

Chapter 113

WATER POLLUTION CONTROL AUTHORITY

GENERAL REFERENCES

Department of Public Works — See Ch. 90.

Water use for tree spraying — See Ch. 114.

Public sewers — See Ch. 91.

Sewer assessments — See Appendix, Part III.

Swimming pools — See Ch. 102, Art. I.

§ 113-1. Creation.

There is hereby created an authority to be designated and known as the "Water Pollution Control Authority for the City of Norwalk" (hereinafter referred to as the "WPCA"), pursuant to Chapter 103, Sections 7-245 through 7-273a, inclusive, of the Connecticut General Statutes, as amended (hereinafter referred to as the "Act"). The purpose for which the Authority is hereby created is to construct, reconstruct, operate and maintain the Sewerage System for the City of Norwalk. Sections 91-1 through 91-11 of the Code of the City of Norwalk are hereby incorporated herein and made a part hereof to the extent not inconsistent herewith. The definition of "Water Pollution Control Authority" in § 91-2 of the Norwalk Code is hereby amended by deleting "The City of Norwalk Common Council" and substituting therefor "The Water Pollution Control Authority" established herein and hereby. All capitalized terms used and not otherwise defined herein shall have the meanings set forth in the Act, as amended from time to time.

§ 113-2. Definitions.

The following terms shall have the meanings set forth below:

PERSON — Any individual, firm, partnership, association, corporation, limited-liability company, company, public agency, taxing district or organization of any kind, but excluding the City, its officers, boards, agencies or departments.

SEWAGE — Wastewater or water-carried wastes from residences, commercial buildings, institutions and industrial establishments.

SEWERAGE SYSTEM — All facilities for collecting, transporting, receiving, pumping, treating and disposing or discharge of sewage or wastewater.

WASTEWATER TREATMENT PLANT — Any arrangement of devices and structures used for treating sewage.

§ 113-3. Membership; meetings.

The WPCA shall consist of nine members. They shall include the Mayor, Chairman of the Board of Estimate and Taxation (BET), President of the Common Council, the Chairman of the Public Works Committee of the Common Council, one other member of the Common Council and four at-large members appointed by the Mayor

and approved by the Common Council. No more than two of the three Common Council representatives shall be from the same political party. The Mayor, BET Chairman and Common Council representatives may each appoint a continuous designee (alternate) to represent him/her. At least one of the at-large members must be an accountant or financial manager and at least one must be an engineer. The Authority shall meet at least monthly. All members of the Authority, or their designees, shall have the right to vote. The Director of Public Works and the Director of Finance shall serve ex officio without the right to vote.

§ 113-4. Terms of office.

City officials who become members of the WPCA Board of Directors by virtue of their position shall remain as members throughout their tenure as City officials. The terms of designees of City officials shall be coterminous with those of the City officials. At-large members shall be appointed for three years, except those first appointed, two of whom shall serve initial two-year terms.

§ 113-5. Officers.

The officers of the WPCA shall be a Chairman and Vice Chairman elected by the membership for one-year terms commencing on the first day of each July. Designees shall not be eligible to serve as officers of the WPCA.

§ 113-6. Powers exercised after duly called meeting.

Except as the bylaws of the WPCA may permit in emergency situations, the powers of the WPCA shall be executed by its members at a meeting duly called and held. No action shall be taken except by the affirmative vote of a majority of the voting members present.

§ 113-7. Compensation.

The directors, designees and officers of the WPCA shall serve without compensation.

§ 113-8. Staff.

The WPCA shall be staffed by the Director of Public Works and as many persons as the Director may determine to be necessary or convenient for the performance of its duties. Existing City or contractual employees may be used to fulfill the provisions of this section. The qualifications of all WPCA employees must be the same or more stringent than those required by the State of Connecticut Department of Environmental Protection.

§ 113-9. Removal of members.

Any members of the Authority may be removed from office in accordance with the terms of § 1-222 of the City Charter. City officials who have appointed designees may change designees during their terms.

§ 113-10. Director's responsibilities.

A. The Director shall be responsible for the operation and maintenance of the Sewerage System in accordance with § 90-1C of the Norwalk Code. The Director

shall have the responsibility for creating an organizational structure that fulfills the requirements of the WPCA. The personnel needs of the WPCA shall be presented annually with the WPCA budget to the City in accordance with procedures established by the WPCA.

- B. The Director shall have the authority to contract for the procurement of goods and services, including for the day-to-day operations of the treatment plant and collection system, as may be necessary, in accordance with procedures established by the WPCA.

§ 113-11. Exercise of powers under authority of Act.

In furtherance of the purpose for which it is created, the WPCA may exercise any powers granted to such an Authority under the Act, as it is amended from time to time.

§ 113-12. Revenue and cost of operations.

All revenues and costs of operations of the WPCA shall be accounted for separately from the other operations of the City. The WPCA shall create the fund or funds necessary to ensure that operating and nonoperating revenues shall be sufficient to cover all costs and expenses of operating all facilities of the WPCA and to ensure the WPCA complies with any restrictions placed on the use of any financial or capital resources. The WPCA may consider factors that influence the cost of the Sewerage System, including strength, volume and delivery flow rates and characteristics of sewage.

§ 113-13. System charges; meters.

Charges for system use furnished by the WPCA for residential, commercial, nonresidential, industrial, municipal and institutional users shall be established and periodically revised by the WPCA after publication and a public hearing in accordance with Section 7-255 of the Connecticut General Statutes. Such charges shall reflect the proportional distribution of all costs among all users pursuant to the Act and Section 204(b) of 33 U.S.C. § 1284(b), as said statutes may be amended from time to time, as reasonably determined by the WPCA. The WPCA may set up meters to monitor the inflow and outflow of sanitary waste into and out of the Sewerage System.

§ 113-14. Collection of sewer use charges.

- A. The WPCA shall exercise due diligence in collecting the full amount due from all users. The WPCA shall exercise all lawful means to collect delinquent unpaid sewer use charges, including retaining independent legal counsel and/or an independent collecting agent. The user shall become liable for all costs associated with collecting delinquent charges.
- B. A list of such unpaid accounts turned over for collection shall be submitted to the Chairperson of the WPCA semiannually.
- C. Any unpaid sewer use charges shall constitute a lien upon real estate against which such charge was levied from the date it became delinquent. Each such lien may be continued, recorded and released in the manner provided by the Connecticut General Statutes for continuing, recording and releasing property tax liens. Each

such lien shall take precedence over all other liens and encumbrances, except City of Norwalk real estate taxes and liens, and may be foreclosed in the same manner as a lien for property taxes.

- D. The Tax Collector of the City is designated as the collector of sewer user charges. In addition, the WPCA may designate other persons to collect sewer user charges. Such designated persons may collect such charges in accordance with the provisions of the Connecticut General Statutes concerning the collecting of property taxes.
- E. All sewer use charges shall be due and payable in full within 30 days of the due date. Any sewer use charge not paid in full within the aforementioned time period shall be delinquent and shall bear interest at the rate and in the manner prescribed by the Connecticut General Statutes for delinquent property taxes.

§ 113-15. Appeals.

- A. Users shall be notified of changes in user rates by publication in a newspaper having general circulation in the community. Any user aggrieved by such change may express such grievance at the public hearing or through written grievance to the WPCA. Such grievance shall be brought not more than 30 days after the date of publication of any initial or revised rates imposed by the WPCA for any class of users.
- B. Any user aggrieved by any charge for his/her connection with or for his/her use of the Sewerage System may make written appeal to the WPCA requesting a review of his/her user charge or of the volume assessment. Such appeal shall be brought not more than 45 days after receipt of a bill. All appeals shall be administered for the WPCA by the Director of Public Works. Upon appeal, the Director shall examine the user charge or volume assessment for errors and make adjustments thereto accordingly, if necessary. The Director shall inform the appellant, in writing, of the adjustment or the denial of the appeal. Appellants who disagree with the decision of the Director may further appeal, in writing, to the WPCA. Such further appeal must be made no more than 30 days following receipt of the decision of the Director.
- C. Any person aggrieved by any final decision of the WPCA may appeal to the Superior Court and shall bring any such appeal to a return day of said Court not less than 12 nor more than 30 days after service thereof. The judgment of the Court shall be final.

§ 113-16. Annual budget.

The annual budget of the WPCA shall be prepared and approved by the WPCA members and shall require the additional approval of the Board of Estimate and Taxation and the Common Council in accordance with the schedule of the annual budget of the City. In the event that either the Board of Estimate and Taxation or the Common Council rejects the WPCA proposed budget, the WPCA may modify and resubmit said budget until it is approved.

§ 113-17. Connection to public sewer required.

- A. The owner(s) of all dwellings, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City may, at the option of the WPCA and at the owner's expense, be required to install a building lateral to connect their building drain to the public sewer, 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.

§ 113-18. Interference with public sewer prohibited; criteria for connection; permit required; use of existing laterals.

- A. No unauthorized person(s) shall uncover, make any connections with or operate into, use, alter, repair or disturb any public sewer or appurtenance thereof.
- B. The Director of Public Works shall establish criteria for connection to the public sewer system. Any person proposing a new discharge into the public sewer system or a substantial change in the volume or character of pollutants that are being discharged into the public sewer system shall notify the Director at least 45 days prior to the proposed change or connection and must obtain approval from the Director prior to such discharge. The Director may waive the forty-five-day requirement in the case of an emergency.
- C. A person intending to connect a building drain from his property to the public sewer shall first obtain a permit to connect from the Director. The application shall be made on forms provided by the Director, and it shall be accompanied by a sketch or plan showing the proposed installation in sufficient detail to enable the Director to determine that the proposed installation meets the requirements of the WPCA 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 who has been chosen to perform the work of installing and connecting the building drain to the public sewer. Upon approval of the application and plan, a permit shall be issued to have the work performed by the stated contractor. In the event that the premises change 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.
- D. A connection to the public sewer will be made only after said connection has been approved by the Director in order to ensure that minimum standards are met for the installation.
- E. Permits to connect to the public sewer may be revoked or annulled by the Director for noncompliance with the criteria established in accordance with the above-stated provisions. The Director shall send notice of a revocation or annulment of a permit to the permittee by certified mail. The permittee may appeal such revocation or annulment to the WPCA in accordance with appeal and hearing procedures established by the WPCA.

- F. Existing building laterals may be used in connection with new buildings only when they are found, on examination and test by the Director, to meet all requirements hereof established by the WPCA.
- G. The size, slope, alignment, materials of construction of a building lateral and the methods to be used in excavating, placing of the pipe, jointing, testing and backlifting the trench and connection of the building lateral to the public sewer shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the City;
- H. The Director shall copy the WPCA on all permits and correspondences concerning connecting to the public sewer.