

# LEGAL NOTICE

Notice is hereby given that the Town of Vernon Water Pollution Control Authority will hold a Public Hearing on December 12, 2013 at 7:00 pm, in the Water Pollution Control Facility at 100 Windsorville Rd, Vernon, CT so that citizens may be heard concerning proposed amendments to Regulation Number One pertaining to the Use of Public Sewers and the Discharge of Waters and Wastes into Public Sewers in the Town of Vernon. The Vernon WPCA is proposing to adopt such amendments to bring the Regulation up to date and to clearly delineate specific requirements for those users of the collection system that are regulated by the "General Permit for the Discharge of Wastewater Associated with Food Preparation Establishments" issued by the Department of Energy and Environmental Protection in 2005. The changes are enumerated in the following document entitled; "Regulation One Amendments December 12, 2013".

A copy of this document, "Regulation One Amendments", as well as the Revised Regulation One is available in the Town Clerk's Office and on the Town's website. Copies of these documents as well as the existing Regulation One can be obtained in the WPCA offices at 5 Park Street.

## Regulation One Amendments December 12, 2013

### Section II Changes

Paragraphs (e)3. - (e)5 are deleted from this paragraph and existing paragraph (e)6 is renumbered (e)7.

New paragraphs (e)3. - (e)6 are added as follows:

3. "Floatable Oil" - Oil, fat or grease in a physical state such that it will separate by gravity from sewage by treatment in an approved pretreatment facility.
4. "FOG - Fats, oils and grease" - Animal and plant derived substances that may solidify or become viscous between the temperatures of 32°F and 150°F (0°C to 65°C), and that separate from wastewater by gravity. Melted animal fat, any edible substance identified as grease per the most current EPS method as listed in CFR 136.3.
5. "Grease trap" or "interceptor" means any device or equipment designed to separate fats, oils and grease from wastewater while allowing water to flow through.
6. "Food preparation establishment, FPE," means a Class III and IV food service establishment as defined by Section 19-13-B42 of the State of Connecticut Public Health Code or any other facility discharging fats, oil and grease above the effluent limits in Section 5(c)(2) of the DEEP General Permit for the discharge of wastewater associated with Food Preparation Establishments such as but not limited to restaurants, hotel kitchens, hospital kitchens, school kitchens, bars, factory cafeterias, retail bakeries and clubs.

Renumbered Paragraph(e)7) is revised to include the words; "except FOG".

Paragraph (t), DEP definition, is revised as follows:

"DEP" or "DEEP" shall mean the State of Connecticut Department of Energy and Environmental Protection or any future Connecticut State Agency delegated Authority by the legislature for matters related to Chapter 446K of the Connecticut General Statutes.

New Paragraphs (w), (x), and (y) are added from paragraphs (e)3- (e)5 with minor changes to (w) and (x) as follows:

- (w) "Storm Water" shall include the run-off or discharge of rain and melted snow or other water from roofs, surfaces of public or private lands, or elsewhere. Storm water also shall include "subsoil drainage" as defined in (e) 4.
- (x) "Subsoil Drainage" shall include water from the soil percolating into subsoil drains and through foundation walls, basement floors, or underground pipes.

### Section IV Changes

Paragraph (d) Added 1. in front of 1st paragraph beginning with "Any gasoline".

Paragraph (d)2. Deleted existing paragraph and substitute in the following:

Any sewage containing toxic pollutants in sufficient quantity, either singly or by interacting with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans, animals or plant life, create a toxic effect in the receiving water of the WPCF or to exceed the limitation set forth in a categorical pretreatment standard, or the treatment plant's NPDES permit. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act. Any noxious or malodorous sewage, gases or solids which, either singly or by interaction with other sewage, are sufficient to prevent entry into the public sewers for the maintenance and repair.

Paragraph (d)3) Delete existing paragraph and substitute in the following:

Any sewage having a PH lower than five point five (5.5) or in excess of ten (10.0), or having any other corrosive property capable of causing damage or hazard to the structure, equipment and personnel of the WPCF. The upper limit of pH for any industrial wastewater discharge shall be established under the discharger's state discharge permit.

Paragraph (d)4) Added the phrase "FOG, garbage with particles greater than one half (1/2) inch in any dimension, animal guts or tissues."

Paragraph (e) Deleted the word "violated" in the last sentence and substituted the word "exceeded".

Paragraph (e)4) Added the sentence; "No shredded garbage shall be discharged to a FOG pretreatment system".

Paragraph (f) deleted the wording "plants and equipment" in the second paragraph and substituted "sewage works" in its place. Also add the sentence; "Any plans and specifications submitted shall be the product of a Connecticut Professional Engineer having expertise in the subject area."

Paragraph (g) has been revised and replaced with the following:

- g) Grease, oil and sand interceptors shall be provided when, in the opinion of the Authority they are necessary for the proper handling of sewage containing floatable grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be a type and capacity approved by the Authority and shall be located as to be readily and easily accessible for cleaning and inspection.
  1. All FPE's must meet all provisions of DEEP's "General Permit for the Discharge of Wastewater Associated With Food Preparation Establishments." The Vernon WPCA is the "Authorized Agent" and the "POTW Authority" referenced in this General Permit and the WPCA hereby adopts all aspects of Section 5 of this General Permit with the exception of subparagraphs (g) and (o) as the pretreatment requirements for FPE's in the Town of Vernon FOG Management Program.
  2. As provided for in Section IV(j) below the WPCA has instituted a registration process for all FPE's. The filed Registration, shall demonstrate, on forms provided by the WPCA, compliance with the DEEP General Permit and all provisions of Regulation One of the Vernon WPCA.
  3. The Vernon WPCA may establish and revise fees for the WPCA's FOG Management Program. The fees may include, but are not limited to: annual, registration, variance, violation and maintenance fees.

Paragraph(i) has been revised and replaced with the following:

- (i) When required by the DEP or the Authority, the owner of any property serviced by a building sewer shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the sewage discharged. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Authority. The structure shall be installed by the Owner at his expense and shall be maintained by him so as to be safe, accessible, and in satisfactory operation at all times.

Paragraph (j) has been amended to include the following sentence; "The Authority may also require users to submit any information generated pursuant to a user's DEEP permit."

Paragraph (n) has been revised and replaced with the following:

- (n) Any new discharge from a single source to the sewer system of industrial wastewaters, or domestic sewage in excess of 5,000 gallons per day, shall not be authorized without the discharger first obtaining a permit from the Authority, the DEP and/or any other authority as may be required in order to comply with Local, State and Federal ordinances, codes and laws that may apply. The Authority may reject or require more stringent effluent limitations than required by the users DEEP permit.

Paragraph (o) subparagraph (2) on line 11; delete existing language and replace with; "(2) reduce objectionable characteristics or constituents to within the maximum limits provided for in Paragraph (e)".

Paragraph (p) deleted the wording "dilution and" in the 4th line and "sufficiently diluted and when as discharged or if" in the 8th line of text.

Paragraph (q); The 1st paragraph, is revised to read:

- (q) Pre-treatment Facilities - At all premises where waste or substances specified to be excluded or limited from public sewers by this regulation are present and liable to be discharged directly or indirectly into said sewers, suitable and sufficient piping layouts, oil, grease, sand, and flammable waste traps or separators, screens, settling tanks, diluting devices, storage or regulating chambers, treatment, cooling or other equipment and devices shall be provided. These shall be maintained, properly operated, and inspected by the owner of the premises or his agent at his expense to insure that no waste or substance is discharged in violation of the requirements of these regulations.

Paragraph (q) 3rd paragraph is revised to read:

No user shall attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any specific pollutant limitations which may be developed by the Commissioner of the DEP.

Paragraph (s) added the wording; "or the WPCA Director"

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# LEGAL NOTICE - Continued

## Section VII Changes

This Section has been revised and replaced with:

- (a) **Building or House Sewer Permits:** There shall be two classes of sewer permits for building or house sewers: Class A for residential and commercial service and Class B for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application to the Authority prior to initiating construction.

The permit application shall state the location and character of the work to be performed the person granted permission to perform such work the time limit for completion of the work the general character of wastes which are or may be discharged into the sewer in question and any other pertinent information or conditions. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgement of the Town Engineer.

- (b) A building or house permit fee shall be paid to the Town at the time the application is filed; that fee will include all units being in the Plan of Development and will be as follows:

One and Two-Family Dwellings Including Condominiums \$2,000.00 per unit

Multi-Family Apartment Dwellings (First two dwellings) \$2,000.00 each

Each Additional dwelling unit \$1,500.00 each

Institutional-Type Buildings (Schools, Churches, etc.) \$2,000.00 per 1,500 sq.ft.\*

Permit fees for property other than residential, \$2000 per unit with units being determined as follows:

One unit for every one thousand five hundred (1,500) square feet of gross floor area (and prorated for areas less than or in excess of 1500 sq ft\*) of the buildings used for other than residential purposes, figured to the nearest one sq. ft. of gross floor area, calculated on the basis of outside measurements. Basement areas, where used for office, retail, storage, manufacturing or other productive purposes, shall be included in gross floor area. Additional permit fees shall also be required at the time of any expansion or enlargement of the buildings. The additional fees shall be due at the time of expansion regardless of whether or not any new connections are made to the sewer system. Any additional fees shall be charged in accordance with the fee schedule and calculation formula in effect at the time of expansion.

The permit fees shall also apply to replacement connections. The Authority, however, may waive the charges, other than inspection fees, provided the replacement is of the same type and size.

- (c) No person, other than those working for and under the direction of the Town Engineer shall excavate, construct, install, lay, repair, alter or remove any building or house sewer, or any appurtenances thereof, within the Town, if such sewer is connected or discharged, directly, or indirectly, into any public sewers of the Town, until said person has been granted, (1) license to perform said work by the State of Connecticut, under the stipulations and requirements of Section VIII of these regulations, and (2) a sewer permit issued by the Water Pollution Control Department.

- (d) **Developers Permit Agreement:** No person other than the Authority shall excavate, construct, install, lay, alter or remove any "public" or "private" sewer without such activity being authorized by a Developer's Permit Agreement (This requirement does not apply to building or house laterals).

The Director, with the approval of the Authority, may enter into a Developers Permit Agreement with any person developing a piece of land for any purpose. Such agreement may be on a standard form approved by the Authority.

Application for a Developers Permit Agreement shall be on a form approved by the Authority, accompanied by an application fee of \$2,000.00 provided such fee shall be credited to any amount due the Authority under a Developers Permit Agreement issued, pursuant to said application. Should the application expire the application fee shall be forfeited.

Developers Permit Agreement applications shall expire one year from date of submittal or ninety days after the Authority forwards to the Developer a firm proposal for Developers Permit Agreement, whichever is earlier, provided such expiration date may be established by vote of the Authority.

A Developers Permit Agreement fee equal to the total of anticipated connection charges as calculated under Section VII of this regulation shall apply.

- (e) An inspection fee of \$85.00 per lateral connection to be inspected shall be paid to the Town at the time the permit application is filed.
- (f) All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. All building sewers shall be maintained by the owner of the property served. When a building connection lateral has been connected with a building sewer, the lateral shall become and thereafter be a part of such building connection and shall be maintained at the expense of the owner or owners of the property.
- (g) Any permit may be suspended or terminated by the Town Engineer on written notice to the permittee for violation of the conditions thereof or for any violation of the requirements of this regulation or for other reason in the public interest.
- (h) Permits for reconstruction, relocation or repair of existing connections which provide no additional service shall be issued for a fee of \$45.00.
- (i) Permits shall expire 30 (thirty) days subsequent to issuance. An expired permit may be renewed by paying a renewal fee of \$15.00 and any difference in the permit costs between the original permit and the schedule in effect at the time of renewal.

## Section XII Changes

This section has been revised and replaced with:

- (a) Any person who shall violate any provision of this regulation shall be fined not more than 100 dollars. Each day that any violation of this regulation continues and each day that any person continues to discharge prohibited wastes or substances into any public sewer shall be deemed to be a separate offense for the purpose of applying the penalty provided in this section.
- (b) Any person who is found to be in violation of any of the provisions of this Regulation shall become liable to the Vernon WPCA for any expense, loss or damage occasioned by the Vernon WPCA by reason of such violation.
- (c) Any person who is found to be in violation of Section 22a-430 of the Connecticut General Statutes, as amended, <sup>10</sup> and subject to monetary penalty or forfeiture: under State Statutes <sup>11</sup> may be fined by the Vernon WPCA as well.

## Section XIII Changes

This Section has been re-titled and replaced with:

### SECTION XIII - VIOLATIONS AND APPEALS:

- (a) Any person found to be violating any provision of this regulation except Section VI shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (b) Where any person is served notice of a violation, the Town may require in its notification letter that plans, specifications and any other pertinent information relating to such corrective actions be submitted for review and approval by the Town, or its duly appointed agent prior to commencement of any such corrective action.
- (c) Any person who fails to cease and desist violation of the regulation upon notification thereof, may after the period of time stated in the notice for correction thereof, be disconnected from the public sewer system. Notice of disconnection shall be served by the Town 10 days prior to the actual disconnection.
- (d) Any decision, order, or Notice of Violation by the Authority, may be appealed to the Water Pollution Control Authority within fifteen (15) days of receipt of notice of the decision, order, or Notice of Violation. The appeal must be in writing, specifically setting forth the grounds for the appeal and the relief requested. The WPCA shall issue its decision within thirty (30) days thereafter. The decision of the Water Pollution Control Authority shall be final for purposes of an appeal to the Superior Court provided that the Connecticut General Statutes otherwise allow for such an appeal.