

WASTEWATER MANAGEMENT ORDINANCE

TOWN OF ESSEX, STATE OF CONNECTICUT

Be it resolved by the Town of Essex in meeting convened that the following Ordinance be adopted:

Section 1 Purpose of Ordinance.

The purpose of this ordinance is to:

- (a) Protect the public health and welfare of the town through the prevention of public health nuisances and environmental degradation that may have a detrimental impact on the quality of the town's subsurface and surface water resources.
- (b) Affirm and declare that a policy of sewer avoidance should be applied to all areas of the Town of Essex where onsite treatment and disposal of wastewater is deemed feasible.
- (c) Define wastewater management practices and generate inspection data. Information so generated may be used to develop and modify a wastewater management plan.
- (d) Regulate and control the design, construction, operation and maintenance of septic systems in the town, and require periodic inspection and maintenance of these systems.
- (e) To educate property owners about proper care and maintenance procedures for septic systems.

Section 2 Definitions

For the purpose of this ordinance, the following words and terms shall have the meaning hereto assigned. The word "shall" is always mandatory:

AUTHORITY The Water Pollution Control Authority for the Town of Essex, Connecticut.

COMMERCIAL and INDUSTRIAL USERS Owners of septic systems for all buildings other than dwellings, except for special users and other users.

DIRECTOR The Director of Health of the Town of Essex, or his designee(s).

DISPOSAL PERMIT A permit issued by the Authority for permission to dump septage at the Essex Septage Lagoon.

DWELLING A building used solely as a residence.

ESSEX SEPTAGE LAGOON The septage disposal facility operated by the Authority on land currently adjacent to the town landfill, or at any future location.

MULTIPLE DWELLING PROJECT All units of residential condominiums, apartment houses, planned communities and the like.

OTHER USERS All other users not defined above.

OWNERS Owners of record of property situated within the Town of Essex.

PERMIT TO DISCHARGE A permit issued by the Director for permission to use a septic system.

PUMPOUT The removal of septage from a septic system by a septic cleaner.

RESIDENTIAL USERS Owners of septic systems for dwellings.

SEPTAGE Any water or material removed from a septic system used to treat sewage.

SEPTIC SYSTEM A subsurface sewage disposal system consisting of a house or collection sewer, a septic tank followed by a leaching system, any necessary pumps or siphons, and any groundwater control system on which the operation of the leaching system is dependent.

SEWAGE Water and human excretions or other waterborne wastes incidental to the occupancy of a residential or a nonresidential building, but not including disposal of manufacturing process water, cooling water, wastewater from water-softening equipment, commercial laundry wastewater, blow-down from heating or cooling equipment, water from cellar or floor drains, surface water from roofs, paved surfaces or yard drains, wastewater from marine toilets or other such chemical toilets or holding tanks, hazardous or toxic wastes, or the like.

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SPECIAL USERS Owners of septic systems for public schools, municipal offices and buildings, churches, museums and not-for-profit organizations.

USERS Owners of property upon which is located one or more septic systems.

Section 3 Adoption of Public Health Code

Sections 19-13-B100, B103, and B104 of the Connecticut Department of Public Health and Addiction Services, Public Health Code Regulations, and all amendments including technical standards thereto hereinafter adopted, are hereby incorporated by reference in this ordinance and made a part hereof, and are hereinafter referred to in this Ordinance as the Public Health Code.

Section 4 Adoption of Regulations

- (a) The Authority is authorized to adopt, and amend as needed, reasonable regulations and fee schedules for the effective enactment and enforcement of this ordinance.
- (b) The Authority is authorized to establish, and amend, as needed, a schedule of fines or other penalties for non-compliance with the mandatory pumpout schedules or other requirements of this ordinance. Such fine and penalty schedules and amendments to same shall be approved by a Town Meeting prior to their enactment and shall comply with applicable Connecticut General Statutes and Regulations of State Agencies.

Section 5 Design, Construction and Operation of Septic Systems

- (a) All new septic systems, and improvements to existing septic systems, in the Town of Essex, shall be designed and constructed in compliance with the Public Health Code, Ordinances and Special Acts of the Town of Essex, and any applicable regulations and standards of the Connecticut Department of Environmental Protection, whichever are more restrictive.
- (b) New Construction: Prior to the issuance of a building permit for any new structure requiring a septic system, there shall be a design of the proposed septic system prepared by a licensed professional engineer registered in the state of Connecticut. Such design shall include a report of all soil testing done on said property. No building permit will be issued until such design has been approved by the Director.
- (c) Building Conversions, Change in Use: No building shall be converted so as to allow continuous occupancy, winterization or any change in use that will potentially increase water usage unless the owner or the owner's authorized agent submits to the Director soil test data, design plans or a sketch which demonstrates that after the conversion or use change, a code-complying septic area will exist on the lot. This determination shall be based upon analysis of existing soil data or, if such is not available, the property owner shall be required to perform additional soil testing. The property owner or the owner's authorized agent must also submit documentation that the current system has been pumped and inspected within the previous five years, and that the system was working properly at the time of inspection. The Director may require expansion of the existing septic system or installation of a new septic system at the time of conversion or use change for those properties where sufficient size, proper location or adequate hydraulic capacity of the underlying naturally occurring soils of the existing septic system has not been demonstrated by the applicant or where the proposed conversion or change in use results in a 50% or greater increase in design flow.
- (d) Additions or Renovations: No addition or renovation to a building that will decrease area available for septic repair or increase design flow shall be permitted unless the owner or the owner's authorized agent submits to the Director soil test data, design plans or a sketch which demonstrates that after such addition or renovation, a code-complying septic area will exist on the lot. This determination shall be based upon analysis of existing soil data or, if such is not available, the property owner may be required to perform additional soil testing. The property owner or the owner's authorized agent must also submit documentation that the current system has been pumped and inspected within the previous three years, and that the system was working properly at the time of inspection. The Director may require expansion of the existing septic system or installation of a new septic system at the time of addition or renovation for those properties where sufficient size, proper location or adequate hydraulic capacity of the underlying naturally occurring soils of the existing septic system has not been demonstrated by the applicant or where the proposed addition or renovation results in a 50% or greater increase in design flow or number of bedrooms. If the applicant submits soil test data, design plans or a sketch and is unable to demonstrate that adequate area on the lot is available

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for a code compliant system, such addition or renovation may be permitted provided the addition does not reduce the available area on the lot for septic system repair and does not increase either the estimated design flow or the number of bedrooms.

- (e) Garages, sheds, decks, and swimming pools: No garage, accessory structure or in-ground or above-ground swimming pool shall be permitted unless the owner or the owner's authorized agent submits to the Director soil test data, design plans or a sketch which demonstrates that after such construction a code-complying septic area will exist on the lot. This determination shall be based upon analysis of existing soil data or, if such is not available, the property owner may be required to perform additional soil testing. If compliance with these requirements cannot be proved, such addition or renovation may be permitted provided the addition does not reduce the available area on the lot for septic system repair. Separating distances from such a structure to any part of the existing septic system shall comply with the requirements of Section 5 (a) above.
- (f) Lot Line Modification: No lot line shall be modified or any other activity performed that affects soil characteristics or hydraulic conditions so as to reduce the area available to repair an existing septic system, unless the property owner or the owner's authorized agent submits soil test data, design plans or a sketch to the Director that demonstrates that after the proposed lot line change or other activity, a code-complying area will exist on the lot. This determination shall be based upon analysis of existing soil data or, if such is not available, the property owner may be required to perform additional soil testing. In no case shall a modified lot line violate Subsection (d) of Section 19-13-B103d of the Public Health Code which requires that each septic system shall be located on the same lot as the building served.
- (g) Soil Testing: The Director may require that investigation for maximum ground water level in areas of special concern, or for subdivisions with proposed building lots in areas of special concern, as defined in Section 19-13-B103d(e)(1) of the Public Health Code, be made between February 1 and May 31, or such other times when the ground water level is determined by the Commissioner of Public Health to be near its maximum level.
- (h) Right of Entry: The Director shall have the right of entry to any land in the Town of Essex for the purpose of conducting inspections of water wells or septic systems.
- (i) Malfunction: A septic system shall be deemed to be a malfunctioning system if sewage is allowed to discharge or flow from it into any storm drain, stream, water body, gutter, street, roadway or public place, or if sewage discharges from said system to the surface or subsurface of any property so as to create a nuisance or condition detrimental to health as determined by the Director or as designated by the Public Health Code.

Section 6 Water Usage

The Authority is authorized to obtain from any water company providing water service to users of the Town, all necessary records to determine the consumption of water by customers of such companies. The Authority may enter into such contracts and agreements, as it deems necessary and appropriate, with such water companies for the purpose of obtaining access to the above-mentioned records.

Section 7 Registration of Septic Cleaners

Any person, firm, corporation or partnership engaged in the business of cleaning, pumping or disposing of septage in the Town of Essex shall be licensed by the appropriate regulating agency of the State of Connecticut.

Section 8 Cleaning, Inspection and Disposal Requirements

- (a) All residential users, except for those within Multiple Dwelling Projects of ten or more dwelling units, shall have their septic systems cleaned and inspected at least once every five (5) years unless such time period has been extended pursuant to Section 9(e) below. The septage may be dumped at the Essex Septage Lagoon during normal operating hours upon purchase of a Disposal Permit, or at an out-of-town facility in conformance with the policies, regulations and ordinances of the Town of Essex, the out-of-town facility and the State of Connecticut.
- (b) Special users shall have their septic systems cleaned and inspected at least once every five (5) years, unless otherwise designated by the Authority. The septage may be dumped at the Essex Septage Lagoon during normal operating hours upon purchase of a Disposal Permit, or at any-out-of-town facility in conformance with the policies, regulations and ordinances of the Town of Essex, the out-of-town facility and the State of Connecticut.
- (c) Residential users occupying Multiple Dwelling Projects of ten or more family dwelling units shall use a pumpout schedule approved by the Director. The septage may be dumped at the Essex Septage Lagoon only in as scheduled by

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the Director and upon purchase of a Disposal Permit, or at any-out-of-town facility in conformance with the policies, regulations and ordinances of the Town of Essex, the out-of-town facility, and the State of Connecticut.

- (d) Commercial, industrial and other users shall have their septic systems cleaned and inspected at least once every five (5) years, unless otherwise designated by the Authority or the Director. These users may not use the Essex Septage Lagoon, and their septage shall be dumped at any out-of-town facility in conformance with the policies and regulations of the facility and the State of Connecticut.
- (e) For all septage generated in the Town of Essex, a record of the cleaning and inspection shall be completed by the septic cleaner and forwarded to the Director on a form or forms provided for that purpose by the Authority. Such record shall include the size and origin of the load, the date of pumping, and such other data as required by the Authority.
- (f) A septic cleaner attempting to discharge septage which was pumped or generated in a town other than Essex (even if it is only part of a load) into the Essex Septage Lagoon shall be ordered to remove the vehicle from the site immediately by an agent of the Town or Authority.
- (g) The Authority may set appropriate fees for Disposal Permits and policies for use of the Essex Septage Facility, and may modify these fees policies as required from time to time. The fee schedule and policies shall be made publicly available by the Authority or its designated agent.

Section 9 Permits to Discharge

- (a) Permits to Discharge shall be issued or renewed by the Director to owners whose septic systems meet the conditions listed below. Permits to Discharge will permit the owner to discharge a specified number of gallons per day (peak or average) to the septic system described on the permit.
- (b) Permits to Discharge shall be valid, unless revoked or suspended, for a period of five years, or as specified by the Director.
- (c) A Permit to Discharge shall be issued or renewed by the Director:
 - 1. Upon the final inspection of a newly constructed septic system which is deemed by the Director to meet at that time all the requirements of this ordinance, or
 - 2. Upon repair and final inspection of a malfunctioning septic system which is deemed by the Director to meet at that time all the requirements of this ordinance, or
 - 3. Upon cleaning and inspection of an existing septic system, provided that no malfunction is detected during the inspection and the appropriate inspection report is submitted to the Director.
- (d) A Permit to Discharge may be revoked or suspended due to a malfunction disclosed by an inspection by the Director or another party. If a malfunction has been identified, a Permit to Discharge shall not be renewed until the Director determines that any and all malfunctions have been corrected in accordance with the applicable sections of this ordinance
- (e) The Director shall have the authority to extend the expiration date of a Permit to Discharge if the property owner provides proof of (1) recent septic system inspection or (2) limited use of the system sufficient to warrant such extension.

Section 10 Non Compliance with Septic System Cleaning and Inspection Requirements

It is the intent of the Authority and the Director to implement enforcement of this ordinance and any other regulations it may adopt through education and cooperation with residents, commercial establishments and other owners. Enforcement of this ordinance is provided for as follows:

- (a) The Director shall be empowered to order any owner to have his septic system cleaned and inspected if (1) such system has not been cleaned and inspected within the past five years, or as previously designated by the Director or his agent, or (2) there is cause to believe there exists a malfunction of the system. Such order shall be sent by certified mail to the last known address of the owner.
- (b) In the case of an order issued pursuant to subsection (a)(1) of this section, upon the failure, neglect, or refusal of any owner to have his system cleaned and inspected within the time period specified in the order, or if the order is returned to the sender as undeliverable, the Director shall be empowered to bring a civil action in Superior Court to compel compliance with the order.

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- (c) In the case of an order issued pursuant to subsection (a)(2) of this section, upon the failure, neglect, or refusal of any owner to have his system cleaned and inspected within the time period specified in the order, or if the order is returned to the sender as undeliverable, the Director is hereby authorized and empowered to effect the cleaning and inspection of the system, at the owner's expense, by employing the services of any licensed person, firm, corporation or partnership engaged in the business of cleaning, pumping or disposing of septage. The Director is authorized to pay the costs of such cleaning and inspection and, if such costs are incurred, shall demand reimbursement for such costs from the owner. Such demand will be sent by certified mail. In the event that the owner fails, neglects or refuses to reimburse the director for said costs within thirty days of demand, or if the demand is returned as undeliverable, the director is empowered to bring a civil action in Superior Court to collect such costs from the owner. The Director is further empowered to bring a civil action in Superior Court to compel compliance with any order issued pursuant to subsection (a)(2) of this section.
- (d) In the event of the failure, neglect or refusal of a owner to comply with an order issued by the Director pursuant to subsections (a)(1) and (2) of this section, the director shall have the authority to impose and collect fines in accordance with the Connecticut General Statutes and Regulations of State Agencies. For purposes of calculating any such fine, each day following the expiration of the time period specified in the Director's order shall be deemed a separate violation of said order and of this ordinance until the day upon which the owner takes the action required in such order. The Director may collect all fines incurred under this section by making demand upon owners. Such demand will be sent by certified mail and shall state the amount of the fine and the reason therefor. In the event that the owner fails, neglects or refuses pay such fine within thirty days of demand, or if the demand is returned as undeliverable, the director is empowered to bring a civil action in Superior Court to collect such fine from the owner.
- (e) In the event that an owner fails, neglects or refuses to comply with any order issued by the Director pursuant to this section, the owner's Permit to Discharge shall be revoked, and the building department shall be informed of such revocation.

Section 11 Inspections by the Director

The Director shall develop and maintain and amend as required a plan to inspect the septic systems of all or most of the owners within the Town of Essex within five years of the effective date of this ordinance and at least once every five years thereafter. The Director shall have the right to inspect the septic system and/or to observe the septic system cleaning at his discretion. The Director shall have the right to perform such tests as he deems appropriate to determine whether or not said septic system is malfunctioning.

Section 12 Replacement of Other Ordinances

This ordinance replaces, and makes null and void the following ordinances of the Town of Essex, Connecticut - SANITARY CODE (as adopted March 23, 1960); AN ORDINANCE GOVERNING INDIVIDUAL SEWAGE DISPOSAL SYSTEMS AND GROUND WATER SUPPLY SYSTEMS (as adopted September 18th, 1967); 1969 SUPPLEMENT TO ORDINANCES AND SPECIAL ACTS (dated February 21, 1968).

Section 13 Severability

If any provision of this ordinance is held invalid for any reason, such invalidity shall not affect the other provisions of this ordinance that can be given effect without the invalid provision.

Section 14 Effective Date

This ordinance shall become effective fifteen (15) days after publication thereof in a newspaper having a circulation in the Town of Essex.