

OSWPCA COMMUNITY SEWERAGE SYSTEM ADMINISTRATIVE POLICY
January 11, 2010

Introduction

The Old Saybrook Water Pollution Control Authority (hereafter referred to as the OSWPCA), as stated in Connecticut General Statute 7-246f of the Community Sewage Systems section, may ensure the effective management of a community sewerage system (the “System”). The ownership and management of the System shall meet the following requirements, including but not limited to: the owners of all properties served by the System shall be members of a property owners' association; the association shall have the authority and the responsibility to operate, maintain, repair and improve the System in accordance with requirements that will prevent pollution of the waters of the state; the association shall assure the availability of funds for the continued operation, maintenance, repair and improvement of the System; and prior to any wastewater discharge, the association shall file documents establishing its duties and powers on the land records. The association shall obtain from the Connecticut Department of Environmental Protection (“CTDEP”) a permit to discharge wastewater as provided by Section 22a-430 of the General Statutes, and certify to the OSWPCA and the building official that a permit to discharge has been obtained. Notwithstanding the foregoing, property owners or developers (collectively, “Owners”) that develop community sewerage systems in the Town of Old Saybrook are also subject to this policy.

Further, if the Owner or association owning the community sewerage system fails to take any action in accordance with the requirements of this policy, a Community Sewerage System Agreement (as provided below), or the conditions of the CTDEP discharge permit, the OSWPCA may take action to ensure the effective operation of the System. The OSWPCA may recover the cost of any action pursuant to the CT General Statutes, including by levying assessments against the properties served by the System. Control over the operation, maintenance, repair and improvement of the System shall be returned to the association or Owner, upon adequate assurances that such requirements have been met.

This policy reflects the requirements of the Connecticut General Statutes and provides for fiduciary responsibility to and protection for the Town in the form of an executed Community Sewerage System Agreement. Nothing in the policy should be interpreted to mean that the OSWPCA is obligated to enter such Agreement unless, in its sole discretion, it determines to do so.

I. Community Sewerage System Information

A. Information required. The Owner or association will submit (3) paper copies and one electronic copy of the information described below for consideration by the OSWPCA for a Community Sewerage System Agreement (“Agreement”) and Certification under 7-246f(c) of the General Statutes (such information to be submitted at least one (1) week prior to a regularly scheduled meeting of the OSWPCA, at which it will be received), signed by the Applicant or duly authorized agent that includes a statement setting forth a description of the proposed community sewerage system, associated system schematic diagram of the treatment process and

major components, and a detailed cost analysis for the operation and maintenance of the system on an annual basis, and an analysis of repair and replacement costs for the system over its useful life (minimum of 20 years). The information will be reviewed by OSWPCA legal counsel and engineering consultants.

B. Community Sewerage System Agreement. OSWPCA will provide a draft of a proposed Community Sewerage System Agreement which will address the operation, maintenance, repairs and component replacement of the System. Such Agreement will require the association or Owner to provide financial assurance in amounts and in a form acceptable to the OSWPCA, in its sole discretion.

II. Technical and Legal Review

A. A technical and legal review will be conducted by OSWPCA engineering and legal consultants to evaluate the System and determine or confirm the costs of operation, maintenance, and replacement of components, and to negotiate the Community Sewerage System Agreement with the Owner or association. OSWPCA will provide an estimate of costs for such review. The applicant will pay the estimated cost of the technical and legal review, times one hundred fifty percent (150%), and deposit this “fee on account” with the OSWPCA before the review of the information commences. Upon completion of the technical and legal review and final action by the OSWPCA, the OSWPCA will determine the actual costs incurred for the professional review and refund any excess monies to the applicant. The Owner or association will not be responsible for technical or legal review that exceeds one hundred fifty percent (150%) of the fee on account.

B. This policy and the development and negotiation of the Community Sewerage System Agreement shall not be subject to the provisions of § 7-246a of the General Statutes. Notwithstanding the foregoing, the information will be processed in a timely manner for consideration in negotiating the Agreement.

C. The OSWPCA will consider a waiver of technical and legal review fees for municipal, State, or qualified non-profit Owners or associations.

III. Agreement

A. Subject to the successful negotiation of an Agreement (in the sole discretion of the OSWPCA), the OSWPCA may execute an Agreement with the Owner or association, and after financial assurance instruments are in place (as and if provided in the Agreement), the Agreement shall be evidence of the certificate required by the Owner or association under § 7-246f(c) of the General Statutes, and may be filed by the Owner or association in connection with obtaining a CTDEP discharge permit.

B. Prior to entering into an Agreement, upon presentation to the OSWPCA of preliminary System information, the OSWPCA may issue a letter of intent to an Owner or association for purposes of such entity applying for a CTDEP discharge permit, indicating to CTDEP that the parties understand an Agreement must be executed prior to CTDEP issuing a discharge permit.