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2 **WASTEWATER MANAGEMENT REGULATIONS OF SEWAGE DISPOSAL**
3 **SYSTEMS**
4

5 The Water Pollution Control Authority (WPCA) is given the authority to establish Wastewater
6 Management Regulations set forth in Chapter 103, Sections 7-245 et seq., of the Connecticut
7 General Statutes and under Chapter 18 of the Town of Westbrook Ordinance; Article II, Sec. 18-
8 26.
9

10 The purpose of this regulation is to implement wastewater management requirements for the
11 Town of Westbrook that protects the public health, welfare and the environment through the
12 prevention of public health nuisances and environmental degradation that may have a detrimental
13 impact on the quality of the Town's groundwater and surface water resources.
14

15 **I. Definitions, Abbreviations and Acronyms.**
16

17 As used in this Regulation, the following terms are defined as stated below: Any term used in this
18 Regulation that is not defined below shall, where applicable, be defined in accordance with the
19 Connecticut Public Health Code (PHC) Section 19-13-B100a; Sections 19-13-B103a through 19-
20 13-B103f; the Technical Standards for Subsurface Sewage Disposal Systems; and Sections 19-
21 13-B104a through 19-13-B104d.
22

23 Cesspool means a covered pit that holds sewage and is lacking a septic tank.
24

25 DEEP means the Connecticut Department of Energy and Environmental Protection.
26

27 DPH means the Connecticut Department of Public Health.
28

29 Director of Health (DOH) means the Director of Health of the Town of Westbrook or his/her
30 authorized agent.
31

32 Health Department means the Town of Westbrook Health Department.
33

34 Maintenance of a SDS means to clean, pump out, and inspect a sewage receiving device such as a
35 septic tank, cesspool or holding tank.
36

37 Owner/Property Owner means the person or legal entity which alone, jointly, or severally with
38 others: (a) has legal title to any premises; or (b) has control of any premises. Control of premises
39 shall include persons or legal entities which are holders of legal title, agents of the holder of legal
40 title, executors, executrixes, administrators, administratrixes, trustees or guardians of the estate of
41 the holder of legal title. Each of the foregoing is bound to comply with the provisions of this
42 Regulation.
43

44 Professional Engineer means a professional engineer licensed by the State of Connecticut
45 pursuant to General Statute §20-299.
46

47 Pumpout, or to Pump Out means the removal of sewage from a SDS by a SSDS cleaner or SSDS
48 installer.
49

50 Public Health Code (PHC) means the Connecticut Public Health Code Section 19-13-B100a;

51 Sections 19-13-B103a through 19-13-B103f; the Technical Standards for SSDS; and Sections 19-
52 13-B104a through 19-13-B104d.

53
54 Regulation means Wastewater Management Regulations of SDS set forth by the Town of
55 Westbrook Water Pollution Control Authority consistent with the Town Ordinance Chapter 18,
56 Article II, Sec. 18-26.

57
58 Repair means any replacement, upgrade, alteration and/or extension to a SDS.

59
60 Sewage Disposal System (SDS) means a SSDS, cesspool, privy, sewage holding tank, or any
61 other system, or lack thereof, which receives sewage and discharges to the property served.

62
63 Subsurface Sewage Disposal System (SSDS) means a system consisting of a house sewer; a
64 septic tank followed by a leaching system, any necessary pumps and siphons, and any
65 groundwater control systems on which the operation of the leaching system is dependent.

66
67 Subsurface Sewage Disposal System (SSDS) Cleaner means any person offering to the general
68 public services of cleaning or servicing SSDS and is licensed pursuant to Connecticut General
69 Statute Section §20-341e, as amended.

70
71 Subsurface Sewage Disposal System (SSDS) Installer means any person offering to the general
72 public services of construction, installation, repairing, cleaning or servicing SSDS and is licensed
73 pursuant to Connecticut General Statute §20-341e, as amended.

74
75 Town means the Town of Westbrook.

76
77 WPCA means the Westbrook Water Pollution Control Authority.

78
79 **II. Permit Applications.**

80
81 All proposals for new construction, building conversion (winterization), changes in use, repairs to
82 SDS, building additions, accessory structures, sewage disposal area preservation (includes lot line
83 changes) and tear down rebuilds in the Town must include Health Department applications
84 (B100a applications) for site plan review and/or construction permits as required by the DOH, in
85 accordance with the PHC and this Regulation. All approvals required by the DOH shall be
86 obtained prior to issuance of a building permit.

87
88 All submitted applications shall be in accordance with the PHC Section 19-13-B103e (e), the
89 Technical Standards for SSDS and any additional information as required by the DOH and this
90 Regulation. A record drawing as built of all newly constructed and repaired SSDS shall be
91 submitted to the DOH within a reasonable amount of time, as determined by the DOH.

92
93 For seasonal use buildings, no plumbing, insulation or heating permit shall be issued until the
94 application has been reviewed and approved by the DOH per PHC Section 19-13-B100a (b), the
95 Technical Standards for SSDS and this Regulation.

96
97 No requests for lot line changes, storm water structures, or other activities performed that affects
98 soil characteristics or hydraulic conditions so as to reduce the potential repair area for a SSDS,
99 shall be granted until it has been reviewed and approved by the DOH per PHC Section 19-13-
100 B100a (e), the Technical Standards for SSDS and this Regulation.

102 In addition to the requirements of this Regulation, for SDS under the jurisdiction of the DEEP,
103 pursuant to CT GS 22a-430 and 22a-428, no residential building, residential institution, or
104 nonresidential building shall be constructed in the Town, and no existing SDS for any existing
105 building shall be repaired or modified until an application for a general or individual permit has
106 been submitted to the DEEP.

107
108 **III. Permit to Discharge.**
109

110 In addition to the requirements of PHC Section 19-13-B103e (h), the Technical Standards for
111 SSDS, this Regulation and the plan approved by the DOH each permit to discharge shall:

- 112 A. Be subject to such other requirements and restrictions specified by the DOH and this
113 Regulation.
- 114 B. Specify exceptions granted from any of the requirements of PHC Section 19-13-B103d.
- 115 C. The DOH may edit and create forms as needed.

116
117 **IV. Design and Construction of SSDS.**
118

119 All new SSDS and upgrades or repairs to existing SDS in the Town shall be designed and
120 constructed in compliance with the PHC and this Regulation.

121
122 A. New Construction:

123 In addition to the requirements of PHC Section 19-13-B103d the following shall apply:

- 124 1. Prior to the issuance of a building permit for any new structure requiring a SSDS, a
125 plan to construct a new SSDS shall be prepared by a professional engineer and shall
126 be submitted to and approved by the DOH.
- 127 2. Such plan shall include an improvement location survey and all information
128 necessary to assure compliance with the requirements of the PHC and this
129 Regulation. The plan shall include all soil testing done on the property.
- 130 3. Following construction and final inspection of the SSDS, a record plan of the SSDS
131 as built shall be certified by the designing professional engineer as meeting the
132 requirements of the approved plan, this Regulation, and the PHC. The record
133 drawing as built shall be submitted to the DOH within a reasonable amount of time.
134 The DOH shall determine the amount of time.

135
136 B. Repairs to Existing SDS:

137 In addition to the requirements of PHC Section 19-13-B103d the following shall apply:

- 138 1. Application for the repair of an existing SDS shall be submitted to the DOH
139 accompanied by a scaled plan showing all soil testing done on the property, and all
140 information necessary to assure compliance with the requirements of the PHC and
141 this Regulation.
- 142 2. The proposed repair plan shall meet all the requirements of the PHC and this
143 Regulation, or the applicant shall request variances and/or exceptions to the PHC as
144 needed. No construction shall begin on the repair until the DOH has approved the
145 application and issued the permit.
- 146 3. Following installation and final inspection of the SSDS, a record plan of the SSDS as
147 built shall be provided to the DOH within a reasonable amount of time. The DOH
148 shall determine the amount of time.

149
150 **V. B100a Activities**
151

152 All PHC Section 19-13-B100a activities namely building conversions / changes in use, building

153 additions, attached or detached garages, accessory structures, below or above ground pools,
154 sewage disposal area preservation and tear-down rebuilds in the Town shall be in compliance
155 with the PHC and this Regulation. Refer to PHC Section 19-13-B100a (a) for definitions. All
156 B100a activities require a B100a application.
157

158 A. Building conversion (Winterization), change in use. In addition to the requirements of PHC
159 Section 19-13-B100a (b) the following shall apply:

160 1. Building conversion (Winterization):

- 161 a. The application shall include a plan prepared by a professional engineer, an
162 improvement location survey, and all information necessary to assure compliance
163 with the requirements of the PHC and this Regulation for a 100% code compliant
164 SSDS except for the 100% reserve area and shall have no well exceptions.
- 165 b. The proposed SSDS shall be installed according to the plan approved by the DOH.
- 166 c. Following construction and final inspection of the SSDS, a record plan of the SSDS
167 as built shall be certified by the designing professional engineer as meeting the
168 requirements of the approved plan, this Regulation, and the PHC. The record
169 drawing as built shall be submitted to the DOH within a reasonable amount of time.
170 The DOH shall determine the amount of time.

171 2. Change in Use:

- 172 a. If the proposed change in use results is less than a 50% design flow increase and/or
173 ELA increase:
 - 174 i. The applicant must show that the existing SDS is neither failed nor
175 malfunctioning, and that maintenance has been performed within the past
176 five years, otherwise no approvals shall be granted.
 - 177 ii. Any cesspools or metal tanks in the existing SDS must be removed and
178 repaired in accordance with the PHC and this regulation prior to approval of
179 the B100a permit and/or building permit.
- 180 b. If the proposed change in use results in a 50% or greater design flow increase and/or
181 ELA increase:
 - 182 i. The applicant shall show that the existing SDS is neither failed nor
183 malfunctioning, and that maintenance has been performed within the past
184 five years, otherwise no approvals will be granted.
 - 185 ii. Any cesspools or metal tanks in the existing SDS must be removed and
186 repaired in accordance with the PHC and this Regulation.
 - 187 iii. The applicant must **install a new SSDS that meets all the requirements of**
188 **the PHC and this Regulation for a new SSDS, except for the 100%**
189 **reserve area or add onto the existing SSDS to bring it into compliance**
190 **with the PHC and this Regulation.**

191
192 B. Building Additions: In addition to the requirements of the PHC Section 19-13-B100a (c) the
193 following shall apply:

194 1. A proposed building addition without a change in use (design flow or ELA increase,
195 number of bedrooms for residential buildings or gallons discharged per day for
196 commercial buildings) shall require the following:

- 197 a. The applicant shall show that the existing system is neither failed nor malfunctioning,
198 and that maintenance has been performed within the past five years, otherwise no
199 approvals will be granted.
- 200 b. If the existing system includes either a cesspool or a metal tank, those structures shall
201 be removed and repaired in accordance with the PHC and this Regulation.

202 2. A proposed building addition with a change in use (design flow or ELA increase, number
203 of bedrooms for residential buildings or gallons discharged per day for commercial

204 buildings) that results in less than a 50% design flow and/or ELA increase shall require
205 the following:

- 206 a. The applicant shall show that the existing SDS is neither failed nor malfunctioning,
207 and that maintenance has been performed within the past five years, otherwise no
208 approvals will be granted.
- 209 b. Any cesspools or metal tanks in the existing SDS must be removed and repaired in
210 accordance with the PHC and this Regulation.
- 211 c. The applicant must be able to demonstrate a code complying area.
- 212 3. A proposed building addition with a change in use (design flow and/or ELA increase,
213 number of bedrooms for residential buildings or gallons discharged per day for
214 commercial buildings) that results in a 50% or greater design flow and/or ELA increase
215 shall require the following:
- 216 a. The applicant shall show that the existing SDS is neither failed nor malfunctioning,
217 and that maintenance has been performed within the past five years, otherwise no
218 approvals will be granted.
- 219 b. Any cesspools or metal tanks in the existing SDS must be removed and repaired in
220 accordance with the PHC and this Regulation.
- 221 c. The applicant must **install a new SSSDS that meets all the requirements of the**
222 **PHC and this Regulation for a new SSSDS, except for the 100% reserve area or**
223 **add onto the existing SSSDS to bring it into compliance with the PHC and this**
224 **Regulation.**

225

226 C. Attached or detached garages, accessory structures, below or above ground pools. In addition
227 to the requirements of the PHC Section 19-13-B100a (d) the following shall apply:

- 228 1. The applicant shall show that the existing SDS is neither failed nor malfunctioning and
229 that maintenance has been performed within the last five years, otherwise no approvals
230 will be granted.

231

232 D. Teardown/Rebuilds of Existing Buildings: All teardown/rebuilds will require a B100a
233 application submitted to the DOH, as follows:

- 234 1. Application to rebuild on the same footprint with the same design flow, same total square
235 footage and no winterization (if property is seasonal):
- 236 a. The application will require a design plan or scaled drawing showing all existing soil
237 testing done on the property, the existing SDS, all building plans and footprints,
238 water service, subsurface drainage, storm water units, and all maintenance reports for
239 the SDS. If soil data is not available the property owner shall perform soil testing.
- 240 b. The applicant shall show that the existing SDS is neither failed nor malfunctioning,
241 and maintenance has been performed within the past five years, otherwise no
242 approvals will be granted.
- 243 c. If the existing SDS includes either a cesspool or metal tank then, those structures
244 shall be removed and repaired in accordance with the PHC and this Regulation.
- 245 2. Teardown/rebuilds with additions, with or without a change in use (design flow increase),
246 or with winterization of a seasonal dwelling, shall be treated as a B100a application
247 depending upon the proposed changes. See applicable Sections.
- 248 3. In the case of a natural disaster exceptions may be granted by the DOH.

249

250 **VI. Registration of SSSDS Cleaners and SSSDS Installers.**

251

252 Any SSSDS cleaner or SSSDS installer providing services under this Regulation shall be licensed by
253 the State of Connecticut and be registered in accordance with the DOH and the Town.
254 Registration shall include acknowledgement that this Ordinance and Regulation have been

255 received and reviewed.

256
257 **VII. Maintenance and Reporting.**
258

- 259 A. All SDS located in the Town, including those under the jurisdiction of the DEEP shall be
260 maintained within the scope of this regulation commencing on the Effective Date of this
261 Ordinance. In addition to the requirements of the PHC Section 19-13-B103c (e),
262 maintenance shall include the following:
- 263 1. A visual evaluation of the integrity of the septic tank or other sewage receiving structure
264 for water tightness, or evidence of damage to the structure;
 - 265 2. Reporting the material the structure is made of (i.e. metal, plastic, or concrete); and the
266 structure serviced (tank, cesspool, or dry well);
 - 267 3. The verification of appropriate and structurally sound covers or other safety devices over
268 inspection ports and inlet and outlet baffles;
 - 269 4. The cleaning of the outlet filter if present;
 - 270 5. The measurement in inches of sludge and scum layers;
 - 271 6. A report of the number of gallons pumped from the tank or other sewage receiving
272 structure.
- 273 B. The SSDS cleaner or SSDS installer shall file reports as required by the DOH and the WPCA
274 within thirty (30) calendar days of such maintenance (cleaned, pumped out, and inspected),
275 using a reporting system as prescribed by the DOH and the WPCA.
- 276 C. All SDS maintenance (pump out, cleaning, inspections, etc.) shall be reported to the Town
277 regardless of the frequency.
- 278 D. The Town shall send out notification letters from time to time that maintenance is due, with a
279 deadline for compliance, based on the latest reported maintenance in the Town records. For
280 property owners who occupy their homes or place of business on a seasonal basis,
281 maintenance shall be scheduled to allow the service to be performed while their home or
282 business is occupied. Compliance is the sole responsibility of the property owner.
- 283 E. The DOH may require more frequent maintenance when warranted. Properties which may
284 require more frequent maintenance include, but are not limited to, food service
285 establishments, marinas, institutional establishments, day care facilities and multi-family
286 dwellings. More frequent maintenance may be required if the SDS is undersized for the use.
287 Conversely, the DOH may modify the required maintenance frequency if it is determined that
288 a pump out is not necessary every five (5) years. The DOH shall have the right to observe
289 any maintenance performed.
- 290 F. The SSDS cleaner or SSDS installer shall notify the DOH within five (5) calendar days if in
291 the course of the maintenance there is found evidence of a failure or malfunction of the
292 system.
- 293 G. During the septic tank inspection, if it is determined that the septic tank requires the addition
294 of risers or safety lids, or the repair of baffles or filters, the contractor shall report this on the
295 inspection report. The DOH shall notify the owner via certified mail that such repairs must
296 be made within thirty (30) days from the date of notification.

297
298 **VIII. Water Usage.**
299

300 The DOH is authorized to obtain from any water company providing water service to users of the
301 Town, any necessary records to determine the consumption of water by customers of such
302 companies.

303
304 **IX. Public Information.**
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306 The WPCA and the DOH may develop a public information program including, but not limited
307 to, the recommended use, operation and maintenance of SDS, and describing the implementation
308 in this Regulation.
309

310 **X. Enforcement.**
311

- 312 A. Enforcement of this Regulation and of the PHC shall be the responsibility of the DOH, in
313 accordance with CGS 19a-207.
314 B. If a SDS is determined by the DOH to be failed or malfunctioning, or if the scheduled
315 maintenance of the system provided for in Section F of this Regulation is not performed, the
316 following actions may be taken by the DOH :
- 317 1. The permit to discharge may be revoked or suspended and the property owner served by
318 said SDS shall be given a notice of such revocation or suspension by issuance of a Notice
319 of Violation and an Abatement Order. Copies of the Notice of Violation and Abatement
320 Order may be filed in the Westbrook Land Records.
 - 321 2. When the Notice of Violation and Abatement Order have been fully complied with, a
322 new permit to discharge may be reinstated.
 - 323 3. The DOH shall have the right to seek judicial relief to enforce the Notice of Violation and
324 Abatement Orders and to seek such other relief at law or equity, in accordance with the
325 provisions of the CGS 19a-230, the PHC or this Regulation.
326

327 **XI. Right of Appeal.**
328

329 Any property owner who has been issued a Notice of Violation and/or Abatement Order by the
330 DOH shall have the right to appeal said Notice to the Commissioner of Public Health of the State
331 of Connecticut pursuant to the provisions of Section 19a-229 of the Connecticut General Statutes.
332

333 **XII. Fines and Penalties.**
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335 Civil penalties shall be imposed in accordance with Section 19a-230 of the Connecticut General
336 Statutes.
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