



Town of Old Lyme  
Water Pollution Control Authority

Municipal Sewer Ordinance

# Municipal Sewer Ordinance

## **1.0 Introduction**

1.1 This ordinance establishes the procedures for the *Town's designated sewer districts*<sup>‡</sup> to connect to the municipal sewer in the Town of Old Lyme sanitary sewer system. It also establishes specific limits for pollutant discharges which by their nature or by their interaction with sewage will be detrimental to the public health, cause damage to the municipal sewer or the water pollution control facility, pollute the waters of the State, or otherwise create a public nuisance.

1.2 In ~~A~~ accordance with Connecticut General Statutes Chapter 103, Section 7-246, this ordinance is intended to:

- (a) Inform the public as to the technical and administrative procedures to be followed in obtaining connection to the municipal sewer system located within the designated sewer districts;
- (b) Prevent the introduction of pollutants into the sanitary sewer system which will interfere with the collection and/or treatment system;
- (c) Prevent the introduction of pollutants into the treatment system which will pass through the system, inadequately treated, into the waters of the State, or the atmosphere, or otherwise be incompatible with the system;

1.3 This ordinance shall apply to the users of the municipal sewer system within *the Town of Old Lyme's designated sewer districts*, which consist exclusively of the areas designated as Sound View Beach and Miscellaneous Town Area-B (MTA-B) (the "Sewer Districts"). The Town of Old Lyme shall be referred to as the "Town" here-after. The Old Lyme Water Pollution Control Authority (~~OL~~WPCA) shall implement and enforce the provisions of this ordinance.

1.4 The WPCA is hereby delegated and assigned all of the powers to acquire, construct, and operate ~~as~~ sewerage system or any part thereof as provided, defined and prescribed by Chapter 103 of the Connecticut General Statutes, but only within 1) the Sewer Districts and 2) as to certain sewerage facilities to be constructed outside of the Sewer Districts as part of a joint project among the Town of Old Lyme, Old Lyme Shores Beach Association, Old Colony Beach Association, and Miami Beach Association, and their respective water pollution control authorities, to convey sewerage collected from within the Associations and the Sewer Districts to be treated at the New London sewerage treatment facility. These powers are in addition to and not in derogation of the powers granted the WPCA by Ordinances section 16-10 and Chapter 133, "Sewage Disposal Systems."

1.5. The boundaries of the Sewer Districts as of the effective date of this Ordinance shall not be expanded without an amendment to this Ordinance. Any expansion of the Sewer Districts, or

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<sup>‡</sup> ~~Designated Sewer Districts include Sound View Beach, Miscellaneous Town Area-B (MTA-B), and Hawks Nest Beach.~~

the creation of a new Sewer District, must be self-funded by the users of the new or expanded area. No property owner within the existing Sewer Districts will be financially responsible for any new sewer construction outside of the Sewer Districts defined by this Ordinance. The users of any sewerage facilities constructed outside the Sewer Districts shall be responsible for all cost associated therewith, including costs of design, construction, operation and maintenance, less applicable state and/or federal financial assistance obtained. However, the WPCA, upon approval at Town Meeting, shall have the right to agree to administer sewers built outside the Sewer District, provided that no costs associated with said outside sewers shall be borne by the users in the Sewer Districts.

## **2.0 Definitions**

- 2.1 Act or "the Act" The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et. seq.
- 2.2 Biochemical Oxygen Demand (BOD) is the amount of oxygen required by bacteria while stabilizing decomposable organic matter under aerobic conditions for five days at 20 degrees Centigrade (68 °F). The determination of BOD shall be performed in accordance with the procedures prescribed in the latest edition of "Standard Methods for the Examination of Water and Wastewater<sup>2</sup>."
- 2.3 Building Drain means that part of the lowest horizontal piping of a building's plumbing which receives the discharge from soil, waste, and other sanitary drainage pipes inside the walls of the building and conveys it to the building sewer lateral, ending 30 inches outside the inner face of the building wall.
- 2.4 Building Sewer Lateral means the extension from the building drain to the connecting point at the municipal sewer main at the property line limit. The individual property owner is responsible for the lateral from the building drain to the property line.
- 2.5 Categorical Standards National Categorical Pretreatment Standards or Pretreatment Standards.
- 2.6 Combined Sewer means a sewer intended to receive both sewage and storm or surface water.
- 2.7 Commissioner means the Commissioner of Energy and Environmental Protection for the State of Connecticut.

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<sup>2</sup> <https://www.standardmethods.org/doi/book/10.2105/SMWW.2882>

- 2.8 Compatible Pollutant Biochemical oxygen demand, suspended solids, pH, fecal coliform and enterococci bacteria, and any additional pollutants identified in the receiving water pollution control facility's NPDES permit, where the water pollution control facility is designed to treat such pollutants and, in fact does treat such pollutants to the degree required by the NPDES permit.
- 2.9 Composite Sample means a sample consisting of a minimum of aliquot samples collected at equal intervals of no less than 30 minutes and no more than 60 minutes and combined proportionally to flow over the sampling period provided that during the sampling period the peak hourly flow is experienced. The minimum time period for composite sampling shall be four (4) hours.
- 2.10 Cooling Water means process water in general used for cooling purposes to which the only pollutant added is heat and which has such characteristics that it may be discharged to a natural outlet in accordance with Federal and State laws and regulations.
- 2.11 Domestic Sewage means sewage that consists of water and human excretions or other waterborne wastes incidental to the occupancy of a residential building or a non-residential building but not including manufacturing process water, cooling water, wastewater from water softening equipment, commercial laundry wastewater, blowdown from heating or cooling equipment, water from cellar or floor drains, or sump pumps, or surface water from roofs, paved surfaces or yard drains.
- 2.12 Floatable Oil is oil, fat, or grease in a physical state such that it will separate by gravity from sewage by treatment in an approved pretreatment facility.
- 2.13 Garbage means the animal or vegetable waste resulting from the handling, preparation, cooking or serving of foods.
- 2.14 Grab Sample A single or discrete sample which is taken from a waste stream with no regard to the flow in the waste stream and without consideration of time.
- 2.15 Holding Tank Waste Any waste from holding tanks such as vessels, chemical toilets, campers, trailers and septage hauling trucks.
- 2.16 Hearing Board means that board appointed according to the provisions of Article 10 of this ordinance.
- 2.17 Incompatible Pollutant all pollutants other than Compatible Pollutants as defined in Section 2.8.

- 2.18 Industrial Wastewater means all wastewater from industrial processes, trade, or business and is distinct from domestic sewage defined herein.
- 2.19 "May" clause is permissive (see "Shall").
- 2.20 National Pollution Discharge Elimination System (NPDES) Permit A permit issued pursuant to Section 402 Of the Act (33 USC 1342).
- 2.21 pH means the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.
- 2.22 Person Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- 2.23 Properly Shredded Garbage shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.
- 2.24 Pretreatment or Treatment The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a water pollution control facility. The reduction or alteration can be obtained by physical, chemical or biological processes, except as prohibited by Title 40, Code of Federal Regulations, Section 403.6(d).
- 2.25 Public (or Municipal) sewer shall mean a common sanitary sewer owned and maintained by the Town and administered by the WPCA.
- 2.26 Sanitary Sewer means a sewer which collects and conveys domestic sewage from residences, public buildings, commercial establishments, industries, and institutions.
- 2.27 Septage means the liquids and solids which are removed from a tank used to treat domestic sewage.

- 2.28 Sewage notwithstanding any other definitions provided herein, it means human and animal excretions and all domestic and such manufacturing wastes as may tend to be detrimental to the public health and the environment.
- 2.29 Sewage Collection System means the structures and equipment required to collect and convey sewage to the Water Pollution Control Facility.
- 2.30 "Shall" clause is mandatory (See "May").
- 2.31 Slug means any sudden or excessive discharge which exceeds permitted levels either in terms of pollutant concentration or instantaneous flow rate in such a manner as to adversely affect the sewage collection system and/or the receiving water pollution control facility.
- 2.32 Soluble Oil means 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 this ordinance, emulsified oil shall be considered as soluble oil.
- 2.33 Storm Sewer or Storm Drain means a sewer which collects and conveys storm water or groundwater. Storm sewers or storm drains shall not be connected to sanitary sewers.
- 2.34 Suspended Solids means the solids matter, measured in mg/liter, which may be in suspension, floatable, or settleable and is removable by laboratory filtering as prescribed in the latest edition of "Standard Methods for Examination of Water and Wastewater."
- 2.35 Toxic Pollutant is any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of Section 307(a) of the Act or other Acts.
- 2.36 User any person who contributes, causes or permits the contribution of sewage into the (municipalities) sewer system.
- 2.37 Water Pollution Control Facility (WPCF) means an arrangement of devices for the treatment of sewage and sludge (in this case, the City of New London Waste Water Treatment Plant).
- 2.38 Watercourse means a natural or artificial channel for the passage of water either continuously or intermittently.

### **3.0 Use of Public Sewers**

- 3.1 All houses or other buildings used for human occupancy, employment, recreation, or other purposes situated within the *Town's designated sewer district* and abutting on any street, alley or right-of-way in which there is located a public sanitary sewer within the *Town's designated sewer district*, at the reasonable discretion of the Town of Old Lyme WPCA shall require any such house or building be connected to the WPCA's sewerage system and that the connection shall be made at the expense of its owner in accordance with the provisions of this ordinance. Any property having access to the municipal sewer shall be subject to a benefit assessment even if it is not connected to the municipal sewer since it receives the benefit of this utility. Connecting fee will be charged when such property is connected to the municipal sewer. The owner is required to respond in writing within ninety (90) days after date of official notice of his/her intentions to comply.
- 3.2 It shall be unlawful for any person to construct, replace, or repair any privy, privy vault, septic tank, cesspool or other facility intended for the disposal of sewage if public sewers are available, in the Town's designated sewer district.

#### **4.0 Building Sewer Laterals and Connections**

- 4.1 No unauthorized person(s) shall maliciously, willfully or negligently uncover, make any connections with or opening into, use, alter, repair, break, disturb or tamper with any municipal sewer or appurtenance thereof.
- 4.2 Any person proposing a new discharge into the municipal sewer system or a substantial change in the volume or character of pollutants that are being discharged into the municipal sewer system shall notify the *OL WPCA* at least forty-five (45) days prior to the proposed change or connection.
- a) A person intending to connect a building lateral from his property to the municipal sewer shall first obtain a permit to connect from the *OL WPCA*. The application shall be made on forms provided by the *OL WPCA*, and it shall be accompanied by plan showing the proposed installation in sufficient detail to enable the *OL WPCA* to determine that the proposed installation meets the requirements of this regulation and other applicable specifications, codes, and laws. The application shall be signed by the owner of the premises to be served or his authorized agent and by the qualified contractor (see Section 4.11) who has been chosen to perform the work of installing and connecting the building drain to the public sewer. Upon approval of the application and plan, a permit shall be issued to have the work performed by the stated contractor. In the event the premises changes ownership before the work is completed, or if another contractor is chosen to perform or finish the work, the original permit becomes void, and a new permit must be obtained by the new parties in interest.
  - b) A connection to the municipal sewer will be made only after the building's plumbing associated with the sanitary sewer has been approved by the Town building Inspector in order to ensure that minimum standards are met for the installation. A fresh air vent shall be required for the building and all plumbing associated with the sanitary sewer shall be in good working order. No trench containing a building drain or connection to the sanitary sewer shall be backfilled until the *OL WPCA* has completed an inspection of and approved the work. The water level in the trench shall be maintained at a level below the sewer connection and the lateral cap shall not be removed and the trench shall not be backfilled until the *WPCA* has inspected and approved all work. The contractor shall notify the *OL WPCA* at least 24 hours before starting any work authorized under this permit. When work is completed, the contractor shall submit "as-built" plans showing any revisions made to the approved plans during construction.
  - c) Permits to connect to the municipal sewer may be revoked and annulled by the *OL WPCA* for just cause; the Town of Old Lyme held harmless as a consequence of said revocation or the cause thereof. All other parties in interest shall be held to have waived



the right to claim damages from the Town of Old Lyme or its agents on account of said revocation.

- 4.3 All costs and expenses incidental to the installation and connection of the building sewer drain and lateral to the property line shall be borne by the owner(s). The owner(s) shall indemnify the Town of Old Lyme from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer lateral.
- 4.4 Building sewer laterals, located on private property are owned by the owner of the premises served. The owner of the respective premises is responsible for the maintenance and repair of the building sewer lateral. The owner of the building sewer lateral shall keep such sewer in good repair in order to not cause excessive infiltration or inflow of groundwater, damage to property, or harm to the Town's sewers.
- 4.5 A separate and independent building sewer lateral shall be provided for every building on a building lot except otherwise approved by OL WPCA.
- 4.6 Building sewer laterals existing on the effective date of this ordinance/these regulations may be used in connection with new buildings only when they are found, on examination and test by the *OL WPCA* to meet all requirements of this ordinance and other Town's ordinances.
- 4.7 The size, slope, alignment, materials of construction of a building sewer lateral, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench and connection of the building sewer lateral to the municipal sewer shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town of Old Lyme. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 (Conformance to plumbing codes) shall apply.
- 4.8 Whenever possible, the building sewer lateral shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer lateral – to be determined based on final sewerage system layout.
- 4.9 No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff, rainwater or groundwater (including from sump pumps) to a building sewer lateral or building drain which in turn is connected directly or indirectly to a public sewer.

- 4.10 All excavations for building sewer lateral installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the municipality or State requirements.
- 4.11 No water supply wells shall be allowed within 25 feet of a sewer. Water supply wells that lie between 25 feet and 75 feet of a sewer main or lateral shall be constructed to prevent contamination in accordance with all applicable guidelines promulgated by the Commissioner and approved by the then current local Director of Public Health or applicable designee. (Connecticut Public Health Code (CT PHC) Section 19-13-B51(a) through (m); for wells constructed prior to 1971 CT PHC Section 19-13-B51, effective June 1966 applies)
- 4.12 All building sewer laterals shall be installed by a drain layer who possesses a valid license issued under Chapter 393 of the Connecticut General Statutes as amended.

## **5.0 Discharge Limitations Regarding the Use of Public Sewers**

- 5.1 No person shall discharge or cause to be discharged any extraneous waters such as storm water, groundwater (including from sump pumps), roof runoff, subsurface drainage, or cooling water to any sanitary sewer.
- 5.2 Storm water and all other type of extraneous drainage shall be discharged to such sewers as are specifically designated as storm sewers and discharged to a watercourse in accordance with all applicable State and Federal laws and regulations.
- 5.3 No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the WPCF. These general prohibitions apply to all such users of the WPCF whether or not the user is subject to National Categorical Pretreatment Standards or any other Federal or State Pretreatment Standards or requirements. A user shall not contribute the following substances to any WPCF (including the conveyance systems connecting the source of sewage to the WPCF):
- a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the WPCF or to the operation of the WPCF. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the sewage collection system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter.
  - b) Solids or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the WPCF, including substances such

as, but not limited to, grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch, manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

- c) Any sewage having a pH outside the acceptable range between 5.0 and 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the WPCF or wastewater collection system.
- d) Any sewage containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment or conveyance process, constitute a hazard to humans or animals, or plant life, create a toxic effect in the receiving waters of the WPCF, or to exceed the limitation set forth in a "Categorical Pre-treatment Standard." A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.
- e) Any noxious or malodorous sewage, gases, or solids which either singly or by interaction with other sewage are sufficient to prevent entry into the public sewers for their maintenance and repair.
- f) Any sewage which, by interaction with other sewage in the municipal sewer releases obnoxious gases, forms suspended solids which interfere with the collection system, or creates a condition which may be deleterious to structures and treatment processes or which may cause the effluent limitations of the municipal waste water treatment facility's permit to be exceeded.
- g) Any substance which may cause the WPCF's effluent or any other product of the WPCF such as residues, sludges, or scums, to be unsuitable for reclamation process where the WPCF is pursuing a reuse and reclamation program. In no case shall a substance discharged to the WPCF cause the facility to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act, any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Resource Conservation and Recovery Act, Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

- h) Any substance which will cause a WPCF to violate its NPDES Permit or the receiving water quality standards.
- i) Sewage containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such degree that the water pollution control facility effluent cannot meet the limits stipulated in the municipal waste water treatment facility's NPDES permit.

5.4 The following described substances, materials, waters, or waste shall be limited in discharges to public sewers to concentrations or quantities which will not harm either the sewers, water pollution control facility, will not have an adverse effect on the receiving stream, or will not otherwise endanger public property or constitute a nuisance. The OL WPCA may set more stringent limitations if they are necessary to meet the water quality standards of the receiving stream. The limitations or restrictions on materials or characteristics of sewage discharged to the municipal sewer are as follows:

- a) Sewage having a temperature higher than 150°F (65°C).
- b) Sewage containing fat, wax, grease, petroleum, or mineral oil, whether emulsified or not, in excess of one hundred (100) mg/liter with floatable oil not to exceed twenty (20) mg/liter or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred-fifty (150) degrees F (between 0 and 65 degrees C).
- c) Any garbage that has not been properly shredded (see Section 2.23). Garbage grinders may be connected to sanitary sewers from homes or building located within the designated sewer district, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- d) Any sewage containing odor-producing substances exceeding limits which may be established by the Commissioner.
- e) Wipes and non-dispersible materials are strongly discouraged.
- f) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Commissioner in compliance with all applicable state and federal regulations.

g) Materials which exert or cause:

1. Unusual concentrations of inert suspended solids (such as, but not limited to, sodium chloride and sodium sulfate).
  2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  3. Unusual BOD, chemical oxygen demand, or chlorine demand in such quantities or concentrations as to constitute a significant load on the water pollution control facility or adversely impact the wastewater collection system. BOD in wastewater shall be less than 350 mg/L (Metcalf & Eddy Table 3-15).
  4. Unusual volume of flow Or concentrations of wastes constituting a "slug" as defined in Section 2.31.
- h) Commercial Holding Tank waste or waste from other receptacles storing organic wastes, including waste collection tank on Recreational Vehicles (RV) or boats.
- i) Sewage with a concentration of pollutants in excess of the limits listed in Table 1:

**Table 1: Concentration Limits of Pollutants**

<b>Pollutant</b>	<b>Concentration: parts/million (mg/liter)</b>
Arsenic as As	0.05
Barium as Ba	5.0
Boron as B	5.0
Cyanides as CN (amendable)	0.1
Fluoride as F	20.0
Chromium (Total)	1.0
Chromium (Cr +6)	0.1
Magnesium as Mg	100.0
Manganese as Mn	5.0
Copper as Cu	1.0
Zinc as Zn	1.0
Cadmium	0.1
Lead	0.1
Tin	2.0
Silver	0.1
Mercury	0.01
Nickel	1.0

*Note: All metals are to be measured as total metals*

5.5 The following discharges into the sewer system are prohibited without a permit issued by the State's Commissioner of Energy and Environmental Protection:

- a) Industrial wastewater of any quantity.
- b) Domestic sewage in excess of 5,000 gallons per day through any individual building to a public sewer.

A potential discharger of industrial wastewater or excessive sewage as described above must submit a permit application to the Department of Energy and Environmental Protection at least 90 days prior to the anticipated date of initiation of the proposed discharge.

5.6 If any Sewage is discharged or is proposed to be discharged to the Public sewers which contains the substances or possesses the characteristics enumerated in Section 5.4 of this Ordinance, and which in the judgment of the Commissioner may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise may create a hazard to life or constitute a public nuisance, the Commissioner may in accordance with Section 25-54i(b) of the Connecticut General Statutes as amended:

- a) Reject the discharge of the wastes.
- b) Require pretreatment to an acceptable condition for discharge to the public sewers.
- c) Require control over the quantities and rates of discharge.

If the Commissioner permits the pretreatment or equalization of waste flows, the design and installation of the equipment shall be subject to the review and approval of the Commissioner subject to the requirements of all applicable codes, ordinances and laws.

5.7 The OL WPCA shall have the right to reject the discharge of any wastes; or, require more stringent effluent limitations than required by the user's Section 25-54i permit, the decisions of the Commissioner notwithstanding.

5.8 Grease, oil and gross particle separators shall be provided when OL WPCA, in its reasonable discretion based on the facts and regulations, determines that they are necessary for the proper handling of sewage containing floatable grease in excessive amounts, as specified in Section 5.4(b), or any flammable wastes, sand, or other harmful substances; except that such separators shall not be required for private living quarters or dwelling units. Food Establishments connected to the Town of Old Lyme sanitary sewer shall include a grease interceptor which complies with the Department of Energy and Environmental Protection's General Permit for the Discharge of Wastewater Associated with Food Preparation

Establishments. All separators shall be of a type and capacity approved by the Commissioner, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these separators, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records Of the dates: and means of disposal which are subject to review by the Commissioner. Any removal and hauling of the collected materials shall be performed by a waste disposal firm which possesses a valid permit from the Commissioner under Section 22a-430 of the Connecticut General Statutes, as amended.

- 5.9 Where pretreatment or flow-equalizing facilities are provided or required for any sewage, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.
- 5.10 All measurements, tests, and analyses of the characteristics of sewage to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for Examination of Water and Wastewater", published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to the stipulations and general conditions of the discharger's State Discharge Permit.
- 5.11 No user shall increase the use of process water in an attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any specific pollutant limitations which may be developed by the OL WPCA.
- 5.12 Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. The OL WPCA may require that plans showing facilities and operating procedures be submitted for review and approval prior to construction of the facilities.
- a) Within five (5) days following an accidental discharge, the user shall submit to the OL WPCA a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the WPCF, fish kills, aquatic plants, or any other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties, of other liability which may be imposed by this ordinance or other applicable law.

- b) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees are advised of the emergency notification procedure.

## **6.0 Protection From Damage**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage collection system or water pollution control facility. Only the OL WPCA and other duly authorized employees or agents of Old Lyme may perform maintenance and/or corrective actions on the sewerage system.

## **7.0 Powers and Authority of Inspectors**

- 7.1 The OL WPCA and other duly authorized employees or agents of the Town of Old Lyme, bearing proper credentials and identification, shall be permitted, with reasonable notice and concurrence by the property owner, to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance.
- 7.2 While performing the necessary work in private properties referred to in Section 7.1 above, the OL WPCA or duly authorized employees or agents of the Town of Old Lyme shall observe all safety rules applicable to the premises established by the user. The user shall be held harmless for injury or death to the Town of Old Lyme employees or agents and the Town of Old Lyme shall indemnify the user against loss or damage to its property by Town of Old Lyme employees or agents and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the user to maintain safe conditions as required in Section 5.10.
- 7.3 The OL WPCA and other duly authorized employees or agents of the Town of Old Lyme bearing proper credentials and identification shall be permitted to enter all private properties through which the Town of Old Lyme holds a duly negotiated easement for the purposes of repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property.
- 7.4 The OL WPCA and other duly authorized employees or agents of the Town of Old Lyme bearing proper credentials and identification shall be permitted, with reasonable notice and concurrence by the property owner, to perform maintenance services on grinder pumps and force main pipe (OL WPCA owns these components and are responsible for their proper



operations), installed in the yard outside the dwelling of such properties, in accordance with the provisions of this ordinance.

## **8.0 Penalties**

- 8.1 Any person found to be in violation of any provisions of this ordinance, except Section 6.0, shall be served by the Town of Old Lyme with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- 8.2 Any person who continues any violation beyond the time limit provided for in Section 8.1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding (\$250) dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- 8.3 Any person who is found to be in violation of any of the provisions of this ordinance shall become liable to the Town of Old Lyme for any expense, loss or damage occasioned the Town of Old Lyme by reason of such violation.
- 8.4 Any person who is found to be in violation of Section 22a-430 of the Connecticut General Statutes as amended shall be subject to a monetary penalty or forfeiture under Section 22a-438 of the statutes.

## **9.0 Validity**

- 9.1 All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- 9.2 The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

## **10.0 Appeal**

### **10.1**

As described in Ordinance section 133-8, sections E and F, the Town hereby adopts the provisions of Connecticut General Statutes Section 7-152c for the establishment of an appeal and citation hearing process for the enforcement of this Ordinance and the WPCA's Rules and Regulations.

A.

The WPCA is hereby authorized thorough its designated agent, to issue a notice of violation to any property owner who fails to comply with this Ordinance, any Rule or Regulation adopted by the WPCA to administer it, and/or any order issued by the WPCA.

B.

Such notice shall be in writing, set forth the nature of the violation, and be served upon the owner ~~in accordance with the provisions of Connecticut C.G.S. § 52-57 or 52-59a~~ or sent to the owner by certified mail at the address listed for the owner by the Town Assessor's current records. Such notice shall specify that the property owner has a period of time (to be no more than 30 days) in which to correct the violation. Said time may be extended by the designated agent or the WPCA if the owner demonstrates that more time is reasonably necessary to complete the work in good faith.

C.

Any property owner who receives such a notice and fails to correct said violation by the date specified in said notice (or any extension) shall be in violation of this Ordinance.

D.

Each violation of this Ordinance shall be a separate municipal offense. Each day any violation of this Ordinance continues shall constitute a separate offense. Each separate offense under this chapter shall be punishable by a fine of \$ 250.00, payable to the Town of Old Lyme.

E.

A person who receives a notice of violation shall have the right to appeal from it to the Hearing Officer appointed by the Board Of Selectmen within the time and subject to the procedures, including for a hearing, provided by Connecticut General Statues § 7-152c.

F.

Notwithstanding paragraph E, the WPCA, by itself or by its designated agent, is hereby authorized to initiate legal proceedings in the Superior Court for the correction of any violation, collection of any fines, and the recovery of all costs, including reasonable attorneys' fees incurred by the WPCA to enforce the terms of this chapter, either in addition to or in lieu of the use of the citation and hearing process.

G.

The WPCA is authorized to adopt reasonable rules and regulations to put this Ordinance into effect. Such rules and regulations, and any amendments thereto, shall be in writing and shall be effective upon majority vote of the WPCA following a public hearing held by such WPCA, of which legal notice thereof has been published in a newspaper having general circulation in the Town not less than five days prior to such hearing, and upon subsequent publication of notice of such adoption in a newspaper having general circulation in the Town.

## **10.2**

A. Any person aggrieved by any decision, action or ruling of the WPCA (except for enforcement actions subject to section 10.1) may file a written appeal therefrom to the WPCA within ten (10) business days of the date of the decision, action or ruling. The WPCA shall schedule a hearing on said appeal following which it shall issue a ruling denying said appeal or accepting it in whole or in part. Nothing in the section shall effect the rights of the aggrieved person to appeal to superior court provided by the General Statutes, or alter the filing requirements therefor.

### **Regulatory Relief:**

The WPCA, upon application by an aggrieved person, and after a hearing, may in its sole discretion vary or modify the application of any provision of this Ordinance and/or of the WPCA Rules and Regulations, if it finds, based on all of the circumstances, that strict, literal enforcement would result in practical difficulties or substantial hardship unnecessary to the accomplishment of the purpose of the provision of the Ordinance, Rule or Regulation, but only if the hardship is not caused by or contributed to by the applicant.

## **11.0 Ordinance in Force**

This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

Passed and Adopted by Town of Old Lyme, CT meeting on \_\_\_\_\_ by majority vote. Approved on \_\_\_\_\_ by the Board of Selectman, and Attested by Town Clerk.