

8

**RESTRICTIVE PRIVATE BUSINESSES FROM SEWAGE PROCESSING
CAUCUS ROOM, 3RD FLOOR, CITY HALL
22-SEPT-2011**

Chairman, Joseph Cavo called the meeting to order at 5:40pm.

COMMITTEE MEMBERS PRESENT: Joseph Cavo, Committee Chairman, Jack Knapp, Gregg Seabury, Thomas Saadi, and Fred Visconti. Ex Officio Members: Don Taylor, Ben Chianese, Paul Rotello, Duane Perkins, and Nancy Deep Damici.

ALSO PRESENT: Robin Edwards, Assistant Corporation Counsel, Dennis Elpern, Director Planning and Zoning, Sharon Calitro, Deputy Planning Director, and David Day, Superintendent of Public Utilities .

After making introductions and reminding those present that this is a continuation of meeting from 23-Aug-2011, Chairman Cavo asked Ms. Edwards to review the proposed changes to the current city ordinance. Attorney Edwards reviewed the changes in section 16-4, 16-1(2), 16-1 (10) and 15. The changes define terms and clarify the permit requirements for those wishing to transport and dispose of septage in Danbury. In addition, the term Common Council will be changed to City Council where it appears. Discussion ensued regarding the changes. Mr. Saadi asked that the term Danbury Sewage Treatment Facility be defined. Chairman Cavo was pleased with the changes and stated that by adding two words the City Council was able to address the concern which was brought to the City Council. Further, discussion regarding the permit fee took place. Attorney Edwards confirmed that there is no change to the permit or the annual fee. The discussion continued and included transportation to other facilities outside of Danbury, the number of permitted haulers, in-area versus out-of-area haulers and the current rates.

Chairman Cavo then asked Mr. Elpern to explain the activity in the Planning and Zoning Commission regarding this issue. Mr. Elpern stated that regulation and amendments intended to define sewage treatment facilities consistent with the Code of Ordinance have been prepared for the Commission to review. These changes are not directed at any individual or entity. The Commission will hear the proposed changes at their next meeting but generally take action at the following meeting.

Mr. Saadi moved that this committee recommend to the City Council as a whole the passage of drafted amended ordinances with amendments to the definition section as discussed in this committee. The motion was seconded by Fred Visconti. Vote, all in favor, motion unanimously approved.

8-1

As there was no further business before the committee, Gregg Seabury moved to adjourn the meeting. Fred Visconti seconded the motion. Vote, all in favor, motion unanimously approved. The meeting adjourned at 6:00pm

Respectfully Submitted,

Joseph Cavo, Committee Chairman

Jack Knapp

Gregg Seabury

Thomas Saadi

Fred Visconti



ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT
CITY COUNCIL

_____ A.D. 2011

Be it ordained by the City Council of the City of Danbury:

That Section 16-1 of the Code of Ordinances of Danbury, Connecticut, is hereby amended to read as follows:

Sec. 16-1. - Definitions.

Where and as the context will admit, the following terms, as used in this chapter, shall have the meanings hereafter indicated.

(1) *Sewage* shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments. Sewage may be further classified as follows:

(2) *Sanitary sewage* shall mean the common waste water and water-carried wastes from human dwellings and from toilet and lavatory fixtures, kitchens, laundries, and similar facilities of business and industrial buildings. In general, sanitary sewage shall not include storm water from roofs, yards, streets or open places, water from land surfaces or brooks, clean overflows from springs, wells, large volumes of subsoil drainage, large volumes of clean water from air-conditioning or other cooling or condensing facilities, clean waste water from hydraulically operated contrivances and those wastes included within the definition of "industrial wastes." Sewage shall also mean sludge or any effluent produced from subsurface sewage disposal systems.

(3) *Industrial wastes* shall include the liquid or water-carried wastes of any industrial process not clearly included within the definitions of sanitary sewage, storm water, cooling water or subsoil drainage herein. In general, waste waters carrying any quantity of oils, greases, fats, abrasives, chemicals, residues of manufacturing processes, wastes from dye-baths, felting or fur processing, from slaughterhouses or meat processing plants, and similar substances, whether dissolved, in suspension or mechanically carried by water, shall be considered as industrial wastes.

(4) *Storm water* shall include the runoff or discharge of rain and melted snow or other clean water from roofs, surfaces of public or private lands or elsewhere. It shall not include the flow of any natural watercourse even though such flow is augmented by above defined "storm water." In general, storm water shall include only water which is sufficiently clean and unpolluted to admit of being discharged, without treatment or purification, into any natural watercourse without offense.

(5) *Cooling water* shall include the clean waste water from air-conditioning, industrial cooling, condensing and similar apparatus and from hydraulically-powered equipment. In general, cooling water will include only water which is sufficiently clean and unpolluted to admit of being discharged, without treatment or purification, into any natural watercourse without offense.

(6) *Seepage or subsoil drainage* shall include water from soil percolating into subsoil drains and through foundation wall, basement floors, or underground pipes or from similar sources.

(7) *Garbage* shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.

(8) *Properly shredded garbage* shall mean the garbage as mentioned in subsection (7) above, which has been shredded or ground to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in any dimension.

(9) *Building sewer* shall mean the extension from the building drain to the public sewer or other place of disposal.

(10) *Sewage works*. All municipal facilities, including but not limited to the Danbury Sewage Treatment Facility, owned or operated by the City of Danbury for the purpose of collecting, pumping, treating and disposing of sewage.

(11) *Sewer* shall mean the main pipe or conduit, manholes and other structures and equipment thereto appurtenant, provided to carry sewage, industrial wastes, storm water, cooling water or similar wastes, subject, in each particular, to the purposes and limitations imposed upon the particular sewer.

(12) *Sanitary sewer* shall mean a sewer intended to convey only sanitary sewage, or if so stipulated with respect to the particular sewer, sanitary sewage plus industrial or other wastes. In general, sanitary sewers shall not be intended to convey storm water nor more than very small quantities of cooling water.

(13) *Storm drain* shall mean a sewer or drain, with appurtenances, provided and intended for the conveyance of storm water with and without other clean waste waters as may have been stipulated for any particular drain or sewer.

(14) *Combined sewer* shall mean a sewer provided and intended to convey, in the same pipe, both sanitary and storm water.

(15) *The City Council* shall mean the duly authorized body of elected officials responsible for operation of the sewerage works of the City acting by or through its officers as may be proper in the particular instance. The City Council shall act as the water pollution control authority in accordance with Chapter 103 of the Connecticut General Statutes.

(16) *Superintendent* shall mean the appointed head of the public utility department acting under the authority of the City Council or his authorized deputy, agent, or representative.

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

(18) *Owner* shall include the owner in fee in any real estate and also all tenants, lessees or others in control or possession and use of property in question.

COPY SHOWING DELETIONS AND NEW LANGUAGE

Sec. 16-1. - Definitions.

Where and as the context will admit, the following terms, as used in this chapter, shall have the meanings hereafter indicated.

(1) *Sewage* shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments. Sewage may be further classified as follows:

(2) *Sanitary sewage* shall mean the common waste water and water-carried wastes from human dwellings and from toilet and lavatory fixtures, kitchens, laundries, and similar facilities of business and industrial buildings. In general, sanitary sewage shall not include storm water from roofs, yards, streets or open places, water from land surfaces or brooks, clean overflows from springs, wells, large volumes of subsoil drainage, large volumes of clean water from air-conditioning or other cooling or condensing facilities, clean waste water from hydraulically operated contrivances and those wastes included within the definition of "industrial wastes."

SEWAGE SHALL ALSO MEAN SLUDGE OR ANY EFFLUENT PRODUCED FROM SUBSURFACE SEWAGE DISPOSAL SYSTEMS.

(3) *Industrial wastes* shall include the liquid or water-carried wastes of any industrial process not clearly included within the definitions of sanitary sewage, storm water, cooling water or subsoil drainage herein. In general, waste waters carrying any quantity of oils, greases, fats, abrasives, chemicals, residues of manufacturing processes, wastes from dye-baths, felting or fur processing, from slaughterhouses or meat processing plants, and similar substances, whether dissolved, in suspension or mechanically carried by water, shall be considered as industrial wastes.

(4) *Storm water* shall include the runoff or discharge of rain and melted snow or other clean water from roofs, surfaces of public or private lands or elsewhere. It shall not include the flow of any natural watercourse even though such flow is augmented by above defined "storm water." In general, storm water shall include only water which is sufficiently clean and unpolluted to admit of being discharged, without treatment or purification, into any natural watercourse without offense.

(5) *Cooling water* shall include the clean waste water from air-conditioning, industrial cooling, condensing and similar apparatus and from hydraulically-powered equipment. In general, cooling water will include only water which is sufficiently clean and unpolluted to admit of being discharged, without treatment or purification, into any natural watercourse without offense.

(6) *Seepage or subsoil drainage* shall include water from soil percolating into subsoil drains and through foundation wall, basement floors, or underground pipes or from similar sources.

(7) *Garbage* shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.

(8) *Properly shredded garbage* shall mean the garbage as mentioned in subsection (7) above, which has been shredded or ground to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in any dimension.

(9) *Building sewer* shall mean the extension from the building drain to the public sewer or other place of disposal.

(10) *Sewage works.* ~~shall mean all the facilities of the city for collecting, pumping, treating and disposing of wastes~~ ALL MUNICIPAL FACILITIES, INCLUDING BUT NOT LIMITED TO THE DANBURY SEWAGE TREATMENT FACILITY, OWNED OR OPERATED BY THE CITY OF DANBURY FOR THE PURPOSE OF COLLECTING, PUMPING, TREATING AND DISPOSING OF SEWAGE.

(11) *Sewer* shall mean the main pipe or conduit, manholes and other structures and equipment thereto appurtenant, provided to carry sewage, industrial wastes, storm water, cooling water or similar wastes, subject, in each particular, to the purposes and limitations imposed upon the particular sewer.

(12) *Sanitary sewer* shall mean a sewer intended to convey only sanitary sewage, or if so stipulated with respect to the particular sewer, sanitary sewage plus industrial or other wastes. In general, sanitary sewers shall not be intended to convey storm water nor more than very small quantities of cooling water.

(13) *Storm drain* shall mean a sewer or drain, with appurtenances, provided and intended for the conveyance of storm water with and without other clean waste waters as may have been stipulated for any particular drain or sewer.

(14) *Combined sewer* shall mean a sewer provided and intended to convey, in the same pipe, both sanitary and storm water.

(15) ~~The common~~ CITY council shall mean the duly authorized body of elected officials responsible for operation of the sewerage works of the city acting by or through its officers as may be proper in the particular instance. The common council shall act as the water pollution control authority in accordance with Chapter 103 of the Connecticut General Statutes.

(16) *Superintendent* shall mean the appointed head of the public utility department acting under the authority of the ~~common~~ CITY council or his authorized deputy, agent, or representative.

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

(18) *Owner* shall include the owner in fee in any real estate and also all tenants, lessees or others in control or possession and use of property in question

Note: New language is indicated by CAPITALIZATION COMBINED WITH UNDERLINING except that capitalization is not utilized for the letters in parentheses which indicate subsections.

Deleted language is indicated by strikeouts.



ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

CITY COUNCIL

_____ A.D. 2011

Be it ordained by the City Council of the City of Danbury:

That Section 16-14 of the Code of Ordinances of Danbury, Connecticut, is hereby amended to read as follows:

Sec. 16-14. - Septage treatment rules, regulations and fees.

(a) *Applicability.* This section shall govern the removal, transportation and disposal of all materials removed from any septic tank, cesspool, privy and/or subsurface sewage disposal system, hereafter known as "septage." This section provides minimum standards for the removal and disposal of septage in accordance with Sections 19-13-B104b and 19-13-B104c of the Regulations of Connecticut State Agencies.

(b) *Permit procedures:*

(1) In accordance with subparagraph 19-13-B104c(b)(2)(B) of the Regulations of Connecticut State Agencies, all septic haulers wishing to dispose of septage within Danbury shall first obtain an annual permit from the director of health or his agent. Said permit shall authorize and require (i.e. mandate, zoning regulations to be amended to specify that the WWTP is the sole authorized sewage treatment plant in the City) the permit holder to transport septage to and dispose of said material at the Danbury Sewage Treatment Facility. The permit application shall require presentation of a valid subsurface sewage disposal system cleaner's or installer's license.

(2) In addition to the annual permit required pursuant to subsection (1) above, any hauler authorized to dispose of septage waste at the Danbury Sewage Treatment Facility pursuant to said subsection shall, prior to such disposal, obtain an individual septage discharge permit for each location from which the septage originates.

(c) *Disposal procedures:*

(1) Each municipally authorized septic hauler shall obtain a sticker, issued by the City of Danbury, which shall be displayed upon each vehicle of each such hauler. The stickers shall include the name of the permittee, the date of expiration of the annual permit, the permit number, and the current motor vehicle registration number of the permittee's vehicle.

(2) All vehicles used for the collection and transportation of septage shall bear the name of the hauler conducting such activities. Such vehicle shall be maintained in a clean exterior condition at all times.

(3) Two (2) of the four (4) copies of each septage discharge permit shall be given to the operator of the Danbury Sewage Treatment Facility prior to discharge. A copy of the septage discharge permit shall be retained by the hauler and the final copy shall be forwarded by the hauler to the property owner involved.

(4) The septic waste disposal area at the Danbury Sewage Treatment Facility shall be open during such times and shall be subject to such reasonable regulations as may be established by the superintendent of public utilities to ensure the safe, sanitary and efficient operation of said facility. A schedule of daily hours of operation shall be posted at the Danbury Department of Public Works and at the Danbury Sewage Treatment Facility. The superintendent of public utilities shall establish procedures for handling emergencies requiring immediate use of the Danbury Sewage Treatment Facility. In such cases of emergency, a fee of one hundred dollars (\$100.00) shall be charged in addition to the regular disposal fee.

(5) The City of Danbury shall accept only liquid septic waste pumped from tanks or other approved containers.

(6) Industrial waste shall not be accepted.

(7) Upon request, any hauler shall provide a sample of any load delivered to the Danbury Sewage Treatment Facility for disposal. The city reserves the right to inspect and analyze the contents of any such load.

(8) No septage shall be accepted without the permits required hereunder and until the proper forms have been filled out at the Danbury Sewage Treatment Facility and approval is given by the sewage treatment facility operator. The City of Danbury reserved the right to verify any information provided by a hauler including, but not limited to, the origin of any load to be disposed of at the treatment facility.

(d) *Payment procedure.* Haulers shall be billed monthly for their use of the Danbury Sewage Treatment Facility based upon a formula provided for in paragraph (f) hereof. Payment shall be made within thirty (30) days of billing.

(e) *Penalty for violation.* Failure to comply with the provisions hereof may result in suspension or termination of the hauler's annual permit to dispose of septic waste. Any hauler whose permit has been suspended or terminated pursuant to this section shall upon written request be entitled to a hearing thereon.

(f) *Fees.* Fees for the disposal of septage at the Danbury Sewage Treatment Facility shall be calculated in accordance with the further provisions hereof. The fee for the disposal of septage that originates from within the municipalities of Danbury, Bethel, Brookfield, New Fairfield, Redding, Newtown or Bridgewater shall be calculated in accordance with the formula described in Schedule A of the "Interlocal Agreement for disposal of septage Waste," dated November 6, 1984, among the City of Danbury and the towns of new Fairfield, Redding, Newtown, Bridgewater and Brookfield. The fee for the disposal of septage that originates from other locations shall be equal to one hundred and fifty (150) percent of the fee calculated in accordance with said formula.

(g) *Due date; delinquency; penalty.* If any fee is not paid in full within thirty (30) days of billing in accordance with subsection (d), the whole or such part of such fee as is unpaid shall thereupon be delinquent and shall be subject to interest from the due date of such delinquent fee. The delinquent portion of the fee shall be subject to interest at the rate of eighteen (18) per cent per annum from the time it became due and payable until the same is paid.

COPY SHOWING DELETIONS AND NEW LANGUAGE

Sec. 16-14. - Septage treatment rules, regulations and fees.

(a) *Applicability.* This section shall govern the removal, transportation and disposal of all materials removed from any septic tank, cesspool, privy and/or subsurface sewage disposal system, hereafter known as "septage." This section provides minimum standards for the removal and disposal of septage in accordance with Sections 19-13-B104b and 19-13-B104c of the Regulations of Connecticut State Agencies.

(b) *Permit procedures:*

(1) In accordance with subparagraph 19-13-B104c(b)(2)(B) of the Regulations of Connecticut State Agencies, all septic haulers wishing to dispose of septage within Danbury shall first obtain an annual permit from the director of health or his agent. Said permit shall authorize AND REQUIRE (I.E. MANDATE, ZONING REGULATIONS TO BE AMENDED TO SPECIFY THAT THE WWTP IS THE SOLE AUTHORIZED SEWAGE TREATMENT PLANT IN THE CITY) the permit holder to transport septage to and dispose of said material at the Danbury Sewage Treatment Facility. The permit application shall require presentation of a valid subsurface sewage disposal system cleaner's or installer's license.

(2) In addition to the annual permit required pursuant to subsection (1) above, any hauler authorized to dispose of septage waste at the Danbury Sewage Treatment Facility pursuant to said subsection shall, prior to such disposal, obtain an individual septage discharge permit for each location from which the septage originates.

(c) *Disposal procedures:*

(1) Each municipally authorized septic hauler shall obtain a sticker, issued by the City of Danbury, which shall be displayed upon each vehicle of each such hauler. The stickers shall include the name of the permittee, the date of expiration of the annual permit, the permit number, and the current motor vehicle registration number of the permittee's vehicle.

(2) All vehicles used for the collection and transportation of septage shall bear the name of the hauler conducting such activities. Such vehicle shall be maintained in a clean exterior condition at all times.

(3) Two (2) of the four (4) copies of each septage discharge permit shall be given to the operator of the Danbury Sewage Treatment Facility prior to discharge. A copy of the septage discharge permit shall be retained by the hauler and the final copy shall be forwarded by the hauler to the property owner involved.

(4) The septic waste disposal area at the Danbury Sewage Treatment Facility shall be open during such times and shall be subject to such reasonable regulations as may be established by the superintendent of public utilities to ensure the safe, sanitary and efficient operation of said facility. A schedule of daily hours of operation shall be posted at the Danbury Department of Public Works and at the Danbury Sewage Treatment Facility. The superintendent of public utilities shall establish procedures for handling

emergencies requiring immediate use of the Danbury Sewage Treatment Facility. In such cases of emergency, a fee of one hundred dollars (\$100.00) shall be charged in addition to the regular disposal fee.

(5) The City of Danbury shall accept only liquid septic waste pumped from tanks or other approved containers.

(6) Industrial waste shall not be accepted.

(7) Upon request, any hauler shall provide a sample of any load delivered to the Danbury Sewage Treatment Facility for disposal. The city reserves the right to inspect and analyze the contents of any such load.

(8) No septage shall be accepted without the permits required hereunder and until the proper forms have been filled out at the Danbury Sewage Treatment Facility and approval is given by the sewage treatment facility operator. The City of Danbury reserved the right to verify any information provided by a hauler including, but not limited to, the origin of any load to be disposed of at the treatment facility.

(d) *Payment procedure.* Haulers shall be billed monthly for their use of the Danbury Sewage Treatment Facility based upon a formula provided for in paragraph (f) hereof. Payment shall be made within thirty (30) days of billing.

(e) *Penalty for violation.* Failure to comply with the provisions hereof may result in suspension or termination of the hauler's annual permit to dispose of septic waste. Any hauler whose permit has been suspended or terminated pursuant to this section shall upon written request be entitled to a hearing thereon.

(f) *Fees.* Fees for the disposal of septage at the Danbury Sewage Treatment Facility shall be calculated in accordance with the further provisions hereof. The fee for the disposal of septage that originates from within the municipalities of Danbury, Bethel, Brookfield, New Fairfield, Redding, Newtown or Bridgewater shall be calculated in accordance with the formula described in Schedule A of the "Interlocal Agreement for disposal of septage Waste," dated November 6, 1984, among the City of Danbury and the towns of new Fairfield, Redding, Newtown, Bridgewater and Brookfield. The fee for the disposal of septage that originates from other locations shall be equal to one hundred and fifty (150) percent of the fee calculated in accordance with said formula.

(g) *Due date; delinquency; penalty.* If any fee is not paid in full within thirty (30) days of billing in accordance with subsection (d), the whole or such part of such fee as is unpaid shall thereupon be delinquent and shall be subject to interest from the due date of such delinquent fee. The delinquent portion of the fee shall be subject to interest at the rate of eighteen (18) per cent per annum from the time it became due and payable until the same is paid.

Note: New language is indicated by CAPITALIZATION COMBINED WITH UNDEFINING except that capitalization is not utilized for the letters in parentheses which indicate subsections.

Deleted language is indicated by strikeouts.