

### Chapter 170 SEWERS<sup>1</sup>

#### § 170-1. Purpose.

The purpose of this article is to establish fair and reasonable charges for the use of the Torrington sewerage system so that the maintenance and operation of said sewerage system shall be self-supporting. This user charge system is designed to produce adequate revenues required for the operation, maintenance, replacement, and construction of the pollution abatement facilities. Each user that discharges wastewaters to the facilities that cause an increase in the cost of operation and maintenance shall pay for such increased costs.

(Ord. of 6-17-2013, eff. 7-19-2013)

#### § 170-2. Application of user charge system.

A. The user charge system is intended to:

- (1) Provide that each user or user class pays its proportional share of the operation, maintenance, replacement, and construction costs of pollution abatement facilities within the service area, based on the user's proportionate contribution to the total wastewater loading from all users or user classed based on actual or estimated use of wastewater treatment services.
- (2) Provide that each user be notified annually, in conjunction with a regular bill, of the rate and that portion of the user charges that is attributable to wastewater treatment services.
- (3) Generate sufficient revenue to offset the cost of all treatment works operation, maintenance, replacement, and construction.

B. The ~~Water Pollution Control Authority~~ WPCA shall review the user charges annually and revise them periodically to reflect actual treatment works operation, maintenance, replacement, and construction costs.

(Ord. of 6-17-2013, eff. 7-19-2013)

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<sup>1</sup>Editor's note(s)—An ordinance adopted June 17, 2013, effective July 19, 2013, amended Ch. 170 in its entirety to read as herein set out. Former Ch. 170, Arts. I and II, §§ 170-1—170-9, 170-10—170-18, pertained to similar subject matter, and derived from ordinances adopted July 16, 1990, Feb. 19, 1991.

Cross reference(s)—Assessments for improvements, Ch. 4; water pollution control authority, Ch. 65; building construction, Ch. 85; street excavations, Ch. 180.

**§ 170-3. Definitions.**

A. As used in this chapter, the following terms shall have the meanings indicated any term not specifically defined shall be deemed to mean the accepted industry definition:

ACCESSORY DWELLING UNIT: Is defined as an attached (with an interior or exterior entrance) or a detached residential dwelling unit. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. A accessory dwelling unit includes but is not limited to "efficiency units", "in-law apartments", "accessory apartments".

ACT or THE ACT: The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, 33 U.S.C. § 1251 et seq.

AGENT: Authorized representative of the City of Torrington.

AGRU: Automatic Grease Recovery Unit. All active indoor mechanical systems designed to remove fats, oils and grease by mechanical separation from flowing wastewater, as further defined herein.

ALLOCATION: The maximum authorized annual discharge of sewage to the City of Torrington public sewer system.

AVAILABLE: In the context of public sewers available shall mean public sewers are within 100 feet of established property line.

BIOCHEMICAL OXYGEN DEMAND (BOD): The amount of oxygen required by bacteria while stabilizing decomposable organic matter under aerobic conditions for five days. The determination of "BOD" shall be performed in accordance with the procedures prescribed in the latest edition of Standard Methods for the Examination of Water and Wastewater.

BUILDING: Any structure used or intended for supporting or sheltering any use of occupancy.

BUILDING DRAIN: That part of the lowest horizontal piping of an building's plumbing which received the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER: The extension from the building drain to the public sewer or other place of disposal. It may also be called a "house connection and/or sewer lateral."

CAPACITY: The maximum amount of sewage that can be carried by part or all of the sewage collection system. Said "capacity" shall be determined by actual field measurements of flows or by use of a suitable computer model. If field measurements are used, they must not be more than 12 months old, and they must be compared to flows at the ~~WPCF-WRRF~~ during the same period. If computer modeling is used, the following parameters shall be used:

Peaking Factor	Based on current TR-16 curves
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Pipe n = value	Existing = 0.015 to 0.0175 Proposed = 0.013
Minimum velocity	2.0 feet per second at design flow (check at start-up for adequacy)
Maximum velocity	12.0 feet per second
Infiltration allowance	40 gallons per acre per day
Gallons per capita per day	70
R-40 Density	2.5 persons per acre
R-15 Density	7.5 persons per acre
R-10 Density	10.0 persons per acre
LB/CR Density	15.0 persons per acre
Industrial	3,000 gallons per acre per day
Percentage of development of all tracts	80%

**CATEGORICAL STANDARDS:** The National Categorical Pretreatment Standards or pretreatment standards.

**COMBINED SEWER:** A sewer intended to receive both sewage and storm or surface water. These are expressly forbidden within the City of Torrington and in areas outside of the city tributary to the Torrington Sanitary Sewer System.

**COMMISSIONER:** The Commissioner of Environmental Protection for the State of Connecticut.

**COMPATIBLE POLLUTANT:** The biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus any additional pollutants identified in the ~~water-pollution-control facility's~~ Water Resource Recovery Facility NPDES permit, where the Water Resource Recovery Facility ~~water-pollution-control facility~~ is designed to treat such pollutants and, in fact, does treat such pollutants to the degree required by the NPDES permit.

**COMPOSITE SAMPLE:** A mixture of aliquot samples obtained at regular intervals over a time period. The volume of each aliquot is proportional to the discharge flow rate for the sampling interval. The minimum time period for composite sampling shall be four hours.

**CAPACITY RESERVE FEE:** Is the fee charged to a user for a new connection to or additional wastewater discharge from an existing connection to the City's sewage works system and is charged as a pro rata cost of construction of sewerage system necessary to serve the property of the connecting user and is charged in return for the City making available to such user the City's sewage treatment system consisting of all facilities and operations necessary to treat sewage of such user.

**CONTACT PERSON:** The Contact Person shall mean the individual responsible for overseeing daily operation of the Food Preparation/Industrial Establishment and who is

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responsible for overseeing the Food Preparation/~~Industrial~~ Establishment's compliance with the FOG Pretreatment Program as established herein.

COOLING WATER: Process water in general used for cooling purposes to which the only pollutant added is heat and which has such characteristics that it may be discharged to a natural outlet in accordance with federal and state laws and regulations.

DIRECTOR: Shall mean the Director of Public Works who shall also act as the Director of the ~~Water Pollution Control Authority~~WPCA.

DOMESTIC SEWAGE: Sewage that consists of water and human excretions or other waterborne wastes incidental to the occupancy of a residential building or nonresidential building but not wastewater from water-softening equipment, commercial laundry wastewater and blowdown from heating and cooling equipment.

DWELLING UNIT: A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation as determined by the City of Torrington Assessor.

FLOATABLE OIL: Oil, fat or grease in a physical state such that it will separate by gravity from sewage by treatment in an approved pretreatment facility.

FOG (FATS, OILS AND GREASE): Animal and plant derived substances that may solidify or become viscous between the temperatures of 32°F and 150°F (0°C to 65°C), and that separate from wastewater by gravity. Melted animal fat, any edible substance identified as grease per the most current EPA method as listed in CFR 136.3.

FOG INTERCEPTOR: A passive tank installed outside a building and designed to remove fats, oils and grease from flowing wastewater while allowing wastewater to flow through it, and as further defined herein.

FOG MANAGEMENT EQUIPMENT: Refers to properly installed and operated FOG Interceptors, AGRU's and Alternate FOG Management Equipment as approved by the City of Torrington Director of Public Works.

FOOD PREPARATION ESTABLISHMENTS: Food Preparation Establishments include establishments that use food preparation processes and that are regulated by the local Health Department or Health District and classified as a Class III or Class IV facility, or are regulated by the Connecticut Department of Consumer Protection. These facilities including but are not limited to restaurants, hotel kitchens, hospitals, school kitchens, bars, factory cafeterias and clubs. Industrial Food Processing Facilities are regulated by this Ordinance.

GARBAGE: The animal or vegetable waste resulting from the handling, preparation, cooking or serving of foods.

GRAB SAMPLE: A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

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**HOLDING TANK WASTE:** Any waste from holding tanks such as vessels, chemical toilets, campers, trailers and septage hauling trucks.

**HOUSE CONNECTION:** Includes the term "house sewer," or " building sewer" where appropriate, and shall mean the extension from the building drain to the public sewer or other place of disposal.

**INCOMPATIBLE POLLUTANT:** All pollutants other than compatible pollutants as defined above.

**INDUSTRIAL WASTEWATER:** All wastewater from industrial processed, trade or business and is distinct from domestic sewage.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT:** A permit issued pursuant to Section 402 of the Federal Water Pollution Control Act or the Act.

**NON-JURISDICTIONAL USER:** Any person who contributes, causes or permits the contribution of sewage into the City of Torrington's sewer system from a municipality or sewer district other than the City of Torrington and its WPCA.

**NORMAL STRENGTH SEWAGE:** Wastewater with a pollutant strength of 250 milligrams per liter or less of BOD, 300 milligrams per liter or less of SS and 25 milligrams per liter or less of TN and meets all the requirements of section 170-14.

**NOTIFICATION OF APPROVED ALTERNATE FOG MANAGEMENT EQUIPMENT:** Written notification from the City of Torrington Director of Public Works for authorization to install and/or operate Alternate FOG Management Equipment.

**OPERATION AND MAINTENANCE (O & M) COSTS:** All costs incidental to the complete operation and maintenance of the treatment works, including replacement.

**PERSON:** Any individual, partnership, co-partnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity or any other legal entity or their legal representatives, agents or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

**pH:** The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions in gram atoms per liter of solution.

**PRETREATMENT OR TREATMENT:** The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a water ~~pollution control~~resource recovery facility. The reduction or alteration can be obtained by physical, chemical or biological process, except as prohibited by Title 40, Code of Federal Regulations, Section 403.6(d).

**PROPERLY SHREDDED GARBAGE:** The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under

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the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

**PUBLIC SEWER:** A sanitary sewer operated, maintained and controlled by the City of Torrington WPCA serving one or more parcels of land and has been accepted as a public sewer by the City of Torrington WPCA.

**PROCESS WASTE:** Includes water and liquid waste discharged from any trade or process carried on in the establishment, including pretreated wastes and polluted cooling water.

**RENDERABLE FATS, OILS AND GREASE:** Refers to fats, oils and grease not contaminated by contact with wastewater, and which can be recycled by a rendering company. Renderable fats, oils, and grease sources include fryolators, grills and exhaust hoods.

**RENDERABLE FATS, OILS AND GREASE CONTAINER:** Refers to a closed, leak- proof container for the collection and storage of food grade fats, oils and grease.

**REGIONAL FOG DISPOSAL FACILITY:** A facility for the collection and disposal of non-renderable FOG approved by the Connecticut Department of [Energy & Environmental Protection](#).

**SANITARY SEWER:** A sewer which collects and conveys domestic sewage from residences, public buildings, commercial establishments, industries and institutions. A "sanitary sewer" may also collect and convey permitted industrial wastewater. A "sanitary sewer" may not collect ground-, storm-, or surface waters.

**SEWAGE:** Human and animal excretions and all domestic and such manufacturing wastes as may tend to be detrimental to public health.

**SEWERAGE SYSTEM:** Any device, equipment, appurtenance, facility and method collecting, transporting, receiving, treating, disposing or discharging sewage.

**SEWER DISCHARGE PERMIT:** Permit issued by WPCA authorizing discharge of sewage into the City of Torrington public sewer system.

**SEPTAGE:** The liquids and solids which are removed from a tank used to treat domestic sewage.

**SEWAGE COLLECTION SYSTEM:** The structures and equipment required to collect and convey sewage to the water ~~pollution control~~[resource recovery](#) facility.

**SLUG:** Any sudden or excessive discharge which exceeds permitted levels either in terms of pollutant concentration or instantaneous flow rate in such manner as to adversely affect the sewage collection system and/or the ~~water pollution control facility~~[WRRF](#).

**SOLUBLE OIL:** Oil which is of either mineral or vegetable origin and disperses in water or sewage at temperatures between 0° and 20° Celsius. For the purposes of this article, emulsified oil shall be considered as "soluble oil."

**STORM SEWER:** A sewer which collects and conveys stormwater or groundwater.

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**SUSPENDED SOLIDS (SS):** The solid matter, measured in milligrams per liter, which may be in suspension, floatable or settleable and is removable by laboratory filtering as prescribed in the latest edition of Standard Methods for the Examination of Water and Wastewater.

**SURCHARGE:** An additional fee charged to a sewer user assessed for excessive concentrations of BOD, SS or other pollutants discharged to the city sewerage system.

**TOTAL NITROGEN (TN):** Shall mean the sum of free-ammonia and organic nitrogen compounds, which are converted to ammonium sulfate  $(\text{NH}_4)^2\text{SO}_4$ , under test conditions. The value shall be as determined by the methods of analytical testing.

**TOXIC POLLUTANT:** Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of § 307(a) of the Act of other Acts.

**USER:** Any person who contributes, causes or permits the contribution of sewage into the City of Torrington's sewer system.

**WATERCOURSE:** A natural or artificial channel for the passage of water, either continuously or intermittently.

**WATER POLLUTION CONTROL AUTHORITY (WPCA):** The Board of councilmen in accordance with Chapter 65 of this Code.

~~**WATER POLLUTION CONTROL FACILITY (WPCF)**~~**WATER RESOURCE RECOVERY FACILITY (WRRF):** An Arrangement of Devices for the treatment of sewage and sludge.

B. Word usage. The word "shall" is mandatory, "may" is permissive.

(Ord. of 6-17-2013, eff. 7-19-2013; Ord. of 11-19-2018(1), eff. 12-21-2018)

#### **§ 170-4. Classes of users.**

The following classes of users are hereby established:

- A. *Class I-A Residential:* All single and multifamily dwelling units. Discharge is normal strength sewage incidental to unit occupancy.
- B. *Class I-B Residential:* All combined commercial and residential properties, where the use is predominantly residential. Discharge is normal strength sewage incidental to unit occupancy.
- C. *Class II-A Commercial:* All commercial establishments and institutions. Discharge is of normal strength sewage incidental to their occupancy.
- D. *Class II-B Commercial:* All combined commercial and residential properties, where the use is predominantly commercial. Discharge is normal strength sewage incidental to unit occupancy.

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- E. *Class II-C Municipal*: Municipal establishments such as city halls, police and fire stations, schools, libraries, community centers and senior citizen housing. Discharge is of normal strength sewage incidental to their occupancy.
  - F. *Class III-A Industrial (Sanitary)*: Industrial facilities which discharge all or a portion of their metered water intake to the sanitary sewer system. These industries discharge sewage of normal strengths and discharge less than 5,000 gallons per day to the sanitary sewer system (strength of the discharge as determined per [State-Connecticut Department of Energy & Environmental Protection](#) inspection and/or independent testing by the City of Torrington).
  - G. *Class III-B Industrial (High Volume)*: Industrial facilities which, under state permit, discharge all or a portion of their metered water intake to the sanitary sewer system. These industries discharge in excess of 5,000 gallons per day and, by nature of this amount of discharge, are subject to particular inspection and testing. Sewage discharged is of normal strength.
  - H. *Class III-C Industrial (Surcharge)*: Industrial facilities which, under state permit, discharge all or a portion of their metered water intake to the sanitary sewer system. These industries have pollutant strengths that directly affect the treatment systems over and above normal sewage. Discharges with pollutant strengths in excess of 250 milligrams per liter of five-day biochemical oxygen demand (BOD<sub>5</sub>) and/or 300 milligrams per liter of suspended solids (SS) and/or 25 milligrams per liter of Total Nitrogen and/or exceed any pollutant identified in § 170-14 fall under Class III-C users and are subject to a surcharge. The formulas for calculating the surcharges utilize the actual operating cost data.

(Ord. of 6-17-2013, eff. 7-19-2013)

#### § 170-5. Development of user charges.

User charges will be determined as follows:

- A. *Class I Users (Residential)*: Flow is to be based on federal and state standards on a unit basis and will be 65,000 gallons per unit per year.
- B. *Class II Users (Commercial)*: Flow will be determined on the basis of actual metered water consumption, as reported by the ~~Torrington Water Company~~[then public water supplier](#), minus any water discharged under the federal National Pollutant Discharge Elimination System (NPDES) permit that is not discharged to the ~~WPCF-WRRF~~ or based on meter readings of installed auxiliary meter(s). (NOTE: if there should be a commercial establishment consisting of one establishment discharging to the system with a private water supply that is not metered, flow will be determined the same as Class I Users with each 1,780 square feet of gross floor area considered to be equivalent to one residential unit (65,000 gallons) minimum. Any commercial establishment with a private water supply that is not metered and consisting of more



than one establishment, such as commercial and residential, flow will be determined the same as Class I Users with each 1,780 square feet of gross floor area of each unit considered to be equivalent to one residential unit (65,000 gallons) minimum and each establishment or individual unit being considered as a separate residential unit (65,000 gallons) and will be charged as two units, three establishments, three units, etc. Any commercial establishment with a private water supply determined by the ~~Water Pollution Control Authority~~ WPCA to discharge above the normal in quantity and/or strength will be calculated and charged under Class III users, as appropriate.

- C. *Class III-A User (Industrial—Sanitary Only) (under 5,000 gallons per day)*: Flow will be determined on the basis of actual metered water consumption as reported by the ~~Torrington Water Company~~ then public water supplier, minus any water discharged under federal permit that is not discharged to the WPCF.
- D. *Class III-B (Industrial—High Volume) (over 5,000 gallons per day)*: Flow will be determined on the basis of actual metered water consumption as reported by the ~~then public water supplier~~ Torrington Water Company, minus any waters discharged under federal permit that is not discharged to the ~~WPCF~~ WRRF.
- E. *Class III-C User (Industrial—Surcharge)*: Flow will be determined on the basis of actual metered water consumption as reported by the ~~then public water supplier~~ Torrington Water Company, minus any waters discharged under federal permit that is not discharged to the ~~WPCF~~ WRRF. (NOTE: Surcharge is calculated on the basis of state or independent testing and is charged under separate agreement.)
- F. *[Private water supply.]* Any Class III User with a private water supply will be required to meter all water supply sources and/or discharge to sanitary sewer, river or other surface water. (NOTE: The City of Torrington may, at its option, require a sewer user to meter any private water supply source and/or discharge to sanitary sewer, river or other surface waters.) WRRF employees shall be given access to said meter for inspection and to obtain readings.

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(Ord. of 6-17-2013, eff. 7-19-2013)

#### **§ 170-6. Sewer user charge formula.**

- A. An annual sewer user charge shall be fixed and imposed on every sewer user. The sewer user charge shall be based on the following formula:

$$C = U/E$$

Where:

C = Charge per 65,000 gallons.

U = Amount to be raised by user fee (= total money needed for O & M + Debt Service - funds from other sources).

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E = Equivalent number of users.

- B. In any instance in which the city determined that biological oxygen demand (BOD), suspended solids (SS), Total Nitrogen (TN) or other pollutant concentration from a user exceeds the range of concentrations of these pollutants in normal sewage, the city shall impose a surcharge computed in accordance with the following formula:

$$C_{ub} = (V_u) (8.34) \times (B_c) (B-250)$$

$$C_{us} = (V_u) (8.34) \times (S_c) (S-300)$$

$$C_{up} = (V_u) (8.34) \times (P_c) (P-P_n)$$

Where:

$C_{ub}$  = User's annual charge of treating pollutant surcharge for BOD (dollars per year).

$C_{us}$  = User's annual charge of treating pollutant surcharge for SS (dollars per year).

$C_{up}$  = User's annual charge of treating pollutant surcharge for additional pollutant (dollars per year).

$V_u$  = User's total annual volume to treatment plant (millions of gallons per year).

$B_c$  = O & M cost to treat BOD (dollars per pound).

$B$  = User's concentration of BOD (milligrams per liter).

$S$  = User's concentration of SS (milligrams per liter).

$P_c$  = O & M cost to treat additional pollutant (dollars per pound).

$P$  = User's concentration of additional pollutant (milligrams per liter).

NOTE: In no case shall any calculated pollutant surcharge be a negative value.

- C. The minimum annual sewer user charge for each residential, commercial or industrial user shall be equal to the charge for one single-family residence.
- D. Exemption of sewer use charge shall only be granted after the sewer lateral has been physically disconnected from the City of Torrington public sewer system.
- a. Disconnection of the sewer lateral shall be disconnected at the Wye on the City of Torrington public sewer main.

(Ord. of 6-17-2013, eff. 7-19-2013)

#### **§ 170-7. Tax Collector designated as collector of sewer use charges.**

- A. The Tax Collector of the City of Torrington shall be the collector of the sewer use charges pursuant to Section 7-258 of the Connecticut General Statutes.
- B. The Tax Collector shall be responsible for issuing the bills for the sewer use charges.

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(Ord. of 6-17-2013, eff. 7-19-2013)

**§ 170-8. Administrator of ~~Water Pollution Control Authority~~WPCA.**

- A. There shall be an Administrator of the ~~Water Pollution Control Authority~~WPCA who shall serve under the direction and supervision of the Director of the ~~Water Pollution Control Authority~~WPCA of the City of Torrington. The Administrator shall be responsible for:
- (1) Calculating the user rate charges as per § 170-6 of this article.
  - (2) Posting notice of proposed and established charges~~ed~~ with the City Clerk as required by Section 7-255 of the Connecticut General Statutes.
  - (3) Determining metered water flow, when necessary.
  - (4) Performing such other functions as are necessary for the implementation and operation of this article.
- B. Said Administrator shall devote full time to his duties. Said Administrator shall be a management-level employee and shall be selected on the basis of his experiences, qualifications and abilities.
- C. The Mayor shall have the same authority to suspend said Administrator as provided in § C3-2 of the Charter of the City of Torrington.

(Ord. of 6-17-2013, eff. 7-19-2013)

Cross reference(s)—Water Pollution Control Authority, Ch. 65.

**§ 170-9. Payment of charges; collection; appeals.**

- A. *Municipal establishments.* The sewer user charge for all municipal establishments will be paid out of the city general fund.
- B. *Dates.*
- (1) Sewer user charges shall be calculated as described below and shall be issued by July 1 of each and every year and shall be issued in two equal parts. The first part shall be due and payable by July 1 and the second part shall be due and payable by the following January 1 of each and every year.
    - a. *Residential Account Customers:* For the period July 1 through June 30 of each and every year.
    - b. *Commercial and Special Account Customers:* For the prior year period of January 1 through December 31 of each and every year.
  - (2) If any property has not been connected for the entire billing period, the user charge shall be prorated on a monthly basis for the actual number of months within the stated period that the property was connected. A period of less than 15 days shall be

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disregarded, and a period in excess of 15 days shall be deemed a full month. The minimum prorated charge shall be \$20.00.

- C. *Liability of owner.* The owner of record, as of July 1, of each property on which a building is located and which is connected to the sewerage system shall be liable for the payment of sewer user of charges.
- D. *Lien and collection.* Bills not paid within 30 days of the due date are delinquent and are subject to late charges at the rate of one and one-half percent per month (18 percent per year) from the due date for each part of the annual bill. A period of less than 15 days shall be disregarded and a period in excess of 15 days shall be deemed a full month. Partial payments shall not be accepted, except as provided in Subsection B above. Sewer user charges, together with interest thereon, shall constitute a lien upon the property on which the building is located, and such lien may be foreclosed and such charges may be collected in the manner as provided in Section 7-258 of the Connecticut General Statutes and other applicable statutes.
- E. *[Deposits separate from other accounts.]* Sewer user charges shall be collected by the Tax Collector and turned over to the ~~Water Pollution Control Authority~~WPCA and deposited in a special account separate from other city funds designated the "Sewer Use Account" and used solely to operate and maintain the sewerage system and for any other use required and/or permitted by law.
- F. *Invalidity.* The invalidity of any portion of this regulation shall not affect the remainder thereof, and this regulation may be amended at such time or times, pursuant to statute, as the ~~Water Pollution Control Authority~~WPCA judgement considers necessary.
- G. *[Revenue.]* The user charge system shall generate sufficient revenue to offset the cost of all treatment works operation, maintenance, replacement, construction, and debt service provided by the City of Torrington. Deficits will be made up in the next fiscal year surpluses shall be carried over to the next fiscal year.
- H. *Appeals.*
- (1) Any person aggrieved by any user charge may appeal, in writing, to the Administrator of the ~~Water Pollution Control Authority~~WPCA within 30 days of the issuance of the bill. The Administrator may sustain the appeal, dismiss the appeal or modify the user charge owed and shall decide the appeal within ten working days of its receipt.
  - (2) An aggrieved party may further appeal, in writing, to the ~~Water Pollution Control Authority~~WPCA for the City of Torrington within 30 days of the issuance of the Administrator's decision. Payment in full of the disputed charge must accompany the appeal. The ~~Water Pollution Control Authority~~WPCA shall hear and decide said appeal within 30 days of receipt. Late charges and penalties shall not accrue during aforesaid appeal period. The ~~Water Pollution Control Authority~~WPCA may sustain the appeal, dismiss the appeal or modify the user charge owed.

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- (3) Any person aggrieved by any decision of the ~~Water Pollution Control Authority~~WPCA may appeal to the Superior Court for the Judicial District of Litchfield in accordance with Section 7-255 of the Connecticut General Statutes.

(Ord. of 6-17-2013, eff. 7-19-2013)

## **ARTICLE II. SEWER USE**

### **§ 170-10. Purpose and applicability; enforcement official.**

- A. This article establishes the procedures for making connections to the public sewer in the City of Torrington. It also establishes specific limits for pollutant discharges which, by their nature or by their interaction with sewage, will be detrimental to the public health, cause damage to the public sewer or the water ~~pollution resource recovery~~ facility, pollute the water of the state or otherwise create a public nuisance.
- B. This article is intended to:
- (1) Inform the public as to the technical and administrative procedures to be followed in obtaining connection to and reserving capacity in the City of Torrington's sewer system.
  - (2) Prevent the introduction of pollutants into the sanitary sewer system which will interfere with the collection and/or treatment system.
  - (3) Prevent the introduction of pollutants into the treatment system which will pass through the system, inadequately treated, into the waters of the state or the atmosphere or otherwise be incompatible with the system.
  - (4) Improve the opportunity to recycle and reclaim wastewaters and sludges from the system.
- C. This article shall apply to the City of Torrington and to persons outside the City of Torrington who are users of the public sewer. Except as otherwise provided herein, the Director shall implement and enforce the provisions of this article.
- D. This article is also supplemented by Article III, for those facilities that generate and discharge fats, oils and grease into their wastewater.

(Ord. of 6-17-2013, eff. 7-19-2013)

### **§ 170-11. Reserved.**

### **§ 170-12. Use of public sewers required.**

- A. The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the City of Torrington Sewer

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Service Area and abutting on any street, alley or right-of way in which there is now located and available or may in the future be located a public sanitary sewer of the City of Torrington may, at the option of the City of Torrington and at the owner(s) expense, be required to install a building sewer to connect their building drain to the public sewer in accordance with the provisions of this article within 90 days after date of official notice to do so.

- B. 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 sewage if public sewers are available.
- C. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property with the city or in any area under the jurisdiction of said city any human or animal excrement, garbage or other objectionable waste.
- D. It shall be unlawful to discharge to any natural outlet within the city any sewage, industrial wastes or other polluted waters, except by special permission of the Commissioner.
- E. The discharge of sewage, industrial wastes and any other wastes generated on or discharged from real property lying outside the bounds of the City into the city sewage system shall be made only with express consent of the ~~Water Pollution Control Authority~~ WPCA setting forth the terms and conditions for such discharge in accordance with the regulations of the State Department of Health.

(Ord. of 6-17-2013, eff. 7-19-2013)

**§ 170-13. Sewer connections; permits and fees; construction requirements.**

- A. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, repair or disturb any public sewer or appurtenance thereof.
- B. Any person proposing a new discharge into the public sewer system or a change in the volume or character of pollutants that are being discharged into the public sewer shall notify the Director of Public Works at least 45 days prior to the proposed change or connection.
- C. Any person proposing to extend the public sewer shall, in addition to the provisions of this § 170-13, file the plan or design of the same with the commissioner in accordance with Section 22a-416 of the Connecticut General Statutes. No such extension shall be constructed until the plan for the same has been approved by the Commissioner and the WPCA. All sewers privately constructed or repaired shall be installed and/or repaired by a qualified contractor who possesses a valid plumbing license grade P-7 or better issued under Chapter 393 of the Connecticut General Statutes, as amended.
- D. A person intending to connect a building drain from his property to the public sewer shall first obtain a permit to discharge from the Director of Public Works. The application shall be made on forms provided by the Director of Public Works and it shall be accompanied by

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a sketch or plan showing the proposed installation in sufficient detail to enable the Director of Public Works to determine that the proposed installation meets the requirements of this regulation and other applicable specifications, codes and laws. The application shall be signed by the owner of the premises to be served or his authorized agent and by the qualified contractor (see Subsection P.) who has been chosen to perform the work. Upon approval of the application and plan and payment of the applicable fees as set forth in Subsection H below, a permit shall be issued to have the work performed by the stated contractor. In the event that the premises changes ownership before the work is completed or if another contractor is chosen to perform or finish the work, the original permit becomes void and a new permit must be obtained by the new parties in interest. Permits shall be valid for a period not to exceed 60 days and are nonrenewable.

- E. A connection to the public sewer will be made only after the building's plumbing has been approved by the City Building Inspector in order to ensure that minimum standards are met for the installation. All plumbing shall be in good working order. No trench containing a building drain or connection to the sanitary sewer shall be backfilled until the Public Works Director or his designated representative has completed an inspection of and approved the work. The water level in the trench shall be maintained at a level below the sewer connection before the cap is removed and while the connection is being made and until such time as it has been inspected, approved and backfilled. The contractor shall notify the Engineering Department 48 hours before starting any work authorized under this permit.
- F. All properties served by the City of Torrington public sewer system shall have on file with the ~~Water Pollution Control Authority~~ WPCA a valid Sewer Discharge Permit designating the appropriate fee and capacity allocation for said property.
- G. Permits to connect to the public sewer may be denied or annulled by the Director of Public Works for such cause and at such time as he may deem sufficient. No permit to connect to the public sewer shall be issued unless capacity exists to accommodate the additional discharge. The City of Torrington shall be held harmless as a consequence of said denial or revocation or cause thereof. All other parties in interest shall be deemed to have waived the right to claim damages from the City of Torrington, its agents, servants or employees on account of such revocation or denial.
- H. Costs and expenses; Capacity Reserve fee.
  - (1) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). A fee for connection of the building sewer shall be charged to the owner(s) for connecting to the public sewer, payable to the City of Torrington WPCA, in accordance with the following schedule:
    - (a) Residential: Each dwelling unit (65,000 gallons per year): \$3,500.00.
    - (b) Commercial, industrial and retail buildings: Flows will be determined using actual flow data, Department of Energy and Environmental Protection data,

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Department of Public Health data for the particular use or sum of square footage for each building discharging to public sewer multiplied by industry standard constant (For further details please see WPCA Rules and Regulations). Total flow so derived will be divided by 65,000 to determine the number of equivalent units and multiplied by the \$3,500.00. In no case will the fee be less than \$3,500.00.

- (c) When the Capacity Reserve fee charged the owner is greater than \$15,000.00, the owner may apply to the ~~Water Pollution Control Authority~~WPCA to pay said fee in installments. The WPCA shall have the authority to approve an installment payment schedule and may provide for interest payments thereon in accordance with Section 7-253 of the Connecticut General Statutes. Where an installment payment plan is agreed upon, the WPCA shall cause the City Clerk to record on the land records a certificate of such fact in a form substantially in compliance with the form provided for by Section 7-253 of the Connecticut General Statutes. No installment plans shall be approved for amounts less than \$15,000.00.
  - (d) All fees shall be due and payable prior to connection to the public sewer or change of use unless there shall be in place an approved installment plan.
  - (e) All properties served by the public sewer system that undergo modifications and/or change of use shall apply for a new Sewer Discharge Permit and pay the appropriate Capacity Reserve Fee.
- (2) All fees collected under this section shall be deposited in a separate sewer fund account to be used solely for the construction and rehabilitation of public sewer facilities.
- I. A separate and independent building drain shall be provided for each premises which requires a certificate of occupancy. Building sewers extending through lands of others shall not be permitted. The City of Torrington's responsibility as to the operation, maintenance and repair of any portion of the sanitary sewer system shall end at the point where the building sewers connect to the public sewers.
  - J. Existing building sewers may be used in connection with new buildings only when they have been tested and passed such testing in accordance with the procedures outlined in the City of Torrington WPCA Rules and Regulations and are found, by the Director of Public Works, to meet all requirements of this Chapter.
  - K. The size, slope, alignment, materials of construction of the building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing, backfilling and connection of the building sewer to the public sewer shall all conform to the requirements of the Building and Plumbing Code or other applicable laws, rules and regulations of the City of Torrington, WPCA, or any local, state or federal government entity having jurisdiction. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials and WPCF Manual of Practice No. 9 shall apply.



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- L. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any floor elevation is too low to permit gravity flow to the public sewer, sanitary sewage shall be lifted by an approved means and discharged to the building sewer. Duplex lift systems shall be provided for commercial and industrial buildings.
- M. No person(s) shall make or allow connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sewer.
- N. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City of Torrington in accordance with Chapter 180, Article III.
- O. No building sewer shall be constructed within 25 feet of a water supply well. If a building sewer is constructed within 25 to 75 feet of a water supply well, it shall be constructed in accordance with all applicable guidelines promulgated by the Commissioner.
- P. All building sewers shall be installed by a qualified contractor who possesses a valid license issued under Chapter 393 of the Connecticut General Statutes, as amended.
- Q. Prior to entering into an agreement with any municipality or sewer district for use of the City of Torrington's sewer system, the Board of Councilmen and WPCA shall consider whether the agreement should require that:
- (1) Non-Jurisdictional Users shall pay a proportionate share of operation and maintenance expenditures for the WPCA;
  - (2) Non-Jurisdictional Users shall pay a proportionate share of prior and future capital investments for facilities to be used by Non-Torrington Users;
  - (3) Non-Jurisdictional Users shall pay a proportionate share for use of prior and future land or asset contributions by the City of Torrington or WPCA;
  - (4) The contracting municipality or sewer district shall maintain Environmental Pollution Liability Insurance that names the City of Torrington and WPCA as an additional insured and is sufficient to cover the cost of cleanup and any other liability or damages arising out of a sewage spill related to that municipality's or sewer district's or their respective users' use of the City of Torrington sewer system;
  - (5) An interim review every five years of the terms of the agreement to assess whether changes in practices can be conducted by professional staff for each municipality or sewer district to improve the contractual relationship and to assess the need for mid-term amendments to the agreement;
  - (6) The term of the agreement shall be at least 20 years, but shall not exceed 25 years; and

(7) Such other factors as the Board of Councilman and WPCA deem appropriate.

(Ord. of 6-17-2013, eff. 7-19-2013; Ord. of 11-19-2018(1), eff. 12-21-2018)

Cross reference(s)—Building construction, Ch. 85.

**§ 170-14. Discharge limitation, prohibitions and permits.**

- A. No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage or cooling water to any sanitary sewer.
- B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers and discharged to a watercourse in accordance with all applicable local, state and federal laws and regulations.
- C. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the ~~WPCF~~WRRF. These general prohibitions apply to all such users of the sewerage system whether or not the user is subject to National Categorical Pretreatment Standards or any other federal of state pretreatment standards or requirements. No user shall contribute the following substances to the sewerage system.
- (1) Any liquids, solids or gases which, by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or to be injurious in any other way to the ~~WRRF~~WPCF or to the operation of the ~~WRRF~~WPCF. At no time shall two successive readings on an explosive hazard meter at the point of discharge into the sewage collection system, or at the point in the system, be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter.
  - (2) Solids or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the sewerage system, including substances such as but not limited to fats, oil, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, disposable wipes, diapers, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.
  - (3) Any additional pollutants as described in the City of Torrington ~~Water Pollution Control Authority~~WPCA Rules and Regulations.
  - (4) Any sewage having a pH lower than five point five (5.5) or having any other corrosive property capable of causing damage or hazard to the structure, equipment ~~and or~~

personnel of the ~~WRRF~~~~WPCA~~. The upper limit of pH for any industrial wastewater discharge shall be established under the discharger's state discharge permit.

- (5) Any sewage containing toxic pollutants in sufficient quantity, either singly or by interacting with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans, animals or plant life, create a toxic effect in the receiving water of the ~~WRRF~~~~WPCF~~ or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.
- (6) Any noxious or malodorous sewage, gases or solids which, either singly or by interaction with other sewage, are sufficient to prevent entry into the public sewers for their maintenance and repair.
- (7) Any sewage which, by interaction with other sewage in the public sewer, releases obnoxious gases, forms suspended solids which interfere with the collection system, creates a condition which may be deleterious to structures and treatment processes or which may cause the effluent limitations of the City of Torrington ~~WPCF's~~~~WRRF's~~ NPDES permit to be exceeded.
- (8) Any substance which may cause the ~~WRRF's~~~~WPCF's~~ effluent or any other product of the ~~WPCF~~~~WRRF~~, such as residues, sludges or scums, to be unsuitable for reclamation process where the ~~WPCF~~~~WRRF~~ is pursuing a reuse and reclamation program. In no case shall a substance discharged to the ~~WPCF~~~~WRRF~~ cause the facility to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act or any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Resource conservation and Recovery Act, the Clean Air Act, the Toxic Substances Control Act or state criteria applicable to the sludge management method being used.
- (9) Sewage containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed or are amenable to treatment only to such degree that the ~~WPCF~~~~WRRF~~ effluent cannot meet the limits stipulated in the City of Torrington ~~WPCF~~~~WRRF~~ NPDES permit.

D. The following described substances, materials, waters or waste shall be limited to discharges to public sewers in concentrations or quantities which will not harm either the sewers or the WPCF, will not have an adverse effect on the receiving stream or will not otherwise endanger public property or constitute a nuisance. The Commissioner may set lower limitations if necessary to meet the water quality standards of the receiving stream. The following materials or characteristics of sewage discharged to the public sewer are not acceptable:

- (1) Sewage having a temperature higher than 150° Fahrenheit (65° Celsius).
- (2) Sewage containing fat, wax, grease, petroleum or mineral oil, whether emulsified or not in excess of 100 milligrams per liter, with floatable oil not to exceed 20 milligrams

per liter or containing substances which may solidify or become viscous at temperatures between 32° and 150° Fahrenheit (0° and 65° Celsius).

- (3) Garbage grinders may not be connected directly to sanitary sewers in facilities required to pretreat for FOG as detailed in Article III. However, no shredded garbage shall be discharged to a fats, oil and grease pretreatment system as described by Article III.
- (4) Any sewage containing odor-producing substances exceeding limits which may be established by the Commissioner.
- (5) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Commissioner in compliance with all applicable state and federal regulations.
- (6) Materials which exert or cause:
  - (a) Unusual concentrations of inert suspended 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, chemical oxygen demand or chlorine demand in such quantities as to constitute a significant load on the ~~water pollution control facility~~[Water Resource Recovery Facility](#).
  - (d) Unusual volume of flow or concentrations of wastes constituting a slug as defined in § 170-3.
- (7) Overflow from holding tanks or other receptacles storing organic wastes.
- (8) Sewage with a concentration of pollutants in excess of the following limits:

Pollutant*	Concentration in Parts per Million (mg/l)
Arsenic as As	0.05
Barium as Ba	5.0
Boron as B	5.0
Cyanides as CN (amenable)	0.1
Fluoride as F	20
Chromium (total)	1.0
Chromium (Cr + 6)	0.1
Magnesium as Mg	100.00
Manganese as Mn	5.0
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.

E. Permit required.

- (1) In accordance with Section 25-54i of the Connecticut General Statutes, as amended<sup>2</sup>, a permit ~~from the Commissioner of Environmental Protection for Miscellaneous Industrial Users (MIU) from the City of Torrington WPCA~~ is required prior to the initiation of discharge of any of the following wastewaters to a public sewer:
  - (a) Industrial wastewater of any quantity.
  - (b) Domestic sewage in excess of 5,000 gallons per day through any individual building sewer to a public sewer.
- (2) A potential discharger must submit a permit application to the City of Torrington WPCA Department of Energy and Environmental Protection not later than 90 days prior to the anticipated date of initiation of the proposed discharge.

F. Rejection of waste or pretreatment.

- (1) If any sewage is discharged or is proposed to be discharged to the public sewers which contains the substances or possesses the characteristics enumerated in Subsection D above and which, in the judgment of the Director and /or the Commissioner, may have deleterious effects upon the wastewater facilities processes, equipment or receiving waters or which otherwise may create a hazard to life or constitute a public nuisance, the ~~Commissioner-Director~~ may ~~in accordance with Section 25-54i(b) of the Connecticut General Statutes as amended.~~<sup>3</sup>
  - (a) Reject the discharge of the wastes.
  - (b) Require pretreatment to an acceptable condition for discharge to the public sewers.
  - (c) Require control over the quantities and rates of discharge.
- (2) If the ~~Commissioner-Director~~ permits the pretreatment or equalization of waste flows, the design and installation of the equipment shall be subject to the review and

<sup>2</sup>Editor's note(s)—For current provisions, see Section 22a-430 of the General Statutes of Connecticut.

<sup>3</sup>~~Editor's note(s)—For current provisions, see Section 22a-430(b) of the General Statutes of Connecticut.~~

approval of the ~~Commissioner~~ Director subject to the requirements of all applicable codes, ordinances and laws.

- G. The Director ~~of Public Works~~ shall have the right to reject the discharge of any wastes or require more stringent effluent limitations than required by the user's Section 25-54i permit<sup>4</sup>, the decision of the Commissioner notwithstanding.
- H. Grease, oil and gross particle separators shall be provided when, in the opinion of the Commissioner and ~~/or the~~ Director, they are necessary for the proper handling of sewage containing floatable grease in excessive amounts, as specified in Subsection D(2), or any flammable wastes, sand or other harmful substances, except that such separators shall not be required for private living quarters or dwelling units. All separators shall be of the type and capacity approved by the Commissioner and or Director and as provided for in Article III and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these separators, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the ~~Director~~ Commissioner. Any removal and hauling of the collected materials shall be performed by a waste disposal firm which possesses a valid permit from the Commissioner under Section 25-54hh of the Connecticut General Statutes, as amended<sup>5</sup>. The hauler must also possess a valid current permit from the WPCA to be able to dump at the WRRF.
- I. Where pretreatment or flow-equalizing facilities are provided or required for any sewage, they shall be maintained continuously in satisfactory and effective operation by the owner at this expense.
- J. When required by the ~~Commissioner~~ Director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer, to facilitate observations, sampling and measurement of the wastes. such structure when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the ~~Commissioner~~ Director. The sampling structure shall be located at a point along the industrial waste stream where a representative sample of the industrial wastewater may be obtained prior to its being diluted by domestic sewage in the building sewer. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- K. All industries discharging into a public sewer shall perform such monitoring of the discharge as required by the Commissioner in any state discharge permit issued pursuant to Section 25-54i of the Connecticut General Statutes, as amended<sup>6</sup>, including but not

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<sup>4</sup>Editor's note(s)—For current provisions, see Section 22a-430 of the General Statutes of Connecticut.

<sup>5</sup>Editor's note(s)—For current provisions, see Section 22a-454 of the General Statutes of Connecticut.

<sup>6</sup>Editor's note(s)—For current provisions, see Section 22a-430 of the General Statutes of Connecticut.

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limited to installation, use and maintenance of monitoring equipment, keeping records and reporting the results to the Commissioner. Such records shall be made available upon request of the Commissioner or the Director of Public Works or his agent.

- L. All measurements, tests and analyses of the characteristics of sewage to which reference is made in this article shall be determined in accordance with the latest edition of Standard Methods for Examination of Water and Wastewater, published by the American Public Health Association. Sampling methods, locations, times, durations and frequencies are to be determined on an individual basis subject to the stipulations and general conditions of the discharger's state discharge permit.
- M. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City of Torrington and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City of Torrington for treatment, provided that such agreements do not contravene any requirements of existing state and federal regulations and are compatible with any user charge and industrial cost recovery system in effect.
- N. Upon the promulgation of the federal categorical pretreatment standard for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this article for sources in the subcategory, shall supersede the limitations imposed under this article.
- O. No user shall increase the use of process water in an attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards or in any specific pollutant limitation which may be developed by the Commissioner.
- P. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge or prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. The Commissioner and/or Director may require that plans showing facilities and operating procedures be submitted for review and approval prior to construction of the facilities.
- Q. Within five days following an accidental discharge, the user shall submit to the Director ~~of Public Works~~ and the Commissioner a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the ~~WPCFWRRF~~, fishkills, aquatic plants or any other damage to persons or property, nor shall such notification relieve the user of any fines, civil penalties or other liability which may imposed by this article or other applicable law.

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- R. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees are advised of the emergency notification procedure.

(Ord. of 6-17-2013, eff. 7-19-2013)

**§ 170-15. Protection from damage.**

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the sewerage system. The City of Torrington WPCA shall not be liable for damages to personal property that results from ~~man-made~~man-made or natural events that are beyond the control of the WPCA.

(Ord. of 6-17-2013, eff. 7-19-2013)

**§ 170-16. Power and authority of inspectors.**

- A. The ~~Director of Public Works~~Director and other duly authorized employees of the City of Torrington 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 and Article III.
- B. While performing the necessary work in private properties referred to in Section A above, the ~~Director of Public Works~~Director or duly authorized employees of the City of Torrington 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 City of Torrington's employees, and the City of Torrington shall indemnify the user against loss or damage to its property by the City of Torrington's employees and against liability claims and demands for person injury or property damage asserted against the user and caused by the gauging and sampling operation, except as such may be caused by negligence or failure of the user to maintain safe conditions.
- C. The ~~Director of Public Works~~Director and other duly authorized employees of the City of Torrington bearing proper credentials and identification shall be permitted to enter all private properties through which the City of Torrington holds a duly negotiated easement for the purpose of repair and maintenance of any portion of the sewerage system lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property.

(Ord. of 6-17-2013, eff. 7-19-2013)



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**§ 170-17. Penalties for offenses.**

- A. Any person found to be in violation of any provisions of this article or Article III, except § 170-15, shall be served by the City of Torrington 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. Any and all notices required to be given under this section or under any other provision of this article shall be sent by certified or registered mail, return receipt requested.
- B. Any person who continues any violation beyond the time limit provided for in Section A or who violates § 170-15 of this article shall be guilty of a misdemeanor and, on conviction thereof, shall be fined in the amount not exceeding \$100.00. for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- C. Any person who is found to be in violation of any of the provisions of this article or Article III shall become liable to the City of Torrington for any expense, loss or damage occasioned by the City of Torrington by reason of such violation.
- D. Any person who is found to be in violation of Section 25-54i of the Connecticut General Statutes, as amended<sup>7</sup>, shall be subject to monetary penalty or forfeiture under Section 25-54q of the statutes\*.

(Ord. of 6-17-2013, eff. 7-19-2013)

**§ 170-18. Appeals.**

Any decision or order issued by the Director may be appealed to the ~~Water Pollution Control Authority~~WPCA within 15 days of receipt of notice of the decision or order. The appeal must be in writing, specifically setting forth the grounds for the appeal and the relief requested and shall be filed with the City Clerk. The ~~Water Pollution Control Authority~~WPCA shall hold a hearing on the appeal within 15 days of its receipt and shall issue its decision within 30 days thereafter. The decision of the ~~Water Pollution Control Authority~~WPCA shall be final for purposes of an appeal to the Superior Court.

(Ord. of 6-17-2013, eff. 7-19-2013)

**ARTICLE III. FATS, OILS AND GREASE (FOG) PRETREATMENT**

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<sup>7</sup>\*Editor's note—For current provisions, see Sections 22a-430 and 22a-438 of the General Statutes of Connecticut.

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**§ 170-19. Purpose.**

The purpose of this article is to outline the wastewater pretreatment requirements for Food Preparation Establishments and other commercial and industrial facilities that discharge fats, oils and grease in their wastewater flow. All new and existing facilities that generate and discharge fats, oils and grease in their wastewater flow shall install, operate and maintain FOG Management Equipment. The requirements of this article shall supplement and be in addition to the requirements of Article II.

(Ord. of 6-17-2013, eff. 7-19-2013)

**§ 170-20. Reserved.**

**§ 170-21. Application to install FOG management equipment.**

- A. FOG Management Equipment shall be provided for:
- (1) All new and existing Food Preparation Establishments, including restaurants, cafeterias, diners, and similar non-industrial facilities using food preparation processes that have the potential to generate FOG in wastewater at concentrations in excess of the limits defined in this article.
  - (2) New and existing facilities which, in the opinion of the ~~Director of Public Works~~Director, require FOG Management Equipment for the proper handling of wastewater containing fats, oils or grease, except that such FOG Management Equipment shall not be required for residential dwelling units.
- B. All new Food Preparation Establishments which generate and discharge wastewater containing fats, oils and grease and which will require FOG Management Equipment, as determined by the ~~Director of Public Works~~Director, shall include the design and specifications for the FOG Management Equipment as part of the sewer discharge permit application as described in § 170-13. In addition, any such establishment shall also be required to apply for a FOG permit and pay all required fees.
- C. All existing Food Preparation Establishments which generate, and discharge wastewater containing fats, oils and grease, and which require new FOG Management Equipment, as determined by the ~~Director of Public Works~~Director, shall submit an application for the installation of new FOG Management Equipment. The application shall be in accordance with § 170-13. Such establishment shall also apply for a FOG permit.
- D. A FOG permit issued pursuant to subsections B or C, above, shall be valid for five (5) years from the date of issuance and must be renewed every five (5) years and pay all required fees.
- ~~E~~D. All existing Food Preparation Establishments which generate, and discharge wastewater containing fats, oils and grease, and which have existing FOG Management Equipment

may, as determined by the ~~Director of Public Works~~Director, keep the existing FOG Management Equipment in operation. Such facilities shall submit an application for "Alternate FOG Management Equipment" as described in § 170-24C. Such application shall be submitted within six months of adoption of this article.

- ~~FE~~. All costs and related expenses associated with the installation and connection of the FOG Interceptor(s) or AGRU(s) shall be borne by the Food Preparation Establishment. The Food Preparation Establishment shall indemnify the City of Torrington and its Agents for any loss or damage that may directly or indirectly occur due to the installation of the AGRU.

(Ord. of 6-17-2013, eff. 7-19-2013)

#### **§ 170-22. Discharge limits.**

- A. No facility shall discharge or cause to be discharged any wastewater with a FOG concentration in excess of 100 milligrams per liter, as determined by the currently approved test for total recoverable fats and grease listed in 40 CFR 136.3, or in concentrations or in quantities which will harm either the sewers, ~~or the Water Pollution Control Facility~~WRRF, as determined by the ~~Director of Public Works~~Director.

(Ord. of 6-17-2013, eff. 7-19-2013)

#### **§ 170-23. Management equipment requirements.**

- A. An Application for the design and installation of FOG Management Equipment shall be subject to review and approval by the ~~Director of Public Works~~Director per § 170-13, and subject to the requirements of all other applicable codes, ordinances and laws.
- B. Except as provided by § 170-24, the wastewater generated from Food Preparation Establishments shall be treated to remove FOG using a FOG Interceptor or AGRU meeting the requirements of the Connecticut DEEP's *General Permit for the Discharge of Wastewater Associated with Food Preparation Establishments*.
- C. Every structure at the subject facility shall be constructed, operated and maintained, in a manner to ensure that the discharge of food preparation wastewater is directed solely to the FOG interceptor, or Alternate FOG Management Equipment. No valve or piping bypass equipment that could prevent the discharge of food preparation wastewater from entering appropriate treatment equipment shall be present.
- D. The Contact Person at each Food Preparation Establishment shall notify the ~~Director of Public Works~~Director when the FOG Management Equipment is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the plumbing inspector, and/or Agent.
- E. All applicable local plumbing/building codes shall be followed during the installation of the FOG Management Equipment.

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F. FOG Interceptor Requirements.

- (1) The FOG Interceptor shall be installed on a separate building sewer servicing only kitchen flows and shall meet all the requirements of the Connecticut DEP's *General Permit for the Discharge of Wastewater Associated with Food Preparation Establishments*.
- (2) FOG Interceptors shall have a minimum of two compartments. The inlet compartment shall contain two-thirds of the interceptor volume and the outlet compartment shall contain one-third of the interceptor volume. The two compartments shall be separated by a baffle that extends from the bottom of the FOG interceptor to a minimum of five inches above the static water level. An opening in the baffle shall be located at mid-water level. The size of the opening shall be at least eight inches in diameter but not have an area exceeding 180 square inches.
- (3) When it is not practical for the Food Preparation Establishment to install an outdoor in-ground FOG Interceptor per § 170-23, a AGRU may be utilized. The installation of the AGRU must meet the requirements as provided in the Connecticut DEP's *General Permit for the Discharge of Wastewater Associated with Food Preparation Establishments*.

(Ord. of 6-17-2013, eff. 7-19-2013)

**§ 170-24. Alternate FOG management equipment.**

A. Other Alternate FOG Management Equipment.

- (1) Other Alternate FOG Management Equipment that does not meet the requirements of § 170-23F may be considered for approval by the ~~Director of Public Works~~Director on a case-by-case basis. The application shall include:
  - (a) Documented evidence that the Alternate FOG Management Equipment will not discharge FOG concentrations that exceed the discharge limits per § 170-22.
  - (b) Plans and specifications for the proposed system including plans and profile of system installation, manufacturer's literature, documentation of performance and any other information detailing the alternate system.
  - (c) A written Operation and Maintenance Plan, which shall include the schedule for cleaning and maintenance, copies of maintenance log forms, a list of spare parts to be maintained at the subject facility, and a list of contacts for the manufacturer and supplier. Following receipt of written Notification of Approved Alternate FOG Management Equipment from the Director, the Operation and Maintenance Plan shall be maintained on the premises. The plan shall be made available for inspection on demand by the Agent.

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- (d) A written FOG Minimization Plan, which shall include procedures for all Food Preparation Establishment employees to minimize FOG entering the wastewater collection system.
  - (e) Description of a FOG Pretreatment Training Program for Food Preparation Establishment employees in minimization procedures.
  - (2) A Notification of Approved Alternate FOG Management Equipment may be granted for a duration not to exceed three years, with extensions, when demonstrated to the satisfaction of the Director that the Alternate FOG Management Equipment, Operation and Maintenance Plan, FOG Minimization Plan and FOG Pretreatment Training Program are adequate to maintain FOG concentration in the wastewater discharge below the limits set in § 170-22.

(Ord. of 6-17-2013, eff. 7-19-2013)

**§ 170-25. Pretreatment equipment maintenance.**

- A. The FOG Management Equipment shall be maintained continuously in satisfactory and effective operation, at the Food Preparation Establishment's expense.
- B. The Contact Person shall be responsible for the proper removal and disposal, by appropriate means, of the collected material removed from the FOG Management Equipment.
- C. A record of all FOG Management Equipment maintenance activities shall be maintained on the premises for a minimum of three years.
- D. Chemical and/or biological additives that could cause the fats, oils and grease fraction to be released from the FOG Management Equipment are not permitted.
- E. The Contact Person shall ensure that the FOG Interceptor is inspected when pumped to ensure that all fittings and fixtures inside the interceptor are in good condition and functioning properly. The depth of grease inside the tank shall be measured and recorded in the maintenance log during every inspection along with any deficiencies, and the identity of the inspector.
- F. The Contact Person shall determine the frequency at which its FOG Interceptor(s) shall be pumped according to the following criteria:
  - (1) The FOG Interceptor shall be completely cleaned by a licensed waste hauler when 25 percent of the operating depth of the FOG Interceptor is occupied by solids or a minimum of once every three months, whichever is more frequent.
  - (2) The WPCA shall require a more stringent frequency than that which is established in Subsection 170-25F(1) if 170-25F(1) if it is determined to be insufficient to prevent the discharge of FOG into the public sewer or that the discharge does or has the potential to cause downstream occlusions.

(3) If the Contact Person can provide data demonstrating that less frequent cleaning of the FOG Interceptor will not result in grease and settled solids level in excess of 25 percent of the operating depth of the FOG Interceptor, the Director may authorize less frequent cleaning. The Contact Person shall provide data including pumping receipts for four consecutive cleanings of the FOG Interceptor, complete with a report from the FOG hauler indicating the grease level at each cleaning, and the FOG Interceptor maintenance log.

(4) A maintenance log shall be maintained on the premises ~~which, and~~ shall include the following information: dates of all activities, volume pumped, grease depth, hauler's name, location of the waste disposal, means of disposal for all material removed from the FOG Interceptor, and the name of the individual recording the information. The maintenance log and waste hauler's receipts shall be made available to the Agent for inspection on demand. Interceptor cleaning and inspection records shall be maintained on file a minimum of three years.

- G. All removal and hauling of the collected materials must be performed by a State licensed waste hauler. Pumped material may be disposed of at the Torrington ~~Wastewater Treatment Facility-WRRF~~ Regional FOG Disposal Facility. Pumping shall include the complete removal of all contents, including floating materials, wastewater and settled sludge. Decanting back into the FOG Interceptor shall not be permitted. FOG interceptor cleaning shall include scraping excessive solids from the wall, floors, baffles and all piping.
- H. The Contact Person shall be responsible for the cost and scheduling of all repairs to FOG Management Equipment components. Repairs required by the Agent shall be completed within 30 days after the date of written notice of violation is received by the Contact Person.

(Ord. of 6-17-2013, eff. 7-19-2013)

#### § 170-26. FOG minimization.

- A. The Contact Person shall make every practical effort to reduce the amount of FOG contributed to the sewer system.
- B. Renderable FOG shall not be disposed of, in any sewer, septic tank or FOG Interceptor. All renderable FOG shall be stored in a separate, covered, leak-proof, Renderable FOG Container, stored out of reach of vermin, and collected by a renderer.
- C. Small quantities of FOG scraped or removed from pots, pans, dishes and utensils shall be directed to the municipal solid waste stream for disposal.

(Ord. of 6-17-2013, eff. 7-19-2013)

Article: Miscellaneous Industrial Users (MIU)

170.27 Purpose

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The Purpose of this Article is to outline Wastewater Requirements for Industrial Process Wastewater and Vehicle Maintenance Wastewater.

#### 170.28 Requirements

The WPCA Discharge Permit Form must be submitted along with all necessary attachments and required testing Information. All testing, which is at the sole expense of the applicant, must be completed prior to submission of the Permit Form.

#### 170.29 Fees

All fees must be paid in full upon submission of the Permit Form. Fees are listed on the WPCA website. Click the link reading "WPCA Misc. Fees FY 23/24, or cut and paste this URL into your browser: <https://www.torringtonct.org/water-pollution-control-authority/pages/wpca-misc-fees-fy-2324>.

#### 170.30 Duration of Miscellaneous Industrial Users Permit.

MIU Permits are valid for three (3) Years commencing on the date of approval.

##### A. Renewal

A Discharge Permit Form to renew a permit must be submitted and approved prior to the expiration of the permit. If a permit expires and a new or renewed permit has not been approved, the industrial process wastewater discharge must be discontinued until another permit is approved and in place, which may require additional testing. In addition, late fees, surcharges and fines may be imposed and must be paid prior to approval of a renewal permit.

#### 170.31 Discharge Limits

All discharge limits must be met whether transported to the WRRF or discharged directly into the WRRF collection system. All permit applications must meet minimum discharge requirements as listed in the WPCA rules and regulations, Article 5, ~~pages 20 through 25~~ or the City of Torrington Code of Ordinances.

#### 170.32 Discharge Limitations and Prohibitions.

If discharge limits cannot be met by process changes or chemical changes, a pretreatment system must be designed by a certified engineer and installed for that particular industrial discharge. If, after such pretreatment system is built and installed, discharge limits still cannot be met, the discharge shall be considered prohibited and any discharge must cease until the limits can be met. Upon testing and proof that the limits have been met, discharge to the WRRF collections system will be approved. Any required testing and design, construction and installation of a pretreatment system shall be at the sole expense of the applicant and/or owner.

#### 170.33 Auxiliary and special Meters.

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Any required auxiliary or special meters shall be installed at the expense of the applicant/owner. All meters shall be installed in accordance with the standards, rules, and regulations of the then public water supplier. Further requirements can be found in the WPCA Rules and Regulations. ~~Page 17~~ Section 404 1(A) through 3(F).

#### 170.34 Transported Loads

All transported loads of industrial process wastewater or vehicle maintenance wastewater from an oil/ sand/water separator tank from a vehicle maintenance garage or vehicle, truck or car wash facility must have a current (MIU) permit. All in town and out of town generators must have a current approved MIU permit before calling to schedule a load dump at the WRRF recovery facility. Only haulers currently permitted to dump at the WRRF may transport and dump industrial process wastewater or vehicle maintenance wastewater at the WRRF. Loads transported to the WRRF that do not meet posted discharge limits or by a generator not holding a WPCA permit will not be scheduled and will be refused.

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