

Chapter 10

HEALTH AND POLLUTION*

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*Cross reference—Solid waste management, Ch. 18.

State law references—Public health and safety, G.S. Title 19; public health and well-being, G.S. Title 19a.



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ARTICLE I. IN GENERAL

Sec. 10-1. Construction, remodeling of eating establishment; plan approval required.

(a) No person shall undertake to remodel or alter an existing building, or any part thereof, which is being used or is proposed for use as an eating establishment, or shall undertake to construct a new building which is to be used in whole or in part as an eating establishment without having first submitted plans thereof to the director of health for approval. Such plans shall be accompanied by a statement containing such other data as will completely describe the eating establishment or the addition or alteration proposed.

(b) Any person who fails to comply with the provisions of this section shall be guilty of an infraction and upon conviction shall be punished in accordance with section 1-11.

(Ord. of 4-13-65(2), § 2)

Sec. 10-2. Winterization of seasonal use structures; permit and certificate of occupancy.

(a) Definitions:

(1) *Seasonal use* means any dwelling structure occupied for less than nine (9) months of any one (1) calendar year; or any dwelling structure which does not contain one (1) or more of the following:

- a. A positive heating supply to the structure or converted area; or
- b. Energy conservation measures, such as insulation to protect from heat loss; or
- c. A potable year-round water supply which is protected from freezing, or, if water service is public, has said service supplied on a year-round basis.

(2) *Winterization* means the act of converting a seasonal use dwelling structure into a year-round use dwelling structure by providing one (1) or more of the following:

- a. A positive heating supply to the structure or converted area; or

- b. Energy conservation measures, such as insulation to protect from heat loss; or
- c. A potable water supply which is protected from freezing or public water service supplied on a year-round basis.

(3) *Director of health* means the Madison director of health or his authorized agent or agents.

(4) *Person* means any person, firm, corporation, trustee, individual, co-owner or other entity owning real property or the lessee thereof.

(b) General:

(1) As of the effective date of this section, no person shall undertake to winterize, as defined under these regulations, or otherwise convert any seasonal-use dwelling structure presently unsuitable for year-round occupancy to year-round use without first obtaining a winterization permit from the director of health, except as provided in subsection(4) below.

(2) An applicant for a winterization permit shall provide a plan, prepared by a professional engineer licensed in the State of Connecticut, to the director of health, which demonstrates full and complete compliance with the subsurface sewage disposal regulations of the State of Connecticut (sections 19-13-B100a and 19-13-B103 of the Regulations of Connecticut State Agencies, as amended). The applicant shall also provide a completed "application for and permit to construct a subsurface sewage disposal system" to the director of health.

(3) Upon approval by the director of health of the plan in subsection (2), the director of health shall approve the applicant's "application for and permit to construct a subsurface sewage disposal system". The applicant shall be responsible for installation of the approved subsurface sewage disposal system, and the director of health may make any inspections he deems ap-

propriate during and/or on completion of the installation to ensure the approved plan was followed.

- (4) No winterization permit shall be issued until such approved subsurface sewage disposal system has been completed, inspected and approved for use by the director of health or the director's authorized agent. The director of health may authorize the initiation of construction or modification to certain features of the dwelling to accommodate the conversion of the dwelling to year-round, prior to the installation of the subsurface sewage disposal system, to avoid damage to the approved subsurface sewage disposal system. This authorization may only be granted in instances where the director feels the timing of such building construction is necessary to minimize damage to the approved subsurface sewage disposal system that will be installed and facilitate dwelling construction. Installation of the approved subsurface sewage disposal system may proceed in conjunction with construction on the dwelling, but in no case may the dwelling be occupied on a year-round basis, nor any certificate of occupancy be issued, until the approved subsurface sewage disposal system is installed to the director's satisfaction and a winterization permit is issued.
- (5) Upon approval of the installed subsurface sewage disposal system, the director of health shall issue a winterization permit to the applicant.
- (6) The winterization permit issued by the director of health shall expire and become void unless all improvements proposed by the applicant to convert the dwelling structure to year-round use commensurate with the approved subsurface sewage disposal system provided pursuant to subsections (2) and (3) above have been completed and a certificate of occupancy has been issued for the subject premises within twenty-four (24) months of the issuance of the winterization permit. If said improvements have not been so completed and the

winterization permit expires, said structure shall continue to be a seasonal use dwelling.

(Ord. of 1-4-71; Ord. of 6-26-00)

Secs. 10-3—10-25. Reserved.

ARTICLE II. WATER POLLUTION CONTROL*

DIVISION 1. GENERALLY

Sec. 10-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authority means the town water pollution control authority.

Cleaner/hauler means any individual, partnership, association, firm, corporation or authorized officer or representative of such entity engaged in septage, sewage or grease disposal and licensed by the state department of health services.

Grease means oil (including any derivatives of animal or vegetable origin), grease, fat and attendant wastewater from kitchen sinks and drains that flow into food service facility grease traps or septic tanks.

Grease trap means a tank, series of tanks or other device designed to separate oil, grease and fat from wastewater at food service facilities.

Pollution means manmade or man-induced alteration of the chemical, physical, biological or radiological integrity of any part of the environment.

Prohibited waste means one (1) or more of the following:

- (1) Substances posing a fire hazard during routine management;
- (2) Substances requiring special containers because of their ability to corrode stan-

*State law reference—Water pollution control, G.S. § 22a-416 et seq.

ard materials, or require segregation from other wastes because of their ability to dissolve contaminants;

- (3) Substances which during routine management tend to react spontaneously, react vigorously with air or water, be unstable to shock or heat, to generate toxic gases or to explode;
- (4) Substances which when improperly managed may release toxicants in sufficient quantities to pose substantial hazard to human health or the environment;
- (5) Any hazardous, toxic or restricted material, substance or waste as defined by the Code of Federal Regulations, Chapter 40, the state department of environmental protection, the state department of health services or the United States Environmental Protection Agency;
- (6) Petroleum oil or petroleum derivatives, or mineral oil or products of mineral oil;
- (7) Any water or waste containing odor-producing substances exceeding limits as established by the water pollution control authority;
- (8) Substances that may interfere with or adversely affect the biological treatment of septage wastes.

Registration means having approval of the water pollution control authority to use the town septage treatment facility after completing all necessary applications.

Regulations means the instruments adopted by the water pollution control authority for the purposes of carrying out this article.

Septage means biodegradable waste that is removed from septic tanks, cesspools, dry wells or privy vaults, as residuals, that are part of the on-site disposal systems used by residences, commercial establishments or industries.

Septic tank means a watertight receptacle used for the treatment of domestic sewage and designed and constructed to permit the settling of solids, the digestion of organic matter by microorganisms, detention and the discharge of the

liquid portion (effluent) to a leaching system. Cesspools shall be included in this definition if they are not preceded by a septic tank.

Sewage means water consisting of human wastes or other waterborne wastes incidental to the occupancy and use of a building as may be detrimental to the public health or the environment, but not including manufacturing process wastewater, cooling water, wastewater from water-softening equipment, blow-down from heating or cooling equipment, water from cellar or floor drains, surface waters from roofs, paved surfaces or yard drains, wastewater from marine toilets or other such chemical toilets or holding tanks, or hazardous or toxic wastes.

Subsurface sewage disposal system means a system consisting of a building sewer (pipe), a septic tank followed by a leaching system, any necessary pumps and siphons, and any groundwater control system on which the operation of the leaching system is dependent.

Town septage treatment facility means the septage treatment facility operated by the town water pollution control authority.
(Ord. of 5-1-89, § 2)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 10-27. Water pollution control authority; creation, powers.

The town water pollution control authority, as provided in section 7-245 et seq. of the General Statutes, and the town meeting of March 14, 1979, creating the water pollution control authority, has the powers and responsibilities conferred by such statutes. The authority is directly responsible for the planning, design, construction, operation, maintenance and monitoring of all water pollution control facilities in the town in accordance with federal, state and local regulations.
(Ord. of 5-1-89, § 1.1)

Cross reference—Water pollution control authority to act as aquifer protection agency, § 10-87.

Sec. 10-28. Purpose.

(a) The purpose of this article is to protect the public health and welfare of the town through the prevention of public health nuisances and haz-

ards and environmental degradation that may have a detrimental impact on the quality of the town's surface and subsurface water resources.

(b) Because the town is entirely dependent upon soil renovation for treatment of its domestic sewage, and draws a large portion of its potable water from substantially the same land area, it is important that standards are established and con-

tinually reviewed in order to ensure the continued viability of the town's septage treatment facility and sewer avoidance program.
(Ord. of 5-1-89, § 1.2)

Sec. 10-29. Adoption, amendment of regulations.

Regulations may be adopted and/or amended from time to time by the authority.
(Ord. of 5-1-89, § 6.2)

Secs. 10-30–10-45. Reserved.

DIVISION 2. TOWN SEPTAGE TREATMENT FACILITY

Sec. 10-46. Disposal of sewage, septage, grease.

All sewage, septage and grease generated in the town shall be disposed of at the town septage treatment facility unless otherwise approved by the authority or its agent in writing.
(Ord. of 5-1-89, § 3.1(b))

Sec. 10-47. Acceptable materials.

Only sewage, septage and grease shall be disposed of in the town septage treatment facility.
(Ord. of 5-1-89, § 3.1(c))

Sec. 10-48. Disposal of sewage.

Sewage may be disposed of in the town septage treatment facility only at the discretion of the authority and only during the time of planning and affecting repairs to a failing subsurface sewage disposal system.
(Ord. of 5-1-89, § 3.1(d))

Sec. 10-49. Prohibited waste.

No prohibited waste, or industrial waste containing such material, shall be disposed of at the town septage treatment facility.
(Ord. of 5-1-89, § 3.1(e))

Sec. 10-50. Discharges by cleaners/haulers.

No cleaner/hauler may discharge into the town septage treatment facility unless they are registered with the authority, as outlined in section

10-54, and possess an approved septage pumping permit.
(Ord. of 5-1-89, § 3.1)

Sec. 10-51. Operating hours; posting.

Operating hours of the town septage treatment facility, as established by the authority, shall be posted in the office of the authority and at the town septage treatment facility.
(Ord. of 5-1-89, § 3.1(g))

Sec. 10-52. Discharges at times other than posted hours.

Arrangements for emergency discharge, during holidays, or at times other than posted hours, may be established by the authority and shall be in accordance with these regulations and the authority's posted fee schedule. Such procedure shall be posted in the office of the authority and at the town septage treatment facility.
(Ord. of 5-1-89, § 3.1(h))

Sec. 10-53. Fee schedule; establishment, posting.

A schedule of fees shall be established by the authority, and amended from time to time, to help defray the costs of operating and maintaining the town septage treatment facility. Such fee schedule shall be posted in the office of the authority and at the town septage treatment facility.
(Ord. of 5-1-89, § 3.1(i))

Sec. 10-54. Registration requirements.

(a) Any cleaner/hauler may apply for registration with the authority to use the town septage treatment facility provided that:

- (1) The applicant attests that the cleaner/hauler engaged in the work of cleaning septic tanks or grease traps is certified by the state to perform such work.
- (2) The applicant completes a septage treatment facility registration form as appended to these regulations and files it with the authority.

- (3) The applicant agrees to abide by the provisions of this article and applicable regulations in their entirety.
- (4) The applicant has not been permanently barred previously by the authority from using the town septage treatment facility for violation of these regulations.

(b) Within thirty-five (35) days of receiving a septage treatment facility registration form at its office, the authority shall vote upon issuance or denial of a registration.

(c) Annually, the registrant shall file a copy of his notice of license renewal from the state department of health services, with the authority, which shall be deemed a request for reissuance of his town septage treatment facility registration for the succeeding year.
(Ord. of 5-1-89, § 3.2)

Secs. 10-55–10-70. Reserved.

DIVISION 3. PUMPING, HANDLING AND DISPOSAL OF SEPTAGE

Sec. 10-71. Disposal authorization required.

No sewage, septage or grease shall be disposed of in the town unless specifically authorized by the authority in writing.
(Ord. of 5-1-89, § 3.1(a))

Sec. 10-72. Pumpout and inspection procedures.

(a) All subsurface sewage disposal systems in town shall be inspected and/or pumped at least once every five (5) years by a state-licensed cleaner/hauler. A tank pumped more often than once a year, except grease traps, shall be referred to the town health department for inspection as to the adequacy of the building's subsurface sewage disposal system. Properties with septic tanks pumped less frequently than once every five (5) years shall be subject to inspection by the town health department. Grease traps shall be pumped no more often than as scheduled by the town health department, or the adequacy of the system shall be investigated.

(b) Substantially all liquid, scum and sludge shall be removed from the septic tank, leaving it as nearly empty as possible but with sufficient residue to maintain effective treatment. Pipes, inlets, outlets, baffles and septic tank integrity shall be inspected for damage or deficiency. The ground surface in the general vicinity of the subsurface sewage disposal system shall be checked for signs of surcharging. Any septic tank damage or defect, or any observed characteristic of failure of the subsurface sewage disposal system shall be recorded by the cleaner/hauler on the septage pumping permit, and shall be provided to the authority, along with the volume of septage, sewage or grease pumped, the address at which it was pumped, the date, and such other data as may be required by the town health department. The septage pumping permit shall be filled out completely. Returning an incomplete septage pumping permit may be considered an infraction of this article by the authority.

(c) Cleaners/haulers shall use special caution to prevent damage to the subsurface sewage disposal systems they service with vehicles or equipment. Accidental spillages of septage, grease or sewage shall be immediately removed so as to prevent a public health hazard.
(Ord. of 5-1-89, § 3.3)

Sec. 10-73. Handling and spillage requirements.

(a) All material removed from any septic tank, privy, sewer, subsurface sewage disposal system, sewage holding tank, toilet, sewer plumbing system or grease trap shall be transported in watertight vehicles or containers in such manner that no malodors, nuisance or public health hazard is created. All vehicles used for the transportation of sewage, septage or grease shall be registered as such with the authority and shall be subject to inspection by the authority or the director of health or their authorized agents at any reasonable time. Such vehicles shall bear the name of the cleaner/hauler and shall be equipped with a sight gauge or other measuring device approved by the authority and fully operational, which will reasonably indicate the volume of its contents. All vehicles, containers and equipment used for pumping and hauling sewage, septage or grease shall be

maintained in a clean exterior condition at all times, whether in use or being stored. No defective or leaking vehicle shall be used at any time. No such vehicle, used to transport sewage, septage or grease shall be used to collect or transport prohibited waste at any time.

(b) Water used for rinsing vehicles, containers or equipment used in pumping or transporting sewage, septage or grease shall be considered sewage and shall be disposed of in a sanitary manner approved by the town health department.

(c) All cleaners/haulers shall be responsible for the immediate cleanup of any spills which occur during collection, transportation and/or discharge operations. All spillages that occur during transportation shall be immediately reported to the town health department.

(Ord. of 5-1-89, § 3.4)

Sec. 10-74. Disposal of pumpage.

(a) All cleaners/haulers shall follow the discharge procedures established for the town septage treatment facility by the authority.

(b) A septage pumping permit, as appended to these regulations, shall be completed for each septic tank or grease trap pumped, cleaned and inspected, as outlined in section 10-72.

(c) A completed septage pumping permit for each septic tank or grease trap pumped shall be submitted to the authority representative at the town septage treatment facility prior to discharge of a load. An incomplete septage pumping permit shall be grounds for denial of permission to discharge the load until the form is properly completed.

(d) It is the responsibility of the cleaner/hauler to determine and provide the volume of each load at the time of discharge.

(e) Any cleaner/hauler authorized by the authority in writing to dispose of sewage, septage or grease that is generated in town, outside of the town, will not be subject to a discharge fee, but shall be required to submit a completed septage pumping permit in accordance with section 10-72. The location of septage, sewage or grease disposal shall be provided on the septage pumping permit.

(f) The authority shall have the right to collect samples from vehicles owned or operated by a cleaner/hauler for analysis, inspect all septage pumping permits to determine the origin of the sewage, septage or grease, and to make reasonable inquiry of cleaners/haulers regarding the same. Refusal to allow the authority to collect a sample shall be grounds for denial of permission to discharge the load. If the investigation determines that the probable source of any sewage, septage or grease delivered to the town septage treatment facility was not generated within the territorial boundaries of town, or the characteristics of the sewage, septage or grease violates section 10-47, the authority shall have and reserve to itself the right to suspend the right of such cleaner/hauler from the use of the town septage treatment facility in accordance with the procedure detailed in section 10-76.

(g) All measurements, tests and analyses of the characteristics of sewage, septage or grease to which reference is made in this article shall be performed in accordance with the latest edition of the Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, et al., or a representative method approved by the authority.

(h) No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the town septage treatment facility. Any person violating this provision shall be subject to immediate arrest under the charge of disorderly conduct.

(i) The cleaner/hauler, while performing any work in town, shall observe all safety rules applicable to the town septage treatment facility established by the authority. The authority shall be held harmless for injury or death to any employee or employer of a cleaner/hauler. Further, the town shall be indemnified against any loss or damage to property, and against liability claims and demands for personal injury or property damage asserted against the town or the authority, while the cleaner/hauler is on the town septage treatment facility site.

(Ord. of 5-1-89, § 3.5)

Sec. 10-75. Fee schedule.

(a) The fee schedule for discharges into the town septage facility shall be as follows:

Septage disposal:

Single-family residential house	
Multifamily residences, apartments, condominiums, commercial (per septic tank/subsurface sewage disposal system)	\$ 20.00
Food service establishment septic tanks (per tank)	20.00
Food service establishment grease traps (per tank)	20.00
Emergency discharge (outside of regular hours and holidays as set by the authority)	
Per truck load (includes discharge fee)	70.00

(b) Fees are subject to change by vote of the authority, such change to take effect thirty (30) days after the vote. Registered cleaners/haulers will be notified of such change by mail within five (5) business days following the vote. (Ord. of 5-1-89, § 4)

Sec. 10-76. Denial, suspension of registration for noncompliance.

(a) The authority shall deny a town septage treatment facility registration to any applicant who refuses to supply the information requested on the septage treatment facility registration form, or refuses to signify by his signature on such form a willingness to comply with all provisions of this article or applicable regulations.

(b) All cleaners/haulers are hereby warned that the town considers any action on the part of any party to deliver or dispose of septage, grease or sewage generated outside the territorial boundaries of the town to be a violation of the criminal statutes of section 53a-119 of the General Statutes.

(c) The authority shall suspend a cleaner/hauler's registration should it find that the provisions of this article or applicable regulations have been violated, or if it finds that a cleaner/hauler has disposed of prohibited waste at the town septage treatment facility and/or any other location in town. Suspension of the cleaner/hauler's registration shall be in accordance with the following procedures:

- (1) Upon a first offense of any provision of this article or applicable regulations, the responsible cleaner/hauler shall be notified of such violation by certified mail, return receipt requested, to its place of business with a specific direction to cease and desist all such future activities.
- (2) Upon second offense, the responsible cleaner/hauler shall be notified of such violation by certified mail, return receipt requested, to its place of business with a specific direction to cease and desist all such future activities. In addition, the cleaner/hauler's right to use the town septage treatment facility shall be suspended for a period of time not to exceed two (2) weeks.
- (3) Upon third offense, the responsible cleaner/hauler shall be notified of such violation by certified mail, return receipt requested, to its place of business with a specific direction to cease and desist all such future activities. In addition, the cleaner/hauler's right to use the town septage treatment facility shall be suspended permanently. The authority shall not revoke any suspension issued under the provisions of this subsection within a period of one (1) year following the suspension, and shall do so only for good cause shown by petition of the suspended cleaner/hauler, filed with the authority following the one-year period.
- (4) Any responsible cleaner/hauler receiving any of the notices and penalties hereinbefore set forth may, within seven (7) days after receiving such notice, request a hearing before the authority. The hearing shall be scheduled by the authority within ten (10) days next following receipt of written request by the responsible cleaner/

hauler for the hearing. At the hearing, the responsible cleaner/hauler shall have the right to present any relevant evidence on its behalf regarding the notice. Following the hearing, the authority shall have the right, in the exercise of reasonable discretion, to revoke, modify or affirm its original action taken with respect to such responsible cleaner/hauler. The authority shall give written notice of such decision, with its reasons therefor, to the responsible cleaner/hauler by certified mail, return receipt requested, mailed to its place of business within seven (7) days next following the date of the hearing. If any such notice of violation to a responsible cleaner/hauler shall include a suspension of the right of that party to use the town septage treatment facility, if the responsible cleaner/hauler requests a hearing before the authority as set forth in this subsection, such suspension shall be delayed and not imposed during the time of the hearing procedure.

(d) The procedures for suspension, hearing, etc., hereinbefore set forth shall be in addition to and not in lieu of any complaint or criminal proceeding which the authority may wish to initiate against any responsible cleaner/hauler. The right to file and process a criminal complaint shall in no way be dependent upon, delay or otherwise be affected by the warning and suspension procedures.

(e) The cleaner/hauler may appeal such denial or suspension in writing to the authority, and shall be granted a hearing by the authority within ten (10) days of the receipt of such appeal in the authority's office. At such hearing, the authority may uphold, modify or revoke such denial or suspension, based upon information presented at the hearing and on the information which caused the denial or suspension to be issued originally. (Ord. of 5-1-89, § 5.1)

Sec. 10-77. Fines for recovery of costs.

The authority shall fine any cleaner/hauler an amount equal to the cost of cleaning up spillages of sewage, septage or grease, or cost to recover any disruptions to the operation of the town septage treatment facility caused by the cleaner/

hauler, cost to recover replacement of any physical damage to the town septage treatment facility caused by the cleaner/hauler or cost to clean up any discharge of prohibited waste which can be proven to have been done by such cleaner/hauler. Such fine shall also include the cost of investigation to determine responsibility for such violation of these regulations, plus any legal or court costs incurred through enforcement of these regulations.

(Ord. of 5-1-89, § 5.2)

Sec. 10-78. Appeals.

Any cleaner/hauler aggrieved by denial of a registration or a septage pumping permit, or by suspension of a registration or by the imposition of a fine may appeal the decision of the authority to a court of competent jurisdiction.

(Ord. of 5-1-89, § 5.3)

Secs. 10-79–10-85. Reserved.

DIVISION 4. AQUIFER PROTECTION*

Sec. 10-86. Purpose and scope.

Public Act 89-305 is a comprehensive act requiring a cooperative approach to the protection of stratified drift aquifers serving public water wells. This act requires the establishment of a local aquifer protection agency to implement the Act's purpose. This division is intended to empower the town water pollution control authority to act as the local aquifer protection agency and to allow this authority to develop and amend regulations to enforce Public Act 89-305 in Madison. (Ord. of 5-7-90, § 1; Ord. of 10-1-90, § 1; Ord. of 2-3-92, § 1)

Sec. 10-87. Establishment of aquifer protection agency.

The town water pollution control authority, as established by section 7-246 of the General Stat-

*Editor's note—An ordinance adopted May 7, 1990, did not specifically amend this Code; hence, inclusion of §§ 1–3 as Div. 4, §§ 10-86–10-89, was at the discretion of the editor. An ordinance of Oct. 1, 1990, which amended the provisions, became effective Oct. 25, 1990.

Cross reference—Water pollution control authority, § 10-27.

utes and by town Charter, is hereby designated as the town aquifer protection agency, as mandated by Public Act 89-305. This authority shall have all powers granted to it by this Public Act and any such amendments, as well as those powers historically granted to it under applicable portions of titles 7 and 22a of the General Statutes. The authority shall continue to be constituted and administered in conformance with the town Charter. (Ord. of 5-7-90, § 2; Ord. of 10-1-90, § 2; Ord. of 2-3-92, § 2)

Sec. 10-88. Authority of water pollution control authority.

The Water Pollution Control Authority may adopt and amend regulations to implement the requirements and purpose of Public Act 89-305. The authority shall solicit the comments of the planning and zoning commission, health department, inland wetlands agency, and other applicable local commissions in the formulation of these regulations. These regulations shall be adopted and amended in accordance with Public Act 89-305.

(Ord. of 5-7-90, § 3; Ord. of 10-1-90, § 3; Ord. of 2-3-92, § 3)

Sec. 10-89. Term of division.

The provisions of this division shall expire on October 1, 1996.

(Ord. of 5-7-90, § 3; Ord. of 10-1-90, § 3; Ord. of 2-3-92, § 3)

Secs. 10-90–10-95. Reserved.

ARTICLE III. UNDERGROUND STORAGE TANKS

Sec. 10-96. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Fuel oil means oil or petroleum-based liquids used for heating purposes.

Hazardous materials means any material defined by 40 CFR Part 261, Subpart C, generally, having the characteristics of one (1) or more of the

following: ignitability, corrosivity, reactivity or toxicity, but not including a hazardous waste currently regulated by the state department of environmental protection.

Listed means approved by the commissioner of environmental protection in accordance with section 22a-449(d)-1 of the Regulations of Connecticut State Agencies.

Nonresidential fuel oil storage means underground storage of less than twenty-one hundred (2100) gallons of fuel oil at nonresidential locations.

Piping means any pipe intended to regularly hold or convey fuel oil or hazardous materials.

Residential fuel oil storage means underground storage of fuel oil at any residential building, regardless of volume stored.

Underground means any facility or component of a facility that has ten (10) percent or more of its capacity below the surface of the ground and not readily visible for inspection.

Underground tanks means all underground containers used for residential fuel oil storage and nonresidential fuel oil storage as well as those for storing hazardous materials.
(Ord. of 1-4-88(2), § 2.0)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 10-97. Scope.

The purpose of this article is to regulate all underground storage tanks that hold fuel oil and chemicals, and which are currently excluded from regulations of the state department of environmental protection.

(Ord. of 1-4-88(2), § 1.0)

Sec. 10-98. Registration of existing tanks.

(a) Owners of all existing underground tanks shall register the tanks with the town sanitarian on forms provided by the sanitarian. Information to be provided shall include but not be limited to:

- (1) Address of tank location;
- (2) Approximate location of tank in relation to nearby building(s);
- (3) Approximate date of installation;

- (4) Type of material tank consists of and approximate volume;
- (5) Diameter and length of all buried piping;
- (6) Copy of manufacturer's warranty, if available;
- (7) Type of material tank contains; and
- (8) Such other information as may be required.

(b) This registration shall be completed by October 4, 1988.

(Ord. of 1-4-88(2), § 3.0)

Sec. 10-99. New installations.

No underground tank shall be installed at any facility, such as a home or business, unless the installation complies with the requirements in this article.

(Ord. of 1-4-88(2), § 4.0)

Sec. 10-100. Permits.

A permit to install an underground tank must be completed by the applicant and approved by the town sanitarian prior to the initiation of any work. The permit shall contain the tank's street address, location on the property and the type of tank, as well as other information deemed appropriate by the town sanitarian.

(Ord. of 1-4-88(2), § 4.1)

Sec. 10-101. Tank types.

All new underground tanks must be a listed, double-walled steel or single-walled fiberglass-reinforced plastic tank. Steel tanks must be cathodically protected for a minimum of thirty (30) years, and equipped with permanent cathodic protection monitoring devices and be externally coated with a factory-applied coating designed to retard corrosion in underground locations. Fiberglass-reinforced plastic tanks must be chemically compatible with the material to be contained, as determined by the tank manufacturer.

(Ord. of 1-4-88(2), § 4.2)

Sec. 10-102. Installation.

Installation of underground tanks and all related components shall conform to NFPA 30, as

amended, and the manufacturer's installation specifications; whichever imposes the most stringent requirements. Within thirty (30) days after completion of installation, but prior to use of the tank, the owner of the tank must submit a statement to the town sanitarian, signed by the tank installer, certifying that the installation has been carried out in accordance with the provisions of this section.

(Ord. of 1-4-88(2), § 4.3)

Sec. 10-103. Piping.

All piping must be installed by a plumber licensed in the state and shall be sleeved in at least a four-inch-diameter schedule 40 plastic conduit meeting the requirements of ASTM D-1785, or equivalent, with appropriate tight joints. This sleeving shall be provided at all points where the supply or return piping is underground, as well as through the foundation wall and if this piping is to be buried in or below a concrete floor. All piping and the tank shall hold an air pressure of five (5) pounds per square inch gauge (psig) for at least ten (10) minutes after backfilling, but prior to use. A statement certifying the successful completion of this air test must be signed by the plumber and submitted to the town sanitarian within thirty (30) days of the test, but prior to use of the piping.

(Ord. of 1-4-88(2), § 4.4)

Sec. 10-104. Inspection.

As further assurance that installations are performed in accordance with applicable requirements, as detailed above, an inspection of all installations must be made by the town sanitarian. Such official must be notified at least twenty-four (24) hours prior to an installation.

(Ord. of 1-4-88(2), § 4.5)

Sec. 10-105. Life expectancy.

(a) The life expectancy of all fiberglass-reinforced plastic underground tanks installed after October 4, 1988, shall be that indicated in the manufacturer's corrosion warranty. The life expectancy for all cathodically protected underground tanks installed after October 4, 1988 shall be that indicated in the tank manufacturer's corrosion warranty.

(b) This life expectancy can be extended for up to five (5) additional years beyond this life expectancy if no leaks have been detected previously and no leaks are detected in this extended life expectancy, as detailed in section 10-108. (Ord. of 1-4-88(2), § 5.1)

Sec. 10-106. Leaks.

If the underground tank or piping is determined to have a leak at any time, use of the tank shall be immediately discontinued, the tank shall be emptied and the town sanitarian notified within two (2) business days. The town sanitarian, in consultation with the department of environmental protection, shall have the right to require that reasonable efforts be taken to recover lost products and remove and properly dispose of contaminated materials, such as soil. If only the piping is leaking, it may be replaced or repaired, as necessary, in general conformance with the requirements for piping in the new installations section. If the underground tank leaks before the life expectancy has been reached, or in the extended life expectancy, it shall be substantially emptied and removed or abandoned in accordance with NFPA-30. This removal or abandonment must be done within ninety (90) days of the detection of a leak.

(Ord. of 1-4-88(2), § 5.2)

Sec. 10-107. Abandonment/removal.

After the life expectancy, or the extended life expectancy, has been reached, the tank shall be substantially emptied and removed or abandoned in accordance with NFPA-30. This removal or abandonment must be achieved within six (6) months after reaching the life expectancy, or extended life expectancy, whichever is applicable.

(Ord. of 1-4-88(2), § 5.3)

Sec. 10-108. Leak detection.

(a) All underground tanks shall be monitored by the tank owner for excessive, unanticipated product loss on a regular basis. This monitoring shall consist of the following minimum procedures, or an equivalent method approved by the town sanitarian. Records shall be kept of average product use per degree-day for each heating fuel

tank. If this ratio shows an increase or decrease of greater than ten (10) percent in any single monitoring period, further investigation shall be initiated to determine the cause. Such further investigation may include but not be limited to review of product use at location of underground tank, visual inspection of tank components or the use of more sophisticated leak detection methods.

(b) If this further investigation fails to identify the cause of the product loss, the town sanitarian shall be notified within two (2) business days. The town sanitarian shall exercise general oversight in the determination and investigation of any apparent leaks at this stage. The sanitarian shall have the right to require precision hydrostatic testing and/or partial or entire excavation of the tank and related components, if necessary.

(c) These monitoring records and any supporting documentation of product use shall be submitted to the town sanitarian upon request.

(Ord. of 1-4-88(2), §§ 6.0-6.2)

Sec. 10-109. Appeals.

Any person aggrieved by a decision of the town sanitarian in relation to the provisions of this article may appeal to the water pollution control authority. The authority shall schedule a public hearing, after proper notice, to investigate into the facts and may vacate, modify or affirm the decision of the town sanitarian. Any such action by the water pollution control authority shall be recorded on the permit and/or registration form for such underground tank.

(Ord. of 1-4-88(2), § 7.0)

Sec. 10-110. Penalties.

Any person who violates any provision of this article shall be subject to a fine of not more than one hundred dollars (\$100.00) per day or portion thereof during which a violation is maintained.

(Ord. of 1-4-88(2), § 8.0)