

# Killingly Code of Ordinances

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## Chapter 15

### **WATER, SEWERS AND SEWAGE DISPOSAL<sup>1</sup>**

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### **ARTICLE I. IN GENERAL**

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### **ARTICLE II. SEWERS AND SEWAGE DISPOSAL**

#### **DIVISION 1 GENERALLY**

#### **Section 15-16 Purpose**

In order to assure the proper disposal of sewage and waste waters and the proper operation and maintenance of the public sewers, sewage treatment plant and other sewage works within the town and to provide an adequate record of sewers, drains, appurtenances and connections thereto, the following regulations are enacted by the town under the authority of Chapter 103, Section 7-247, Connecticut General Statutes, Revision of 1958, as amended, and Public Act 57, January Session 1967. (Ord. of 3-13-75, § I)

#### **Section 15-17 Definitions<sup>2</sup>**

Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

**Attorney** shall mean the duly appointed attorney of the water pollution control authority.

**BOD** (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in mg/l (milligrams per liter) by weight.

**Chlorine demand** shall mean the amount of chlorine which must be added to water or waste to produce a residual chlorine content of at least one-tenth (0.1) mg/l after a minimum contact time of ten (10) minutes.

**Drain layer** or **licensed drain layer** shall mean either an individual, partnership or corporation to whom the state has issued a license to install building sewers during the period when such license is valid.

**Hearing board** shall mean that board appointed according to the provisions of section 15-23.

**Natural outlet** shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

**Person** shall mean any individual, firm, company, association, society, corporation or group.

**pH** shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**Sewage** shall mean waste water or water-carried wastes from residences, business buildings, institutions, and industrial establishments. Sewage shall be further classified as follows:

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<sup>1</sup> Cross references—Buildings and building regulations, Ch. 4; garbage, trash and refuse, Ch. 8; inland wetlands regulations, App. A; subdivision regulation, App. B; zoning regulations, App. C.

<sup>2</sup> Cross reference—Rules of construction and definitions generally, § 1-2.

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- (1) **Domestic** or **sanitary sewage** which shall mean the solid and liquid wastes from toilet and lavatory fixtures, kitchens, laundries, bath tubs, shower baths, or equivalent plumbing fixtures as discharged from dwellings, business and industrial buildings.
- (2) **Industrial sewage** or **wastes** which shall include the water-carried wastes of any industrial process as distinct from domestic or sanitary sewage. All substances carried in industrial wastes, whether dissolved, in suspension or mechanically carried by water, shall be considered as industrial wastes.
- (3) **Storm water** which shall include the run-off or discharge of rain and melted snow or other water from roofs, surfaces of public or private lands, or elsewhere. Storm water also shall include subsoil drainage as defined in subparagraph (4).
- (4) **Subsoil drainage** which shall include water from the soil percolating into subsoil drains and through foundation walls, basement floors, or underground pipes.
- (5) **Cooling water** which shall include the waste water from air conditioning, industrial cooling, condensing and hydraulically-powered equipment or similar equipment.
- (6) **Garbage** which shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce. "Properly shredded garbage" shall mean garbage which has been shredded so that no garbage particles will be greater than one-half (1/2) inch in any dimension.

**Sewer** or **drain** shall mean the pipe or conduit, together with manholes and other structures or equipment appurtenant thereto, provided to carry sewage, waste liquids, storm water or other waters. Sewers shall be further classified as follows:

- (1) **Public sewer** which shall mean a trunk, main or lateral sewer up to and including the "Y" branch or tee provided for connection thereto, and to which all owners of abutting properties have equal rights, and which is controlled by public authority. The public sewer shall include the building connection lateral but does not include the building or house sewer.
- (2) **Sanitary sewer** which shall mean a sewer which carries only sanitary sewage and to which storm water, subsoil drainage and cooling water are not intentionally admitted.
- (3) **Combined sewer** which shall mean a sewer receiving both storm water and domestic sewage, including acceptable discharge of industrial wastes, subsoil drainage and cooling water.
- (4) **Storm sewer** or **storm drain** shall mean a pipeline carrying storm water, subsoil drainage, acceptable cooling water or other reasonably clean waters, but excluding domestic and polluted industrial waste.
- (5) **Building** or **house sewer** which shall mean the extension from the building drain to the building connection lateral.
- (6) **Building drain** shall mean that part of the lowest horizontal piping of a building drainage system that receives the discharge from the soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
- (7) **Building connection lateral** shall mean the pipe laid incidental to the original construction of a public sewer from such public sewer up to some point at the side of the street, highway, or similar location, and there capped, having been provided and intended for extension and for use at sometime thereafter as part of a building or house sewer connection.

**Sewage treatment plant** shall mean any arrangement of devices and structures used for treating sewage.

**Sewage works** shall mean all facilities for collecting, pumping, treating, and disposing of sewage or waste water.

**Slug** shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

**Superintendent** shall mean the superintendent of the sewage works, town engineer, director or superintendent of public works, or other designated official of the water pollution control authority, or his authorized deputy, agent or representative.

**Suspended solids** shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by filtering as prescribed in Standard Methods for the Examination of Water, Sewage and Industrial Waste, American Public Health Association.

**Watercourse** shall mean a channel in which a flow of water occurs, either continuously or intermittently.

**Water pollution control authority** shall mean the water pollution control authority of the town.

(Ord. of 3-13-75, § II; Ord. of 4-10-79)

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## **Section 15-18.1 Right of entry<sup>3</sup>**

The superintendent and any other duly authorized employee of the Killingly Water Pollution Control Authority, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article. (Ord. of 3-9-82, § 1)

## **Section 15-18.2. Observation of safety rules established by user; user held harmless<sup>4</sup>**

While performing the necessary work in private properties, the superintendent or duly authorized employees of the Killingly Water Pollution Control Authority 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 employees of the authority and the authority shall indemnify the user against loss or damage to its property by authority employees 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 15-66.1. (Ord. of 3-9-82, § 2)

## **Section 15-19 When connection to sanitary sewers required.**

Connections must be made to sanitary sewers within one hundred fifty (150) days of availability of sewers.

The obligation to promptly connect to sanitary sewers may be waived by the Water Pollution Control Authority for those on-site septic systems which were installed or substantially rebuilt. Waivers shall be granted only when the following criteria have been met:

- a. The property owner or its duly authorized agent shall request the waiver in writing in a form acceptable to the Water Pollution Control Authority.
- b. The application for waiver must be accompanied by satisfactory documentation from the Northeast District Department of Health regarding the nature and date of any such installation or repair, invoices and/or cancelled checks evidencing the cost of installation or repair and a certification from a licensed septic system installer that the system is presently in working condition according to the standards of the Northeast District Department of Health.
- c. Waivers shall not exceed ten (10) years and shall be prorated at the rate of \$500.00 per year from the cost of previous repairs or installation. Waivers shall not apply if the septic system is over ten (10) years old. Waivers shall not apply if the repairs (upgrade) to the septic system are more than ten (10) years old.
- d. Any such waiver shall expire upon the failure of any waived septic systems or upon conveyance of the property, which ever shall first occur. (Ord. of 3-13-75, § I; Ord. of 4-11-00)

## **Section 15-20 Unauthorized persons not to open, enter or alter**

No unauthorized person shall open the cover of, enter or alter any manhole or other appurtenance of any public sewer; place or insert in any public sewer or its appurtenances any foreign materials which such sewer or its appurtenances was not intended to receive; nor shall any person damage, destroy, uncover, deface or tamper in any way with any structure, appurtenance or equipment which is a part of the sewage works.

(Ord. of 3-13-75, § VII (b))

## **Section 15-21 Disposal of ground drainage and sewage from subdivision developments**

- (a) The developer of a proposed property subdivision or future subdivisions within the town shall submit to the town and to any other local or state agency or officer having jurisdiction the proposed method of providing for ground drainage and sewage disposal in the development. The method proposed shall be indicated on a plot plan or separate plan showing gradient and datum lines, together with specifications or descriptive information so as to clearly indicate the functioning and construction of the layout. A performance bond in the amount of one hundred (100) per cent of the cost of the project shall be posted by the developer with the town, guaranteeing satisfactory performance of such developer's work, where such work is or will become a part of the town sewage system. No building permits shall be issued to any developer of subdivisions until the

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<sup>3</sup> Editor's note—Sections 1 and 2 of an ordinance adopted March 9, 1982, did not specifically amend this Code, hence their inclusion as §§ 15-18 and 15-18.2 was at the discretion of the editor.

<sup>4</sup> Note – See the editor's note to § 15-18.1.

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ground drainage and sewage disposal layout have been approved by the water pollution control authority and by any other local or state agency or officer having jurisdiction.

- (b) In cases where a developer of a property subdivision plans the construction of sewer laterals in the streets of the development, such developer shall furnish at the time the plans for laterals are submitted for approval, a maintenance bond, issued by a bonding company acceptable to the town manager, and of a value of five (5) per cent of the estimated cost of the proposed sewers, but in no case for less than one thousand dollars (\$1,000.00) guaranteeing for a term of one year, the correction of any defects in the sewer system, sewers, manholes and building sewers, upon written notice of such defects from the superintendent.
- (c) In cases where a developer of a property subdivision plans the construction of a sewage pumping station in conjunction with a system of street sewers, the plans and specifications for such pumping stations shall be submitted to and approved by the water pollution control authority and by any state agency having jurisdiction, prior to the construction of such pumping station.
- (d) The installation of all sewer lines and their appurtenances shall not be backfilled with unapproved material. Sand materials shall be used after approval for same is obtained and after written certification of approval for installation of the sewer line and their appurtenances by the superintendent. (Ord. of 3-13-75, § XI; Ord. of 4-10-79)

## **Section 15-22 Compact Sewage Treatment Plants**

- (a) Whenever the Water Pollution Control Authority shall require the installation of a compact sewage treatment plant to serve more than one owner or tenant, such compact sewage treatment plant shall be constructed according to specifications to be established and supplied by the Water Pollution Control Authority.
- (b) All applications to the State Department of Environmental Protection for the approval of such compact sewage treatment plants shall be made in the name of, and shall be processed by the Water Pollution Control Authority and such approval of the State Department of Environmental Protection shall be obtained by the Water Pollution Control Authority.
- (c) At or before the time of filing by the Water Pollution Control Authority for such approval by the State Department of Environmental Protection, the applicant for site plan approval or tentative subdivision approval (referred to as "applicant" hereinafter) shall enter into a contract with the Water Pollution Control Authority requiring such applicant to construct the compact sewage treatment plant in accordance with the plans and specifications therefore, and requiring the applicant to file a performance bond or guaranty in an amount equivalent to the reasonable cost of the proposed compact sewage treatment plant and all of its necessary appurtenances. The reasonable cost is to be determined by the Water Pollution Control Authority. The form and sufficiency of the bond shall be subject to the approval of the attorney and the term of the bond shall be for the life of the contract, or any extension thereof, between the sewer authority and the applicant and shall be conditioned upon the applicant's full compliance with the Water Pollution Control Authority ordinances and regulations governing the installation of the same and of the faithful performance of the terms of the agreement with the Water Pollution Control Authority.
- (d) The contract hereinbefore referred to in paragraph (c) of this section shall also require the applicant to file with the Water Pollution Control Authority a maintenance bond in an amount equivalent to twenty-five (25) per cent of the actual cost of the compact sewage treatment plant and all of its necessary appurtenances. This bond shall be approved as to form and sufficiency by the town attorney, and shall be filed with the sewer authority at the time that certification is made by the superintendent that the compact sewage treatment plant and all of its necessary appurtenances have been completely installed in accordance with the plans and specifications and is ready for operation. This maintenance bond shall be expressly conditioned upon the maintenance by the applicant of the compact sewage treatment plant and all of its necessary appurtenances for a period of one year from the date that title to the compact sewage treatment plant is transferred to the town, as hereinafter provided, and shall guarantee the remedying of any defects in the compact sewage treatment plant which shall occur during the one-year period. The applicant shall also secure a warranty from the manufacturer of said compact sewage treatment plant for the sole benefit of the town to protect the town against defective parts and operation, said warranty to be in effect for a period of five years from the date that title to the compact sewage treatment plant is transferred to the town as hereinafter provided.
- (e) The installation of the compact sewage treatment plant and all of its necessary appurtenances shall be inspected by the superintendent and he may require appropriate field changes to be made during installation and prior to the transfer of title to the town, as hereinafter provided.
- (f) The contract hereinbefore referred to in paragraph © of this section shall also require the applicant to transfer title to the town of the compact sewage treatment plant and all of its necessary appurtenances including a conveyance of the real property upon which such plant is constructed, by a duly executed instrument of

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conveyance in proper form, as approved by the attorney, upon the certification, in writing, by the superintendent to the town that the compact sewage treatment plant and all of its necessary appurtenances have been constructed in accordance with the plans and specifications therefore, and is operating in a manner satisfactory to the superintendent. Such conveyance shall include an easement of right-of-way required by the town to operate such compact sewage treatment plant.

- (g) The following minimum criteria for design standards is established for compact sewage treatment plants: One hundred (100) gallons per person per day (in garden apartments as well as individual homes). The number of persons to be used in computations shall be as follows:
- (1) **Garden apartments.** Two and five-tenths (2.5) persons for one bedroom apartment, three and five-tenths (3.5) persons for two (2) bedroom apartments, four and seventy-five hundredths (4.75) persons for three (3) bedroom apartment.
  - (2) **Single-family residential dwelling.** Two (2) persons per bedroom plus one hundred (100) gallons per dwelling for automatic equipment per home. (Ord. of 3-13-75, § XIII; Ord. of 4-10-79)

## **Section 15-23 Hearing Board<sup>5</sup>**

A hearing board consisting of five (5) persons shall be appointed by the town council. Such board shall interpret the intent of this article and arbitrate any differences, whenever a difference of interpretation and execution of the provisions of this article cannot be resolved by the superintendent and/or water pollution control authority. Such board shall consist of five (5) members and two (2) alternates who shall be appointed to serve three (3) year terms. Those provisions of the town charter governing minority representation on town boards and commissions shall govern the appointment of members of such hearing board. (Ord. of 3-13-75, § XVII; Ord. of 6-28-77; Ord. of 4-10-79)

## **Section 15-24 Violations; penalties**

- (a) Any person found to be violating any provision of this article shall be served by the Water Pollution Control Authority with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (b) Any person who shall violate any provision of this article shall be subject to punishment as provided in section 1-9 of this Code. Each day that any violation of this article continues and each day that any person continues to discharge prohibited wastes or substances into any public sewer shall be deemed to be a separate offense for the purpose of applying the penalty provided in this section.
- (c) Any person violating any of the provisions of this article shall be liable to the town for any expense, loss or damage occasioned the municipality by reason of such violations. (Ord. of 3-13-75, § XV; Ord. of 4-10-79)

## **Section 15-25 Effective date**

This article shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law. However, in the case of the Borough of Danielson, this article shall take effect at such time as the Borough of Danielson executes a contract for sewage services with the town. (Ord. of 3-13-75, § XVIII)

## **Sections 15-26 - 15-41 Reserved**

## **DIVISION 2 USE OF PUBLIC SEWERS**

### **Section 15-42 Required**

- (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the town or in any area under the jurisdiction of the town, any human or non-agricultural animal excrement, garbage, or other objectionable waste. It shall be lawful to deposit in a sanitary manner upon public or private property agricultural animal excrement in the town.
- (b) It shall be unlawful to discharge to any natural outlet or storm sewer within the town or in any area under the jurisdiction of the town, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.
- (c) The owners of all houses, buildings or properties used for human occupancy, employment, recreation, or other purpose, situated within the town and abutting on any street, alley or right-of-way in which there is now

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<sup>5</sup> Cross reference – Administration, Ch. 2.

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located or may in the future be located a public sanitary or combined sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the property public sewer in accordance with the provisions of this article, within one hundred fifty (150) days after date of official notice to do so. However, in the case of a single family home, owners shall not be required to connect within one hundred fifty (150) days unless a line or connection stub is available within two hundred (200) feet of any building line.

- (d) It shall be unlawful for any person to construct or repair any privy, privy vault, septic tank, cesspool, or other facility intended for the disposal of sludge if public sewers are available.

(Ord. of 3-13-75, § 3, Ord. of 12-14-76; Ord. of 3-9-82, § 7)

## **Section 15-43 Public sewer connections, repairs and use; permit required**

No unauthorized person shall uncover, make any connections with or opening into, repair, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Water Pollution Control Authority.

(Ord. of 3-13-75, §§ VII (a), XII (a); Ord. of 4-10-79)

## **Section 15-44 Application for service**

Application for public sewer service must be made on forms prescribed by the Water Pollution Control Authority and signed by the owner of the property or his authorized agent. Signing of such application signifies assent to all of the rules, regulations and schedule of public sewer fees, rentals and charges of the water pollution control authority. The Water Pollution Control Authority shall, from time to time as circumstances warrant, fix all public sewer fees, rentals and charges. The owner of each building connected to the public sewer system shall be responsible for the payment of bills rendered by the Water Pollution Control Authority for sewer service. All sewer rentals, fees and other charges incurred in the installation of the laterals are a lien against the property until paid. All bills for sewer service will be rendered as it is deemed feasible. The amount charged shall be due on the date of the rendering of the bill. If bills are not paid within thirty (30) days from that date, they shall thereupon be delinquent and shall bear interest from the due date at the rate and in the manner provided for by the general statutes for delinquent property taxes.

(Ord. of 3-13-75, § XII (b); Ord. of 4-10-79)

## **Section 15-45 Building connection laterals**

- (a) Any building connection lateral made after the original installation of the public sewer, including the making of the tap to the public sewer and the excavation, backfilling and resurfacing of the trench from the public sewer to two (2) feet inside the curb line or edge of pavement will be done by the Water Pollution Control Authority at the expense of the applicant. The charges for installing the building connection lateral will be based on time and materials and any fees required by others.
- (b) A separate and independent building connection lateral shall be provided for:
- (1) Each building under one roof owned by one party and occupied as one business or residence, or
  - (2) A combination of buildings owned by one party in one common enclosure occupied by one family or business; or,
  - (3) The one side of a building having a solid vertical partition wall, making it capable of divided ownership. A building owned by one party containing more than one store, apartment or office may be supplied by one or more house connections at the discretion of the superintendent.

(Ord. of 3-13-75, § XII©, (d); Ord. of 4-10-79)

## **Section 15-46 Assessment of installation costs<sup>6</sup>**

The cost of installing a public sewer system in any existing street, lane, road, etc., may be assessed in whole or part against property owners (including real estate developers) benefiting by such installation except that where a sewer in excess of ten (10) inches in diameter is installed to provide for future extension, such assessment shall be made by special agreement with the Water Pollution Control Authority, and shall be constructed in accordance with the Water Pollution Control Authority specification.

Any property owner who is eligible for tax relief for elderly taxpayers under the provisions of (1) Section 12-129b of the Connecticut General Statutes, (2) Section 12-170a of the Connecticut General Statutes, or (3) a plan of tax relief for elderly taxpayers provided by the Town in accordance with Section 12-129n of the Connecticut General Statutes, may apply to the Water Pollution Control Authority for approval of a plan of payment of such property

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<sup>6</sup> Cross reference—Taxation, Ch. 14.

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owner's sewer assessment in a manner other than as provided under Section 7-253 of the Connecticut General Statutes. An eligible property owner may be allowed by the Water Pollution Control Authority to pay only the annual interest charge, as provided in Section 7-253 of the Connecticut General Statutes, on any deferred payments or outstanding balance of the principal deferred. Any deferred payment or outstanding balance of any principal deferred and any interest due thereon under such option shall become payable in full upon any transfer of the title to the property subject to such assessment or upon the death of such property owner. Any such optional method of payment shall be subject to annual review by the Water Pollution Control Authority.

(Ord. of 3-13-75, § XII; Ord. of 4-10-79; Ord. of 4-11-00)

## **Section 15-47 Permitted and prohibited discharges**

- (a) No person shall discharge into any public sewer of the town any waste, substance or waters other than such kinds or types of waters or water-carried wastes for the conveyance of which the particular public sewer is intended, designed or provided.
- (b) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, air conditioning and refrigerating waste waters, or unpolluted industrial process waters to any sanitary sewer.
- (c) Storm water and all other unpolluted drainage, or uncontaminated process water in excessive quantities, may be discharged to such sewers as are specifically designed as combined sewers or storm sewers, or to a natural outlet. Such waters shall be discharged only after approval of any local or state regulatory agency having jurisdiction.
- (d) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
  - (1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit.
  - (2) Any water or waste which may contain more than one hundred (100) mg/l by weight, of fat, oil, wax or grease, or containing other substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit.
  - (3) Any gasoline, benzene, naphtha, alcohol, tar, fuel oil, or other flammable or explosive liquid, solid, gas, or vapor.
  - (4) Any garbage except "properly shredded garbage." The installation and operation of any garbage grinder equipped with a motor of three-quarter (3/4) horsepower or greater shall be subject to the review and approval of the superintendent.
  - (5) Any ashes, cinders, stones, sand, mud, straw, shavings or sawdust, metal, sticks, coarse, rubbish, glass, rags, tar, feathers, plastics, waste rubber, animal guts or tissues, entrails, blood, hair, hides, wood, paunch manure or any other substance likely to damage, destroy or cause an obstruction to the flow in any sewer or which may interfere with the proper operation of the sewage works.
  - (6) Any water, sewage or wastes having a pH lower than 6.0 or higher than 10.0, unless otherwise previously permitted by the state and approved by the authority, or having any other corrosive or detrimental property capable of causing damage or hazard to the sewage works or personnel. (Ord. No. X01-028, 11-13-01) (Ord. 4-8-03)
  - (7) Any waters or wastes containing a toxic, poisonous or radioactive substance in sufficient quantity to injure or interfere with any sewage treatment process or to constitute a hazard to humans, animals or marine life, or create any hazard in the receiving waters.

The following toxic or poisonous substances shall not be present in any appreciable quantity of industrial or commercial process discharges in excess of the following limits in mg/l (milligrams per liter) by weight:

| <i>Pollutant</i>          | <i>Concentration parts/million, mg/l</i> |
|---------------------------|--|
| Arsenic as AS             | 0.05                                     |
| Barium as Ba              | 5.0                                      |
| Boron as BO               | 5.0                                      |
| Cyanides as CN (amenable) | 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                                      |

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| 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.

Radioactive wastes or materials may be discharged into a public sewer if conditions a. and b. below are met and if either condition c. or d. is also met; provided that, such discharges are in compliance with applicable state or federal regulations:

- a. Such wastes must be readily soluble or dispersible in water;
  - b. The gross quantity of all radioactive materials so discharged must not exceed one curie per year;
  - c. The daily quantity of any radioactive material if diluted by the average daily volume of sewage discharged into the system from the installation must not exceed the maximum concentrations allowed by regulations of the United States Nuclear Regulatory Commission;
  - d. Daily quantities of radioactive materials up to the maximum permitted by the United States Atomic Energy Commission may be so discharged provided that the total monthly quantities if diluted by the average monthly volume of sewage discharged from the installation, do not exceed the concentrations permissible under c. above.
- (8) Any noxious, malodorous or taste-producing gas, vapor or substance, such as phenols, capable of creating a public or private nuisance or which may prove toxic to sewage treatment processes or which may exceed acceptable limits for discharge to receiving waters.
- (9) Materials which exert or cause:
- a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - c. Unusual BOD, suspended solids, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - d. Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.
  - e. No person shall discharge any substance into any public sewer system which will cause the Water Pollution Control Authority to violate its NPDES permit or the receiving water quality standards.

(Ord. of 3-13-75, § IV (a)—(d); Ord. of 3-9-82, § 8)

## **Section 15-47.2 New discharges<sup>7</sup>**

Any person proposing a new discharge into the public sewer system or a substantial change in volume or character of pollutants that are being discharged into the public sewer system, shall notify the Water Pollution Control Authority at least forty-five (45) days prior to the proposed change or connection. (Ord. of 3-9-82, § 3)

## **Section 15-47.4 Permit required for discharge of certain wastewaters<sup>8</sup>**

In accordance with Section 25-54i of the Connecticut General Statutes as amended, a permit from the Commissioner of Environmental Protection is required prior to the initiation of a discharge of any of the following wastewaters to a public sewer:

- (a) Industrial wastewater of any quantity.
- (b) Domestic sewage in excess of five thousand (5,000) gallons per day through any individual building to a public sewer affecting sludge use or disposal developed pursuant to the Resource Conservation Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used. (Ord. of 3-9-82, § 4)

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<sup>7</sup> Editor's note—Sections 3—6 of an ordinance adopted March 9, 1982, did not specifically amend this Code; hence their inclusion as §§ 15-47.2, 15-47.4, 15-47.6 and 15-47.8 was at the discretion of the editor.

<sup>8</sup> Note – See the editor's note to § 15-47.2.



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## **Section 15-47.6 Monitoring of discharges by industries<sup>9</sup>**

All industries discharging into a public sewer shall perform such monitoring of their discharge as required by the commissioner in any state discharge permit issued pursuant to Section 25-54i of the Connecticut General Statutes, as amended, including, but not limited to, installation, use, and maintenance of monitoring equipment, keeping records and reporting the results to the Commissioner. Such records shall be made available on request of the commissioner or the superintendent. (Ord. of 3-9-82, § 5)

## **Section 15-47.8 Protection from Accidental Discharge Required<sup>10</sup>**

Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. The commissioner may require that plans showing facilities and operating procedures be submitted for review and approval prior to construction of the facilities. (Ord. of 3-9-82, § 6)

## **Section 15-48 Superintendent's authority re: deleterious wastes**

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated under section 15-47(d) of this article, and which, in the judgment of the superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

- (1) Reject the wastes,
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers,
- (3) Require control over the quantities and rates of discharge, and/or,
- (4) Recommended payment to cover the added cost of handling and treatment of wastes not covered by existing taxes or sewer charges. If the sewer authority permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent and of any or all state regulatory agencies having jurisdiction, and no construction of such facilities shall be commenced until such approvals are obtained in writing. (Ord. of 3-13-75, § IV (e))

## **Section 15-49 Determination of exclusion of wastes**

In determining whether any waste discharged or proposed to be discharged into any public sewer is to be excluded, consideration will be given to the quantity, time or times, rate and manner of discharge, dilution and character of the waste in question, the size of the sewer into which the waste is to be discharged, the probable quantity of sewage or other wastes likely in such sewer, and other pertinent facts. Minute quantities of a waste which would be objectionable in larger quantity may be accepted if sufficiently diluted when and as discharged, or if the quantity discharged is small as compared with the flow in the receiving sewer; but any permission to discharge minute quantities of an otherwise excluded waste shall be revocable at any time by the superintendent. (Ord. of 3-13-75, § IV (f))

## **Section 15-50 Pre-treatment Facilities**

- (a) At all premises where wastes or substances specified to be excluded from public sewers by this article are present and liable to be discharged directly or indirectly into such sewers, suitable and sufficient piping layouts, oil, grease, sand and flammable waste traps or separators, screens, settling tanks, diluting devices, storage or regulating chambers, treatment, cooling or other equipment and devices shall be provided. These shall be maintained and properly operated by the owner or the premises or his agent at his expense to insure that no waste or substance is discharged in violation of the requirements of this article.
- (b) On premises where any of the wastes or substances as described in this section are present, the water pollution control authority may require the owner to provide, operate and maintain at his (the owner's) expense a sampling well or wells, flow measuring devices, manholes or other appurtenances, all readily accessible, on the building sewer or drain from such premises near the point where such sewer or drain connects to the public sewer. By means of such sampling well or wells, flow measuring devices, or other appurtenances, the owner occupants of such premises, the superintendent, or any public officer having legal jurisdiction may secure samples of, or examine the wastes being discharged into the public sewer for the purpose of determining compliance or noncompliance with the requirements of this article.

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<sup>9</sup> Note – See the editor's note to § 15-47.2.

<sup>10</sup> Note – See the editor's note to § 15-47.2.

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- (c) The superintendent shall have the right to enter and inspect any part of the premises served by public sewers upon which there may be reason to believe that violations of the requirements of this article have occurred or are likely to occur, for the purpose of ascertaining the facts as to such violation or suspected violation, or of obtaining samples of wastes, or of inspecting flow measuring devices or treatment facilities provided to prevent prohibited discharges.
- (d) In the case of industrial waste discharges and when directed by the Water Pollution Control Authority, the owner shall be required to furnish the appurtenant structures and devices and the superintendent shall have the right to enter upon any part of the premises served by the public sewers and sample the wastes, all as described under paragraphs (b) and (c) of this section, for the purpose of determining contributory loadings to the treatment plan. (Ord. of 3-13-75, § IV (g), (j); Ord. of 4-10-79)

## **Section 15-51 Measurements, tests and analyses**

All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made in this article shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage." In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. (Ord. of 3-13-75, § IV (h))

## **Section 15-52 Special Agreements**

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the water pollution control authority and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the water pollution control authority for treatment, subject to payment therefore by the industrial concern. (Ord. of 3-13-75, § IV (i); Ord. of 4-10-79)

## **Sections 15-53 - 15.63 Reserved**

## ***DIVISION 3 BUILDING SEWERS AND CONNECTIONS***

### **Section 15-64 Permits - Required**

No person, other than those working under the direction of the superintendent or the Northeast District Department of Health, as provided for in section 15-97, shall excavate, construct, install, lay, repair, alter or remove any building or house sewer, or any appurtenance thereof, within the town if such sewer is connected or discharged or is intended at some future time to be connected or discharged, directly or indirectly, into any public sewer of the town, until such person has a permit secured by the owner (or his agent) of the property in question for doing such work, and further provided that such person has been granted a license to perform such work under the stipulations and requirements of division 4 of this article. (Ord. of 3-13-75, § VIII©)

### **Section 15-65 Same - Classes**

- (a) There shall be two (2) classes of building permits for sewers:
  - (1) Class A for residential and commercial service, and
  - (2) Class B for service to establishments producing industrial wastes.
- (b) In either case, the owner or his agent shall make application on a special form furnished by the water pollution control authority. The application shall state the location and character of the work to be performed; the person granted permission to perform such work; the time limit for completion of the work; the general character of the wastes which are or may be discharged into the sewer in question; and any other pertinent information or conditions. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent. (Ord. of 3-13-75, § VIII (a); Ord. of 4-10-79)

### **Section 15-66 Same - Suspension or termination**

Any building or house sewer permit may be suspended or terminated by the superintendent on written notice to the permittee for violation of the conditions thereof or for any violation of the requirements of this article, or for other reasons in the public interest. (Ord. of 3-13-75, § VIII(d))

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## **Section 15-66.1 Construction within certain distance of water well<sup>11</sup>**

No building sewer shall be constructed within twenty-five (25) feet of a water supply well. If a building sewer is constructed within twenty-five (25) to seventy-five (75) feet of a water supply well, it shall be constructed in accordance with all applicable guidelines promulgated by the Northeast District Department of Health. (Ord. of 3-9-82, § 9)

## **Section 15-67 Costs of installation and connection to be borne by owner**

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. All building sewers shall be maintained by the owner of the property served. (Ord. of 3-13-75, § VIII (b))

## **Section 15-68 Persons authorized to work on building sewers**

Only the following person or persons shall construct, repair, alter, or remove building sewers or make connections there from to a public sewer:

- (1) Regular forces of any public utility corporation while engaged in work incidental to the regular structures or such utility company and operating under a permit.
- (2) Any person who owns and resides in a single-family dwelling may construct, repair, alter or remove a building sewer.
- (3) Any person who shall have been licensed to perform work of this type during the period provided by the license. Such persons shall be called "licensed drain layers" as defined in section 15-17 of this article; however, it is not the intent of this section to restrict the usual work of plumbers or others working in accordance with any local plumbing and building codes. Plumbers and others may work on pipes within and not more than five (5) feet outside the walls of any structure; provided that no connection to a public sewer shall be made by such persons without a permit irrespective of the distance of such public sewer to the structure in question. All drains and fixtures within structures shall be connected by plumbers and others in conformity with the requirements of this article as to what may or may not be discharged into public sewers. (Ord. of 3-13-75, § IX (a))

## **Section 15-69 Materials and workmanship for building sewers, their connections and appurtenances**

The following requirements of this section shall apply to any person licensed to do sewer work and who has a building or house sewer permit to do such sewer work as provided in this article:

- (a) **Use of old sewers.** Old building sewers may be used and connected to public sewer, when serving new buildings, only when they are found on examination or test by the superintendent to meet all requirements of this section. The superintendent may require, where indicated, the uncovering of old sewers for inspection.
- (b) **Building connection laterals.** Building connection laterals shall be provided as noted in Section 15-45 of this article.
- (c) **Vent pipe.** No building shall be connected to a public sewer unless the plumbing system of such building has a soil vent pipe extended to a point above the roof. The water pollution control authority may require that no running trap, main house trap or other device, which might prevent the free flow of air throughout the whole course of the building sewer, house drain and such soil vent pipe, will be allowed.
- (d) **Material.** The building sewer shall be cast iron soil pipe, vitrified clay sewer pipe, asbestos-cement pipe, or other suitable material approved by the water pollution control authority. All pipe materials shall conform with the latest standard specifications of the ASTM as approved by the Water Pollution Control Authority. Any part of the building sewer that is located within ten (10) feet of a water service pipe shall be constructed of cast iron soil pipe with leaded joints or other approved joints as provided for under state permit regulations. Wherever possible, water service and house sewer pipes shall be laid in separate trenches. Cast iron pipe with leaded joints or approved equal may be required by the superintendent where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be cast iron soil pipe, except that non-metallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the superintendent. No building sewer shall be located within twenty-five (25) feet of a cellar drain or ground water drain unless pipe is of cast iron with leaded joints or approved equal.

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<sup>11</sup> Editor's note – Section 9 of an ordinance enacted March 9, 1982, amended the Code by adding provisions designated as § 15-64.1, which provisions have been redesignated by the editor as 15-66.1 for purposes of classification.

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- (e) **Size and slope.** The size and slope of the building sewer shall be subject to the conditions set forth in state and Northeast District Department of Health regulations.
- (f) **Drains.** In all buildings where the building drain is too low to permit gravity flow to the public sewer, sewage or other waste waters carried by such drain shall be lifted by approved artificial means and discharged to the building sewer through a cast-iron force main. All building drains, whether force mains or gravity lines, shall be of cast iron soil pipe from the inner face of the building wall to the point of connection with the building or house sewer, and all joints, including that with the building sewer, shall be made gastight and watertight by a method approved by the superintendent.
- (g) **Trenches, etc.** All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the superintendent. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth of the building sewer shall be sufficient to afford protection from frost and in general such depth shall not be less than four (4) feet below the finished ground surface except where conditions do not permit or as directed by the superintendent. All building sewers shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. Building sewers shall be laid on firm, undisturbed soil or a suitable foundation; they shall be located at a sufficient distance from other parallel pipes to permit alterations or repairs to any such pipes or the sewer pipe without disturbing the other; they shall be well cleaned inside after laying; and they shall conform to all reasonable requirements for good construction. Backfill placed over building sewers shall be done with hand tools to a depth of at least one foot over the pipe, using fine earth free from stones and rubbish. Backfill shall be well and carefully tamped over the sewer. The open ends of building sewers, building drains and building connection laterals shall be kept closed or protected during construction and during periods when work is suspended in order to exclude from the public sewer all water or debris which might obstruct, damage or otherwise be detrimental to the public sewer or sewage works. Abandoned building sewers or drains shall be likewise promptly closed and sealed off from any public sewer at the expense of the owner of the property.
- (h) **Joints and connections.** All joints and connections for or between building sewers, building drains and building connection laterals shall be made gastight and watertight, to wit:
  - (1) Cast iron pipe joints may be mechanical, rubber or lead. Lead joints shall be firmly packed with oakum or hemp and filled with molten lead, Federal Specification QQ-L-156, not less than one inch deep. Lead shall be run in one pouring and caulked tight. No paint, varnish, or other coatings shall be permitted on the jointing material until after the joint has been tested and approved.
  - (2) All joints in vitrified clay pipe, concrete pipe, asbestos cement pipe, or other approved pipe, or between such pipes and metals shall be made with rubber, or similar gaskets. Hot-poured jointing materials or cement mortar shall not be approved.
  - (3) Any jointing materials, other than those described in (1) and (2) may be used only upon the approval by the superintendent.
  - (4) In lieu of the requirement in section 15-45(a) of this article, whereby the sewer authority will install the building connection lateral at the owner's expense (where no building connection lateral is available), the owner may elect to connect to the public sewer as described in this and the following paragraphs. The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch, is available at a suitable location. If the public sewer is twelve (12) inches in diameter or less, and no properly located "Y" branch is available, the owner shall request the water pollution control authority to provide a tap in the public sewer and install at the owner's expense a building connection lateral at a location specified by the superintendent. Where the public sewer is greater than twelve (12) inches in diameter and no properly located "Y" branch is available, a tap may be cut into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about forty-five degrees. A forty-five (45) degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. Where street sewers are of asbestos-cement sewer pipe, the connection may be made with a cast iron saddle secured to the pipe barrel with adjustable screw-type tightening stainless steel straps, in the event that no fitting is available on the street sewer. The invert of the building sewer at the point of connection of twelve (12) inch diameter sewers or larger shall be connected to either match the center lines of such street sewers, or be higher. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the superintendent.
- (i) **Notice of connection; supervision; records, order to uncover certain work.** When the building sewer trench has been excavated, and the building sewer repaired, altered or constructed and is ready for

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inspection and connection to the public sewer, the superintendent shall be notified during regular working hours not less than twenty-four (24) hours in advance of the time when the connection to the public sewer is planned. The connection of the building sewer to the public sewer shall be made under the supervision of the superintendent and a record of all such connection shall be kept by him. If any persons constructs, installs, alters or repairs any building sewer or drain connecting with a public sewer in the town in violation of any section of this article or fails to give adequate notice to the superintendent for an inspection of the work, the superintendent may order all or any portion of such work to be uncovered for inspection and approval.

- (j) **Inspection risers.** Sewer inspection riser openings for building sewers may be placed at the end of the building connection lateral. The riser may be of cast iron or of approved material, at least four (4) inches in diameter and shall be set on a tee opening in the building sewer ("Y" connection not permitted), said tee to be encased in concrete. The top of the riser shall be placed flush with the ground surface and shall be fitted with an approved screw cap.
- (k) **Excavation safeguards.** All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard.
- (l) **Maintenance of connection laterals and risers, building sewers.** The building connection lateral and building connection riser shall be maintained by the Water Pollution Control Authority. The building sewer shall be maintained by the property owner.
- (m) **Enforcement actions.** If any person, after proper order or direction from the superintendent, fails to remedy any violation of this section or of any other section of this article, the water pollution control authority may institute such action as provided for in the regulations of state and local health departments. The cost of rectifying any violation shall be borne by a person or persons responsible for, or willfully concerned in, or who profited by such violation of the requirements of this article.

(Ord. of 3-13-75, § X; Ord. of 12-14-76; Ord. of 4-10-79)

## **Sections 15-70-15-80** Reserved

### **DIVISION 4 DRAIN LAYERS**

#### **Section 15-81 Generally**

The following regulations of this division shall apply to licensed drain layers. (Ord. of 3-13-75, § IX (b))

#### **Section 15-82 Application for license**

Any person desiring to be licensed as a drain layer in the town shall file an application in writing with the state furnishing such information as the state may require with respect to his qualifications and the qualifications of his personnel. (Ord. of 3-13-75, § IX (b) (1))

#### **Section 15-83 Licensees to give personal attention to work and employ only competent persons**

Any person licensed as a drain layer shall give personal attention to the work performed and shall employ only competent persons, who are familiar with this article. (Ord. of 3-13-75, § IX (b) (2))

#### **Section 15-84 Performance and Guaranty Bond**

Each licensed drain layer shall file with the town a performance and guaranty bond, which shall remain in full force for at least thirteen (13) months from the date of the last installation in the amount of not less than five thousand dollars (\$5,000.00) in form and with surety satisfactory to the town. Such surety shall include that the applicant shall indemnify the town for any negligence or omission of the applicant or his agents, while operating under the license applied for; that the applicant shall reimburse the town for any expense to the town arising from any injury or damage to any sewer or other property of the town or by reason of any violation by the applicant or his agents of any requirement of this article; that the applicant shall faithfully execute all work required under the license as granted; that the applicant shall restore that portion of any street or public place in which the applicant may have made an excavation incidental to his work to as good a condition as it was prior to such work and also shall maintain such street or public place in which the applicant may have made an excavation incidental to his work to as good a condition as it was prior to such work and also shall maintain such street or public place in like

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good condition to the satisfaction of the town for a period of six (6) months after such restoration; that the applicant shall reimburse the town or the state for the expense of repairs to any street or public place made necessary by reason of any excavation made by the applicant; and that the applicant shall comply with all rules, regulations, laws, ordinances, etc., relative to work in public streets and public places. (Ord. of 3-13-75, § IX (b) (3))

## **Section 15-85 Insurance—Liability and property damage**

Each licensed drain layer shall file with the town a certificate or certificates of public liability and property damage insurance, which shall remain in full force for at least thirteen (13) months from the permit date, in an amount of not less than one hundred thousand dollars (\$100,000.00) for injuries, including accidental death, to any one person, and, subject to the same limit for each person, in an amount not less than one hundred thousand dollars (\$100,00.00) on account of any one accident and property damage insurance in an amount not less than fifty thousand dollars (\$50,000.00). The town shall be included as an assured or, in lieu thereof, the drain layer shall file with the town an owner's protective liability and property damage insurance policy in the same limits as aforementioned. Each insurance certificate and policy shall contain a statement by the insurance carrier not to cancel the policy or policies except upon fifteen (15) days notice to the town. (Ord. of 3-13-75, § IX (b) (4))

## **Section 15-86 Same - Workmen's Compensation**

Each licensed drain layer shall file with the town a certificate of policy covering workmen's compensation insurance, which shall remain in full force for at least thirteen (13) months from the date of application. (Ord. of 3-13-75, § IX (b) (5))

## **Section 15-87–15.96 Reserved**

## **DIVISION 5 PRIVATE SEWAGE DISPOSAL**

### **Section 15-97 When required; discontinuance of use and connection to public sewer**

- (a) Where a public sanitary or combined sewer is not available under the provisions of section 15-42(c), the building sewer shall be connected to a private sewage disposal system complying with the provisions set forth by regulations of the Northeast District Department of Health. A copy of such regulations may be obtained from the office of the Northeast District Department of Health upon application for a permit to establish a private disposal system.
- (b) Nothing contained in this section shall be constructed to interfere with any additional requirements that may be imposed by the health officer or state department of environmental protection.
- (c) When a public sewer becomes available, as determined by the water pollution control authority, the building sewer shall be connected to such sewer within one hundred fifty (150) days as hereinbefore provided in this article. (Ord. of 3-13-75, § VI; Ord. of 4-10-79)

### **Section 15-98 Discharge of effluents from private systems into public sewers and of cleanings there from**

- (a) No person shall discharge or cause to be discharged into any public sewer, either directly or indirectly, any overflow or effluent from a septic tank, cesspool, subsurface drainage trench, bed or filter, or other receptacle storing organic waste.
- (b) It shall be unlawful for any person, firm or corporation to remove sewage as defined by section 15-17 of this article from a septic tank, cesspool, subsurface drainage trench, bed or filter or other similar device or from any other place and to discharge or dispose of its contents within the town, unless the same shall be delivered and processed at the municipal sewerage treatment plant, which delivery and processing are subject to the following conditions:
  - (1) That such contents consist only of domestic or commercial wastes, excluding any industrial wastes or substances specified to be excluded from public sewers by this article.
  - (2) That such contents are transported in sanitary, watertight vehicles, equipped with a suitable valve outlet, and meeting such requirements as may be stipulated by local or state health agencies.
  - (3) That a permit is issued by the superintendent for the discharge of such contents. A permit fee may be set for each tank load of such wastes by the Water Pollution Control Authority.
  - (4) That delivery of such contents is made to the sewage treatment plant site on such days and hours as shall be determined by the Water Pollution Control Authority.

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- (5) Two (2) copies of the permit form for the discharge of such contents shall be retained by the sewage treatment plant operator or his agent and that such operator or his agent accepts the delivery as containing no substances or wastes known to be harmful to the sewage treatment plant or its treatment processes. A copy of all such permits shall be provided to the Water Pollution Control Authority.
- (c) Permits issued under this section shall be void after thirty (30) days from date of issuance. All permits are subject to cancellation, revocation or suspension by the superintendent when such action is deemed necessary to safeguard the sewage works. (Ord. of 3-13-75, § V; Ord. of 6-28-77; Ord. of 4-10-79)

## **Section 15-99—15-109** Reserved

## **DIVISION 6 RATES AND CHARGES**

### **Section 15-110 Use charges**

Sewer use charges shall be established by the Water Pollution Control Authority and may be adjusted periodically. (Ord. of 3-13-75, § XIV (a); Ord. of 4-10-79)

### **Section 15-111 Industrial users**

- (a) Under this section, industrial users shall pay their share of the capital, operation and maintenance and debt service charges for additions and improvements to the sewage works.
- (b) Industrial waste discharges covered by this section are those industrial wastes discharged into the public sewer system from industries identified in the Standard Industrial Classification Manual, Bureau of the Budget, 1967, as amended and supplemented under the category "Division D—Manufacturing" and such other wastes as the environmental protection agency may deem appropriate.
- (c) A cost recovery system approved by the United States Environmental Protection Agency shall apply to the eligible costs of the following sewage works contracts:
- Contract 1—Water Pollution Control Plant
  - Contract 2—Lower Main Interceptor
  - Contract 3—Upper Main Interceptor
  - Contract 4—East Killingly Interceptor and Rogers Village Interceptor.
- (Ord. of 3-13-75, § XIV (b)—(d))

## **Sections 15-112—15-127** Reserved

## **ARTICLE III. WATER**

### **Section 15-128 Establishment of system**

There shall be established, pursuant to the provisions of Chapter 102 of the Connecticut General Statutes, as amended, the Town of Killingly Waterworks System. Responsibility for the proper operation and management of the water works system shall be vested in the director of public works, under the direction of the town manager. (Ord. of 2-21-80, § I)

### **Section 15-129 Rates**

The town council shall establish just and equitable rates or charges for the use of the water company, to be paid by the owner of each lot or building which is connected with and uses such system, and may change such rates or charges from time to time. No such rate or charge shall be established until after a public hearing at which all the users of the waterworks system and the owners of property served or to be served and others interested shall have an opportunity to be heard concerning such proposed rate and charge. Notice of such hearing shall be given at least ten (10) days before the date set therefore in a newspaper having a circulation in such municipality. Such notice shall set forth a schedule of rates or charges, and a copy of the schedule of rates or charges established shall be kept on file in the office of the legislative body and in the office of the town clerk, and shall be open to inspection by the public. Such rates or charges, if not paid when due, shall constitute a lien upon the premises served and a charge against the owners thereof, which lien and charges shall bear interest at the same rate as unpaid taxes. (Ord. of 2-21-80, § II)

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## **Section 15-130 Budget**

The town manager shall annually prepare and submit to the town council for review and amendment, a budget for the waterworks system, clearly showing the projected revenues and expenditures. In adopting the budget, the council shall approve appropriation in total for the system. (Ord. of 2-21-80, § III (A))

## **Section 15-131 Finances**

All bills for the use of the waterworks system shall be paid to the collector of revenue. Separate accounts shall be kept of the funds so derived and of the disposition thereof, which account shall be audited annually, and the report of such audits shall be open to public inspection. The treasurer of the town shall be the custodian of such funds, which shall be kept separate from other funds of the town and shall be used only for such waterworks system. (Ord. of 2-21-80, § III (B))

## **Section 15-132 Creation of reserve fund for Water Department**

- (a) The town council, by a majority vote, may create a reserve fund for capital and non-recurring expenditures of the town water department to be known as the water “reserve fund for capital and non-recurring expenditures.”
- (b) The town council may authorize the payment into such reserve funds of all or a part of the cash surplus of the water department available at the end of any fiscal period and an appropriation in the annual water department budget.
- (c) Upon approval by the town council, any part or the whole of such fund may be used for capital and non-recurring expenditures for the water department, but such use shall be restricted to the financing of all or part of the planning, construction, reconstruction or acquisition of any specific capital improvement of the acquisition of any specific item of equipment. Upon the approval of any such expenditure, an appropriation account shall be set up plainly designated for the project or acquisition for which it has been authorized and any unexpended portion of such appropriation shall continue until such project or acquisition is completed. Any unexpended portion of any such appropriation remaining after such completion shall revert to such reserve fund. (Ord. of 2-21-80, § III (B) (1))

## **Section 15-133 Capital Improvements**

No provision in this article shall be construed to prohibit the issuance of general obligation or revenue bonds in accordance with Chapter 102 of the General Statutes, as amended, or the levying of assessments, or the making of an agreement with a property owner concerning the financing of capital improvements relating to the waterworks system. All such actions concerning the financing of capital improvements as specified in this section shall be approved by the town council, and in the case of the issuance of bonds, in accordance with section 1013 of the town charter. (Ord. of 2-21-80, § IV)

## **Section 15-134 Extension of mains**

- (a) For the purpose of this section, the phrase “extension of water mains” shall be deemed to include the extension, installation and operation of any new:
  - (1) Water pipe six (6) inches in diameter and larger;
  - (2) Valves and/or hydrants;
  - (3) Pumps, wells, tanks and related controls.
- (b) Whenever, in the opinion of the town council, public necessity and welfare require the extension of water mains, and the council shall vote to make such extensions, the council may assess the cost of such extension against the land found by the council to be especially benefited thereby. In making assessments upon the property and parties to be benefited, the council shall comply with section 7-137c of the Connecticut General Statutes and be guided by an analytical report submitted by the town manager that proportions the extension costs equitably among the extension benefactors. (Ord. of 2-21-80, § V)

## **Section 15-135 Waterworks Personnel**

Pursuant to the provisions of chapter XI and chapter VI of the town charter, the director of public works may, with the approval of the town manager, appoint such personnel as he deems necessary for the proper management and operation of the system, subject to the limitation imposed by the water department appropriation. (Ord. of 2-21-80, § VI)



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## **Section 15-136 Rules and regulations**

The town manager may adopt such reasonable rules and regulations governing the conduct of the waterworks system which would promote good public utility practices, including both the obligation of the waterworks system to the customer and the customer to the system. Such rules and regulations shall be available for public inspection. (Ord. of 2-21-80, § VII)

## **Section 15-137 Damage**

The town shall not be liable for any damage caused by failure of the water supply, change of or lack of pressure or the shutting off the water, with or without notice, for repairs or other necessary operations. Water consumers shall so regulate their installations connected with the water supply system that damage will not occur if water is shut off without notice. (Ord. of 2-21-80, § VIII)

## **Sections 15-138 – 15-149 Reserved**

## **Article IV - Illicit Discharge and Connection to Stormwater System**

(Ord. No. 20-9, 11-10-20)

### **SECTION 15-150. PURPOSE/INTENT.**

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the Town of Killingly through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

The objectives of this ordinance are:

- 1) To prohibit and eliminate illicit connections and discharges to the municipal separate storm sewer system
- 2) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance

### **SECTION 15-151. DEFINITIONS.**

For the purposes of this ordinance, the following shall mean:

**Authorized Enforcement Agency:** The Town Manager. The Town Manager may, in writing, designate other employees and designees as deputy authorized agents to act through the authorized agent.

**Best Management Practices (BMPs):** schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the state consistent with state, federal or other equivalent and technically supported guidance. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from material storage.

**Clean Water Act:** The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

**Construction Activity:** Any activity associated with construction at a site including, but not limited to, clearing and grubbing, grading, excavation, and dewatering.

**Hazardous Materials:** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

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**Illegal Discharge:** Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 7 of this ordinance.

**Illicit Connections:** An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

**Industrial Activity:** Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

**MS4:** Municipal separate storm sewer system

**National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit:** means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

**Non-Stormwater Discharge:** Any discharge to the storm drain system that is not composed entirely of storm water.

**Person:** Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

**Pollutant:** Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

**Premises:** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

**Storm Drainage System:** Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

**Stormwater:** Waters consisting of rainfall runoff, including snow or ice melt, during a rain event.

**Stormwater Pollution Prevention Plan:** A document which describes the BPM and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce Pollutant discharges to Stormwater, Stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

**Wastewater:** Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

## **SECTION 15-152.                    APPLICABILITY.**

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This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

## **SECTION 15-153. SEVERABILITY.**

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

## **SECTION 15-154. RESPONSIBILITY FOR ADMINISTRATION.**

The Town Manager or designee shall administer, implement and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the Town Manager may be delegated in writing by the Town Manager to persons or entities acting in the beneficial interest of or in the employ of the Town of Killingly.

## **SECTION 15-155. ULTIMATE RESPONSIBILITY.**

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore, this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

## **SECTION 15-156. DISCHARGE PROHIBITIONS.**

### **Prohibition of Illegal Discharges:**

No Person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to Pollutants or waters containing any Pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- a) The following discharges are exempt from discharge prohibitions established by this ordinance: uncontaminated ground water discharges including, but not limited to, pumped ground water, foundation drains, water from crawl space pumps and footing drains; irrigation water including, but not limited to, landscape irrigation and lawn watering runoff; residual street wash water associated with sweeping; discharges or flows from firefighting activities (except training); and naturally occurring discharges such as rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)), springs, diverted stream flows and flows from riparian habitats and wetlands.
- b) Any non-stormwater discharge to the MS4 authorized by a permit issued pursuant to Section 22a-430 or 22a-430b of the Connecticut General Statutes is also authorized under this ordinance.

### **Prohibition of Illicit Connections:**

- a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- c) A Person is considered to be in violation of this ordinance if the Person connects a line conveying sewage to the MS4 or allows such a connection to continue.

## **SECTION 15-157. SUSPENSION OF MS4 ACCESS.**

### **Suspension due to Illicit Discharges in Emergency Situations**

The Town Manager, or designee, may, without prior notice, suspend MS4 discharge access to a Person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the Town Manager or designee may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

### **Suspension due to the Detection of Illicit Discharge**

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Any Person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Town Manager or designee will notify a violator of the proposed termination of its MS4 access. The violator may petition the Town Manager for a reconsideration and hearing.

A Person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the Town Manager or designee.

## **SECTION 15-158. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.**

Any Person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Town prior to the allowing of discharges to the MS4.

## **SECTION 15-159. MONITORING OF DISCHARGES.**

### **Applicability.**

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

Access to Facilities.

- a) The Town shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Town Manager.
- b) Facility operators shall allow the Town ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
- c) The Town shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Town Manager, or designee, to conduct monitoring and/or sampling of the facility's storm water discharge.
- d) The Town Manager, or designee, has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Town Manager and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- f) Unreasonable delays in allowing the Town Manager, or designee, access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A Person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the Person denies the Town Manager, or designee, reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.
- g) If the Town Manager, or designee, has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the Town of Killingly, then the Town Manager, or designee, may seek issuance of a search warrant from any court of competent jurisdiction.

## **SECTION 15-160. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.**

The Town Manager, or designee, will adopt requirements identifying BMPs for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense,

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reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any Person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said Person's expense, additional structural and non-structural BMPs to prevent the further discharge of Pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

## **SECTION 15-161. WATERCOURSE PROTECTION.**

Every Person owning property through which a watercourse passes, or such Person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

## **SECTION 15-162. NOTIFICATION OF SPILLS.**

Notwithstanding other requirements of law, as soon as any Person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said Person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said Person shall notify the Town Manager, or designee, in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Town Manager within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

## **SECTION 15-163. ENFORCEMENT.**

### **Notice of Violation.**

Whenever the Town finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the Town Manager, or designee, may issue a notice of violation and order compliance by written notice of violation to the responsible person. The notice of violation shall contain, at a minimum: (1) The name and address of the alleged violator; (2) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred; (3) A statement specifying the nature of the violation; (4) A description of the remedial measures necessary to restore compliance with this ordinance and a time schedule for the completion of such remedial action. It is not the responsibility of the Town of Killingly to formulate or design any remedial systems; (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and (6) A statement that the determination of violation may be appealed to a hearing officer appointed by the Town Manager by filing a written notice of appeal within fifteen (15) days from the date of the written Notice of Violation.

Such notice may require without limitation:

- a) The performance of monitoring, analyses, and reporting;
- b) The elimination of illicit connections or discharges;
- c) That violating discharges, practices, or operations shall cease and desist;
- d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- e) Payment of a fine or penalty to recoup costs incurred by the Town;
- f) Suspension of any discharge to the MS4 system consistent with Section 8 of this ordinance;
- g) The implementation of source control or treatment BMPs; and
- h) The reporting of the violation to the Connecticut Department of Energy and Environmental Protection (CTDEEP) and/or the United States Environmental Protection Agency (EPA)

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If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Where elimination is not possible within 60 days of source confirmation, a schedule for its elimination will be set for no more than 180 days. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work may be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

## **SECTION 15-164. APPEAL OF NOTICE OF VIOLATION.**

Any person receiving a Notice of Violation may appeal the determination of the Town Manager, or designee. Such appeal shall be conducted in accordance with the provisions of Section 1-10 of the Code of Ordinances of the Town of Killingly.

## **SECTION 15-165. ENFORCEMENT MEASURES AFTER APPEAL.**

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within thirty (30) days of the decision of the hearing officer upholding the decision of the Town Manager or designee, then representatives of the authorized enforcement agency may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any Person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

## **SECTION 15-166. COST OF ABATEMENT OF THE VIOLATION.**

Within thirty (30) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within fifteen (15) days. If the amount due is not paid within a timely manner as determined by the decision of the hearing officer or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the town by reason of such violation. The liability shall be paid in not more than twelve (12) equal payments. Interest at the rate of eighteen (18) percent per annum shall be assessed on the balance beginning on the first (1st) day following discovery of the violation.

## **SECTION 15-167. INJUNCTIVE RELIEF.**

It shall be unlawful for any Person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a Person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the Person from activities which would create further violations or compelling the Person to perform abatement or remediation of the violation.

## **SECTION 15-168. COMPENSATORY ACTION.**

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, watershed cleanup, etc.

## **SECTION 15-169. VIOLATIONS DEEMED A PUBLIC NUISANCE.**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

## **SECTION 15-170. CRIMINAL PROSECUTION; COSTS AND EXPENSES.**

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law. Violation of this Ordinance shall be deemed to constitute an offense under the laws of

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the State of Connecticut. For intentional and flagrant violations of this Ordinance, the Town Manager, or designee, may refer the violation to the United States Environmental Protection Agency (EPA) for enforcement of penalties under Sections 309 and 311 of the Clean Water Act. The Town of Killingly may recover all attorney's fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses and costs of remediation.

### **SECTION 15-171. REMEDIES NOT EXCLUSIVE.**

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.