

Sewer Moratorium Resolution #3

I move that the Authority adopt the Amended Water Pollution Control Plan attached hereto to implement 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.

BROOKFIELD WATER POLLUTION CONTROL AUTHORITY AMENDED WATER POLLUTION CONTROL PLAN

Pursuant to Section 7-246(b) of the General Statutes, The Brookfield Water Pollution Control Authority (Authority) hereby promulgates its Water Pollution Control Plan for the Town of Brookfield. This Plan repeals and supersedes the previously adopted Water Pollution Control Plan adopted on August 27, 2021¹.

The purpose of this Plan is to set forth the Authority's policies and objectives with respect to the control of water pollution and with respect to the provision of sewer service within the Town of Brookfield. The fundamental purpose of this Plan is to implement a sewer policy consistent with the following basic precepts:

- To designate and delineate the boundaries of the areas in which the Authority provides or is expected to provide municipal sewer service.
- To designate areas where sewers are to be avoided.
- To document the Commission's policy for the effective utilization of existing sewer capacity, and to establish a policy for the proper planning of capacity management prior to the construction of any new or additional sewerage facilities.
- To manage sewer service in a manner that will foster commercial and industrial development, thereby promoting economic growth for the benefit of the Town of Brookfield as a whole.
- To support and complement the Brookfield Plan of Conservation and Development, effective as of July 2, 2015, amended as of March 17, 2016.

SEWER SERVICE AREAS

Areas Presently Served by the Municipal Sewerage System:

¹ A Water Pollution Control Plan was originally adopted as of August 22, 2012. An amended Plan was adopted on August 27, 2014.

Subject to the limitations hereafter set forth and as otherwise contained in the Sewer Use Rules and Regulations, the areas presently served by the municipal sewerage system are depicted on a map entitled “Water Pollution Control Authority, Brookfield, Connecticut, Scale 1”=1,500’ Adopted 8/27/2014, Revised 10/28/2020”, prepared by Langan CT, Inc. of 555 Long Warf Drive, New Haven, Connecticut 06511-6107 (hereafter “Sewer Service Area Map”) as said map may be revised by the Authority from time to time. A copy of said Sewer Service Area Map, as it may be hereafter amended, is incorporated herein by reference. These areas include the following historically defined sewer areas:

(a) Southwest and Federal Road Sewer Areas:

The Southwest and Federal Road Sewer Areas comprise those properties serviced by existing sanitary sewers within the Federal Road corridor, and includes the area of Grays Bridge Road, Old New Milford Road, Greenknoll Drive, Junction Road (Route 133), Commerce Drive and Laurel Hill Road, Delmar Drive, Sandy Lane and Old Grays Bridge Road in which municipal sewers presently exist. The Southwest Area is generally defined as the area located southerly of the intersection of Federal Road and Junction Road (Route 133). The Federal Road Sewer Area is generally defined as the area located north of the intersection of Federal Road and Junction Road (Route 133) to the New Milford town line. The Southwest and Federal Road Sewer Areas consist of properties presently connected to the sewer system, properties for which a benefit assessment has been levied or is expected to be levied and properties for which a reservation of sewer capacity has been formally established.

(b) Center School Sewer Extension Area:

The Center School Sewer Extension Area comprises those properties presently served by and connected to the existing Center School Sewer Extension along Silvermine and Pocono Roads, including Center School.

(c) White Turkey / Candlewood Lake Road Sewer Area:

The White Turkey / Candlewood Lake Road Sewer Area comprises those properties presently served by and connected to the existing sanitary sewer extending from Federal Road to the Huckleberry Hill School.

(d) West Whisconier Hill Road (Three Condominium) Sewer Area:

The West Whisconier Hill Road (Three Condominium) Sewer Area comprises those properties presently served and connected and those properties presently assessed within the following condominium projects: Stony Hill Village Condominiums, Whisconier Village Condominiums and Cedar Brook Condominiums. The sewer district also serves properties presently assessed within a limited area zoned for industrial use along Vale Road (including 101,

101 A and 111 Park Ridge Road, (all formerly 20 Vale Road), Sand Cut Road and Gray's Bridge Road and the Whisconier School. No property other than the specified condominiums, the Whisconier School and the industrial properties for which a benefit assessment is levied may connect to this sewer extension.

(e) Brookfield High School Sewer Area:

The Brookfield High School Sewer Area is a sewer extension running to the Brookfield High School from the Center School Sewer Extension. This is a single use municipal sewer area to serve the Brookfield High School only. No property other than the Brookfield High School may be connected to this sewer extension.

(f) High Meadow / Ledgewood/ Newbury Crossing Sewer Area

This sewer area serves the High Meadow, Ledgewood and Newbury Crossing condominium projects by means of an extension from the Center School Sewer Extension to provide sewer service to the High Meadow, Ledgewood and Newbury Crossing condominium projects.

The properties located within the foregoing sewer service areas are indicated on the aforesaid Sewer Service Area Map as follows:

(Green) "Connected to sewer"

(Orange) "Assessed but not connected"

(Blue) "Future Anticipated" .

Areas where municipal sewerage facilities are planned:

(a) 37 Old Route 7:

A sewer extension has been permitted to serve premises known as 37 Old Route 7. The project has been fully designed and approved for construction as an owner financed sewer expansion.

(b) 101-105 Laurel Hill Road

A sewer extension in Laurel Hill Road has been permitted to serve premises known as 101-105 Laurel Hill Road. The project has been fully designed and approved for construction as an owner financed sewer expansion.

(c) Central Sewer Corridor Expansion

The Brookfield Plan of Conservation and Development contemplates expansion of the central sewer corridor to serve additional commercial and industrial properties outside of the Southwest and Federal Road Sewer Areas. The Authority reserves the exclusive discretion to manage existing treatment plant capacity and to determine when and how these areas might be

served. At present, the Authority anticipates that no capacity to serve these areas is available. Such areas are identified as follows:

(Light Blue) “Future anticipated areas”

AREAS WHERE SEWERS ARE TO BE AVOIDED

The Town of Brookfield presently has an InterLocal agreement with the City of Danbury allowing 500,000 gallons per day of wastewater discharge from Brookfield to be treated at the Danbury Wastewater Treatment Plant. The Authority expects that allocation of treatment capacity to be reduced to 380,000 gallons per day effective in calendar year 2023. The Authority has determined that all capacity available within the 380,000 gallons per day limitation has been previously allocated to existing sewer users or to parties having valid, unexpired sewer connection permits. As such, no additional sewer treatment capacity is currently available to the Town of Brookfield. Vacant properties located within existing sewer areas for which an assessment has been levied and paid may be permitted discharges not to exceed 2,000 gallons per day or discharges calculated at the rate of 400 gallons per day, per acre, whichever is greater². Improved properties presently or previously connected to the municipal sewer for which an assessment has been levied and paid may be permitted discharges not to exceed 2,000 gallons per day or 150% of existing or pre-existing design flows, whichever is greater.³ All such discharges shall be approved on a case by case basis subject to a determination that the Authority may permit such discharge without penalty.

As to other areas, the Authority concludes that a policy of sewer avoidance is appropriate for all areas of Brookfield that are not served or to be served by existing or planned sewerage facilities. The only recognized exception to this sewer avoidance policy is when municipal sewers are the only reasonable means of remediating water pollution caused by multiple septic failures in a particular geographic area. With this limited exception, the Authority will not extend, nor permit the extension, of sewers to serve areas or properties outside of the existing or planned sewer service areas.

Given this policy of sewer avoidance, new development and construction beyond the limits of these sewer service areas shall not exceed the ability of the land on which it is located to adequately support proper on-site subsurface wastewater disposal. The Authority expects that

² 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.

³ 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.

appropriate municipal agencies, including but not limited to the Planning Commission, Zoning Commission, and Building and Health Departments, will effect policies to assure the long term adequacy of on-site disposal, including the monitoring of disposal systems, the identification of malfunctioning systems and the requirement for effective on- site repairs. Deviation from this sewer avoidance policy shall be entertained only in cases where municipal sewer construction is the only reasonable means to mitigate an existing or threatened pollution problem.

The properties that are subject to this sewer avoidance policy are indicated as follows on the aforesaid Sewer Service Area map:

(White) – “Sewer avoidance areas” **FAILURE ONLY SEWER CONNECTIONS**

It is the intention of the Authority that no properties other than those included in a designated and defined Sewer Service Area shall be allowed to connect to the municipal sewerage system, regardless of the proximity of that property to a municipal sewer. Nonetheless, the Authority may approve the connection to a municipal sewerage system of one or more lots located outside of the boundaries of a Sewer Service Area pursuant to Section 1.2(c) of the Sewer Use Rules and Regulations if all of the following criteria have been met:

1. The connection of such lot to the sewerage system must be necessary to remedy the failure of a subsurface sewage disposal system or to prevent the unreasonable pollution of groundwater by the operation of an existing subsurface sewage disposal system on the lot;
2. The Authority must be provided with written certifications by a professional engineer properly licensed within the State of Connecticut and by the Town Sanitarian or Health Officer, or a Town consultant having equivalent qualifications, that it is not feasible to repair or replace the failed septic system on-site, or to make such on-site corrections as would be sufficient to prevent the continued unreasonable pollution of groundwater as a result of the operation of the system;
3. The subsurface sewage disposal system at issue must either have been (i) in existence on November 15, 2000, or (ii) constructed after the date of adoption of these Regulations in accordance with the requirements of the then existing Public Health Code ;
4. The Authority must determine that there is sufficient capacity available in the sewerage system to accommodate the additional wastewater flows; and
5. The entire costs of the connection, including the cost of any sewer extension, shall be paid by the lot owner.

The properties that may be permitted a sewer connection on a “failure only” basis are indicated as follows on the aforesaid Sewer Service Area Map:

(Yellow) “Failure only connection”

AREAS WHERE EXISTING AND POTENTIAL SEPTIC SYSTEM FAILURES EXIST:

The Authority considers several areas of Town to be “potential remediation areas”. These are designated on the aforesaid Sewer Service Area map as:

(Red) - “Areas of Concern”

The Authority anticipates that municipal sewer service may eventually be extended to serve these areas. The Authority, presently, has no schedule for design or construction of sewers to serve these areas and expects that action will not be taken until such time as funding and need coincide. The Authority recognizes that long term needs may require localized treatment of wastewater by “community sewerage systems” or by extension of collector sewers to serve these areas. The Authority will be sensitive to sewer extension proposals submitted by the private sector when such proposals serve the public interest by providing for the extension of limited sized sewers to remediate problems in these remote areas.

COMMUNITY SEWERAGE SYSTEMS

Community sewerage systems (as defined in Section 7-245 of the Connecticut General Statutes) shall not be used as a device to extend sewer service for new construction beyond the limits of the existing sewer districts. Unless necessary to abate or mitigate an existing or imminent pollution problem, no community sewerage system involving package treatment plants, subsurface septic systems or subsurface leaching systems shall be permitted in the Town of Brookfield.

It is recognized that several historical existing, privately owned community sewerage systems having subsurface septic systems or subsurface leaching systems currently exist. These include Lake Lillinoah Condominiums, Brookfield Hills Condominiums, Woodcreek Village Condominiums and Orchard Place Condominiums. None of these community sewerage systems were approved by the Brookfield Water Pollution Control Authority and none are subject to a management agreement with the WPCA to ensure effective operation, management, maintenance or replacement.

High Meadow Condominiums, Ledgewood Condominiums and Newbury Crossing Condominiums are located in the High Meadow / Ledgewood/ Newbury Crossing Sewer Area. Although sewer service is provided to these condominiums each condominium will continue to maintain a community sewerage system consisting of gravity sewers and small pump stations as necessary to convey condominium sewage to the municipal system.

Other privately owned community sewerage systems that are presently connected to the municipal sewer system serve Cedarbrook Condominiums, Sandy Lane Village Condominiums, Stony Hill Village Condominiums, Whisconier Village Condominiums, Rollingwood Village Condominiums and Newbury Village Condominiums.

The Authority has approved privately owned community sewerage systems at the proposed Riverview Affordable Housing Condominiums and at Oak Meadow Affordable Housing Condominiums.

The properties that are served by community sewerage systems are indicated as follows on the aforesaid Sewer Service Area map:

(Black Stripes) “Community Sewerage System”

AREAS TO BE DESIGNATED AS DECENTRALIZED WASTEWATER MANAGEMENT DISTRICTS

No areas of the Town have been designated or are under study as “areas to be designated as decentralized wastewater management districts”.

FACILITIES PLAN

The Authority recognizes the need for the preparation of a Facilities Plan, projecting the sewerage needs of the Town twenty (20) years into the future.

MISCELLANEOUS

Nothing contained in the Water Pollution Control Plan shall be deemed to amend or revoke any provision of the Authority’s Sewer Use Rules and Regulations.

AMENDMENT AND EFFECTIVE DATE

This plan may be amended from time to time by the Authority. It shall be effective as the official Water Pollution Control Plan of the Town of Brookfield from the date of adoption

Adopted: December 15, 2021