

Sewer Moratorium Resolution #2

I move that the Authority 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. The moratorium is based upon the following factors:

1) Sewage treatment capacity available to the Town of Brookfield is limited. The capacity limit at the initial adoption of the Sewer Use Rules and Regulations was an average daily flow of 500,000 gallons per day (gpd). 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 that 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. In the period of May to August 2021, the daily average flow elevated to 345,000 gallons per day.

2) the Facilities Plan completed in 2020 projected that Brookfield will exceed its treatment capacity. It 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.

3) Authority staff has evaluated the impact of additional sewage flows from approved but not constructed projects. As of November 19, 2021, permits have been issued authorizing discharges having total design flows of 178,636 gallons per day. Of these, permits authorizing discharges of 41,575 gpd have lapsed, leaving net additional permitted discharges totaling 137,061 gallons per day based on design flows. Whether evaluated on the basis of 100%, 85% or 60% of design flows, the analysis reveals that the Authority will exceed the anticipated 380,000 gpd capacity limitation in 2023.

To manage and minimize the treatment capacity issues until resolution and clarification of discharge capacity limitations to the City of Danbury, and after considering the testimony presented at the public hearing held on October 27, 2021, I move that the Authority adopt the following amendments to Section 1.2 Treatment Capacity Management, and to Section 2.0, Sewer Connection Permit: Standards of Construction – Lapse of Permit of the Sewer Use Rules and Regulations

Amendment to Section 1.2 Treatment Capacity Management:

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 150% of existing or pre-existing design flows, whichever is greater.²

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.

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

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.

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.

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.