

BROOKFIELD WATER POLLUTION CONTROL AUTHORITY

Wednesday, December 15, 2021, 7:00 p.m.

MINUTES

1. **Convene Meeting:** Chairman N. Malwitz convened the hybrid live and Zoom meeting at 7:00 p.m. and introduced the Authority Members present.

WPCA:

N. Malwitz
J. Murray
L. Donovan
L. Trojanowski-Marconi
G. Giacobone
M. Brown
M. DelValle

Others:

R. Prinz, Chief of Maintenance
K. McPadden, Executive Administrator
M. Ongaro, Collector
T. Strid, Maintenance Crew Member
J. Sienkiewicz, Attorney
M. Allred, Accountant
J. Kelley, Langan Engineer
A. Kennedy, Recording Secretary

2. **Approval of Minutes** – 11/17/21 - **L. Donovan made a motion to approve the minutes from 11/17/21. L. Trojanowski-Marconi seconded the motion and it carried unanimously.**

L. Donovan made a motion to move to Agenda Item 5F. M. Brown seconded the motion and it carried unanimously.

3. **Accountant Report**

- a. Monthly Financials – Matt Allread and Chairman N. Malwitz discussed the monthly financial report.
- b. Status of Audit for FYE June 30, 2021 - K. McPadden reported on the status of the Audit.
- c. Automating Payment Process between IC and QDS – This process is complete and can be removed from the agenda.

4. **New Business**

- a. 468 Federal Road – Request to Authorize Transfer of Sewer Connection Permit (*Applicant submitted 7 New Connection Applications per 11/17/21 WPCA meeting*) Attorney P. Olsen was present on behalf of the Applicant. Attorney P. Olsen discussed Langan's review of their application, and several issues with the anticipated wastewater flow numbers. He discussed and clarified the project numbers with Attorney J. Sienkiewicz and the Authority. Attorney J. Sienkiewicz discussed his revisions to the agreement. **L. Donovan made a motion to approve 468 Federal Road – Request to Authorize Transfer of Sewer Connection Permit, for the Community Sewage System, building sewers and sewer connection permits as submitted by TCHE Properties LLC. M. Delvalle seconded the motion and it carried unanimously.**
- b. 857 Federal Road – Application to Connect 2 New Buildings, 1 Swimming Pool (*Previously approved under Greene Acres, Expired*) Bill Sweeney, Land Use Attorney was present. John Schmitz, Civil Engineer, was present. Chairman Malwitz asked about the Still River Greenway proposal for this property. B. Sweeney said it is proposed along the Still River, behind the buildings. He said they agreed to provide an easement in their Zoning approval. B. Sweeney gave the Authority a brief background of the property and explained that they removed the commercial element from the project. He said J. Schmitz has had initial discussions with the WPCA, but they were concerned that the application has not yet been referred out to the WPCA's consulting engineer. He asked that the application get referred to the engineers tonight. B. Sweeney answered Attorney J. Sienkiewicz's questions about the project. J. Schmitz discussed some of the Streetscape improvements they have planned for the project. Per Attorney J. Sienkiewicz, let the record show that Attorney B. Sweeney has indicated that his client agrees to an extension to January 26, 2022 and that he will be sending a letter to that effect to the WPCA office. **L. Donovan made a motion to accept the application for 857 Federal Road, contingent upon receipt of the \$1,500 review fee. M. Delvalle seconded the motion and it carried unanimously.**

5. Old Business

- a. 19 & 23 Station Road – Application to Connect (*Tabled on 11/17/21*) S. Sullivan, CCA, LLC was present. S. Sullivan said he has had some back and forth with J. Kelley from Langan and asked J. Kelley to present his findings. J. Kelley discussed the application, and explained the comments he had based on his review. S. Sullivan requested that the Authority approve the application with the issues discussed being conditions of approval. The Authority did not move to make such approval, and Attorney J. Sienkiewicz noted an extension was an option. A. Rothman was present, and asked if they applied for an extension, would the moratorium then apply to this project. Attorney J. Sienkiewicz said no, but noted the Authority could deny the application based on the existing regulation, but said he didn't think A. Rothman needed to be too concerned because he had previously received a Will Serve letter. **Chairman N. Malwitz made a motion to table 19 & 23 Station Road – Application to Connect and 19 & 23 Station Road – Application to Connect Swimming Pool until the applications are complete. L. Donovan seconded the motion and it carried unanimously.**
- b. 19 & 23 Station Road – Application to Connect Swimming Pool (*Tabled on 11/17/21*) See above
- c. 138 Federal Road – Dairy Queen Application to Connect (*Tabled on 11/17/21*) R. Posthauer, CCA, LLC was present. Mr. Posthauer said they are trying to figure out where they are going to connect and said they are looking for guidance. T. Strid discussed a disconnection made in between this property and 132 Federal Road. He said he will send R. Posthauer a GIS map, including coordinates, to show where the disconnection is, and discussed possible locations for connection. **Chairman N. Malwitz made a motion to table 138 Federal Road – Dairy Queen Application to Connect contingent on CCA, LLC getting an extension to January 26, 2022. M. Brown seconded the motion and it carried unanimously.**
- d. 101-103-105 Laurel Hill Road – Alternate Sewer Route Application to Connect (*PMA & Sewer Extension permits extended to 2/18/22*) Steve Sullivan, CCA, LLC was present. Dave Stewart was present. S. Sullivan said they submitted an alternate sewer route. He said they were trying to modify the existing easement, but the Developer has been unable to agree upon and acquire that easement. He said the route they are showing on the plans now is a pump station route that runs through the bowling alley property out to the Federal Road property line, where they would provide a manhole and do a gravity lateral to the manhole across the street. D. Stewart discussed the options they pursued this far, and said due to a reversal of interest from the owner of 20 Station Road for the easement, they now are pursuing this alternate route. S. Sullivan said he will supplement this plan with information to Langan for their review. **Chairman N. Malwitz made a motion to table 101-103-105 Laurel Hill Road – Alternate Sewer Route Application to Connect to the next meeting to allow the developer time to submit more information. L. Donovan seconded the motion and it carried unanimously.**
- e. 887 Federal Road – Application to Connect (*Under review with Langan*) - J. Kelley discussed Langan's review of this application, and his recommendation is that the Authority approve the application, subject to a few minor comments. He explained the comments that needed to be addressed. S. Sullivan said they will address those comments accordingly. **L. Donovan made a motion to approve 887 Federal Road – Application to Connect, contingent upon satisfying Langan's requirements. L. Trojanowski-Marconi seconded the motion and it carried unanimously.**
- f. To act upon Proposed Regulation (*Moratorium*) Changes & Amended Water Pollution Control Plan-T. Carr, First Selectman, Town of Brookfield, was present. Chairman N. Malwitz discussed the capacity issue with Danbury, and said that First Selectman T. Carr is working on getting appointments with the Mayors of Danbury and New Milford and the First Selectman of Bethel, in order to discuss this issue. Chairman N. Malwitz said they are also looking at potentially putting a pre-engineered, pre-packaged waste treatment plant in the north section of Brookfield.

First Selectman T. Carr said this is only her eighth official day in office and she is aware of the back story and what the possible courses of action are, and noted she does not fully understand all of it. She asked for a chance to learn more. She said she does not think it is the time for a moratorium yet, as she deserves a chance to figure it out better and speak with their neighbors.

Attorney J. Sienkiewicz said he believes the WPCA has no choice but to move forward with the moratorium. He said it is very clear that they will not be able to honor Danbury's request that they reduce the discharge to 380,000 gallons per day. He discussed the current discharge amounts and the anticipated future discharge amounts. Attorney J. Sienkiewicz said the WPCA has already waited too long. The moratorium is necessary just to keep them within 500,000 gallons per day.

L. Donovan said Danbury had a referendum that was inadequate in funds, they missed deadlines for State funding. She said they cannot change any of those things fast enough to help Brookfield, and so Brookfield must act responsibly. She said they have to stop and reassess the situation and allow people to do the things they can do, given the limitations, and plan for Brookfield's future. She said there may be a sewer treatment plant in Brookfield's future, and it may be in their best interest to do that. She said she thinks it is morally irresponsible to not move forward with the moratorium.

G. Giacobone asked if the WPCA does not go ahead with the moratorium and the builders start building, is the WPCA liable for any lawsuits, knowing the fact that there is no capacity. Attorney J. Sienkiewicz discussed the legal implications of the moratorium decision. He also discussed the regulations pertaining to permits already issued. First Selectman T. Carr asked about the current contract in place with Danbury. Chairman N. Malwitz and Attorney J. Sienkiewicz discussed the terms of the current contract which is 500,000 gallons per day until April, 2032. He also said Danbury could potentially reduce the Brookfield discharge amount, regardless of the contract.

Attorney J. Sienkiewicz discussed the details of the proposed regulation change and resolution for the moratorium. G. Steiner, Berkshire Corporate Park, was present. He asked a question regarding capacity at some of his properties, and whether he would be allowed to hook up if the moratorium passed. Chairman N. Malwitz said they are trying to find a solution for this issue. Attorney J. Sienkiewicz said it is hard to give an opinion on his particular property, but said under this scenario he would be able to discharge 400 gallons per acre. Attorney P. Olsen was present. He asked about the language of the resolution, as it pertains to sewer connection permits and sewer discharge permits, and asked for the resolution to be revised. Attorney B. Sweeney was present and asked about the effect of the moratorium on any application for sewer connection that is currently pending. He also thanked T. Carr for attending the meeting and said he thinks her request for more time is very reasonable. He also cautioned the Authority regarding the proposed language for the resolution effectively creates a defacto zoning regime. He said the WPCA would basically be dictating the types of uses that can be developed in the town, regardless of zoning. J. Sienkiewicz did not agree as there are objective criteria to determine what projects qualify for connection. S. Sullivan, CCA, LLC was present. He asked about how they would address an existing property with sewage flows to the system who wanted to do an addition and increase the flows. Attorney J. Sienkiewicz said he couldn't answer a hypothetical, but discussed how improved properties or previously connected properties would be handled. Attorney N. Marcus was present and discussed the language in the resolution.

J. Laliberti from CDM Smith was present and Chairman N. Malwitz asked him to discuss the TR-16 Regulation, as it pertains to building a plant. He notes that Clinton, CT was granted a WWTP approval. Laliberti said it could be a long shot to do an in-town treatment plant. Clearly they want to try to go to Danbury or New Milford first.

Attorney J. Sienkiewicz read the proposed resolution aloud for the record. He discussed the proposed revisions as previously discussed by Attorney P. Olsen.

L. Donovan made a motion in the matter of Proposed Regulation (*Moratorium*) Changes, to adopt (Resolution #2, with corrections as discussed), attached below. L. Trojanowski-Marconi seconded the motion and Chairman N. Malwitz opposed. The motion carried 6-1.

M. Brown made a motion in the matter of Amended Water Pollution Control Plan to adopt (Resolution #3), attached below. G. Giacobone seconded the motion and it carried unanimously.

6. Engineer Comments/Project Update

- a. Route 133 Station Improvements Project - T. Strid said the surge tank mixer is in. The generator is still pending.
- b. Brookfield Market Area - Chairman N. Malwitz discussed an article in the Danbury News-Times regarding the sewer project in the Brookfield Market Area. J. Kelley said after the last meeting they made revisions to the Brookfield Market area sewer plans and the estimate. Langan will get back to BWPCA as to the timing of these deliverables.
- c. Dean Road/Candlewood Lake Area Project - Chairman N. Malwitz said the State approved the grant. He displayed the agreement between the WPCA and CDM Smith for the Authority to review and discuss. He said Attorney J. Sienkiewicz made some comments on the agreement, and discussed those comments. Chairman N. Malwitz noted they will need to first work on getting approval from the Candlewood Peninsula area associations and resolving the capacity issue to accommodate this project. Attorney J. Sienkiewicz ask how this project will be paid for.
Chairman N. Malwitz made a motion to accept this proposal and the Town of Brookfield will fund it's 45% portion by borrowing from the WPCA in the Danbury Plant Charge Account or the Unrestricted Capital Funds as needed. Funds will be repaid when financing is obtained. L. Donovan seconded the motion and it carried unanimously.
- d. Other Engineering Matters – None

7. Employee Activity Reports (Roger, Tim, John, Mary, Kristi) – Reports were skipped this month

8. Legal Matters

- a. Collections - None
- b. Insurance Requirement Update – No update
- c. American Rescue Plan Grant Request to TOB – The WPCA is waiting to hear back from the Town regarding this ARPA submittal. A decision is expected in February.
- d. Other Legal Matters - None

9. Other WPCA Matters

- a. Personnel Changes - Chairman N. Malwitz said the WPCA has had challenges pertaining to increased customers and record keeping requirements. J. Siclari said they have the need to get someone in the office to shadow K. McPadden and M. Ongaro, and they have brought A. Kennedy on board as a part time employee. L. Donovan said she was taken aback, as the Authority should be consulted on employees and salaries. Chairman N. Malwitz said they have reached a difficult spot, where additional help is needed. He said the WPCA will still be under budget for the fiscal year. L. Donovan also asked about their previous plan to hire PayScale to look at the WPCA salaries. J. Siclari said that can be addressed after the first of the year. Chairman N. Malwitz said they have a one year program with PayScale and they have time to sort through that.

10. Vouchers - M. Brown made a motion to approve the vouchers as submitted. L. Donovan seconded the motion and it carried unanimously.

11. Adjournment

L. Trojanowski-Marconi made a motion to adjourn at 10:22 p.m. M. Brown seconded the motion and it carried unanimously.

*** Next Meeting January 26, 2022 ***

Sewer Moratorium Resolution #2

I move that the Authority impose a partial sewer connection moratorium effective as of January 1, 2022 due to the prospect that the Town of Brookfield will exceed its treatment plant capacity within the immediate future. The moratorium is based upon the following factors:

1) Sewage treatment capacity available to the Town of Brookfield is limited. The capacity limit at the initial adoption of the Sewer Use Rules and Regulations was an average daily flow of 500,000 gallons per day (gpd). The City of Danbury, however, has informed the Town of Brookfield that it intends to reduce the Town of Brookfield's capacity allocation, effective in calendar 2022, to an average daily flow of 380,000 gallons per day. The Authority reports for fiscal year ending (FYE) June 2020 that the average daily discharge to Danbury was 304,000 gallons per day; and Authority records demonstrate that the daily discharge to Danbury for FYE June 2021 was 316,000 gallons per day. In the period of May to August 2021, the daily average flow elevated to 345,000 gallons per day.

2) the Facilities Plan completed in 2020 projected that Brookfield will exceed its treatment capacity. It projected additional flows from within existing sewer districts to total 221,000 gallons per day, including additional flows of 70,500 gallons per day from assessed but not connected properties, 70,000 gallons per day from approved but unbuilt developments, 68,100 gallons per day from failure only connections and 12,400 gallons per day from the Dean Road/Pocono Road area.

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

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

Amendment to Section 1.2 Treatment Capacity Management:

1.2 TREATMENT CAPACITY MANAGEMENT

Sewage treatment capacity available to the Town of Brookfield is limited. To ensure that the Town does not exceed its available treatment capacity, effective as of January 1, 2022, no sewer connection or discharge permit shall be issued by the Authority with respect to any property unless that property falls within one of the following categories:

- a) properties which are or have been subject to the levy of a sewer benefit assessment as a result of the construction of municipal sewer facilities;
- b) properties which are subject to an agreement or resolution adopted by the Authority to reserve sewage treatment capacity upon the payment of a sewer capacity reservation fee;
- c) properties determined by the Authority to require an allocation of sewage treatment capacity to effectively abate or mitigate an existing or threatened pollution problem; (An owner claiming to have a failed septic system or a system in danger of imminent failure, shall provide written documentation from a professional engineer licensed in the State of Connecticut and verified by the Town Sanitarian confirming the condition of the system. Discharge shall be limited as necessary to an existing building, facilities and/or uses.);
- d) properties owned by the Town of Brookfield or owned by a not-for-profit organization performing an essential municipal function (e.g., fire, ambulance or rescue services); and

Notwithstanding the foregoing, for vacant properties, no such property shall be permitted a new connection permit based on design flows in excess of 2,000 gallons per day or a discharge calculated at the rate of 400 gallons per day, per acre, whichever is greater¹. For improved properties presently or previously connected to the municipal sewer, no such property shall be permitted a new connection permit based on design flows in excess of 2,000 gallons per day or 150% of existing or pre-existing design flows, whichever is greater.²

Further notwithstanding the foregoing, applications for Sewer Connection and Discharge Permits shall be considered only when the Authority determines that the public sewer system and existing sewage treatment capacity is capable of conveying and adequately treating the sewage to be discharged.

Amendment to Section 2.0, Sewer Connection Permit: Standards of Construction – Lapse of Permit

2.0 SEWER CONNECTION PERMIT: STANDARDS OF CONSTRUCTION - LAPSE OF PERMIT

Upon issuance of a Sewer Connection Permit and the payment by the Applicant to the Authority of a non-refundable Sewer Application Fee in accordance with Section 7.2 et seq. of these Regulations, the Applicant is authorized to construct the building sewer in accordance with the sewer plan, as filed, and subject to the requirements set forth in the Town Ordinances and Regulations governing sewer use. The Application Fee (See Section 7.2.2) shall be paid to the Authority prior to the issuance of the Sewer

¹ Example 1: a vacant 10 acre parcel will be allowed a discharge up to 4,000 gallons per day based on design flows: 400 gallons per day times 10 acres equals 4,000 gallons per day.

² Example 2: a property connected or previously connected to the municipal sewer with discharge of 2,000 gallons per day based on design flow may be torn down and permitted an expansion that increases that discharge to a maximum of 3,000 gallons per day. A property with a discharge of 250 gallons per day, however, would be allowed a maximum discharge of 2,000 gallons per day since this is greater than the gallonage calculated at 150% of existing discharge.

Connection Permit, customarily upon application for such permit. *NOTE: This fee is in addition to the \$750.00 cash bond.*

The Sewer Connection Permit shall automatically lapse two (2) years after the date of issuance unless a written extension not to exceed a maximum of one (1) year is granted by the Authority prior to the expiration of said two (2) year period. Within such time, the permittee must either a) begin construction of the building sewer or b) complete the connection to the sewer line and obtain an inspection and approval of the connection by the Authority. No discharge to the sewer system shall be permitted until a Sewer Discharge Permit is issued by the Authority and only after the filing of "as-built" drawings and all work, including the actual connection to the sewer line, has been inspected and approved by the Authority.

Once a Sewer Connection Permit has lapsed, a new Sewer Connection Permit application (subject to the requirements of Section 1.2 Treatment Capacity Management) will be required before further authorization to construct and connect the building sewer will be granted. All work on the construction of the building sewer shall immediately cease whenever the Sewer Connection Permit under which it is being performed has lapsed.

Sewer Moratorium Resolution #3

I move that the Authority adopt the Amended Water Pollution Control Plan attached hereto to implement a partial sewer connection moratorium effective as of January 1, 2022 due to the prospect that the Town of Brookfield will exceed its treatment plant capacity within the immediate future.

BROOKFIELD WATER POLLUTION CONTROL AUTHORITY AMENDED WATER POLLUTION CONTROL PLAN

Pursuant to Section 7-246(b) of the General Statutes, The Brookfield Water Pollution Control Authority (Authority) hereby promulgates its Water Pollution Control Plan for the Town of Brookfield. This Plan repeals and supersedes the previously adopted Water Pollution Control Plan adopted on August 27, 2021¹.

The purpose of this Plan is to set forth the Authority's policies and objectives with respect to the control of water pollution and with respect to the provision of sewer service within the Town of Brookfield. The fundamental purpose of this Plan is to implement a sewer policy consistent with the following basic precepts:

- To designate and delineate the boundaries of the areas in which the Authority provides or is expected to provide municipal sewer service.
- To designate areas where sewers are to be avoided.
- To document the Commission's policy for the effective utilization of existing sewer capacity, and to establish a policy for the proper planning of capacity management prior to the construction of any new or additional sewerage facilities.
- To manage sewer service in a manner that will foster commercial and industrial development, thereby promoting economic growth for the benefit of the Town of Brookfield as a whole.
- To support and complement the Brookfield Plan of Conservation and Development, effective as of July 2, 2015, amended as of March 17, 2016.

SEWER SERVICE AREAS

Areas Presently Served by the Municipal Sewerage System:

¹ A Water Pollution Control Plan was originally adopted as of August 22, 2012. An amended Plan was adopted on August 27, 2014.

Subject to the limitations hereafter set forth and as otherwise contained in the Sewer Use Rules and Regulations, the areas presently served by the municipal sewerage system are depicted on a map entitled “Water Pollution Control Authority, Brookfield, Connecticut, Scale 1”=1,500’ Adopted 8/27/2014, Revised 10/28/2020”, prepared by Langan CT, Inc. of 555 Long Warf Drive, New Haven, Connecticut 06511-6107 (hereafter “Sewer Service Area Map”) as said map may be revised by the Authority from time to time. A copy of said Sewer Service Area Map, as it may be hereafter amended, is incorporated herein by reference. These areas include the following historically defined sewer areas:

(a) Southwest and Federal Road Sewer Areas:

The Southwest and Federal Road Sewer Areas comprise those properties serviced by existing sanitary sewers within the Federal Road corridor, and includes the area of Grays Bridge Road, Old New Milford Road, Greenknoll Drive, Junction Road (Route 133), Commerce Drive and Laurel Hill Road, Delmar Drive, Sandy Lane and Old Grays Bridge Road in which municipal sewers presently exist. The Southwest Area is generally defined as the area located southerly of the intersection of Federal Road and Junction Road (Route 133). The Federal Road Sewer Area is generally defined as the area located north of the intersection of Federal Road and Junction Road (Route 133) to the New Milford town line. The Southwest and Federal Road Sewer Areas consist of properties presently connected to the sewer system, properties for which a benefit assessment has been levied or is expected to be levied and properties for which a reservation of sewer capacity has been formally established.

(b) Center School Sewer Extension Area:

The Center School Sewer Extension Area comprises those properties presently served by and connected to the existing Center School Sewer Extension along Silvermine and Pocono Roads, including Center School.

(c) White Turkey / Candlewood Lake Road Sewer Area:

The White Turkey / Candlewood Lake Road Sewer Area comprises those properties presently served by and connected to the existing sanitary sewer extending from Federal Road to the Huckleberry Hill School.

(d) West Whisconier Hill Road (Three Condominium) Sewer Area:

The West Whisconier Hill Road (Three Condominium) Sewer Area comprises those properties presently served and connected and those properties presently assessed within the following condominium projects: Stony Hill Village Condominiums, Whisconier Village Condominiums and Cedar Brook Condominiums. The sewer district also serves properties presently assessed within a limited area zoned for industrial use along Vale Road (including 101,

101 A and 111 Park Ridge Road, (all formerly 20 Vale Road), Sand Cut Road and Gray's Bridge Road and the Whisconier School. No property other than the specified condominiums, the Whisconier School and the industrial properties for which a benefit assessment is levied may connect to this sewer extension.

(e) Brookfield High School Sewer Area:

The Brookfield High School Sewer Area is a sewer extension running to the Brookfield High School from the Center School Sewer Extension. This is a single use municipal sewer area to serve the Brookfield High School only. No property other than the Brookfield High School may be connected to this sewer extension.

(f) High Meadow / Ledgewood/ Newbury Crossing Sewer Area

This sewer area serves the High Meadow, Ledgewood and Newbury Crossing condominium projects by means of an extension from the Center School Sewer Extension to provide sewer service to the High Meadow, Ledgewood and Newbury Crossing condominium projects.

The properties located within the foregoing sewer service areas are indicated on the aforesaid Sewer Service Area Map as follows:

(Green) "Connected to sewer"

(Orange) "Assessed but not connected"

(Blue) "Future Anticipated" .

Areas where municipal sewerage facilities are planned:

(a) 37 Old Route 7:

A sewer extension has been permitted to serve premises known as 37 Old Route 7. The project has been fully designed and approved for construction as an owner financed sewer expansion.

(b) 101-105 Laurel Hill Road

A sewer extension in Laurel Hill Road has been permitted to serve premises known as 101-105 Laurel Hill Road. The project has been fully designed and approved for construction as an owner financed sewer expansion.

(c) Central Sewer Corridor Expansion

The Brookfield Plan of Conservation and Development contemplates expansion of the central sewer corridor to serve additional commercial and industrial properties outside of the Southwest and Federal Road Sewer Areas. The Authority reserves the exclusive discretion to manage existing treatment plant capacity and to determine when and how these areas might be

served. At present, the Authority anticipates that no capacity to serve these areas is available. Such areas are identified as follows:

(Light Blue) “Future anticipated areas”

AREAS WHERE SEWERS ARE TO BE AVOIDED

The Town of Brookfield presently has an InterLocal agreement with the City of Danbury allowing 500,000 gallons per day of wastewater discharge from Brookfield to be treated at the Danbury Wastewater Treatment Plant. The Authority expects that allocation of treatment capacity to be reduced to 380,000 gallons per day effective in calendar year 2023. The Authority has determined that all capacity available within the 380,000 gallons per day limitation has been previously allocated to existing sewer users or to parties having valid, unexpired sewer connection permits. As such, no additional sewer treatment capacity is currently available to the Town of Brookfield. Vacant properties located within existing sewer areas for which an assessment has been levied and paid may be permitted discharges not to exceed 2,000 gallons per day or discharges calculated at the rate of 400 gallons per day, per acre, whichever is greater². Improved properties presently or previously connected to the municipal sewer for which an assessment has been levied and paid may be permitted discharges not to exceed 2,000 gallons per day or 150% of existing or pre-existing design flows, whichever is greater.³ All such discharges shall be approved on a case by case basis subject to a determination that the Authority may permit such discharge without penalty.

As to other areas, the Authority concludes that a policy of sewer avoidance is appropriate for all areas of Brookfield that are not served or to be served by existing or planned sewerage facilities. The only recognized exception to this sewer avoidance policy is when municipal sewers are the only reasonable means of remediating water pollution caused by multiple septic failures in a particular geographic area. With this limited exception, the Authority will not extend, nor permit the extension, of sewers to serve areas or properties outside of the existing or planned sewer service areas.

Given this policy of sewer avoidance, new development and construction beyond the limits of these sewer service areas shall not exceed the ability of the land on which it is located to adequately support proper on-site subsurface wastewater disposal. The Authority expects that

² Example 1: a vacant 10 acre parcel will be allowed a discharge up to 4,000 gallons per day based on design flows: 400 gallons per day times 10 acres equals 4,000 gallons per day.

³ Example 2: a property connected or previously connected to the municipal sewer with discharge of 2,000 gallons per day based on design flow may be torn down and permitted an expansion that increases that discharge to a maximum of 3,000 gallons per day. A property with a discharge of 250 gallons per day, however, would be allowed a maximum discharge of 2,000 gallons per day since this is greater than the gallonage calculated at 150% of existing discharge.

appropriate municipal agencies, including but not limited to the Planning Commission, Zoning Commission, and Building and Health Departments, will effect policies to assure the long term adequacy of on-site disposal, including the monitoring of disposal systems, the identification of malfunctioning systems and the requirement for effective on- site repairs. Deviation from this sewer avoidance policy shall be entertained only in cases where municipal sewer construction is the only reasonable means to mitigate an existing or threatened pollution problem.

The properties that are subject to this sewer avoidance policy are indicated as follows on the aforesaid Sewer Service Area map:

(White) – “Sewer avoidance areas” **FAILURE ONLY SEWER CONNECTIONS**

It is the intention of the Authority that no properties other than those included in a designated and defined Sewer Service Area shall be allowed to connect to the municipal sewerage system, regardless of the proximity of that property to a municipal sewer. Nonetheless, the Authority may approve the connection to a municipal sewerage system of one or more lots located outside of the boundaries of a Sewer Service Area pursuant to Section 1.2(c) of the Sewer Use Rules and Regulations if all of the following criteria have been met:

1. The connection of such lot to the sewerage system must be necessary to remedy the failure of a subsurface sewage disposal system or to prevent the unreasonable pollution of groundwater by the operation of an existing subsurface sewage disposal system on the lot;
2. The Authority must be provided with written certifications by a professional engineer properly licensed within the State of Connecticut and by the Town Sanitarian or Health Officer, or a Town consultant having equivalent qualifications, that it is not feasible to repair or replace the failed septic system on-site, or to make such on-site corrections as would be sufficient to prevent the continued unreasonable pollution of groundwater as a result of the operation of the system;
3. The subsurface sewage disposal system at issue must either have been (i) in existence on November 15, 2000, or (ii) constructed after the date of adoption of these Regulations in accordance with the requirements of the then existing Public Health Code ;
4. The Authority must determine that there is sufficient capacity available in the sewerage system to accommodate the additional wastewater flows; and
5. The entire costs of the connection, including the cost of any sewer extension, shall be paid by the lot owner.

The properties that may be permitted a sewer connection on a “failure only” basis are indicated as follows on the aforesaid Sewer Service Area Map:

(Yellow) “Failure only connection”

AREAS WHERE EXISTING AND POTENTIAL SEPTIC SYSTEM FAILURES EXIST:

The Authority considers several areas of Town to be “potential remediation areas”. These are designated on the aforesaid Sewer Service Area map as:

(Red) - “Areas of Concern”

The Authority anticipates that municipal sewer service may eventually be extended to serve these areas. The Authority, presently, has no schedule for design or construction of sewers to serve these areas and expects that action will not be taken until such time as funding and need coincide. The Authority recognizes that long term needs may require localized treatment of wastewater by “community sewerage systems” or by extension of collector sewers to serve these areas. The Authority will be sensitive to sewer extension proposals submitted by the private sector when such proposals serve the public interest by providing for the extension of limited sized sewers to remediate problems in these remote areas.

COMMUNITY SEWERAGE SYSTEMS

Community sewerage systems (as defined in Section 7-245 of the Connecticut General Statutes) shall not be used as a device to extend sewer service for new construction beyond the limits of the existing sewer districts. Unless necessary to abate or mitigate an existing or imminent pollution problem, no community sewerage system involving package treatment plants, subsurface septic systems or subsurface leaching systems shall be permitted in the Town of Brookfield.

It is recognized that several historical existing, privately owned community sewerage systems having subsurface septic systems or subsurface leaching systems currently exist. These include Lake Lillinoah Condominiums, Brookfield Hills Condominiums, Woodcreek Village Condominiums and Orchard Place Condominiums. None of these community sewerage systems were approved by the Brookfield Water Pollution Control Authority and none are subject to a management agreement with the WPCA to ensure effective operation, management, maintenance or replacement.

High Meadow Condominiums, Ledgewood Condominiums and Newbury Crossing Condominiums are located in the High Meadow / Ledgewood/ Newbury Crossing Sewer Area. Although sewer service is provided to these condominiums each condominium will continue to maintain a community sewerage system consisting of gravity sewers and small pump stations as necessary to convey condominium sewage to the municipal system.

Other privately owned community sewerage systems that are presently connected to the municipal sewer system serve Cedarbrook Condominiums, Sandy Lane Village Condominiums, Stony Hill Village Condominiums, Whisconier Village Condominiums, Rollingwood Village Condominiums and Newbury Village Condominiums.

The Authority has approved privately owned community sewerage systems at the proposed Riverview Affordable Housing Condominiums and at Oak Meadow Affordable Housing Condominiums.

The properties that are served by community sewerage systems are indicated as follows on the aforesaid Sewer Service Area map:

(Black Stripes) “Community Sewerage System”

AREAS TO BE DESIGNATED AS DECENTRALIZED WASTEWATER MANAGEMENT DISTRICTS

No areas of the Town have been designated or are under study as “areas to be designated as decentralized wastewater management districts”.

FACILITIES PLAN

The Authority recognizes the need for the preparation of a Facilities Plan, projecting the sewerage needs of the Town twenty (20) years into the future.

MISCELLANEOUS

Nothing contained in the Water Pollution Control Plan shall be deemed to amend or revoke any provision of the Authority’s Sewer Use Rules and Regulations.

AMENDMENT AND EFFECTIVE DATE

This plan may be amended from time to time by the Authority. It shall be effective as the official Water Pollution Control Plan of the Town of Brookfield from the date of adoption

Adopted: December 15, 2021