

REGULATIONS FOR EXTENSION, EVALUATION AND USE OF  
MUNICIPAL SANITARY SEWERAGE SYSTEMS  
IN THE TOWN OF BURLINGTON

Adopted By The  
Burlington Water Pollution Control Authority

ARTICLE I  
AUTHORITY

These regulations are established by the Burlington Water Pollution Control Authority (“W.P.C.A.”) in accordance with the provisions of Chapter 103, and specifically Section 7-247, of the Connecticut General Statutes.

ARTICLE II  
PURPOSE

The purposes of these Regulations are to:

- (a) Affirm and declare that the State program and policy of sewer avoidance should be applied to the entire town of Burlington.
- (b) Specifically define the boundaries of Waste Water Management Districts.
- (c) Establish a process to identify, evaluate, and remedy water pollution within the town of Burlington.
- (d) Limit sewer connections, consistent with the policy of sewer avoidance, to those properties and areas determined to require such connections to remediate existing water pollution problems.

ARTICLE III  
SEWER AVOIDANCE POLICY

The Connecticut Department of Environmental Protection, in its January, 1978 “Report To The Joint Standing Committee On The Environment On The Establishment and Administration Of A Municipal And Town Sewer Avoidance Program,” declared sewer avoidance to be a desirable policy in rural communities where sewers do not exist and are not planned. It further recognized that sewer avoidance is a useful and, indeed, necessary tool to control and plan development consistent with historical or planned development patterns in many municipalities. The State of Connecticut has continued to reflect these findings in its Conservation and Development Policies Plan for Connecticut 1992-1997.

The W.P.C.A. affirms and declares that sewer avoidance is appropriate as a policy for the entire town of Burlington. However, the W.P.C.A. also recognizes that a limited extension of municipal sewerage systems may be necessary to correct problems of on-site sewage disposal system failures or groundwater pollution. In an effort to align the regulation of public sewers with the general policy of sewer avoidance, the W.P.C.A. hereby adopts the following principles:

- (a) Public sewers shall not be extended, nor deemed to be available, to undeveloped geographical areas within the town of Burlington.
- (b) Public sewers shall not be extended to any developed geographical areas within the town of Burlington except where pollution presents a substantial health or environmental danger that the W.P.C.A. determines cannot be cost-effectively remedied on-site.
- (c) Town policies that will minimize and prevent future problems with on-site sewage disposal shall be encouraged and supported. These include:
  - (1) Zoning regulations and a Town Plan of Development that will limit new development to that which can be supported by on-site sewage disposal.
  - (2) Vigorous enforcement of State Technical Standards promulgated by the Department of Environmental Protection and the Department of Public Health and Addiction Services for all subsurface sewage disposal systems, whether new, existing, or converted or modified.
- (d) A dynamic On-site Management Plan shall be adopted. The goals of this plan will include:
  - (1) Promoting proper operation of on-site sewage disposal systems through public education.
  - (2) Monitoring on-site systems and their effects on surface water and groundwater.
  - (3) Identifying poorly functioning systems and implementing effective on-site repairs.
  - (4) Implementing alternative solutions if, and only if, repairs are not feasible on-site.

ARTICLE IV  
WASTE WATER MANAGEMENT DISTRICTS

4.1 Except as provided in Article VI of these Regulations, no property located outside the boundaries of a Waste Water Management District, as designated and defined below, shall be allowed to connect to a municipal sewerage system. A Waste Water Management District may include one or more of the following:

- (a) Existing service areas – Areas where buildings are connected to active sanitary sewer service as of the date these Regulations become effective.
- (b) Proposed service areas approved at Town Meeting – Areas which (i) now or subsequently create an immediate or long-term danger to public health or the environment that cannot be remedied on-site in a cost-effective manner due to physical limitations or applicable government regulatory requirements; and (ii) are approved at Town Meeting for designation as a new Waste Water Management District or as an addition to an existing Waste Water Management District.

4.2 The W.P.C.A. hereby designates and defines the following Waste Water Management Districts within the town of Burlington:

- (a) Burlington / Canton District

This District comprises those properties serviced by the existing sanitary sewers connected to the sewerage system of the Town of Canton. The boundaries and specific locations defining this District are shown in Attachment A, which is declared to be an integral part of these regulations.

- (b) Burlington / Bristol District

This District comprises those properties serviced by the existing sanitary sewers connected to the sewerage system of the Town of Bristol. The boundaries and specific locations defining this District are outlined in Attachment B, which is declared to be an integral part of these regulations.

(c) Burlington / Farmington District

This District comprises those properties serviced by the existing sanitary sewers connected to the sewerage system of the Town of Farmington. The boundaries and specific locations defining this District are outlined in Attachment C, which is declared to be an integral part of these regulations. The Proposed Service Area shown on Attachment C has been approved by the W.P.C.A. and shall be added to the Burlington / Farmington District upon approval at Town Meeting.

- 4.3 No area within the town of Burlington shall be designated as a new Waste Water Management District or added to an existing Waste Water Management District unless (i) the W.P.C.A. has first approved the designation of the area as a Proposed Service Area pursuant to these Regulations; and (ii) the designation or addition of the area is considered at and approved by a Town Meeting.

ARTICLE V  
MONITORING AND MAINTENANCE AREAS

- 5.1 The W.P.C.A. may designate certain areas within the town of Burlington as Monitoring and Maintenance Areas where it determines that such areas have either caused or experienced water pollution problems as a result of the operation of subsurface sewage disposal systems, but that such problems may be capable of on-site remediation. One such area is shown on Attachment C and is hereby adopted as a Monitoring and Maintenance Area as of the effective date of these Regulations.
- 5.2 Following the designation of any geographical area as a Monitoring and Maintenance Area, the W.P.C.A. shall attempt to define the scope of the pollution problem and the potential for on-site remediation through the application of an On-Site Management Plan. The W.P.C.A. may have the Monitoring and Maintenance Area evaluated by a licensed engineer or other qualified person in order to determine the degree of pollution, its source and the potential alternatives for remediation.
- 5.3 When the W.P.C.A. determines, as a result of an engineering study or similar data, that pollution within a Monitoring and Maintenance Areas poses an immediate or long-term danger to public health or the environment and that there are no feasible, cost-effective on-site solutions, the W.P.C.A. shall designate the entire area or a portion of the area as a Proposed Service Area and shall refer the matter to the selectmen for the call of a Town Meeting.

- 5.4 If pollution within a Monitoring and Maintenance Area is shown to decrease significantly or to become nonexistent through time or remedy, the W.P.C.A. may rescind its status as a Monitoring and Maintenance Area.
- 5.5 If the W.P.C.A.'s recommendation to designate a Proposed Service Area as a new Waste Water Management District or as an addition to an existing Waste Water Management District is rejected by Town Meeting, the area shall retain its designation as a Proposed Service Area, or may be redesignated by the W.P.C.A. as a Monitoring and Maintenance Area, until Town Meeting approval is obtained or the pollutions has abated.

ARTICLE VI  
CONNECTION TO SEWERS OF CERTAIN PROPERTIES  
NOT LOCATED WITHIN A WASTE WATER MANAGEMENT DISTRICT

As set forth in Article IV of these Regulations, it is the general intention of the W.P.C.A. that no properties other than those included in a designated and defined Waste Water Management District be allowed to connect to a municipal sewerage system, regardless of whether such other properties may be near, abut, or contain any portion of the sewerage system. Nonetheless, the W.P.C.A. may approve the connection to a municipal sewerage system of one or more lots located outside of the boundaries of a Waste Water Management District if, and only if, all of the following criteria have been met:

1. The connection of such lot to the sewerage system must be necessary to remedy the failure of a subsurface sewage disposal system or to prevent the unreasonable pollution of groundwater by the operation of an existing subsurface sewage disposal system on the lot;
2. The W.P.C.A. must be provided with written certifications by a professional engineer properly licensed within the State of Connecticut and by the Town Sanitarian or Health Officer, or a Town consultant having equivalent qualifications, that it is not feasible to repair or replace the failed septic system on-site, or to make such on-site corrections as would be sufficient to prevent the continued unreasonable pollution of groundwater as a result of the operation of the system;
3. The subsurface sewage disposal system at issue must either have been (i) in existence on the date of adoption of these Regulations, or (ii) constructed after the date of adoption of these Regulations in accordance with all then-existing local, state, and federal land-use, health, and environmental laws (including, but not limited to, statutes, ordinances, regulations and codes) ;
4. The lot to be connected to the municipal sewerage system must either abut or be located within two hundred (200) feet of the boundary of a Waste Water Management District;

5. The connection must not require the extension of any existing sewer line by more than two hundred (200) feet or the construction of more than two hundred (200) feet of sewer lateral lines;

6. The W.P.C.A. must find that there is sufficient capacity available in the sewerage system to accommodate the additional wastewater flows; and

7. The entire costs of the connection, including all excavation, construction and material costs, shall be paid by the lot owner.

#### ARTICLE VII ORDERS TO CONNECT

In accordance with Section 7-257 of the Connecticut General Statutes, the W.P.C.A. may order the owner of any building to which the municipal sewerage system is available to connect such building to the system. No such order shall be issued until after a public hearing with respect thereto after due notice in writing to such property owner. Any owner aggrieved by such an order may appeal in accordance with the provisions of the Connecticut General Statutes. If any owner fails to comply with an order to connect, the W.P.C.A. shall cause the connection to be made and shall assess the expense thereof against such owner. It is the intention of the W.P.C.A. that all properties within any Waste Water Management District be connected to the sewerage system within one year after the later of (i) the approval by Town Meeting of the designation of such District, or (ii) the date the sewerage system becomes available for connection.

#### ARTICLE VIII PENALTIES FOR NONCOMPLIANCE

If the W.P.C.A. finds that any connection has been made to the sewerage system in violation of any provision of these Regulations, the W.P.C.A. may order the disconnection of the noncomplying property from the sewerage system, or may issue such other orders or take such other actions as may be allowed by law to bring such property into compliance with these Regulations.

BURLINGTON / CANTON DISTRICT  
ATTACHMENT A

This attachment A is declared to be a integral part of these REGULATIONS FOR EXTENSION, EVALUATION AND USE OF MUNICIPAL SANITARY SEWERAGE SYSTEMS IN THE TOWN OF BURLINGTON.

Adopted by the Burlington Water Pollution Control Authority on January 24, 1995.

AFFECTED STREETS-EXISTING SEWERED PROPERTIES

Arch Street  
Burlington Avenue  
Rock Street  
Claire Hill Road (#10-#79)  
Canton Road (#191-#301)  
Sand Bank Hill Road (#1-#3)

EXISTING SEWERED PROPERTIES

28 ARCH ST	10 CLAIRE HILL RD	69 CLAIRE HILL RD
32 ARCH ST	18 CLAIRE HILL RD	70 CLAIRE HILL RD
41 ARCH ST	22 CLAIRE HILL RD	75 CLAIRE HILL RD
42 ARCH ST	23 CLAIRE HILL RD	79 CLAIRE HILL RD
45 ARCH ST	28 CLAIRE HILL RD	292 CANTON RD
48 ARCH ST	31 CLAIRE HILL RD	301 CANTON RD
49 ARCH ST	34 CLAIRE HILL RD	1 ROCK ST
55 ARCH ST	40 CLAIRE HILL RD	3 ROCK ST
58 ARCH ST	42 CLAIRE HILL RD	5 ROCK ST
61 ARCH ST	43 CLAIRE HILL RD	7 ROCK ST
67 ARCH ST	48 CLAIRE HILL RD	9 ROCK ST
8 BURLINGTON AVE	49 CLAIRE HILL RD	11 ROCK ST
14 BURLINGTON AVE	50 CLAIRE HILL RD	20 ROCK ST
24 BURLINGTON AVE	54 CLAIRE HILL RD	1 SAND BANK HILL RD
38 BURLINGTON AVE	55 CLAIRE HILL RD	3 SAND BANK HILL RD
44 BURLINGTON AVE	56 CLAIRE HILL RD	
56 BURLINGTON AVE	58 CLAIRE HILL RD	
60 BURLINGTON AVE	62 CLAIRE HILL RD	
64 BURLINGTON AVE	64 CLAIRE HILL RD	
72 BURLINGTON AVE	65 CLAIRE HILL RD	
74 BURLINGTON AVE	66 CLAIRE HILL RD	

ATTACHMENT B-MONITORING & MAINTENANCE AREA

AFFECTED STREETS

Knollwood Road (#10-#28) even side  
South Maine Street (#20-#32) even side  
Jerome Avenue (#421-#467) odd side

BURLINGTON / FARMINGTON DISTRICT  
ATTACHMENT C

This Attachment C is declared to be an integral part of the REGULATIONS FOR EXTENSION, EVALUATION AND USE OF MUNICIPAL SANITARY SEWERAGE SYSTEMS IN THE TOWN OF BURLINGTON.

Adopted by the Burlington Water Pollution Control Authority on January 24, 1995.

AFFECTED STREETS-EXISTING SEWERED PROPERTIES

LAKE ST  
PINE DR  
COLONY RD  
1 GEORGE WASHINTGON TRPK  
38 CIRCLE DR

EXISTING SEWERES PROPERTIES

8 LAKE ST  
12 LAKE ST  
16 LAKE ST  
24 LAKE ST  
38 LAKE ST  
48 PINE DR  
49 PINE DR  
51 PINE DR  
53 PINE DR  
54 PINE DR  
1 COLONY RD  
1 GEORGE WASHINGTON TRPK  
38 CIRCLE DR

ARTICLE IX  
AMENDMENTS

The W.P.C.A. may amend these Regulations from time to time as it deems necessary, provided that it first holds a public hearing on any proposed amendments. Legal notice of any proposal to amend these Regulations shall be published by the W.P.C.A. in a newspaper having general circulations within the town of Burlington at least ten days before the date of such hearing.

ARTICLE X  
VALIDITY

If any section, paragraph, subdivision, clause, or provision of these Regulations shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged, and the remainder of these Regulations shall be deemed valid and effective.

ARTICLE XI  
EFFECTIVE DATE

The date of adoption and the effective date of these Regulations is January 24, 1995.

BURLINGTON WATER POLLUTION  
CONTROL AUTHORITY

\_\_\_\_\_  
Paul Bystrack, Chairman

\_\_\_\_\_  
Charles Patridge, Vice Chairman

\_\_\_\_\_  
Joseph Backes, Member

\_\_\_\_\_  
Barbara Cole, Member

\_\_\_\_\_  
Charles Lanfair, Member

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Brian Paradis, Member

ATTACHMENT C-MONITORING & MAINTENANCE AREA

AFFECTED STREETS

BURLWOOD DRIVE  
DEER AVENUE  
SHERMAN DRIVE  
JOHNSON COURT  
VENICE DRIVE  
ROBIN ROAD  
RIO DRIVE  
SILVER DRIVE  
EAST SHORE BLVD (EXCEPT # 85)  
MONCE ROAD (#168-#232)  
STAFFORD ROAD (#4-#105)

BURLINGTON / BRISTOL DISTRICT  
ATTACHMENT B

This attachment **B** is declared to be an integral part of the REGULATIONS FOR EXTENSION, EVALUATION AND USE OF MUNICIPAL SANITARY SEWERAGE SYSTEMS IN THE TOWN OF BURLINGTON.

Adopted by the Burlington Water Pollution Control Authority on January 24, 1995.

AFFECTED STREET-EXISTING SEWERED PROPERTIES

MINE ROAD

EXISTING SEWERED PROPERTIES

12 MINE RD  
20 MINE RD  
24 MINE RD  
26 MINE RD  
30 MINE RD  
38 MINE RD  
44 MINE RD

ATTACHMENT C

AFFECTED STREETS-PROPOSED SEWER AREA

CIRCLE DR  
WESTSIDE BLVD  
OAK ST  
WOODSIDE ST  
STRONG ST  
STRONG CT  
PLEASANT ST  
ROWE ST  
ROWE CT  
BEACH RD  
SCHOOL ST  
LAKE VIEW ST  
WASHINGTON ST  
IDLE LN  
MONCE RD (#4-#136) EVEN SIDE & (#61)  
GEORGE WASHINGTON TRPK (#2-#5)  
EAST SHORE BLVD (#85, 86, 80, 74)  
ALPINE DR (up to #28 & #31)

ATTACHMENT D

Date: December 29, 1994

To: WPCA – Paul Bystrak

From: Charles W. Bauer

Re: “Operating a Sewerage System”

You have asked for a summary of the steps the WPCA needs to take to “operate a sewerage system”. I have reviewed the applicable Conn. Gen. Stats. And summarize their requirements as follow:

To “operate a sewerage system” is defined in Section 7-245 as owning, using, equipping, reequipping, repairing, maintaining, supervising, managing, operating and/or performing any act pertinent to the collection, transportation and disposal of sewage. “Sewage” means “any substance, liquid or solid, which may contaminate or pollute or affect the cleanliness or purity of any water.” “Sewerage system” means “any device, equipment, appurtenance, facility and method for collecting, transporting, receiving, treating, disposing of or discharging sewerage.”

I. Section 7-247 permits Burlington, through the WPCA, to acquire, construct and operate a sewerage system. Furthermore, the Town, through the WPCA, may enter upon and take and hold by purchase or condemnation, any real property or interest therein which is necessary or desirable in connection therewith. The WPCA may establish and revise rules and regulations for the supervision, management, control, operation and use of the system, including prohibitions or limitations of discharge of any sewage or stormwater runoff into the system which adversely affects any process in the system. It may enter into contracts with any person or any other municipality to provide or obtain sewerage service, etc.

In considering the operation of a sewage system, the WPCA shall consider the feasibility of using the sewage as an energy source for the generation of electricity or other energy sources.

Sec. 7-247a requires that before acquiring or constructing a system, the WPCA notice a public hearing at which “affected property owners have an opportunity to be heard concerning the proposed acquisition or construction.” If anyone’s property is to be taken for the acquisition or construction of the system, that person must receive special certified mail notice. The value to be paid for purchase or condemnation shall be determined in accordance with the statutory provisions of Secs. 8-129 to 8-133.

II. Once the WPCA has completed the above and has acquired or constructed the system, it may levy “benefit assessments” upon the lands and buildings which, in its judgment, are especially benefited by the system’s existence. The WPCA must adopt rules which govern this levy process. Provision is also made for levying against buildings constructed after the initial levies. This assessment of benefits may include a proportionate share of the cost of the system, encompassing preliminary studies, “and any other expense incidental to the completion of the work.” Sec. 7-249.

The WPCA may divide the area into districts and levy each separately. It may charge against one district some costs of the system in another district of that system benefits the other. Revenue from the assessments shall be used solely for the acquisition or construction or for the payment of the principle and interest on the bonds utilized to acquire or construct. Sec. 7-249.

Before any assessment may be levied, however, a public hearing must be held. Section 7-250 set out these requirements. The actual assessment, as soon as established, must be published in a paper for all to read. Notice as to the times and rights of individuals to appeal must be given. No appeal, however, shall stay the actual collection of the assessment. The WPCA may provide for installment payments of these benefit assessment. (Sec 7-253).

III. The WPCA may establish and revise “fair and reasonable charges for connection with and for the use of a sewerage system.” Any such charges may only be established or revised after a public hearing which must provide the prospective users or connections with an opportunity to be heard. After establishment, the charges must be published and aggrieved persons may appeal to court. (Sec 7-255).

Finally, the WPCA may order the owner of any building to connect to the system. No such order may originate until a public hearing is held. If an owner refuses, the WPCA may cause the connection to be made and assess the expense. Delinquent payments may be liened. (Sec 7-257).

November 10, 2003

Dear Burlington Resident,

Responding to public request, the Burlington WPCA has developed the following proposal for sewer service hookup. This new policy will allow for continued utilization of properly functioning *existing* septic systems. The requirements for deferral are:

<b>Requirement</b>	<b>Rationale</b>
The property must be greater than 6/10ths of an acre in size.	Properties under this size will not meet new state guidelines for system size and reserves
The existing system must be less than 16 years old from the date of application.	Systems older than 16 years are more than halfway through their expected useful life and may not meet today's sanitary codes
Does existing system meet current code?	Proved by: Proper permeability of soils Adequate percolation tests Lack of high ground water Proper well setback
Septic System must be inspected and pumped & cleaned every two years to retain this deferral.	This verifies the system is working properly
If all the above requirements are met you may apply for two-year incremental deferral up to a maximum deferral of 16 years.	This deferral allows you to postpone the physical hookup to the sewer project and associated use charge. This does not postpone your assessment payment.

Exceptions may be granted on a case by case basis with professional engineering verification and approval from the office of the Selectman.

Sincerely,

Paul Bystrak  
Chairman, Burlington WPCA