

MEMBERS OF THE WPCA THAT ARE UNABLE TO ATTEND THIS MEETING, PLEASE CALL  
ETHER DIAZ, (860) 644-2511, EXT. 243, ON OR BEFORE 4:30 P.M. ON THE DAY OF THE  
MEETING. To view this meeting, please tune into Channel 16 if your provider is Cox  
Cable, or go to [gmedia.swagit.com/live](http://gmedia.swagit.com/live)

**WATER POLLUTION CONTROL AUTHORITY  
TOWN OF SOUTH WINDSOR**

**REGULAR MEETING  
COUNCIL CHAMBERS  
SOUTH WINDSOR TOWN HALL**

**AGENDA**

**TUESDAY, OCTOBER 5, 2021  
7:00 P.M.**

**A. Roll Call**

**B. Acceptance of Minutes of Previous Meetings**

1. September 7, 2021 Regular Meeting

**C. New Business**

1. Adoption of Decision and Order Re: Sewer Use Charge Appeal for 310 Nutmeg Road
2. Miscellaneous Industrial User General Permit Policy – Approval
  - i. Set date, time, and location for Public Hearing of fees
3. Public Act No. 21-29 (Discussion - Stephen Wagner)

**D. Communications and Reports**

1. Annual Report
2. Superintendent Report

**E. Public Participation (Items not on the agenda)**

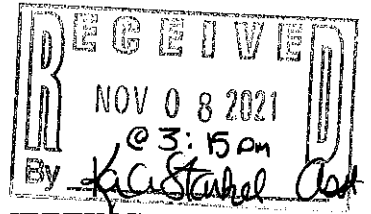
**F. Bills, Change Orders, Disbursements**

**G. Unfinished Business**

**H. Executive Session**

**I. Adjournment**

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**REGULAR MEETING  
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Chairman Thomas Ruby called the Regular Meeting to order at 7:00 p.m. The following actions were taken during the October 5, 2021 Regular Meeting.

**A. Roll Call**

**Members Present:** Thomas Ruby, Toby Lewis, Michael Lyon, Bala Ramasamy, and Stephen Wagner

**Members Absent:** Carol Fletterick

**Alternates Present:** Shawn Jacobaccio and Vicki Paliulis (7:05 p.m.)

**Alternates Absent:**

**Staff Present:** Ether Diaz, Recording Secretary  
Tony Manfre, Superintendent of Pollution Control

**Others Present:** Steven King, Jr., Council Liaison

**B. Acceptance of Minutes of Previous Meetings**

**1. September 7, 2021 Regular Meeting**

Motion to accept the minutes of the September 7, 2021 Regular Meeting as presented.

The motion was made by Toby Lewis and seconded by Mr. Shawn Jacobaccio.  
The motion carried unanimously.

**C. New Business**

**1. Adoption of Decision and Order Re: Sewer Use Charge Appeal for 310 Nutmeg Road**

Chairman Thomas Ruby explained that included with the Agenda was a copy of the proposed Decision and Order for which members of the Authority sat as a hearing panel (see Exhibit A). A copy of the Decision and Order was forwarded to the parties in the matter.

Motion to adopt the Decision and Order regarding the sewer use charge appeal for 310 Nutmeg Road as provided.

The motion was made by Mr. Stephen Wagner and seconded by Mr. Toby Lewis. Mr. Michael Lyon abstained. The motion passed with five yay (Thomas Ruby, Toby Lewis, Shawn Jacobaccio, Bala Ramasamy, and Stephen Wagner) and 1 abstention (Michael Lyon).

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**2. Miscellaneous Industrial User General Permit Policy – Approval**

Included with the Agenda was a draft copy of the Miscellaneous Industrial User (MIU) General Permit Policy (see Exhibit B) for review and approval by the WPCA. Mr. Manfre, Superintendent of Pollution Control explained that the WPCA created an MIU Subcommittee in response to the State of Connecticut Department of Energy and Environmental Protection (DEEP) no longer administering the general permit for the MIUs. The Subcommittee began meeting in April 2021 and created a draft policy for review and discussion (see Exhibit B). Mr. Manfre explained that in discussing this matter with Chairman Ruby it was recommended that this document should be part of the WPCA regulations as Section 17. In order to implement this policy into the regulations a Public Hearing is needed to adopt it, said Mr. Manfre.

Ms. Vicki Paliulis entered at 7:05 p.m.

Mr. Manfre briefly discussed the proposed policy and explained that the Committee is proposing two permit fees; a \$100 application fee and a \$100 renewal fee. The application fee is the cost that it will take to administer this new program and it was based on the estimated amount of hours involved in accepting, reviewing and processing the permit. The \$100 annual fee for the renewal is based on the DEEP existing \$500 permit fee for a five year permit. Instead of \$500 fee every five years, the Subcommittee is proposing a \$100 annual fee. Two more revisions that Mr. Manfre will be making to the draft policy is as following: Section 11, on page 8. The October 31, 2020 date is the date for when the MIU general permit was released by DEEP to the Town. This language needs to be corrected to the adoption date of the policy, said Mr. Manfre. Also, on page 1, number 1 the language will be changed to “all dischargers of wastewater to obtain the permit”.

Chairman Ruby thanked and congratulated Ms. Carol Fletterick, Vicki Paliulis and Mr. Manfre for the amount of work that they’ve put in and the many meetings they had in order to transfer a relatively complex DEEP regulation into terms that can be understood. At this point Chairman Ruby opened the meeting for questions from members of the Authority.

Mr. Toby Lewis expressed concern on the proposed renewal fee in the amount of \$100. He stated that the WPCA always tries to minimize increasing costs to citizens and to users. He recommended waiving that fee as it seems to be excessive to keep charging somebody just because DEEP does charge. Mr. Manfre agreed that yes, they try to minimize fees on to the sewer users but at the same time they need to recoup their cost for administering this program. Ms. Vicki Paliulis explained that she manages six industrial wastewater permits for the facilities she works for and they spend \$8,000 in permit fees under the State guidelines, therefore, \$100 a year is very reasonable. The CT DEEP does not have any involvement in the permit processing; they are leaving it to the towns to manage it themselves. Their only involvement is if there’s any pollution to the navigable waters of the US. Chairman Ruby explained that these fees

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will be included in the schedule of fees each year when the WPCA prepares their budget. Therefore, it is subject to be adjusted during discussions of the budget. Mr. Paliulis explained that by putting a price point it will allow to make the permittee aware that they are still under the permit guidelines by issuing the annual fee.

Mr. Stephen Wagner asked if this policy is going to be included in the WPCA Regulations. Mr. Manfre responded that the thought was to have it as a policy but through recent discussion with Chairman Ruby it was decided that is best to have it in the regulations.

Mr. Wagner also asked how these users are different from other industrial users. Based on volume, responded Ms. Paliulis and explained that this particular permit is for Miscellaneous Industrial Users. The commercial accounts all depend on the SIC Code to determine what classifies their industry; a Miscellaneous Industrial User or a Significant Industrial User (SIU).

On page 7, Item 10a of the draft policy "Enforcement Actions", Mr. Wagner asked what happens if the property owner does not consent the inspector to come in to the premises. Therefore, he recommended perhaps changing the language to reflect that the inspector has the right to enter the premises for the purpose of inspection. Mr. Manfre responded that if they are not complying or allowing the inspector into the building the Town can call the CT DEEP inspectors to assist in that regards. Ms. Vicki Paliulis responded that under the CT DEEP which governs the MIU there is language in reference to inspections that the Town do have accessibility to enter the premises as long as the properties are under the Town's MIU permit. So, yes the Town has the right under the MIU to proceed on site and it is typically announced.

Mr. Shawn Jacobaccio asked how many infractions under the CT DEEP administration of MIUs are in Town. Mr. Manfre responded that such information was not shared with him. Ms. Paliulis responded that any violations to the Clean Water Act is registered in the EPA website called ECHO.

Mr. Lyon asked if table 3-1 "Monitoring Parameters and Table 4 "Reporting Frequency" reflects new or additional requirements for town businesses to comply to. Mr. Manfre responded that both tables have language from the SW Water Pollution Control Authority and the State of CT DEEP. They are not new requirements, but it is a new policy for the Town. The requirements are existing requirements; the permittees should have been doing this and if there's any violations they should have been reporting it.

Mr. Bala Ramasamy stated that there is language in the draft policy that any violation has to be reported to the State DEEP. He asked if that's a regular reporting requirement or per occurrence. Mr. Manfre responded that if there is a known violation the permittee is required to self-report. Ms. Paliulis added that on Page 9 of the draft policy there's language on the requirements for reporting violations.



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Motion to hold a Public Hearing for a \$100 Miscellaneous Industrial Permit application fee and a \$100 annual renewal fee prior to the next regular meeting of the SW WPCA on November 3, 2021.

The motion was made by Mr. Shawn Jacobaccio and seconded by Mr. Toby Lewis. Mr. Toby Lewis asked to amend the motion so that the public hearing may take place at the SW Treatment Facility. Chairman Ruby asked for that matter to be discussed later on the Agenda. He explained that the motion is to adopt the policy. Mr. Wagner responded that the motion is not to adopt the policy but to hold a public hearing for purposes of setting an annual fee for the MIU application and renewal process. The motion carried unanimously.

Mr. Ruby asked Mr. Manfre to incorporate the policy into the WPCA Rules and Regulations for discussion and approval at the next Public Hearing.

Motion to adopt the Miscellaneous Industrial User General Permit Policy as presented by the WPCA's MIU Subcommittee.

The motion was made by Mr. Shawn Jacobaccio and seconded by Mr. Stephen Wagner. The motion carried unanimously.

**3. Public Act No. 21-29 (Discussion – Stephen Wagner)**

Chairman Ruby explained that this item on the Agenda was brought forward by Mr. Stephen Wagner for discussion. Included with the Agenda was a copy of a Memorandum from Naugatuck Valley Council of Governments to Municipal Planners (see Exhibit C). This memo is regarding Public Act No. 21-29. This memo provides information about implementation and potential municipal actions. There are two sections that are highlighted in yellow as most of the document deals with zoning, however, there's two sections that deals with Water Pollution Control Authorities in particular page 2 and page 8 of the document. Mr. Wagner explained that there is the possibility that the Town will choose to opt out of this law's implementation. Mr. Wagner explained that there are two sections in the Zoning Regulations that deal with accessory apartments. Mr. Wagner distributed a copy of the WPCA Rules and Regulations (see Exhibit D) and highlighted in yellow language regarding "dwelling unit" and "equivalent dwelling unit". He also highlighted the language regarding the appropriate sewer charges. Mr. Wagner also distributed a copy of the Draft policy (see Exhibit E) prepared by Michele Lipe, Town Planner after a discussion with the Planning and Zoning Commission that basically defines what an accessory dwelling would look like in an effort to adopt the intent of the new law. Mr. Wagner recommended going through the WPCA current regulations to determine whether or not the new law implementation will affect in any way. Mr. Ruby asked Mr. Manfre to meet with the Town Planner to discuss this matter and determine if there's any impacts and to please report at the next meeting.

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**D. Communications and Reports**

**1. Annual Report**

Included with the Agenda was a copy of the Annual Report for the Water Pollution Control Facility and for the Water Pollution Control Authority (see Exhibits F and G). Both annual reports were submitted to the Town Manager's office for printing. Mr. Manfre explained that the WPCF report highlights the treatment process numbers, Ellington Road Forcemain project, the project status on the Pump Station Upgrade and Chapel Road Phase II. The WPCA annual report highlights the efforts to offset electrical costs, the Authority's 10 year capital improvement projects plan, the operating and capital budgets, information on the 2<sup>nd</sup> consecutive year without a user fee increase, the reserve fund balances and the approvals and income eligible discount program.

**2. Superintendent Report**

Included with the Agenda was a report from Mr. Tony Manfre, Superintendent of Pollution Control (see Exhibit H). Mr. Manfre briefly discussed each item on his report. He also reported that the commercial sewer collection rate for 2021 is 98.77% and 99.15% for the residential. The Collector of Revenue collected \$9,296.33 of sewer revenue from the tax sale.

**E. Public Participation (Items not on the agenda)**

Mr. Wagner reported that he received an email message from a Town resident requesting to the WPCA adopting a sewer user fee based on water usage. The resident commented that there's only two people living in the dwelling. Mr. Wagner explained that this matter has been previously discussed in length several times over the past 5 or 6 years. Chairman Ruby responded that the issue has been raised and discussed at least three times since he joined the WPCA. He asked Mr. Manfre to respond to the resident.

Mr. Toby Lewis explained that the communication is very difficult in the Council Chambers. He recommended meeting somewhere else. Mr. Jacobaccio supported holding the WPCA meetings in an easier environment to communicate as it is challenging in the Council Chambers. All other members of the Authority agreed that is challenging to hear people in the Council Chambers. There was a unanimous consensus to have the November WPCA Public Hearing at the Treatment Plant Facility.

**F. Bills, Change Orders, Disbursements**

None

**G. Unfinished Business**

None

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**H. Executive Session**

None

**I. Adjournment**

Motion to adjourn at 8:30 p.m.

The motion was made by Mr. Toby Lewis and seconded by Mr. Michael Lyon.  
The motion carried unanimously.

Respectfully Submitted,

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Ether Diaz, Recording Secretary



## *Town of South Windsor*

1540 SULLIVAN AVENUE • SOUTH WINDSOR, CT 06074  
TELEPHONE (860) 644-2511

### **South Windsor Water Pollution Control Authority**

**October 5, 2021**

**In Re:**

**Appeal of Osprey Associates of 2020 Sewer Use Charges**

**For 310 Nutmeg Road**

An administrative hearing was held on September 7, 2021, by the South Windsor Water Pollution Control Authority in the matter of an appeal filed on April 12, 2021 by John Fillorama on behalf of Osprey Associates, LLC.<sup>1</sup> The petition pertained to the calculation and amount of the calendar year 2020 sewer use charge for commercial property located at 310 Nutmeg Road in South Windsor Connecticut.

Notice of the hearing was sent to the petitioner by certified mail on August 24, 2021.<sup>2</sup> Hearings previously scheduled for May 4, 2021 (by virtual meeting) and June 1, 2021 were continued by agreement of the parties. A pre-hearing conference was held on August 26, 2021, during which the parties agreed to the exhibits to be presented at the hearing, identifying the petitioner's exhibits in numeric order and those of the South Windsor Pollution Control Department in alphabetic order.

The hearing was conducted under the authority of Chapter 103 of the Connecticut General Statutes, South Windsor Town Ordinance 98, §11 of the Regulations of the South Windsor Water Pollution Control Authority, and in conformance with the provisions of §§ 4-176e through 4-181 C.G.S.

The circumstances leading to this hearing are longstanding in nature. The property was originally established as the Governor's Square Business Center Condominium. As such, each of the thirty-six condominium units was billed as an individual property. In 1988 Osprey Associates<sup>3</sup> took ownership and continued the property's commercial condominium status and use. The condominium consisted of thirty-six units until December of 2020, when an amendment was filed along with quit-claim covenants by Osprey Associates to convert the separate units into common elements of the condominium.<sup>4</sup>

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<sup>1</sup> Exhibit A

<sup>2</sup> Exhibit B

<sup>3</sup> Exhibit D

<sup>4</sup> Exhibit 2, Exhibit E

## Appeal of Osprey Associates

In December of 2017, Mr. Fillorama had written to the South Windsor Pollution Control Authority seeking an exception to the sewer use billing classification of the property as thirty-six condominium units, noting that the sole owner of the units was Osprey Associates.<sup>5</sup> The response of January 5, 2018 noted that the billing list is determined by the number of units on file with the Town Assessor. It stated in pertinent part

"In order to lower future sewer user fees the Authority recommends having the classification of this property changed. In order to do this the condominium declaration needs to be reversed."<sup>6</sup>

By letter dated February 3, 2021 from Attorney David M. Barry, the Town of South Windsor Assessor, Collector of Revenue and Water Pollution Control Authority were notified that the property was withdrawn from the condominium effective December 16, 2020, and that "sewer bills should reflect this change *going forward*. (emphasis added)"<sup>7</sup>.

A response was sent on March 17, 2021.<sup>8</sup> In addition to acknowledging the change in the property's status, it provided a calculation of the calendar year 2020 sewer use bill. It was based upon a monthly amount until the time the change in status was filed with the Town on December 16, 2020, with the December usage pro-rated to the effective date. The remainder of the month was billed based upon an average daily flow rate of water usage as reported by the utility. It was also noted that the annual sewer use bill had already been processed<sup>9</sup> and a revised bill based upon the change in status would be forthcoming.<sup>10</sup>

The revised billing amount is the basis of the appeal in that Osprey Associates seeks to apply the change in status of the property retroactively to January 1, 2020, thereby basing the sewer use bill solely on water usage for the entire billing period as a single property. In support of this, a legal notice of an action taken by the Water Pollution Control Authority of the Town of Avon, Connecticut is cited.<sup>11</sup> While this notice appears to address a rate adjustment for a class of users involved in property transfers, no further explanation of the facts, circumstances or legal authority was provided. Additionally, by argument, the Appellant contends

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<sup>5</sup> Exhibit 4

<sup>6</sup> Exhibit 5

<sup>7</sup> Exhibit 1, Exhibit C

<sup>8</sup> Exhibit 3, Exhibit F

<sup>9</sup> Exhibit G

<sup>10</sup> Exhibit H

<sup>11</sup> Exhibit 6

## Appeal of Osprey Associates

"that institutions be it town state or government agencies can by practice make discretionary decisions when interpreting or implementing its responsibilities. December 16<sup>th</sup> 2020 like January 1<sup>st</sup> 2020 is still 2020."<sup>12</sup>

The South Windsor Water Pollution Control Authority adopted the current Sewer User Rates on May 5, 2020, providing separate rate structures for residential and commercial/industrial properties.<sup>13</sup> This fee schedule was adopted following a public hearing the previous month. Retroactive adjustment of sewer user fees based upon a transfer of a property or a change in that property's status is not contemplated in the adopted schedule.

Section 1.20 of the South Windsor Water Pollution Control Authority Rules and Regulations define a "Commercial Establishment" as

Any building or area used for business, industrial or professional purposes and providing facilities for the use of employees or customers.

Section 1.58 defines an "Owner" as

The current owner of record of any lot or parcel of land as recorded in the Land Records of the Town of South Windsor.

In January of 2018, the Appellant was advised that the annual sewer use fee for the commercial property could be reduced by changing the classification of the property. The Land Record for 310 Nutmeg Road reflected the change in status became effective on December 16, 2020. The Pollution Control Department was notified of the change in status of the property on February 3, 2021. The sewer use bill for calendar year 2020 was adjusted in conformance with the effective date of the change in the property's classification. The calculation of the revised amount of the sewer use bill is not being disputed. Neither the adopted schedule of Sewer User Rates nor any provision of the Rules and Regulations provide for further retroactive adjustment.

The appeal to provide retroactive relief is denied.

BY:

South Windsor Water Pollution Control Authority

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<sup>12</sup> Exhibit 7

<sup>13</sup> Exhibit I. See also, § 16 of the South Windsor Water Pollution Control Authority Rules and Regulations, "Sewer Use Charges and the Collection Thereof."

## **Appeal of Osprey Associates**

### **EXHIBITS**

1. Letter of 2-3-2021 from Attorney Barry to South Windsor officials
  2. 6<sup>th</sup> Amendment to Governor's Square Business Center Condominium
  3. Letter of 3-17-2021 from Tony Manfre to Attorney Barry
  4. Letter of 12-4-2017 from Mr. Fillorama to SWWPCA
  5. Letter of 1-5-2018 from Tony Manfre to Mr. Fillorama
  6. Legal Notice from Town of Avon WPCA
  7. Statement dated 4-28-2021, orally presented 9-7-2021 by Mr. Fillorama
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- A. Appeal Form dated 4-12-2021 with attachment
  - B. Notices of Hearing
  - C. Letter of 2-3-2021 from Attorney Barry to South Windsor officials
  - D. Land Record Governor's Square Business Center Condominium
  - E. Quit-Claim Deed for 310 Nutmeg Road
  - F. Letter of 3-17-2021 from Tony Manfre to Attorney Barry
  - G. Initial 2020 Sewer Use Bill for 310 Nutmeg Road
  - H. Revised 2020 Sewer Use Bill for 310 Nutmeg Road
  - I. 2020-2021 Sewer Use Rate Schedule

## ***Town of South Windsor Water Pollution Control Authority***

### **Policy for Administration of the**

### ***General Permit for Discharges from Miscellaneous Industrial Users***

#### **1. Authority**

Connecticut state law requires all discharges of wastewater to obtain a permit for their discharge (CGS Sec 22a-430). On September 29, 2020, the Connecticut Department of Energy and Environmental Protection ("DEEP") issued a "General Permit for Discharges from Miscellaneous Industrial Users" ("MIU GP") which became effective October 31, 2020 and expires October 30, 2025. The MIU GP allows certain wastewater discharges to publicly owned treatment works ("POTW"), subject to the oversight of the applicable POTW Authority, which in South Windsor is the WPCA. Industrial dischargers must register qualifying discharges with the WPCA and certify that the discharge meets the criteria of the terms and conditions of the MIU GP.

#### **2. Qualifying Discharges**

A. The wastewater discharge categories below and text following them characterize the notification requirements

a. **Group I: Process Wastewater Discharges Cumulatively Less Than 25,000 Gallons per Day**

- Commercial laundry wastewater
- Contact cooling and heating wastewater
- Cutting and grinding wastewater
- Food processing wastewater (including breweries and distilleries)
- Non-destruct testing rinse water
- Printing and photographic processing wastewater
- Reverse osmosis reject water
- Tumbling or cleaning of parts wastewater
- Water treatment wastewater
- *Other process wastewater*, including other wastewaters determined by the WPCA to be process wastewaters.

b. **Group II: Non-process Wastewater Discharges (All Flows)**

- Air compressor condensate & blowdown
- Boiler blowdown wastewater
- Building maintenance wastewater
- Fire suppression system testing wastewater



- Hydrostatic pressure testing wastewater
- Non-contact cooling water
- Potable water system maintenance or sampling wastewaters
- Swimming pool wastewater
- Vehicle maintenance wastewater
- *Other non-process wastewaters*, including other wastewaters determined by the WPCA to be non-process wastewaters.

B. Industrial Users that meet the criteria below who seek authorization to discharge wastewater under the MIU GP must submit a notification form to Town of South Windsor Pollution Control Department:

- a. Industrial Users discharging Group I process wastewaters with a cumulative maximum daily flow greater than or equal to 1,000 gallons per day (gpd) and less than 25,000 gpd;
- b. Except for vehicle maintenance wastewaters, Industrial Users discharging Group II non-process wastewaters with a cumulative maximum daily flow greater than or equal to 5,000 gpd ;
- c. Industrial Users discharging any flow of vehicle maintenance wastewater;
- d. Industrial Users discharging Group I Process wastewaters with a cumulative maximum daily flow greater than or equal to 1,000 gallons per day (gpd) and less than 25,000 gpd, or Group II Non-process wastewater with a cumulative maximum daily flow greater than or equal to 5,000 gpd, whose discharge:
  - I. Has an increase in flow or change in chemistry since the effective date of this MIU GP;
  - II. Has had an ownership change since the effective date of this MIU GP;
  - III. Notification requires correction of inaccurate or misleading information previously submitted to the POTW authority, in accordance with section 6(g) of the CTDEEP MIU GP;
  - IV. Will be undergoing any significant facility modifications, as described in Section 5(e)(3)(A) of the MIU GP;
    1. Industrial Users whose discharge will be transported to the receiving POTW;
- e. Industrial Users whose discharge requires a variance to meet the effluent limits and conditions of Table 3-1 of this policy, or

- f. Industrial Users that are required to notify an applicable POTW Authority.

**C. Who Must Submit Additional Information Beyond Notification**

- a. Industrial Users discharging any flow of vehicle maintenance wastewater, or Group I process wastewaters that meet any one of the following criteria must complete a Detailed Discharge Information attachment. The attachment must be submitted with the notification.
  - I. The cumulative maximum daily flow of the Group I process wastewater discharges is greater than or equal to 1,000 gpd and less than 25,000 gpd;
  - II. The discharge comprises greater than 2% but less than 5% of the average, dry weather, hydraulic or organic capacity of the POTW;
  - III. The discharge is transported to the receiving POTW;
  - IV. The discharge has an increase in flow or change in chemistry since the most recent registration/notification;
  - V. Requires a variance to meet the WPCA's limits or the limits and conditions of Table 3-1 of this policy;
  - VI. Requires treatment prior to discharge to meet the effluent limits in Table 3-1 of this policy or limits imposed by the WPCA; or
  - VII. If required by an applicable POTW Authority.

**3. Effluent Limits**

- A. Industrial Users discharging under the authority of the MIU GP must abide by each applicable POTW Authority's local ordinances and regulations and that Industrial Users shall not violate the prohibitions specified in subsection 5(a)(2) of the MIU GP.

**Table 3-1 Monitoring Parameters**

<b>Conventional Pollutants</b>		<b>Metals and Other Pollutants</b>			
<b>Pollutant</b>	<b>Maximum Instantaneous Concentration, mg/L</b>	<b>Pollutant</b>	<b>Maximum Instantaneous Concentration, mg/L</b>	<b>Pollutant</b>	<b>Maximum Instantaneous Concentration, mg/L</b>
Biochemical Oxygen Demand (BOD <sub>5</sub> )	212	Antimony, Total	4.0	Molybdenum, Total	4.0
Chemical Oxygen Demand (COD)	1200	Arsenic, Total	0.1	Nickel, Total	1.0
Total Suspended Solids (TSS)	238	Barium	5.0	Nitrous Oxide	10.0
Total Kjeldahl Nitrogen (TKN)	40.03	Beryllium, Total	2.0	pH, High	10.0
Nitrate-Nitrite (as N)	40.03	Boron	5.0	pH, Low	5.0
Total Fats, Oils and Grease <sup>4</sup>	100	Cadmium, Total	0.1	Selenium, Total	0.5
<b>Organic Pollutants</b>		Chromium, Total	2.0	Silver, Total	0.1
<b>Pollutant</b>	<b>Maximum Instantaneous Concentration, mg/L</b>	Cobalt, Total	4.0	Strontium, Total	2.0
Total Volatile Organics	5	Copper, Total	1.0	Sulfur Dioxide	10.0
Formaldehyde	10.03	Cyanide	0.1	Thallium, Total	2.0
Methylene Chloride	1	Fluoride	20.0	Tin, Total	2.0
Phenols, Total	10	Hydrogen Sulfide	10.0	Titanium, Total	4.0
Phthalate Esters	2	Iron	5.0	Vanadium, Total	2.0
Polynuclear Aromatic Hydrocarbons	0.5	Lead, Total	0.1	Zinc, Total	1.0
Ethylene Glycol	300.03	Magnesium	5.0	Zirconium, Total	2.0
Propylene Glycol	300.03	Mercury	0.0		

#### 4. Monitoring and Reporting

- A. Table 3-1 indicates monitoring parameters for various categories of flow, the most common being pH, total suspended solids, oil & grease, copper, lead, and zinc. Registrants must also monitor for any parameters specified in Table 3-1 that are known or suspected to be present in the discharge.
- B. The monitoring and reporting frequencies, based on discharge group and maximum daily flows, are shown in Table 4-1 below:

**Table 4-1 Monitoring and Reporting Frequencies**

<b>Discharge Group</b>	<b>Total Maximum Daily Flow Thresholds per Category of Wastewater</b>	<b>Minimum Frequency of Pollutant Monitoring<sup>1,2</sup></b>
Group I – Process Wastewaters (except as noted below)	Flow < 1,000 gpd	None
	1,000gpd ≤ Flow < 10,000gpd	Quarterly
	10,000gpd ≤ Flow < 25,000gpd	Monthly
Group I – Food Processing, Commercial Laundry, Reverse Osmosis Reject Water	Flow < 5,000 gpd	None
	5,000 gpd ≤ Flow < 25,00 gpd	Annual
Group II – Non-process Wastewaters	All Flows	None

<sup>1</sup>Discharges that do not have a prescribed monitoring frequency must comply with the effluent limits and conditions of Section 5(a) of the MIU GP. The permittee should maintain records of monitoring data that are representative of the current discharge.

<sup>2</sup>For water treatment wastewaters associated with annual or semi-annual maintenance cleaning of clarifier tank, settling lagoon, or other large tanks which may discharge greater than 50,000 gallons per day, samples shall be taken from the first 10% and last 10% of the discharge and analyzed separately. Such discharges shall not be counted toward the total maximum daily flow when determining monitoring frequency.

- C. Any false statement in any information submitted pursuant to this permit the authorization issued under this MIU GP may be suspended or revoked in accordance with law, and the POTW Authority or CTDEEP Commissioner may take any other legal action provided by law.

## **5. WPCA Authorities and Obligations**

- A. It is the policy of the South Windsor WPCA to administer and enforce the MIU GP as it applies to Industrial dischargers to the Town of South Windsor, including the following activities:
- a. Receive and review notifications and certifications from Industrial Dischargers.
  - b. Perform inspections to determine compliance with the MIU GP.

- c. Take any action provided by law to abate a violation of the MIU GP, including the commencement of proceedings to collect penalties for such violation.

#### 6. Due dates (i.e. application and renewal)

A. In accordance with Section 4(b) of the MIU GP, "[For] existing discharges previously authorized by a DEEP permit (e.g. **General Permit for Miscellaneous Discharges of Sewer Compatible (MISC) Wastewater** or **General Permit for the Discharge of Vehicle Maintenance Wastewater**) that are eligible to be covered under this MIU GP, the notification and certifications required to be submitted in accordance with this section shall be submitted to each applicable POTW Authority within ninety (90) days of the effective date of this MIU GP. If a new discharge, all notifications must be submitted prior to initiating the discharge."

#### B. Annual Renewal

Existing authorized discharges shall renew their notification on an annual basis. Notification forms and necessary attachments shall be received by the WPCA no later than January 31<sup>st</sup> of each year.

#### 7. Permit Fees

A. The South Windsor WPCA shall establish permit fees, as may be amended, to administer the requirements of the MIU GP, as described above.

B. Any costs incurred by the South Windsor WPCA in performing its duties under the MIU GP, including, but not limited to, engineering or inspection fees, shall be reimbursed by the applicant/permittee.

#### C. Fee schedule:

a. All fees shall be applied on the Commercial/Industrial Sewer Use Bill.

b. Refer to the WPCA Fee Schedule for fee structure.

c. A one-time application fee shall be applied to the permittee on year one of the MIU GP.

d. An MIU GP usage fee will be issued to the permittee annually.

#### 8. Reporting Requirements

- A. If the permittee monitors any discharge more frequently than required by the MIU GP using test procedures approved under 40 CFR 136 or specified in the MIU GP, the results shall be included in the calculation and reporting of the data in the monitoring report.

## **9. Reporting Violations**

- A. The permittee shall follow the requirements set forth in Section 5(d) of the MIU GP. Table 9-1 outlines the required reporting of violations.

## **10. Enforcement Actions**

- A. Section 8 "Powers and Authority of Inspector," subsection 8.1 of the South Windsor Water Pollution Control Authority's Rules and Regulations permit the Superintendent of Pollution Control or his/her duly representative permission to enter all properties with the owner's consent, for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of the regulations.
- B. Section 9 "Penalties," subsection 9.1 of the Regulations cites any person found to be violating any provision of the regulations shall be served by the Authority with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof. The offender shall, by the expiration of the time limit stated in such notice, permanently cease all violations. Failure to abide by these regulations shall result in the offender being reported to the Connecticut Department of Energy and Environmental Protection and may be fined for each violation.
- C. Furthermore, subsection 9.2 mandates any person who shall continue any violation beyond the time limit provided for in Section 9.1 or any person who shall commit any violation of Section 7 of the WPCA Rules and Regulations shall be guilty of a misdemeanor, and upon conviction thereof shall be fined two hundred fifty (\$250) dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

*Violations of any of the terms, conditions, or limitations contained in this permit may subject the Permittee to enforcement action, including but not limited to, penalties*

*and/or forfeitures pursuant to applicable sections of the South Windsor Water Pollution Control Authority's Rules and Regulations.*

- 11.** This Policy is hereby issued on October 31, 2020 and will expire on October 30, 2025 in accordance with the terms and conditions set for by CTDEEP in the General Permit for Discharges from Miscellaneous Industrial Users (MIU GP).

DRAFT

# Recording and Reporting Violations

## General Permit for Discharges from Miscellaneous Industrial Users

### MIU

Compliance Violation	Permittee Responsibility	Submittal Info	Frequency
1) Greater than two times permitted level 2) Greater than 2 times POTW specific limits 3) Greater than the level established in a variance requested by the industrial user <ul style="list-style-type: none"> <li>Analytical results, monitoring data or effluent limits</li> </ul>	Notify via phone call: 1) POTW 2) CTDEEP: Water Permitting and Enforcement Division of Bureau of Materials Management and Compliance Assurance 860-424-3025 (during business hours), 860-424-3338 (after business hours)	1) Permittee name and address 2) Maximum daily flow 3) Name and telephone number of contact person at the subject site. 4) Date and time of violation	Within two (2) hours of becoming aware of violation or start of next business day if occurrence is after business hours.
	Submit a written report to: 1) POTW 2) CTDEEP: Water Permitting and Enforcement Division of Bureau of Materials Management and Compliance Assurance	1) Condition(s) or effluent limit(s) violated 2) Analytical results and information demonstrating such violation(s) 3) Cause of violation(s) 4) Period of noncompliance including exact dates and times 5) If noncompliance has not been correct, the anticipated time it is expected to continue and upon correction, the date and time of correction 6) Steps taken and planned to reduce, eliminate, and prevent a recurrence of the noncompliance, and the dates such steps are executed 7) Name and title of the person recording the information and the date and time of such recording	Within five (5) calendar days of becoming aware of violation



# Recording and Reporting Violations

## General Permit for Discharges from Miscellaneous Industrial Users

### MIU

Compliance Violation	Permittee Responsibility	Submittal Info	Frequency
<p>Log violation or condition</p> <p>1) Must be maintained on site</p>	<p>1) The condition(s) or effluent limit(s) violated</p> <p>2) The analytical results and information demonstrating such violation(s)'</p> <p>3) The cause of the violation(s) or noncompliance</p> <p>4) Period of noncompliance including exact dates and times</p> <p>5) If the noncompliance has not been corrected, the anticipated time it is expected to continue, and upon correction, the date and time of correction</p> <p>6) Steps taken and planned to reduce, eliminate, and prevent a recurrence of the noncompliance, and the dates such steps are executed</p> <p>7) Name and title of the person recording the information and the date and time of such recording</p>	<p>1) Condition(s) or effluent limit(s) violated</p> <p>2) Analytical results and information demonstrating such violation(s)</p> <p>3) Cause of violation(s)</p> <p>4) Period of noncompliance including exact dates and times</p> <p>5) If noncompliance has not been correct, the anticipated time it is expected to continue and upon correction, the date and time of correction</p> <p>6) Steps taken and planned to reduce, eliminate, and prevent a recurrence of the noncompliance, and the dates such steps are executed</p> <p>7) Name and title of the person recording the information and the date and time of such recording</p>	<p>Within twenty-four (24) hours of becoming aware of violation</p>
<p>1) Three or more violations of any effluent limit from a single sample</p> <p>2) Three successive sampling events each of which show a violation of any effluent limit</p> <p>3) The occurrence of four or more violations of any effluent limit during any calendar year</p> <p>4) The violation of the pH limit by more than one standard unit.</p>	<p>Submit a certified report to:</p> <p>1) POTW</p> <p>2) CTDEEP: Water Permitting and Enforcement Division of Bureau of Materials Management and Compliance Assurance</p>	<p>1) Condition(s) or effluent limit(s) violated</p> <p>2) Analytical results and information demonstrating such violation(s)</p> <p>3) Cause of violation(s)</p> <p>4) Period of noncompliance including exact dates and times</p> <p>5) If noncompliance has not been correct, the anticipated time it is expected to continue and upon correction, the date and time of correction</p> <p>6) Steps taken and planned to reduce, eliminate, and prevent a recurrence of the noncompliance, and the dates such steps are executed</p> <p>7) Name and title of the person recording the information and the date and time of such recording</p>	<p>Within twenty (20) calendar days of becoming aware of the non-compliance which triggered the report</p>

# Recording and Reporting Violations

## General Permit for Discharges from Miscellaneous Industrial Users

### MIU

Compliance Violation	Permittee Responsibility	Submittal Info	Frequency
	<p>Submit certified statement to:</p> <ol style="list-style-type: none"> <li>1) POTW</li> <li>2) CTDEEP:               <div style="margin-left: 20px;">                 Water Permitting and Enforcement Division of Bureau of Materials Management and Compliance Assurance               </div> </li> </ol>	<p>Statement Section 5(d)(5), page 26 of MIU GP.</p> <p>“I certify that in my professional judgement, based on reasonable investigation, including my inquiry of those individual responsible for obtaining information pursuant to Section 5(d)(4) of the General Permit for Discharges from Miscellaneous Industrial Users, that all discharge(s) which are maintained on the site referenced herein, and which are covered under the general permit comply with all conditions of said general permit, including but not limited to all effluent limits in Section 5(a) of such General permit, and proper operation and maintenance of any systems installed to treat such discharge(s) will meet all effluent limits and conditions of such general permit without treatment. This certification is base in part of my review of analyses of a minimum of three effluent samples collected, preserved, handled and analyzed in accordance with 40 CFR 136, which samples were representative of the discharge during standard operating conditions, were taken in the previous year, at least on a week apart, and were of the type(s) specified in Section 5 of said general permit, and understand that a false statement made in this report, including all attachments thereto, or in this certification may, pursuant to section 22a-6 of the General Statutes, be punishable as a criminal offense under section 53a-157b of the General Statutes, and may also be punishable under sections 22a-438 of the General Statutes and any other applicable law.”</p>	<p>Within sixty (60) days after the deadline for submitting the report</p>

### Miscellaneous Industrial User General Permit Policy Implementation Schedule

Task	Summary	Date
Draft Policy Presented	Subcommittee to presents WPCA with the Draft MIU GP policy	September 7, 2021
Adopt MIU GP Policy	<ul style="list-style-type: none"> <li>Final policy is reviewed and adopted by WPCA</li> <li>Set MIU application and renewal fees</li> <li>Set date, time, and place for Public Hearing of fees</li> </ul>	October 5, 2021
Public Hearing	WPCA conducts Public Hearing for MIU fees	November 3, 2021
Adopt MIU Fees	WPCA adopts MIU application and renewal fees.	December 11, 2021
Implement Policy and Fees		January 4, 2022



July 7, 2021

**MEMORANDUM: 07072021 Public Act No. 21-29 Outline and Summary**

To: NVCOG Chief Elected Officials  
From: Savannah-Nicole Villalba, AICP Candidate, Regional / Municipal Planner  
Subject: Public Act No. 21-29 Outline and Summary

The purpose of this memo is to provide member municipalities with knowledgeable, objective, and informed guidance regarding **Public Act No. 21-29, An Act Concerning the Zoning Enabling Act, Accessory Apartments, Training for Certain Land Use Officials, Municipal Affordable Housing Plans and a Commission on Connecticut's Development and Future<sup>1</sup>**, hereby referred to in this memo as **P.A. 21-29**. This memo outlines **what the law says** and provides information about **implementation and potential municipal actions**.

**Eight topics are addressed:**

Topic One: <b>As of Right Accessory Apartments</b> .....	2
Topic Two: <b>Application and Technical Consultant Fees</b> .....	3
Topic Three: <b>Zoning Enabling Act CGS § 8-2</b> .....	3
3a. - <b>Reorganization and Minor Changes</b> .....	3
3b. - <b>Required Goals and Considerations</b> .....	4
3c. - <b>Prohibited Provisions</b> .....	5
3d. - <b>Options for Promoting Conservation</b> .....	5
3e. - <b>Regulating Mobile Manufactured Homes</b> .....	6
Topic Four: <b>Zoning Enforcement Officer Certification</b> .....	6
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This memo is intended for **informational purposes only**. The Naugatuck Valley Council of Governments suggests **contacting your town attorney** regarding all CGS Sections and Public Acts referenced in this memo.

If you have any questions, please feel free to contact to me at (203) 489-0514.

<sup>1</sup> Link to Public Act No. 21-29: <https://www.cga.ct.gov/2021/act/Pa/pdf/2021PA-00029-R00HB-06107-PA.PDF>



## Topic One: As of Right Accessory Apartments

P.A. No. 21-29 Relevant Sections: §§ 1, 6, 7 and 10

Effective Date(s): October 1, 2021, for §§ 1, 7, and 10, and January 1, 2022, for §6.

### What does the law say?

- **Definitions.**  
CGS §8-1a currently only defines “municipality.” The revised CGS §8-1a will **also define** accessory apartment (also referred to as an accessory dwelling unit, or “ADU”), affordable accessory apartment, as of right, cottage cluster, middle housing, mixed-use development, and townhouse.
- **Regulation Adoption Requirement.**
  - o The bill **requires municipalities** that exercise power under the Zoning Enabling Act (CGS §8-2) **to adopt regulations (1) allowing one ADU as of right on each lot that contains a single-family dwelling and (2) designating other areas where ADUs are allowed.**
  - o Municipalities **cannot require** as of right ADU’s sharing a lot with a single-family home to be preserved for lower-income families.
  - o Municipalities **cannot use or impose** additional standards set beyond those in P.A. No. 21-29 §6 (a) to (d).
- **As of Right Permitting.**
  - o Municipalities **cannot condition ADU approval** on the correction of a nonconforming use, structure, or lot or require fire sprinklers unless they are also required in the principal dwelling or by the fire code.
  - o The bill specifies that it **does not supersede applicable building code requirements** or other requirements where a well or private sewerage system is being used, so long as approval for any such accessory apartment shall not be unreasonably withheld.
  - o Municipalities, special districts, and sewer or water authorities **cannot (1) consider an ADU to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the ADU was constructed with a new single-family dwelling on the same lot or (2) require the installation of a new or separate utility connection directly to an ADU or impose related connection fee or capacity charges.**
  - o The bill specifies that as of **October 1, 2021**, “community sewerage system” as currently defined in CGS §7-245 **will not include** a system serving only a principal dwelling and ADU located on the same lot.
- **Housing Stock Calculation Under CGS §8-30g.**  
The Department of Housing annually creates a list identifying the housing stock in each municipality that qualifies as affordable housing under the Affordable Housing Land Use Appeals Procedure. This bill specifies that ADUs built or permitted after **January 1, 2022** but are not subject to deed restrictions that qualify them as affordable housing, **will not increase a municipality’s base (market-rate) housing stock calculation.**

### Implementation and Potential Municipal Action.

- **Regulation Adoption Requirement.**
  - o If a municipality fails to adopt new regulations or amend existing regulations by **January 1, 2023** and does not opt-out following the procedure set in §6(f), **any noncompliant existing regulation shall become null and void.** A municipality shall approve or deny applications for accessory apartments in accordance with the requirements for regulations set forth in the provisions of subsections (a) to (d) of P.A. No. 21-29 §6 until such municipality adopts or amends a regulation in compliance with said subsections.
  - o There is an **opt-out process** for the as of right accessory apartment legislation. It is found in P.A. No. 21-29 §6(f). This process must be completed before **January 1, 2023.**
- **As of Right Permitting.**  
The process must require the zoning or planning and zoning commission to decide on accessory apartment applications **within 65 days after application unless** an applicant approves an extension or withdraws the application.
- **Housing Stock Calculation Under CGS §8-30g.**  
We are **presuming** that **municipalities will provide** the Department of Housing with information on ADUs to be excluded from the base housing stock calculation.

## Topic Two: Application and Technical Consultant Fees

P.A. No. 21-29 Relevant Sections: § 2

Effective Date: October 1, 2021

### What does the law say?

- The current law **allows** municipalities to set by ordinance reasonable fees for processing applications submitted to the planning, zoning, or planning and zoning commission; the zoning board of appeals; or the inland wetlands commission.
- The **bill allows for municipalities to adopt regulations establishing technical consultant fees** for applications made to the abovementioned boards and commissions.

### Implementation and Potential Municipal Action.

- The **technical consultant fees**:
  - o **Must be used** to pay consultants who have expertise in land use to review particular aspects of an application (e.g. traffic or stormwater) for the benefit of the commission or board.
  - o **Must be accounted for separately and may only be used for technical review costs.** The fees cannot be used to pay a consultant who is a salaried employee of the municipality, commission, or board.
  - o **Leftover amounts**, including any interest accrued, **must be returned to the applicant** within 45 days after the review is complete.
- The bill **prohibits a fee schedule that imposes higher fees on developments built following an appeal** brought under the Affordable Housing Land Use Appeals Procedure (CGS §8-30g). It also prohibits using a fee schedule charging more because a residential building has more than four units, including higher fees per unit, per square footage, per unit of construction cost, or the like.
- Section 2 Subsection (b) states that “a municipality may, by regulation, require...” Municipalities may create and adopt a fee schedule that allows them to **include the additional technical consultant fees**. The process of amending a fee schedule may be done **by local ordinance or regulation amendment**, depending on the specific municipality.

## Topic Three: Zoning Enabling Act CGS § 8-2

### 3a. - Reorganization and Minor Changes

P.A. No. 21-29 Relevant Sections: §§ 3 and 4

Effective date: October 1, 2021

### What does the law say?

- P.A. No. 21-29 § 4 makes **various minor, technical, and conforming changes to the Zoning Enabling Act** (CGS §8-2). CGS §8-2 applies to municipalities that exercise zoning powers under the statutes (as opposed to a special act).
- **Noteworthy changes**:
  - o **Long Island Sound.**  
If a municipality is “contiguous to, or on a navigable waterway that drains to” the Long Island Sound its regulations **must consider** a proposed development’s environmental impact on the Long Island Sound’s “coastal resources” as defined by the Coastal Management Act (CGS §22a-93).
  - o **Traffic Analyses.**  
Municipalities **may use vehicle miles traveled and vehicle trips generated standards** instead of, or in addition to, a “level of service” traffic calculation when assessing (1) a proposed development’s anticipated traffic impact and (2) potential mitigation strategies such as reducing the amount of required parking for a development or requiring public sidewalks, crosswalks, bicycle paths, bicycle racks, or bus shelters (including off-site).
  - o **Zone Tools.**  
Floating zones, overlay zones, and planned development districts are now **explicitly allowed** as opposed to the current statutes in which Connecticut courts have held that CGS §8-2 implicitly grants municipalities the power to use said techniques.
  - o **Temporary Health Care Structures.**  
There are **technical and conforming changes** to the temporary health care structure law.

(Topic 3a continued)

### Implementation and Potential Municipal Action.

#### - Traffic Analyses.

If a municipality wants to include vehicle miles traveled and vehicle trips generated as desired traffic calculations, a municipality should **amend their site plan and special exemption permit regulations** to include these calculations as a requirement of the application.

### 3b. - Required Goals and Considerations

P.A. No. 21-29 Relevant Sections: § 4

Effective Date: October 1, 2021

### What does the law say?

#### - Required Purposes.

The bill **eliminates** the **requirement** that zoning regulations be designed to **prevent the overcrowding of land and avoid undue concentration of population**. The bill requires that **regulations be designed to do the following:**

- Protect the state's **historic, tribal, cultural and environmental resources**.
- Consider the **impact of permitted land uses on contiguous municipalities and on the planning region**.
- Address **significant disparities in housing needs and access to educational, occupational, and other opportunities**.
- Promote **efficient review of proposals and applications**; and
- Affirmatively further the purpose of the **federal Fair Housing Act**.

#### - Consideration of Character.

- The bill **eliminates the requirement** that zoning regulations be made with (1) reasonable consideration as to the character of the district and its peculiar suitability for particular uses and (2) a view toward conserving the value of buildings.
- The bill will instead **require** that regulations shall be drafted with "reasonable consideration to **the physical site characteristics** of the district and its **peculiar suitability** for particular uses and with a view to **encouraging the most appropriate use of land** throughout a municipality."

#### - Provide Housing Opportunities.

- The bill **requires** that zoning regulations **provide for, rather than encourage**, the development of housing opportunities for all residents of the municipality and local planning region, including opportunities for multifamily dwellings, consistent with soil types, terrain, and infrastructure capacity.
- The bill **requires** that zoning regulations **expressly allow, rather than encourage**, housing that meets the needs identified in the state's Consolidated Plan for Housing and Community Development and Plan of Conservation and Development.

### Implementation and Municipal Action.

#### - Required Purposes.

Amend zoning regulations to ensure they meet the required purposes and **do not include purposes that have been eliminated**.

#### - Consideration of Character.

Regulations cannot be applied to deny a land use application (including site plans, special permits or exemptions, or other zoning approval) based upon (1) a **district's character** unless the character is expressly articulated in regulations with clear and explicit physical standards for site work with structures or (2) the **immutable characteristics, source of income, or income level of an applicant or end user** (other than age or disability, in the case of age-restricted or disability-restricted housing).

- If a **community wants to keep character as a threshold for decision making**, they should ensure their regulations expressly articulate with clear and explicit physical standards for site work with structures.

(Topic 3b continued)

- **Provide Housing Opportunities.**

Amend zoning regulations to ensure that (1) zoning provides for the development of housing opportunities, including opportunities for multifamily dwellings, **consistent with soil types, terrain, and infrastructure capacity, for all residents of the municipality and the planning region in which the municipality is located** and (2) zoning expressly allows the development of housing that **meets the needs identified in the state plans** listed above.

**3c. - Prohibited Provisions**

**P.A. No. 21-29 Relevant Sections:** § 4 and 5

**Effective Date:** October 1, 2021

**What does the law say?**

- The bill **prohibits** zoning regulations from:

- o **Prohibiting cottage food operations in a residential zone.** Cottage food operations are operations in which food products are prepared in a private residential dwelling's home kitchen and for sale directly to the consumer.
- o **Establishing minimum floor area requirements for buildings that are greater than those required under applicable building, housing, or other codes.**
- o **Placing a fixed numerical or percentage cap on the number of dwelling units permitted in multifamily housing over four units, middle housing, or mixed-use developments.**
- o **Parking Space Requirements.** Regulations are prohibited from requiring more than one parking space for each studio or one-bedroom dwelling unit or more than two parking spaces for each dwelling unit with two or more bedrooms unless the municipality opts out.

**Implementation and Potential Municipal Action.**

- **Review your regulations** to ensure your municipality will not have any considerations in your regulations that will be prohibited as of October 1, 2021. **Parking Spaces.** If a community is seeking to opt out of the parking spaces for dwelling units regulation, they should follow the procedure outlined in **Public Act No. 21-29 §5.**

**3d. - Options for Promoting Conservation**

**P.A. No. 21-29 Relevant Sections:** § 4

**Effective Date:** October 1, 2021

**What does the law say?**

- **Expansion of Options to Promote Conservation.** Current law allows zoning regulations to encourage the use of certain energy conservation tools, including solar. The bill allows for regulations to **require or promote options** for promoting conservation and expands the energy conservation tools to include distributed generation or freestanding wind and combined heat and power.
- **Expansion of Conservation Tools to Incentivize Developer's Use.** The bill expands the conservation tools that municipalities can incentivize developer's use of to **include any solar and other renewable forms of energy; combined heat and power; water conservation, including demand offsets; and other energy consumption techniques.**

**Implementation and Potential Municipal Action.**

- If interested in expanding these tools, review and revise zoning and subdivision regulations accordingly.



(Topic 3 continued)

### **3e. - Regulating Mobile Manufactured Homes**

**P.A. No. 21-29 Relevant Sections:** § 4

**Effective Date:** October 1, 2021

#### **What does the law say?**

- The bill **prohibits** zoning regulations adopted pursuant to CGS §8-2 from imposing on manufactured homes, **including mobile homes**, and associated lots or parks, **conditions** that are **substantially different** from those imposed on (1) single family dwellings and associated lots; (2) multifamily dwellings; or (3) lots with multifamily dwellings, cluster developments, or planned unit developments.
- **Note.** Both **manufactured homes** and **mobile homes** must be **built to federal standards** and have a narrowest dimension of **twenty-two feet (22')** or more.

#### **Implementation and Potential Municipal Action.**

- Ensure your zoning regulations do not impose substantially different conditions than regulations for the housing types listed above.
- Consult with your town attorney and building official to ensure that current regulations regarding mobile homes are consistent with the new legislation.

### **Topic Four: Zoning Enforcement Officer Certification**

**P.A. No. 21-29 Relevant Sections:** § 8

**Effective Date:** October 1, 2021 and January 1, 2023 – CAZEO Requirement

#### **What does the law say?**

- **CAZEO Training Required for Zoning Enforcement Officers.**
  - o Beginning **January 1, 2023**, and annually thereafter, all zoning enforcement officers (ZEOs) will be required to obtain certification from the Connecticut Association of Zoning Enforcement Officers (CAZEO).
  - o This requirement **applies to existing and newly appointed ZEOs** working in municipalities that exercise zoning authority under the statutes.
- **Power of a ZEO.**
  - o A zoning or combined planning and zoning commission may reserve their enforcement power to itself, or it **may delegate** said power to a ZEO.
  - o ZEOs may be responsible for: (1) **investigating** zoning violations and issuing cease and desist orders and (2) **reviewing and providing an advisory opinion** on applications for special permits, site plans, subdivisions, and variances.

#### **Implementation and Potential Municipal Action.**

- **CAZEO Training Required for Zoning Enforcement Officers.**
  - o It appears that the bill authorizes un-certified ZEOs to be appointed, but it requires that they **obtain certification as soon as practicable**.
  - o Ensure that ZEOs are certified by CAZEO or are on the path to certification. Any municipality with a ZEO who is not currently CAZEO certified should begin to plan certification for January 2023.

## Topic Five: Biennial Training for Certain Land Use Officials

P.A. No. 21-29 Relevant Sections: § 9

Effective Date: June 10, 2021

January 1, 2022 – Office of Policy and Management will establish guidelines for training in collaboration with the Connecticut land use training providers.

January 1, 2023 – Training requirement begins

January 1, 2024 – Training requirement will be met

March 1, 2024 – land use boards and commissions will annually submit to its municipal legislative body a statement affirming its members' compliance with the bill's training requirement.

### What does the law say?

#### - Training Requirements.

Beginning **January 1, 2023**, each member of a local planning commission, zoning commission, planning and zoning commission, or zoning board of appeals **must complete at least four hours** of training **biennially**.

- o **Members serving on a commission as of January 1, 2023**, must complete their initial training by **January 1, 2024**. **Members not serving by January 2023** must complete their training **within one year** after being elected or appointed to the board or commission.

#### - Training Topic Requirements.

- o The training **must include one hour** of training on **affordable and fair housing**.
- o Training **may also cover**:
  - Process and procedural matters, including the conduct of effective meetings and public hearings and the Freedom of Information Act;
  - The interpretation of site plans, surveys, maps, and architectural conventions; and
  - The impact of zoning on the environment, agriculture, and historic resources.

#### - Training Reporting Requirements.

Starting **March 1, 2024**, each board or commission shall annually submit to its municipal legislative body a statement affirming its members' compliance with the Public Act's training requirements.

### Implementation and Potential Municipal Action.

- Education requirement may be achieved by either attending training opportunities held by Connecticut's land use training providers (e.g. CAZEO, CCM, CCAPA, CLEAR's Land Use Academy, or the Connecticut Bar Association) that are compliant with this bill's requirements or through holding events for their commissioners through their town counsel.

## Topic Six: Affordable Housing Planning Requirement

P.A. No. 21-29 Relevant Sections: § 12

Effective Date: June 10, 2021, and June 1, 2022 – Affordable Housing Plans must be adopted.

### What does the law say?

#### - Adoption of an Affordable Housing Plan.

- o **At least once every five years** a municipality must **prepare or amend and adopt** an affordable housing plan specifying how the municipality will increase the number of affordable housing developments in its jurisdiction.
- o The **first plan** must be prepared and adopted by **June 1, 2022**.

#### - Posting and Notice.

- o Municipalities must post their draft plan or updates online, **even if they do not hold a public hearing** on the draft plan or updates.
- o Requires that municipalities **submit** their Affordable Housing Plans to the **Office of Policy and Management**.

#### - Noncompliance.

If a municipality **does not comply** with the plan amendment deadlines, the Chief Elected Official must **submit a letter to the Office of Policy and Management** and in the explanation specify a date by which the plan will be amended.

(Topic six continued)

#### **Implementation and Potential Municipal Action.**

##### **- Adoption of an Affordable Housing Plan.**

- Municipalities may submit their affordable housing plans as part of their local Plan of Conservation and Development.
- Municipalities may choose to submit their affordable housing plan early to coincide with a POCD submission, so long as their next Affordable Housing Plan submission is five years later.

### **Topic Seven: Water Pollution Control Plans**

**P.A. No. 21-29 Relevant Sections:** § 11

**Effective Date:** October 1, 2021

#### **What does the law say?**

- Subsection (b) of Section 7-246 of Chapter 103 allows for municipal water pollution control authorities to delineate areas in the water pollution control plans they create as those (1) served by the municipal sewerage system, (2) where sewage facilities are planned, and (3) where sewers should be avoided.
- The bill allows water pollution control authorities to “designate and delineate specific allocations of capacity to serve areas that are able to be developed for residential or mixed-use buildings containing four or more dwelling units.”

### **Topic Eight: Commission on Connecticut’s Development and Future**

**P.A. No. 21-29 Relevant Sections:** § 13

**Effective Date:** June 10, 2021.

#### **What does the law say?**

- Section 13 of P.A. 21-29 is new and establishes a Commission on Connecticut’s Development and Future within the Legislative Department. Said commission “shall evaluate policies related to land use, conservation, housing affordability and infrastructure.” Subsections (b) through (e) outline the substantive process for said commission.
  - Subsection (f)(1) states that not later than January 1, 2022 and not later than January 1, 2023, the commission shall submit a report to the joint standing committees of the General Assembly and to the Secretary of the Office of Policy and Management “having cognizance of matters related to planning and development, environment, housing and transportation,” in accordance with the provisions of section 11-4a in the general statutes regarding the following areas outlined in (a) through (e).
  - Subsection (2) states that if the commission is unable to meet the January 1, 2022 deadline they can make a request for an extension and shall submit an interim report.
  - Subsection (3) states that the commission shall terminate on the date it submits the final report or January 1, 2023, whichever is later.

# TOWN OF SOUTH WINDSOR

## WATER POLLUTION CONTROL AUTHORITY

### RULES AND REGULATIONS



1540 Sullivan Avenue  
South Windsor, CT 06074



- 1.24 **"Construct a Sewerage System"** shall mean to acquire land, easements, rights-of-way or any other real or personal property or any interest therein, plan, construct, reconstruct, equip, extend and enlarge all or any part of a sewerage system.
- 1.25 **"Cooling Water"** shall include clean wastewater from air conditioning, industrial cooling, condensing and similar apparatus and from hydraulically-powered equipment. In general, cooling water will include only water which is sufficiently clean and unpolluted to admit of being discharged without treatment or purification into any natural open stream or watercourse without offense.
- 1.26 **"DEP"** shall mean the State of Connecticut Department of Environmental Protection.
- 1.27 **"Director of Health"** shall mean that individual or firm duly appointed by the Town Manager of the Town of South Windsor to carry out prescribed duties of the Director of Health.
- 1.28 **"Disposal Area"** shall mean the entire area of an individual sanitary sewage disposal system used for underground dispersion of the liquid portion of sewage. It may consist of a disposal field, disposal bed, seepage pit, or a combination thereof.
- 1.29 **"Drain Layer" or Licensed Drain Layer"** shall mean an individual whom the State of Connecticut shall have issued a license to install and repair building drains, building sewers, public sewer laterals, public sewers and individual sanitary sewage disposal systems during the period when such license is valid. The term "Drain Layer" may also be applied to Town employees designated by the Manager and also to State Highway Departments' employees and employees of the public utilities when they are engaged in installing, altering and repairing sewers, drains, or connections and appurtenance thereto under the permit from the Town Manager.
- 1.30 **"Dwelling Unit"** shall mean one or more rooms providing complete living facilities for one or more individuals, including equipment for cooking or provisions for the same, and including room or rooms for living, sleeping, eating, bathing and sanitary facilities.
- 1.31 **"Emergency Repair"** shall mean any occurrence that will have an adverse effect on the health and welfare of the property owner as determined by the Assistant Director of Public Works/Pollution Control Superintendent.
- 1.32 **Equivalent Dwelling Unit:** The unit of measure by which the Capacity Charge for sanitary sewer services provided by the South Windsor sewer system is calculated and imposed upon each improved property served by the sewer system.
- 1.33 **"Facility"** – shall mean any establishment at which an FOG discharge originates.

- 1.69 **"Public Sewer Lateral"** shall mean a pipe laid incidental to the original construction of a main sewer from that sewer to some point at the side of the street, highway, or similar location.
- 1.70 **"Regional collection/transfer/disposal site"** – shall mean a facility for the collection, transfer or disposal of fats, oils, grease approved by the Connecticut Department of Environmental Protection.
- 1.71 **"Render"** – shall mean the process used to clarify or extract fats, oils, and greases by melting.
- 1.72 **"Renderable Fats, Oils and Grease"** – shall mean fats, oils, and grease not contaminated by contact with wastewater from the food preparation process which can be recycled by a rendering company.
- 1.73 **"Renderable Fats, Oils, and Grease Container"** – shall mean a closed leak-proof container for the collection and storage of food grade fats, oils and grease.
- 1.74 **"Renovation"** – shall mean any physical modification of a facility's food preparation area, food service area and/or dining area occurring after the approval of FOG Management Equipment as provided for in Section 6.5 of these regulations.
- 1.75 **"Residential Unit"** - A dwelling for one family only, either in a portion of a building occupied by two or more families, or in a single detached dwelling; or a separately sealable, rentable and/or transferable portion or section of a building under construction renovation.
- 1.76 **"Restricted Funds"** – are those amounts reserved for a specific purpose as determined by the formal action of the Water Pollution Control Authority.
- 1.77 **"Unrestricted Funds"** – are funds that represent a residual Fund Balance that has not been restricted by the Water Pollution Control Authority for specific purposes.
- 1.78 **"Rule"** shall mean each Authority statement of general applicability that prescribes law or policy or describes the organization, procedure, or practice requirements of the Authority.
- 1.79 **"Sanitary Equivalents"** shall mean a normal strength of wastewater as measured in terms of suspended solids and B.O.D. concentration.
- 1.80 **"Sanitary Sewer"** shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
- 1.81 **"Septage"** shall mean the liquids and solids which are removed from a tank used to treat domestic sewage.
- 1.82 **"Sewage"** shall mean any substance, liquid or solid which may contaminate or pollute or affect the cleanliness or purity of any water.



- 1.83 **"Sewer"** shall mean a pipe or conduit for carrying sewage.
- 1.84 **"Sewer Impact Fee"** - Capacity fees are one-time payments used to fund capital improvements needed to expand the utility systems. The capacity charge is proportionate and related to the capital facility demands of the new development. A Sewer Impact Fee shall be assessed on all new or expanded service connections to the public sewer system as published in the fee schedule. The Sewer Impact Fee shall be proportionate to the cost of providing sewer to previously unserved properties and all changes in use that increase water flow to the sewer system.
- 1.85 **"Sewer Lateral"** shall mean a pipe laid incidental to the original construction of a main sewer to some point at the side of the street, highway or similar location.
- 1.86 **"Sewer System"** or **"Sewerage System"** shall mean any device, equipment, appurtenance, facility and method for collecting, transporting, receiving, treating, disposing of or discharging sewage.
- 1.87 **"Shall"** is mandatory; **"May"** is permissive.
- 1.88 **"Slug"** shall mean any discharge of water, sewage, or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation.
- 1.89 **"Sludge"** shall mean the solid, semi-solid and liquid residue that results from the treatment of waste water including the ash remaining after the incineration of residue.
- 1.90 **"Small Industries"** shall mean users of 93,000 gallons or less of water annually.
- 1.91 **"Major Industries"** shall mean users of 93,000 gallons or more of water annually.
- 1.92 **"Soluble Oil"** shall mean oil which is of either mineral or vegetable origin and disperses in water or sewage at temperatures between 0° C. and 65°C. For the purposes of these regulations, emulsified oil shall be considered as soluble oil.
- 1.93 **"Storm Drain"** shall mean a pipe or conduit which collects and conveys stormwater or groundwater.
- 1.94 **"Superintendent"** shall mean the Superintendent of the Pollution Control Department of the Town of South Windsor.
- 1.95 **"Suspended Solids"** shall mean solids that either float on the surface of or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtering.
- 1.96 **"Town"** shall mean the Town of South Windsor, Connecticut.



## **SECTION 3**

### **USE OF PUBLIC SEWERS REQUIRED**

- 3.1 It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of South Windsor, or in any area under the jurisdiction of said Town, any human or animal excrement, garbage, or other objectionable waste; provided, however, that agricultural fertilization with animal excrement shall be lawful and permissible, subject to the provisions of other State and Town regulations.
- 3.2 It shall be unlawful to discharge to any natural outlet or stream within the Town of South Windsor, or in any area under the jurisdiction of said Town, any sewage or other polluted waters.
- 3.3 Except as hereinafter provided, it shall be unlawful to construct any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage. Further, it shall be unlawful, in any area, having available to it a public sanitary sewer, to repair, replace or extend any portion of a seepage field of an individual sanitary sewage disposal.
- 3.4 The owner of each house, building, or other structure which has been constructed after the enactment of these regulations, situated within the Town on a parcel of land that has available to it, a public sanitary sewer, shall, at his expense, connect to such public sewer before occupying such premises unless special approval from the Water Pollution Control Authority is given for any reason involving gross financial hardship practical application or onsite disposal is possible. Each house, building, or other structure used for human occupancy, employment or recreation, which employs an individual sanitary sewage disposal system which is inadequate based upon established standards of Town and State Health Departments, and having available to it a public sewer, shall at the owner's expense, be connected to said public sanitary sewer, in accordance with the provisions of this regulation within thirty (30) days from the mailing of written notice by the Director of Health to said owner at his last known address; provided however, that this period may be extended to a maximum of sixty (60) days by the Director of Health if the property owner provides sufficient reason for such extension based on financial hardship, weather or soil conditions, or other suitable reason.
- 3.5 Except as hereinafter provided, whenever a house, building or other structure which has employed an individual sanitary sewerage disposal system shall connect a public sanitary sewer, the individual sanitary sewer shall be promptly abandoned and the septic tank, if it is metal, after cleaning, shall be filled with a suitable material. Any individual sanitary sewer employing a



## SECTION 14

### Sewer Benefit Assessments and Sewer Impact Fees

**Preamble:** This SECTION 14 establishes the assessments and fees for the connection to the Town of South Windsor Water Pollution Control Authority ("WPCA") facilities. Specifically, this section establishes a formula for defining benefit assessments for connecting to the wastewater collection system and for allocating costs associated with the prior improvements to the capacity of the wastewater treatment system. This section applies to those property owners that connect to a newly constructed sewerage system and to those property owners that connect to an existing sewerage system that have not previously been assessed or paid for benefit assessments or capacity payments. Property owners connecting to WPCA facilities will be subject to benefit assessment payments and capacity fee payments, which together will constitute a sewer impact fee ("SIF").

**Assessment of benefits.** Pursuant to Section 7-249 of the Connecticut General Statutes ("C.G.S.") the Town of South Windsor Water Pollution Control Authority ("WPCA") is authorized to levy benefit assessments in accordance with the following grant of statutory authority, which states in part:

At any time after a municipality, by its water pollution control authority, has acquired or constructed, a sewerage system or portion thereof, the water pollution control authority may levy benefit assessments upon the lands and buildings in the municipality which, in its judgment, are especially benefited thereby, whether they abut on such sewerage system or not, and upon the owners of such land and buildings, according to such rule as the water pollution control authority adopts.

The following formula shall be used to calculate the benefit assessment of residential and nonresidential properties:

- A. Residential Sewer Benefit Assessment calculation for a new town funded sewer installation where the Town will recover a minimum of 80% of the construction cost:

$$\text{Benefit Assessment} = \frac{\text{EDU}^* \times (80\% \text{ of Project Cost})}{\# \text{ of Properties}}$$

\* **Equivalent Dwelling Unit (EDU):** The unit of measure by which the Capacity Charge for sanitary sewer services provided by the South Windsor sewer system is calculated and imposed upon each improved property served by the sewer system. See sewer assessment schedule for EDU ratio.



## Assessments

### B. A previously installed sewer without a paid assessment (Residential/Nonresidential):

Benefit Assessment = Minimum Zone Frontage\*\* x Price per linear foot  
(to be Set by WPCA)

\*\*As defined by Table 3.1.2A of the Town of South Windsor Planning and Zoning  
Regulations

## Capacity Charges.

Pursuant to Section 7-255 of the Connecticut General Statutes ("C.G.S.") the WPCA is authorized to establish charges for the use of the sewerage system in accordance with the following grant of statutory authority, which states in part:

The water pollution control authority may establish and revise fair and reasonable charges for connection with and for the use of a sewerage system. The owner of property against which any such connection or use charge is levied shall be liable for the payment thereof.

The WPCA shall periodically establish a capacity charge for new connections to the sewerage system. The Capacity Charge shall be calculated by using Equivalent Dwelling Units. Equivalent Dwelling Units (EDU) shall be used as the basis to calculate the Capacity Charge for residential and non-residential properties. A calculation worksheet will be established in accordance with statutory requirements and will be available at the Water Pollution Control office. For Commercial and Industrial properties, the size of the building water meter shall be used to determine the EDU factor. For Residential properties, the EDU will be determined by the number of bedrooms in a dwelling.

The following formula shall serve to calculate the capacity charge:

Capacity Charge = EDU\* x Base Fee (Set by WPCA)

\* **Equivalent Dwelling Unit (EDU):** The unit of measure by which the Capacity Charge for sanitary sewer services provided by the South Windsor sewer system is calculated and imposed upon each improved property served by the sewer system. See sewer assessment schedule for EDU ratio.

A Capacity Charge shall not be levied against property owners that have paid a benefit assessment prior to January 1, 2018.

**14.1 Sewer Impact Fee.** The benefit assessment and the capacity charge together shall constitute the Sewer Impact Fee ("SIF") for new connections to the sewerage system. Property owners that connect to the sewerage system after the effective date of this regulation shall pay a SIF at the time of connection, unless such payment is subject to a statutory installment payment recorded on the land records.



## Assessments

A Sewer Impact Fee shall be levied when:

- A. A public sanitary sewer system is constructed and properties so served by the sewer system connect for service;
- B. When an existing sewer is available to a property that has not previously paid a sewer benefit assessment;
- C. When a land developer installs a sewer and a property is connected to said sewer either during construction or after the Town takes ownership;
- D. After the addition of a bedroom(s) at a Residential property; or
- E. After the modification of building size and/or use of a Residential, Commercial or Industrial building.

14.2 A Sewer Impact Fee will not be levied on an existing property that has previously paid a benefit assessment unless 14.1 A-E applies.

### Payment of Sewer Impact Fee

14.3(?) The SIF will be levied at rates established as of the date of the sewer connection. At no time shall a rebate of the SIF be paid back for the reduction of bedrooms, the modification of a building or the modification of the building use.

- A. Residential property owners whose SIF is part of a Town funded sewer project may elect to pay said charges in 15 equal installments upon connection to the sewer. The first installment shall be due in the following month of November or May with no less than 30 days prior notice with subsequent installments shall be due annually thereafter on said due date. There shall not be a penalty for early payment of the outstanding balance.  
The installments in the case of assessments that are a part of a sewer project which is funded by bonds or notes shall bear interest at the maximum rate of interest the Town is obligated to pay on such bonds or notes. In the case of assessments which are not funded by bonds or notes, installments shall bear an interest rate equal to the maximum interest rate charged to the Town on the most recently bond or note funded project.
- B. A sewer impact fee for a Town installed sewer at its expense is due and payable at the time of connection. If the sewer was installed by a property owner at his expense, said property owner shall not be charged the benefit assessment portion of the sewer impact fee.

## **SECTION 15**

### **PROVIDING FOR CONNECTION CHARGES**

- 15.1 Whenever a sanitary sewer has been laid out and constructed by the Water Pollution Control Authority, connections from real estate to said sewer shall not be permitted until a sewer connection charge has been paid by or for the owners of the real estate which is to be served by said connection.
- 15.2 Any owner desiring to make a connection to a sanitary sewer as provided herein shall make application to the Director of Public Works for the Town of South Windsor, submitting such plans and specifications as may be required by said Director. Said plans and specifications shall contain information as to the amount of property to be utilized by the proposed buildings and improvements for which such connection is sought, and giving the type and extent of use contemplated of the sewer system.
- 15.3 A copy of such application and the accompanying information shall be submitted to the Water Pollution Control Authority and such Authority shall, upon making a determination that the planned connection and the necessary pipes, pumping facilities, if such are required and other necessary improvements, are in accordance with applicable statutes, regulations, and ordinances, approve said applications and forthwith levy a connection charge.

Payment of such connection charges shall be made prior to issuance of a permit to connect to the sewer system.

When a property owner is prepared to connect his property to the lateral, a connection charge will be levied. A schedule of said connection charges will be kept on file in the Office of Pollution Control.

#### **To determine amount of Connection Charge:**

- A. Dwelling Unit – one single family living quarters, one church building or one school building.
- B. Area – developed land, including streets, parking area, and open spaces; a fractional acre additional to at least one acre shall be prorated, but in no event shall the developed area consist of less than the minimum required by the Zoning Regulations of the Town of South Windsor.



## Providing for Connection Charges

- Interest & Lien Fees
- Connection Charges
- Grants/loans
- Transfers from Operating and Replacement Reserves
- Internal Services Transfers
- Investment Interest Earnings

$Q_o$  = Annual individual user discharge (gallons)

$Q_t$  = Total annual industrial/commercial and residential discharge (gallons)

### B. Residential User Charges

1. There shall be a uniform rate for single and multifamily residential buildings
2. A resident subject to a sewer user charge and found to be eligible by the Town of South Windsor Human Services Department for property tax relief under the State of Connecticut Qualifying Income for the Elderly and Totally Disabled Tax Relief Program shall have said user charge reduced by a percentage corresponding to the percentages and income levels for married and unmarried owners as described in the aforesaid Qualifying Income for the Elderly and Totally Disabled Tax Relief Program. The difference between the revenue received from sewer user charges paid by all Qualified Users and such revenue as would have otherwise been received had the full residential rate been applied shall be absorbed by all other sewer user classes, which shall be adjusted accordingly.

### C. Industrial Surcharges

Industries shall be assessed a surcharge when suspended solids (s.s.) and biochemical oxygen demand (B.O.D.) concentrations exceed 238 mg/l and 212 mg/l, respectively. A separate surcharge shall be computed for both suspended solids and B.O.D. In the computation of suspended and B.O.D. surcharge rates, the annual allocated cost for suspended solids and B.O.D. removal shall be divided by the annual quantity of each parameter removed in the treatment process.

**DRAFT Remove Section 7.1 Accessory and In Law Apartments**

**Add Section 3.2.3 Accessory Apartments**

**3.2.3 Purpose**

The purpose of this section is to encourage the provision of moderately priced housing by allowing accessory apartments in all single-family residential zones.

**Criteria for Approval**

A. An application shall be made for a zoning permit (or Commission approval) for an attached accessory apartment prior to the issuance of a building permit and are subject to the following restrictions and conditions:

1. Either the primary dwelling unit or accessory apartment shall be owner-occupied.
2. The usable floor area of the accessory apartment shall not be less than 30 percent of the usable floor area of the primary dwelling unit and/or shall be no more than 1,000 square feet (whichever is smaller). These areas shall be exclusive of garages, porches, or basements.
3. The accessory apartment shall have no more than two bedrooms.
4. The accessory apartment shall comply with Section 3.1.2A Residential Area, Density and Dimensional Requirements. Off street parking for one vehicle shall be provided for each bedroom in the accessory unit in addition to the parking required for the additional unit.
5. When an accessory apartment is attached to a primary dwelling unit, the following shall apply:
  - a. The architectural treatment of the total structure shall be as to portray the character of a single-family dwelling unit.
6. Residential properties with accessory apartments are not allowed to be used as short-term rental properties.

B. A detached accessory apartment application shall require the submission of a site plans is subject to the criteria A1 – A6 and is subject to the following restrictions and conditions:

1. Shall be located no closer than 30 feet from the property line;
2. Landscaping treatments may be required to provide a visual barrier along the property line to any adjacent residence located with 50 feet.



Remove from Section 10.3 Definitions *In-Law Apartments*

## Modify Section 3.1 Residential Zone Requirements

### (a) 3.1.1 Permitted Uses, Impervious Coverage and Other Provisions

Uses within residential zones shall be governed by Table 3.1.1A. For uses requiring a Special Exception, see Section 8.4 Special Exception Standards and Procedures.

Table 3.1.1A - Permitted Uses, Impervious Coverage and Other Provisions						
Use	Zones				Impervious Coverage	Additional Provisions
	RR = Rural Residential	AA-30 = Limited Residential	A = A-40, A-30, & A-20 Residential	MF = Multifamily		
	RR	AA-30	A	MF		

#### (i) Residential

Accessory Apartments	SE P	SE P	SE P			See Article 7 Special Regulations. See Section 3.2.3
Agri-Tourism	SE		SE*			*Limited to A-40 zones. See Section 5.9
Assisted Living Facilities	SE	SE	SE	SE		See Article 7 Special Regulations.
Bed and Breakfast (for not more than 6 guests)	SE		SE		10%	Provided that such use is served by public sewer and water facilities. Meals served shall be limited to breakfast.
Elderly Housing	SE	SE	SE		40%	See Article 7 Special Regulations.
Duplex Dwelling	SE					See Article 7 Special Regulations
Household Pets	P	P	P	P		Excludes kennels
Horses and ponies for personal use, to include large domestic animal pets (3 or fewer)	P	P	P			See Article 7 Special Regulations.
Horses and ponies for personal use, to include large domestic animal pets (more than 3)	SE	SE	SE			See Article 7 Special Regulations.
<del>In-Law Apartment</del>	<del>P</del>	<del>P</del>	<del>P</del>			<del>See Article 7 Special Regulations. A Special Exception is required in the event that any waiver is requested relative to the criteria of 7.1.3.A.</del>
Multifamily Dwelling				SE		Accessory uses to dwellings as determined and approved by the Commission and which are intended and designed for the maintenance or operation of the property and/or the use of its residents are permitted.

## ARTICLE 3 – RESIDENTIAL ZONES

### (a) 6.4.3 Minimum Number of Parking Spaces

In all districts, the minimum number of parking spaces shall be provided in accordance with the following schedules:

(i) Table 6.4.3A Minimum Required Parking Spaces – Residential Uses

Use - Residential	Minimum Required Parking Spaces
One and Two-Family Dwellings including Accessory <del>or In-Law</del> Apartments	2 spaces per primary dwelling unit; 1 space per bedroom in <del>accessory apartment</del>
Multi-family Dwellings <sup>(1)</sup>	2 spaces per dwelling unit
Multi-family Dwellings / SAMUD-OZ <sup>(3)</sup>	1.7 spaces per dwelling unit, however, if shared parking, 1.75 spaces per two-bedroom dwelling unit, 1.25 spaces per one-bedroom dwelling unit, and 1.0 space per studio / efficiency dwelling unit
Assisted Living <sup>(2)</sup>	1 space per 2 dwelling units
Bed and Breakfast	1 space per guest bedroom
Home Occupations, Home Offices	1 space per 160 square feet, or fraction thereof, of building floor area devoted to such use
Elderly Housing	1 space per living unit plus 1 per employee
Independent Living	1.25 spaces per dwelling unit
<sup>(1)</sup> The Commission reserves the right to require up to 2½ spaces per dwelling unit. In addition to the minimum number of parking spaces required for passenger vehicles, the Commission may require a special area containing at least 1 parking space for every 10 dwelling units for the storage of recreational vehicles, boat trailers, and the like. This area may also be used for the parking of visitors' vehicles.	
<sup>(2)</sup> The site plan shall demonstrate reserve parking equal to the primary parking in the event that additional parking is needed. (Shared parking facilities may be used to satisfy this requirement.)	
<sup>(3)</sup> See Section 5.10 Specific requirements for a Sullivan Avenue Mix-Use Development in the GC Zone	

Planning Department 9/26/21

## **POLLUTION CONTROL FISCAL YEAR 2020-2021 REPORT**

**THE DIVISION OF WATER POLLUTION CONTROL** is responsible for the collection, treatment, and discharge of wastewater. Activities include: wastewater treatment, sludge disposal, laboratory analysis, sewer line cleaning, inspection and repair, as well as treatment plant and pump station maintenance. This Division also assists the Parks & Recreation Department for the mechanical maintenance of the Veteran's Memorial Park swimming pool pump and filtration system.

During the past year, the Division treated 877,910,000 gallons of wastewater at a treatment efficiency of 98% Biochemical Oxygen Demand, 98% Total Suspended Solids and discharging an average of 93 pounds of nitrogen per day. The Town is required to maintain a treatment efficiency of 85% and discharge no more than 106 pounds of nitrogen per day under the current discharge permit issued by the Connecticut Department of Energy and Environmental Protection (DEEP). In treating the wastewater, 815 dry tons of solids were removed and transported to the Hartford Metropolitan District Facility (MDC) for final processing in accordance with the Town's participation in a cooperative regional sludge management program. Wastewater service is provided to 8,587 residences and 359 industrial and commercial businesses in South Windsor and Manchester. Service is provided to out of town properties in accordance with the provisions of inter-town sewer agreements. Through such agreements communities are benefited by limiting the number of expensive pump stations which would otherwise have to be constructed and operated.

Sanitary sewers are an essential part of the Town's economic development. The I-291 Corridor on Ellington Road is an example of this. The Pollution Control Department constructed a 1,000-foot force main to serve commercial/industrial development from the interstate to Chapel Road in October 2020. Since this time the Town has seen three large scale distribution centers constructed with other prospective opportunities for future growth in this area. The entire force main project was funded through a grant from the Small Town Economic Assistance Program (STEAP).

The Clark Street, Benedict Drive, and Pleasant Valley Pump Stations entered into the design phase of a comprehensive rehabilitation. Each pump station has reached its useful life. The smallest of the three pump stations to be upgraded is Pleasant Valley which accepts residential flow from the western portions of Pleasant Valley Road. The Benedict Drive Pump Station is the Town's second largest pump station and serves the eastern portion of town made up of mainly residential neighborhoods. Clark Street is the Town's largest pump station which accepts flow from the Benedict Drive Pump Station, portions of Manchester, and the south easterly section of South Windsor. This amounts to the conveyance of approximately 50% of the Town's wastewater to the treatment plant located on Vibert Road.

Chapel Road Phase 2 was completed this year and consisted of relining 4,000 feet of 8-32" sewer pipe that was in a deteriorated state. The Chapel Road sewer conveys a large portion of the Town's sewage including much of the industrial sector. Relining sewer pipe with cured-in-place pipe is an efficient and effective method to rehabilitating pipe that minimizes disruption to sewer users and vehicular roadway traffic.

Anthony E. Manfre, Superintendent of Pollution Control

**WATER POLLUTION CONTROL AUTHORITY** - The Water Pollution Control Authority (WPCA) is a statutorily independent entity having complete jurisdiction over all elements of the sanitary sewer system within the Town. It is responsible for the proper functioning and continuous operation of South Windsor's sanitary sewage system which is essential for public health and safety, economic development, environmental protection, and the quality of life for those living and working in our Town. The Authority consists of seven (7) members and two (2) alternates appointed by the Town Council for staggered terms of four (4) years. Its members are citizens of the Town who volunteer their time to oversee and implement policies created by the Authority to protect the operation of the sewerage system, the environment and ultimately public health. By contract, it is administered through the municipal staff of the Town as the most cost-efficient means of executing legal mandates and daily operations. The Authority authorizes the annual budget, levies benefit assessments, establishes fair and reasonable sewer user charges, approves connections and expansions to the system and applies for state and federal funds as authorized by Chapter 103 of the Connecticut General Statutes and Town of South Windsor Ordinances.

The thirteen staff, including ten licensed operators, are responsible for the treatment plant, eleven pump stations, and one hundred thirty miles of sewer pipe, including twenty miles of cross-country lines. Together the Authority and Operations staff work as stewards of the treatment system and seek to provide the best value for the ratepayers. Planning for future needs of this complex and widespread system entails a degree of unavoidable uncertainty, including, exposure to unforeseen natural events, accidents, revenue fluctuations, and unplanned maintenance, facility repair, and improvements as the infrastructure ages. As the operation and maintenance of the wastewater treatment plant and collection system is funded almost entirely through sewer user fees, Authority members establish fair and prudent fiscal policies to ensure adequate funding for proper maintenance, upgrade, repair and replacement of the system's components.

Electric utility costs comprise one of the largest budgetary line items consuming over ten percent of the Operation and Maintenance budget. The Town has contracted with Lodestar Energy to utilize an offsite solar field helping to defray these costs through electrical credits. A demand response program was also put in place that will shed power back to the grid and generate an estimated \$20,000 in revenue toward the operation of the treatment plant and pump stations.

Over the last several years several infrastructure studies regarding the collection system have been undertaken and completed. By investing in this activity, the Authority has been able to prioritize capital expenditures to prevent significant interruptions in service. A ten-year capital improvement program has been adopted to rehabilitate the facilities and

equipment of the system. Each element has been assigned a rating based upon the condition of the components and a preliminary cost estimate for planning purposes. Should federal infrastructure funds become available, South Windsor is well positioned to move quickly to improve our system and take advantage of a revenue stream that will help minimize user rate increases.

The Water Pollution Control Authority set the Fiscal Year 2020-2021 budget of \$5,388,961 of which \$3,991,793 is the operating budget. The remaining funds are allocated to debt service and capital projects. In recent years the Authority has taken proactive measures to rehabilitate the collection system infrastructure and meet reserve funding goals to ensure the stabilization of sewer user fees. For the second consecutive year, there has been no increase in the sewer user rate and South Windsor's rate remains twenty per cent below the state average.

This past fiscal year \$1,005,000 was budgeted for capital improvement projects which included \$845,000 for rehabilitating 4,000 feet of sewer pipe in Chapel Road and another \$160,000 for a variety of smaller pipe and manhole rehabilitation projects. Additionally, application has been made to the State for twenty-year low interest loans under the Clean Water Act to fund upgrades of the Benedict Drive, Clark Street and Pleasant Valley pump stations. In anticipation of loan approval, \$1,100,000 of Replacement Reserve funds were allocated to offset the costs of design phases of those projects. The fund will be replenished upon approval and receipt of the loans.

By Regulation, two Reserve Funds are maintained: the Operating Reserve equal to three months of the operation budget and a Replacement Reserve equal to two percent of the Pollution Abatement Facility Asset Value. At the completion of Fiscal Year 2020-2021 the Operating Reserve funding goal of \$987,000 was exceeded by over \$600,000. The excess funds were transferred to the Replacement Reserve account, which carried a yearend balance of \$820,000. The budgetary goal of that account is \$4,400,000. With the addition of the excess funds, unexpended budget line items, proceeds from the Clean Water Act loans and other sources of revenue, the Replacement Reserve is expected to reach 90% of its goal in Fiscal Year 2021/2022. These balances are a factor in determining the overall bond rating for the Town.

The WPCA approved 11 residential connections and 7 commercial/industrial connections resulting in a total assessment of \$318,694.71. This included: Connection Charges of \$213,913.71, Capacity Charges of \$50,599.00, and Benefit Assessments of \$54,182.

During the Fiscal Year 2020-2021, there were 43 new residential connections and 4 Commercial/Industrial connections made to the public sewer system bringing the total connections to 8,593 residential and 359 commercial/industrial.

In 2015 the WPCA approved the implementation of the sewer user charge discount program for qualified residents. A qualified resident is a residential sewer user who is eligible for property tax relief under the State of Connecticut Qualifying Income for the Elderly and Totally Disabled Tax Relief Program. The application period is from February 1<sup>st</sup> through May 15<sup>th</sup>, the same period as the Town's Property Tax Relief Program. Application is made through the Human Services Department. During fiscal year 2020-2021 191 residents participated in the program resulting in \$19,200.39 in discounted residential fees.

Thomas Ruby, *Chairperson*



# WPCA COMMUNICATIONS AND REPORTS

October 5, 2021

*The following is a monthly report from the Superintendent of Pollution Control as an appendix to the Water Pollution Control Authority meeting.*

## General Information

### Clean Water Fund Changes

DEEP has revised the terms for collection system loan amounts in the latest version of the Clean Water Fund Priority List. The last Priority List did not have a project cap for collection system loans, which includes pump stations. The newest version includes a \$4,000,000 cap per municipality per year for loan amounts. The planned pump station upgrades are expected to exceed the loan cap. The initial intent was to apply for a CWF loan in the total amount to upgrade all three stations. The change to the terms of the program will require us to apply for a loan for each pump station and upgrade one per year unless two can be upgraded for under the \$4,000,000 limit.

### Residential Sewer User Billing List

The residential sewer user bills have been sent out with a due date of October 1, 2021. The billing list includes 8,648 accounts totaling \$3,589,750; 196 account holders qualified for the income eligible discount program costing a total of \$20,106.75. The total residential revenue due to the WPCA is \$3,569,228.25.

### ClearGov Webpage

The ClearGov webpage is now active to give viewers updates on project status, budget, location, etc. A button has been added to the Town's home page that will directly link to ClearGov.



# Treatment Plant and Collection Systems

## Treatment Plant

### *Process*

TREATMENT PLANT	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	AVERAGE
AVG FLOW (MGD)	1.85	1.92	2.13	2.79	2.92	2.63	2.76	2.61	2.57	2.55	4.67	3.57	2.75
BOD REMOVAL	98.8%	98.0%	98.6%	97.3%	95.7%	98.2%	98.4%	98.6%	98.6%	99.0%	97.4%	98.4%	98%
TSS REMOVAL	98.6%	98.0%	98.7%	97.7%	95.6%	98.8%	99.0%	98.6%	98.6%	98.9%	97.4%	98.3%	98%
NITROGEN LBS. (106 LBS. LIMIT)	80	87	85	113	115	95	87	86	96	87	142	102	97.86

### *Maintenance*

- Completed 2021 Nitrogen Credit Report for CT DEEP
- Repair and replacement of 2 Aeration Blower Flange doors
- Replacement of scum removal squeegees on all primary and secondary clarifiers
- Routine maintenance and repair of process control analyzers
- Repair of broken 4" cast iron drain line in control building basement
  - Line and cleanouts were replaced with PVC pipe to avoid any further issues
- Degreasing and grit removal in Headworks Bar Screen Channel and bypass grinder channel

## Collection System

COLLECTION SYSTEM	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21
CCTV (FEET)	58,045	9,992	5,223	14,848	6,544	7,100	8,621	2,977	4,077	5,457	0	0
Contracted CCTV	13,744	17,617	20,392	0	3,374	0	21,414	18,569	10,254	0	0	9,693
CLEANING (FEET)	65,099	28,250	25,000	10,000	3,000	4,500	7,251	22,000	12,300	0	2,200	6,050

- Repair of broken suction plate on Clark Street Pump 3
- Grease and rag removal from Quarry Brook pumps and check valves
- Bypass valve exercises at all 11 pump stations
- Emergency repair of broken float and level transmitter at Pleasant Valley Pump Station
- Continued line cleaning and CCTV Work, mostly in neighborhoods that feed Clark St Pump Station

## Capital Improvement Projects Update

### Clark Street, Benedict Drive, Pleasant Valley Pump Station Upgrades

- Arcadis continues to work on design

#### *Next Steps:*

- *Engineer to perform Connecticut Environmental Policy Act (CEPA) Permit Review*
- *Project design phase*
  - *Complete 90% design (est. 36 weeks from the January 4, 2021 NTP).*
- *Submit design to DEEP for review and approval (min. 90 day review)*

#### Phase IV Part 1

*This project has been approved with the FY22 WPCA budget and will include the lining of sewer pipe and rehabilitation of manholes. The line item budget is \$750,000.*

- Bid specs need to be updated
- Expecting to bid project in November
- Construction is expected to begin in January 2022
- Project is planned to be completed by March 2022

### **American Rescue Plan Act (ARPA) Funded Projects**

#### Phase IV Part 2

*This project has been approved utilizing American Rescue Plan Act funds. The budget for this project is \$1,100,000.*

- Bid specs need to be updated
- Expecting to bid project in November
- Construction is expected to begin in January 2022
- Project is planned to be completed by March 2022

#### UV Disinfection Upgrade

*This project has been approved utilizing American Rescue Plan Act funds. The budget for this project is \$1,300,000.*

- Planning to hire a design engineer by December
- Design work will begin when engineer is hired
- Project is expected to be bid in late summer
- Construction will take place after October 1, 2022 when disinfection is no longer required per our NPDES permit.

#### Clark Street Bypass Valve

*This project has been approved utilizing American Rescue Plan Act funds. The budget for this project is \$100,000.*

- Project is expected to go out for bids in November
- Construction is dependent on valve availability
  - 3+ month lead time

## **Collection of Sewer User Fees and Delinquent Accounts**

*Report will be provided on October 5, 2021.*

*Respectfully submitted by: Tony Manfre, Superintendent of Pollution Control*