. The Authority shall publish notice of the public hearing in the manner required by Section 8-7d(a) of the General Statutes.

flows and which could feasibly attain the basic objective of environmental remediation of the property. This consideration should include, but is not limited to, the alternatives of different types or scopes of development of the property which would provide a similar benefit of permitting environmental remediation. In addition, the applicant shall be required to demonstrate. A special exception application fee of \$2,500 shall be paid to the Authority at the time of submission of such application. This application fee shall be in addition to the sewer connection application fee otherwise required by these Regulations. In addition, should a special exception to the sewage design flow limitation be granted, the Capital Cost Recovery Connection Fee applicable to such property shall be increased in direct proportion to the increase in design flow allowed by such special exception.<sup>4</sup> Standard permit lapse conditions as defined in Section 2.0 will apply to this exception.

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.

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<sup>4</sup> Examples: a) If the maximum design flow allowed by these regulations is 2,000 gpd and the special exception allows a design flow of 4,000 gpd, the Capital Cost Recovery Connection fee will be based on 4% of assessed value. (4,000 gpd ÷ 2,000 = 2) (2% x 2 = 4%). b) If the maximum design flow allowed by these regulations is 2,000 gpd and the special exception allows a design flow of 5,500 gpd, the Capital Cost Recovery Connection fee will be based on 5.5% of assessed value. (5,500 gpd ÷ 2,000 = 2.75) (2% x 2.75 = 5.5%)