

**COMMITTEE ON MDC GOVERNMENT
SPECIAL MEETING**

The Metropolitan District
555 Main Street, Hartford CT
Monday, December 5, 2016

Present: Commissioners Allen Hoffman, Jean Holloway, Maureen Magnan, Alphonse Marotta, J. Lawrence Price, Hector Rivera, Alvin Taylor and District Chairman William A. DiBella (8)

Absent: Commissioners William P. Horan and James S. Needham (2)

Also

Present: Commissioner Daniel Camilliere
Commissioner Donald M. Currey
Commissioner Timothy Curtis
Commissioner William P. Horan
Commissioner Kathleen J. Kowalyshyn
Commissioner Byron Lester
Commissioner James S. Needham
Commissioner Whit Osgood
Commissioner Mark A. Pappa
Commissioner Bhupen Patel
Commissioner Pasquale J. Salemi
Commissioner Michael Solomonides
Commissioner Helene Shay
Commissioner Richard W. Vicino
Special Representative Michael Carrier
Scott W. Jellison, Chief Executive Officer
John M. Zinzarella, Deputy Chief Executive Officer, Business Services
R. Bartley Halloran, District Counsel
Christopher R. Stone, Assistant District Counsel
John S. Mirtle, District Clerk
Rob Constable, Director of Finance
Sue Negrelli, Director of Engineering
Kelly Shane, Director of Procurement
Robert Zaik, Interim Director of Human Resources
Lieutenant Andrew Nelson, Metropolitan District Police Department
Kerry E. Martin, Assistant to the Chief Executive Officer
Cynthia A. Nadolny, Executive Assistant

CALL TO ORDER

Chairman Price called the meeting to order at 5:09 PM

PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS

Chairman Price informed everyone in attendance that the first item on the agenda will be the public hearing for ordinance revisions and requested that all public comments be deferred until the public hearing portion of the meeting.

APPROVAL OF MINUTES

On motion made by Commissioner Hoffman and duly seconded, the meeting minutes of June 6, 2016 and Public Hearing Minutes of November 16, 2016 were approved.

Commissioner Taylor abstained.

PUBLIC HEARING RE: ORDINANCE REVISIONS §§ W1A, W1D, S12X

At 5:10 PM the Committee on MDC Government commenced the Public Hearing on Ordinance Revisions §§ W1A, W1D, S12X.

Chairman Price read the following statement:

“This is a public hearing to consider the proposed revisions of The Metropolitan District Water Ordinances **Section W1a “WATER USED CHARGE (TREATED WATER)”** and Sewer Ordinances **Section S12X “SPECIAL SEWER SERVICE CHARGE FOR CAPITAL IMPROVEMENTS TO THE SEWERAGE SYSTEM”**. This Public Hearing is part of the legal procedure that The Metropolitan District is required to follow regarding the revision of any of its ordinances, as mandated by Special Act 01-3 of the Connecticut General Assembly of 2001.”

A final decision on this proposed ordinance revisions has yet to be made. That decision will ultimately be made by the District Board of The Metropolitan District, and will take into account what is said at this hearing.

The District Clerk will now read, for the record, the notice of this public hearing and the statement of purpose explaining why these revisions have been proposed.”

The District Clerk read the following statement:

“The following hearing notice was published in the Hartford Courant on November 23, 2016 and again on November 30, 2016; and the notice and the complete text of the proposed ordinance revisions were filed, for public inspection, in the office of the town clerk in each municipality that is a member town of The Metropolitan District.

Pursuant to Special Act 01-3, as adopted by the General Assembly of the State of Connecticut, The Metropolitan District will hold a public hearing on proposed revisions to The Metropolitan District Water Ordinances **Section W1a “WATER USED CHARGE (TREATED WATER)”** and Sewer Ordinances **Section S12X “SPECIAL SEWER SERVICE CHARGE FOR CAPITAL IMPROVEMENTS TO THE SEWERAGE SYSTEM”**. The hearing will be held in the Board Room at District Headquarters, 555 Main Street, Hartford, Connecticut on **Monday, December 5, 2016 at 5:00 P.M.**

The proposed ordinance revisions are available for inspection at the Office of the District Clerk of The Metropolitan District, 555 Main Street, Hartford and www.themdc.org/district-board.

STATEMENT OF PURPOSE OF REVISION TO SECTION W1a: Removal of industrial water rate.

STATEMENT OF PURPOSE OF REVISION TO SECTION S12x: Removal of the high volume user discount on the special sewer service charge.

John S. Mirtle, Esq.
District Clerk”

PUBLIC COMMENT

The following citizens appeared to be heard in favor of removal of the industrial water rate and high volume user discount for the special sewer service charge:

Donna Landerman, Bloomfield
Suzanne D. Lavoie, Bloomfield
Teresa Burger, West Hartford
Henry Tessier, West Hartford
Reid Sterrett, West Hartford
Eileen Fielding, Simsbury
Sharon Mann, Bloomfield
Carolun Gabel-Brett, West Hartford
Kate Miller, West Hartford
Jeff Daniels, West Hartford
Tollie Miller, Bloomfield
David Mann, Bloomfield
Karen and Pat Hatcher, Windsor
Jordan Orpaz, Bloomfield
Kathy Patrenti, West Hartford
Beth Kerrogan, West Hartford
Mary Fay, West Hartford
Derek Slap, West Hartford

Raymond Hanley, Simsbury
M. Hayes, Hartford
Linda Pagani, Bloomfield
Aaron Weston, Hartford
Mary Fleischli, West Hartford
Cate Gradybenson, Farmington
Steve Silk, Farmington
Tim Wolf, Bloomfield
JoAnne Bauer, Hartford
Thomas Sutkowski, Hartford
June Ruggiero, West Hartford
Haley Buson, Glastonbury
Alyssa Peterson, Hartford
Cynthia R. Jennings, Hartford
Christopher Gallagher, Bloomfield
Lisa Bourque, West Hartford
Gail Bodrajko, Newington
Alicia Jenkins, Hartford
Mary Pelletier, Hartford
Homal Rodeney, Bloomfield
Maria Kaplan, Bloomfield
Valerie Rosetti, Bloomfield
Melissa Roderick, Farmington

The following citizens submitted written comments to be included in the record prior to the conclusion of the public hearing:

Maria Roja, West Hartford

“Dear Mr. Mirtle, District Clerk, I would like the follow statement and my vote read into the public record at this evening's MDC public hearing. To: Mr. William DiBella, MDC Chairman, West Hartford MDC Commissioners, Mary Anne Charron, Maureen Magnan, James S. Needham, J. Lawrence Price, and remaining MDC Commissioners:

My name is Maria Roja. I reside in the town of West Hartford, a member town of MDC. I am unable to attend this evening's public hearing but wish to express my position: I strongly oppose the deal MDC has made with Niagara Water, and, therefore, I encourage the MDC Board to vote to reveal this deal with Niagara.

Thank you for your consideration.”

Philip & Sharen Lom, West Hartford

“Dear Mr. Mirtle: We are residents of West Hartford. We request that you let the MDC know that we want them to vote YES to rescind "Industrial" water rates and high volume user discounts for special sewer service charges. As residents we should not be asked to conserve water while the MDC offers incentives to bottle our water and ship it out of state for profit.”

Richard & Claire Dorr, Bloomfield

“We wish to express our strong opposition to special deductions for Niagara or any other company/industry moving to the MDC area. Please rescind industrial water rates and high volume user discounts for special server service charges.”

Lauren Zarambo, West Hartford

“Dear Commissioner Charron,

Please accept my written comment by email to be read into the record at the December 5th public hearing concerning the Water Ordinance Revision Section W1a and the Sewer Ordinance Section S12X.

As a resident of West Hartford, I am profoundly in favor of the revision of said ordinances given the severe drought conditions we are presently experiencing, which in my opinion, are likely to continue in the future and effect our fundamental supply of water in Connecticut.

I am unable to attend the public hearing on Monday but please count my comment in enthusiastic support of the revisions. Thank you for your commitment to protecting our water resource.”

Ellen Guertin, West Hartford

“I am a resident of West Hartford, CT and would like to voice my displeasure at any volume discount and special service charges proposed for Niagara Bottling Company. I hope that the MDC Commissioners will rescind this atrocious offer and ask that this deal be rescinded. Thank you for your attention to this matter.”

Tracey Moore, Bloomfield

“Dear Mr. John Mirtle, I am a resident of Bloomfield, CT. I am writing to express my OPPOSITION to the special deals and pricing that have been offered to Niagara Bottling Company. I object to any public water being sold to a private company, and I would like to see this deal fall through completely. Further, I am outraged at the underhanded and sneaky way this whole arrangement has been handled by you and by the officials of Bloomfield. For customer relations purposes, you need to know that I now distrust the MDC. If customer relations mean anything to you, you should know that this deal with Niagara has been a DISASTER for you, as far as I am concerned. It is completely outrageous for you to ask private citizens to conserve this resource at the same time you are selling it to a private company. Shame on the MDC.”

John A Dunn, Windsor

“Please forward to MDC Chairman William DiBella Chairman DiBella, On today's vote, Please vote "Yes" to Repeal the Niagara Deal. Vote "Yes" to rescind the industrial water rates and high volume user discounts for special sewer service charges. Also vote not to increase the present rate for the "Clean Water Project"/aka sewer cost per ccf from its present cost.”

Mary Etta Higgins Mar, West Hartford

“It is important to save the water at MDC. This water is located in a very populated region. With the climate changes and recent drought in this area we can ill afford to use any other way. I vote yes to rescind and save the water. I am a resident of West Hartford on Boulanger Avenue. Thank you”

JoAnne Taylor, Bloomfield

“I am TOTALLY opposed to selling water to Niagara, not to mention giving special write-offs to them.

“We are in a drought which may get worse. What then???”

KMASON02@AOL.COM

“NO TO THE NIAGARA BULK WATER RATE. It is bad enough to make CT water available to private business interests for their profit, but to provide bulk rate advantages adds insult to injury. DROP THIS INITIATIVE!”

Liz Goldberg

“I want to stop the discounts for industrial users and high water users. Please look out for us citizens, in this era of unpredictable climates, we cannot let Niagara take our precious resources.”

Kathleen A. Conway

Dear MDC Board Members:

“Please be advised that I 'stand' with the "Save Our Water" organization

- to rescind the volume discounts on water rates and special sewer service charges (clean water project charges) given to Niagara Bottling of California. Please include my comments in the minutes of the meeting being held this evening at the MDC facilities, as I am unable to attend the 'hearing'.

I have been a West Hartford home owner since 1962, and have enjoyed the MDC Services for many years. I appreciate some of the difficult decisions you have to make; however the huge cost increases in recent years for the private home owner to cover the 'system upgrades', with no 'specific 'time period' for the completion of the upgrades, has put a financial burden on many residents of towns that participate in the MDC system. The cost increase has made me (at least) much more aware of how much water I use, though I have always appreciated the fact that W. H. participates in the system, and I also have always 'conserved' in the use of all utilities.

Note: As we all attempt to conserve, less usage by residents means less dollars for the MDC, which then leads to increases in the rates (to allow for employee salaries, etc.) to compensate for our conservation. That being said, why should a bottling company, whose goal is to make a profit, get special preference, as they will be using much more of the water supply and benefiting from the upgrades/pipe improvements without consideration of the dollar impact on those who have supported for many years the MDC and continue to provide the dollars necessary to pay for the upgrades/improvements.

When initially considering the bottling company's proposal, did the Board ask the question as to what the company would do in a possible 'drought' situation. How would limitations be applied to them relative to those the MDC would put on the resident towns? Where is the priority of the MDC in all of this? Thank you.”

Carrie Sawtell & Adam Ryczek, Bloomfield

“Dear Mr. Mirtle, I am a resident of Bloomfield and unfortunately due to my work schedule, I cannot attend the public hearing tonight. I am writing to urge you to vote YES to rescind the "industrial" water rates and high volume user discounts for special sewer service charges for Niagara.

We have seen a record drought this year, and with temperatures rising, there is every indication that drought conditions will be more commonplace in the future. My sister-in-law's well went dry this summer, so I have seen first-hand the terrible impact a lack of water has on a family, especially one with small children.

My family does everything we can to conserve water: we have low-flow taps in our bathroom and kitchen, use a high-efficiency washing machine, and we do not water our lawn. We are doing our part - please do your part and save our water rights!

Please vote YES to repeal the deal with Niagara.”

Suzanne Holland, West Hartford

“I wish to express how upset I am about Nestle being given access to OUR water. I am voicing my extreme no vote. We are in a drought...why should they be given rights over the citizens of these towns! I cannot express how angry I am that this is even under discussion! NO Nestle! How did this get through our legislature???”

Elizabeth Sarah Freedman
esfreedman@comcast.net

“Mr. Mirtle,

I was told when I called MDC today to speak to Mr. DiBella that I should email you to express my opinion.

I do not agree that discounts for a for profit corporation to ship water out of state are a good idea considering the drought and the rising costs of water for MDC customers and the town of West Hartford. Why should residents pay more and be asked to conserve water while the MDC offers incentives to a private corporation to bottle our water and ship it out of state for profit? Thank you for your consideration.”

MITCHELL.RENFREW@CGA.CT.GOV

“Please see the attached letter sent by Representative Zawistowski to the MDC CEO Scott Jellison regarding the Niagara Bottling deal. We wanted to ensure it arrived with MDC prior to tonight’s public hearing.”



State of Connecticut

HOUSE OF REPRESENTATIVES
STATE CAPITOL

REPRESENTATIVE TAMI ZAWISTOWSKI
SIXTY-FIRST ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING, ROOM 4200
300 CAPITOL AVENUE
HARTFORD, CT 06106-1591

CAPITOL: (800) 842-1423
Tami.Zawistowski@housegop.ct.gov

MEMBER
APPROPRIATIONS COMMITTEE
INTERNSHIP COMMITTEE
PLANNING AND DEVELOPMENT COMMITTEE
TRANSPORTATION COMMITTEE

December 5, 2016

Scott W. Jellison
Chief Executive Officer, The Metropolitan District
555 Main Street
Hartford, CT 06106

Dear Mr. Jellison:

I am writing to you concerning the plan to establish “industrial” water rates and high volume user discounts for special sewer service charges.

I understand that Connecticut is seeking to attract businesses to the state, but to do so in this manner is unfair to residents. The MDC should not seek to sell our state’s water at a discounted rate to large companies while our residents are being asked to conserve water as we are in a drought. Connecticut residents should not pay more for water than a company bottling and selling the same water out of state.

I understand the rationale behind giving incentives to attract businesses, but The MDC should not establish “industrial” water rates and high volume user discounts for special sewer service charges for Niagara Bottling.

Please feel free to contact me if you would like to discuss this matter further.

Sincerely,

Tami Zawistowski
State Representative
61st Assembly District

Alicea Charamut, Lower River Steward, Connecticut River Watershed Council

“For the Board of Commissioners, The Metropolitan District Commission

Testimony of Alicea Charamut, Lower River Steward

December 5, 2016

The Connecticut River Watershed Council is the principal nonprofit environmental advocate for protection, restoration, and sustainable use of the Connecticut River and its watershed.

I would like to thank and commend you for considering the elimination of the large volume user discount rate created for Niagara last year. I strongly encourage you all to vote in favor of rescinding this discount.

It is true that other water utilities offer various rate structures based on customer classifications such as industrial or residential but, aside from rate structures offered for the purpose of incentivizing conservation, no other utility offers a rate structure based on volume. Offering a discount for large volume users goes against progressive and responsible water management.

The MDC does not get enough credit for the high quality water it provides to the Hartford region and for the continual improvements in the water quality of the Connecticut River and Long Island sound thanks to the resources invested in the Clean Water Project. Elimination of this discount will help restore public confidence in the Metropolitan District Commission.”

Carol Tudisco, West Hartford

860-202-6230

“In regard to this evenings vote on the Niagara deal, I'd like to voice my hope that the MDC will rescind this deal.

In a time of severe drought, increased charges, and other uncertainties, please repeal this deal.”

Bernice Manning, Bloomfield

“The Niagara deal IS NOT a good deal! I would like to see it rescinded. Industrial water rates and high volume user discounts are a slap in the face to the hard working tax payers of all the towns involved in this very wrong DEAL!”

Mary Rickel Pelletier, Hartford, Also Founding Director Park Watershed, And Member of the MDC Citizens Advisory Committee from September 2004 through December 2014

“To the MDC District Clerk,

Overflow of Reservoir #6 is a source for the North Branch Park River. Due to urban –suburban development, the North Branch flow vacillates from slow and during drought still stagnation to periodic flash floods caused by stormwater run-off. Stream flow is critical to water quality and healthy stream ecosystems. “The solution to pollution is dilution” highlights this concept. The Park River regional watershed overlaps seven of the eight MDC voting member municipalities. Park Watershed is a 501c3 organization for citizen stewardship in the urban-suburban Park River regional watershed. A primary goal of Park Watershed as a the 501c3 organization is to assist with the implementation of the North Branch Park River Watershed Management Plan. The need for a citizen stewardship organization was identified in the North Branch Park River Watershed Management Plan, which was completed in July of 2010. The EPA approved plan is listed on the Ct DEEP website,

http://www.ct.gov/deep/cwp/view.asp?a=2719&q=379296&depNav_GID=1654•

The North Branch Park River is currently classified as ‘Class: C/A’, meaning the river is only meeting Class C criteria but has a goal of Class A. The river is considered impaired for recreational uses and as a habitat for fish, aquatic life, and wildlife 2008 List of Connecticut Water bodies Not Meeting Water Quality Standards. According to the CT CALM Methodology

Paper of 2012, The North Branch Park River is listed on the Impaired Waters List (EPA Category 5) (26).

To achieve the goal of Class A, the North Branch Park River needs to be suitable as a potential drinking water supply, designated as a fish and wildlife habitat and be safe to use as a recreational area as well as for agricultural and industrial use (22). The designated cause of this impairment has been listed as an excess of E.coli, the indicator bacteria used for stream monitoring assessment (14). The proposal to allow Niagara to bottle MDC water was obviously problematic. The allowance of a high-volume discount was especially misguided. I appreciate the MDC the revisions to SECTION W1a – Removal of industrial water rate, and SECTION S12x – Removal of the high volume user discount on the special sewer service charge. Park Watershed understands that the MDC needs to increase revenue. Through testimony and through meetings of the MDC Citizens Advisory Committee to the Long Term Control Plan, Park Watershed repeatedly recommended MDC invest in the development of comprehensive green infrastructure program. There is an especially unique opportunity to revitalize the North Branch Park River watershed through the re-design of the North Branch trunk line.

Opportunities, including green infrastructure, to improve this stream section were described in the 2010 North Branch Park River Watershed Management Plan. Green infrastructure can help recharge groundwater surrounding our urban-suburban watercourses. In addition to CSO discharges being addressed by MDC, North Branch water quality diminishes during dry weather because water stagnates due to minimal flow rates. To date, MDC has invested tens of millions of dollars into the Long Term Control Plan design and design revisions, which were neatly presented in the Revised December 4th 2014 version of the 2012 Update. Of the two hundred and fourteen pages of thoughtful engineering, there were only ten pages of information about the MDC/CDM-Smith green infrastructure strategy. Missing is a serious engineering analysis of what could be accomplished, albeit small, if the MDC invested in a proactive, quantifiable green infrastructure program. For example, although MDC did distribute over 1,300 rain barrels, there is no map of where the rain barrels were installed, nor any programs to ensure that homeowners maintain the rain barrels seasonally. The MDC CAC *Green Infrastructure* sub-committee, which met monthly throughout 2012, and quarterly for several following years, consistently recommended that MDC invest in green infrastructure strategies to complement conventional sewage treatment. This approach could increase local job opportunities, plus increase community awareness about the effects of urban planning on water quality. A resident of Hartford since 2001, I am well aware of the need to grow jobs in Hartford, and throughout the state. Here again, the MDC could leverage work on the LTCP, Clean Water Project to develop a comprehensive approach to the development of green infrastructure – as has Philadelphia, New York City, Kansas City, Chicago, Portland Seattle, San Francisco, . . . MDC needs to explore a paradigm shift towards the development of new streams of revenue – so all MDC stakeholders, in voting member towns, and the greater Hartford metropolitan area can benefit. The MDC is not a private corporation. The MDC LTCP is funded by state taxpayers and MDC customers who include residents of the voting member towns. Although most successful, measureable, green infrastructure projects have been developed by cities that own their water and sewer utilities, this political circumstance ought not obscure the most important point, which is green infrastructure can be beneficial, and cost effective. Numerous stakeholders – including the CAC green infrastructure sub-committee have repeatedly expressed interest in working openly with MDC to ensure successful site selection, design, implementation and maintenance of green infrastructure features. Park Watershed asks/recommends the following: MDC collaborate with Park Watershed and representatives of other area environmental organizations in the development of a comprehensive, measurable green infrastructure project area within the Park River regional watershed, with emphasis on the North Branch and Gully Brook watersheds. Open and transparent conversations that include a roundtable of stakeholders will

facilitate consensus about available sites and maintenance strategies. MDC has made significant improvements to the sewer infrastructure and water quality within the Park River regional watershed, and the greater Connecticut River. MDC needs to develop a new, 21st century approach to managing our precious water resources, diverse environmental organizations that represent citizen and local environmental interests ought to be included – and could help the MDC develop a sustainable 21st century framework for shared prosperity. The MDC needs to focus on moving towards a greener prosperous future, rather than fire sale privatization of public resources.



Mary Rickel Pelletier
Founding Director of Park Watershed”

Judy Allen, West Hartford

If there is one thing Niagara and the City of Hartford's financial problems have done, it is the opening of the doors to the MDC board room to the media and public comment.

As a member of Save Our Water CT, I am glad we helped in applying enough pressure to suspend the discount for Niagara in 2017. And that is not enough. Those discounts must continue permanently into 2018 and beyond. Save Our Water CT will continue to apply whatever pressure is needed to ensure enough clean drinking water for all, while maintaining the health of all CT's lakes, streams and rivers. As the State Water Planning Council works towards that end through a State Water Plan, the MDC cannot hide behind Homeland Security for data and information that is crucial for this planning, information that poses no security threat.

Many times we have heard that the MDC did not make a deal, agreement, or contract with Niagara. Nothing was put in writing, nothing was promised. At the special meeting on Nov. 22, NBC CT news was here covering the decision to suspend discounts for Niagara. They appropriately reached out to Niagara for comment. Niagara declined to be interviewed on camera but did issue a statement which began: "Despite our agreement, Niagara will not pursue any action against the MDC in the event its board votes to reverse its ordinance for volume discounts." That sure sounds like Niagara thought they had a deal.

I have heard repeatedly that the MDC has a responsibility to support its member towns and that is what they were doing when Bloomfield wanted to welcome a water bottling plant. Where was that same support for member towns when faced with the huge ad valorem taxes? Where was the time, expertise and creativity of your legions of attorneys and financial advisors? Why did member towns have to come up with their own answer? As a resident of West Hartford I am proud of the creativity and expertise of my town's leadership that led to an acceptable, if not perfect, solution to the huge ad valorem tax increase. Especially my mayor, Sheri Cantor, who has made it clear that this will not happen again.

It is sad that it took a financial crisis to open the board room doors, but you can be sure now that the public knows where the board room is, they will be watching.

At 6:39 PM the Public Hearing concluded.

**PROPOSED REVISIONS TO THE WATER ORDINANCES § W1a AND W1d
OF THE METROPOLITAN DISTRICT**

To: Committee on MDC Government for consideration December 5, 2016

District staff, through the Office of District Counsel, submits the revisions of Section W1a, "WATER USED CHARGE (TREATED WATER)", and Section W1d, "CHARGES FOR UNTREATED WATER", to The Metropolitan District Water Ordinances for consideration by the Committee on MDC Government. Pursuant to the authority set forth in Section 1(g) of Special Act 08-9 (Regular Session 2008).

SEC. W1a WATER USED CHARGE (TREATED WATER)

The WATER USED CHARGE is the quantity of water used as read at the meter, as follows:

BILLS RENDERED	RATE
MONTHLY AND QUARTERLY	\$2.66 per 100 Cubic Feet
<u>BILLS RENDERED</u>	<u>RATE</u>
<u>MONTHLY AND QUARTERLY</u>	<u>\$2.77 per 100 Cubic Feet</u>

~~The WATER USED CHARGE for customers subject to § S12x of The Metropolitan District Water Ordinances who purchase more than 668 ccf of water per day, as averaged over a monthly billing period, as follows:~~

<u>BILLS RENDERED</u>	<u>RATE</u>
<u>MONTHLY</u>	<u>\$2.16 per 100 Cubic Feet</u>

SEC. W1d CHARGES FOR UNTREATED WATER

Charges for untreated water sold to water companies and agencies under agreement between The Metropolitan District and such companies or agencies, or by other arrangement, shall remain at the rate of \$1.00 cents be a rate of \$2.00 per hundred cubic feet.

Therefore, it is **RECOMMENDED** that it be

VOTED: That the Committee on MDC Government recommends to the District Board passage of the following resolution:

RESOLVED: That the revisions to The Metropolitan District's Water Ordinances be adopted as follows:

SEC. W1a WATER USED CHARGE (TREATED WATER)

The WATER USED CHARGE is the quantity of water used as read at the meter, as follows:

<u>BILLS RENDERED</u>	<u>RATE</u>
<u>MONTHLY AND QUARTERLY</u>	<u>\$2.77 per 100 Cubic Feet</u>

SEC. W1d CHARGES FOR UNTREATED WATER

Charges for untreated water sold to water companies and agencies under agreement between The Metropolitan District and such companies or agencies, or by other arrangement, shall be a rate of \$2.00 per hundred cubic feet.

Respectfully submitted,

Scott W. Jellison
Chief Executive Officer

On motion made by Commissioner Marotta and duly seconded, the report was received and the resolution adopted by unanimous vote of those present.

Commissioner Magnan moved to reconsider the resolution to eliminate the revision to W1d. The Committee voted unanimously to reconsider the resolution.

Commissioner Magnan moved to amend the resolution to eliminate the revisions to District Water Ordinance W1d. The Committee voted unanimously to amend the resolution to strike the revision to District Water Ordinance W1d.

Therefore, it is **RECOMMENDED** that it be

VOTED: That the Committee on MDC Government recommends to the District Board passage of the following resolution:

RESOLVED: That the revisions to The Metropolitan District's Water Ordinances be adopted as follows:

SEC. W1a WATER USED CHARGE (TREATED WATER)

The WATER USED CHARGE is the quantity of water used as read at the meter, as follows:

<u>BILLS RENDERED</u>	<u>RATE</u>
<u>MONTHLY AND QUARTERLY</u>	<u>\$2.77 per 100 Cubic Feet</u>

On motion made by Commissioner Marotta and duly seconded, the resolution adopted, as amended, by unanimous vote of those present.

**PROPOSED REVISIONS TO THE SEWER ORDINANCES § S12X
OF THE METROPOLITAN DISTRICT**

To: Committee on MDC Government for consideration on December 5, 2016

District staff, through the Office of District Counsel, submits the revisions of Section S12x, "SPECIAL SEWER SERVICE CHARGE FOR CAPITAL IMPROVEMENTS TO THE SEWERAGE SYSTEM", to The Metropolitan District General Ordinances for consideration by the Committee on MDC Government. Pursuant to the authority set forth in Section 1(g) of Special Act 08-9 (Regular Session 2008).

**SEC. S12x SPECIAL SEWER SERVICE CHARGE FOR CAPITAL
IMPROVEMENTS TO THE SEWERAGE SYSTEM**

- a.) For customers of The Metropolitan District who utilize the District sewer system and are furnished water directly by The Metropolitan District there shall be a special sewer service charge at rates established annually through the budget approval process as set forth in Chapter 3 of the Charter of The Metropolitan District. Except as provided in subsection S12x(b) and S12x(c), said rates shall be uniformly applied to, and be proportional to the quantity of water used by, the affected customers.
- b.) Notwithstanding the foregoing, The Metropolitan District may, through its annual budget, allow for a reduction in the special sewer service charge otherwise payable by owners of commercial or industrial properties in the event said properties, and the commercial or industrial operations located thereon, are serviced, in whole or in part, by an on-site wastewater collection, treatment, and

disposal system that does not discharge into the sanitary sewage system of The Metropolitan District. The amount of said reduction shall be based upon the sewer usage metered and reported pursuant to Section S12e and determined by the Board of Commissioners of The Metropolitan District during its annual budget approval process for any ensuing year.

~~c.) Customers subject to the provisions of this Section 12x, other than customers subject to Subsection S12x(b) above, shall be subject to the special sewer service charge as follows: 1) for the first 20,000 hundred cubic feet of water consumed from a single water meter per month, the special sewer service charge shall be assessed at the rate established by The Metropolitan District against each one hundred cubic feet of water consumed; and 2) for all water consumed in excess of 20,000 hundred cubic feet per month from a single water meter, the special sewer service charge shall be assessed at such rate against each one hundred cubic feet of sewer flow generated by the water used in excess of 20,000 hundred cubic feet per month metered at a location approved by the Metropolitan District. This excess sewer flow shall be calculated via the proportion of sewage discharged to water consumed for the month, with this proportion applied to the volume of water consumed in excess of 20,000 hundred cubic feet per month and billed pursuant to Section S12f. The special sewer service charge assessed pursuant to this subsection shall be billed monthly.~~

d.)c.) The proceeds from the special sewer service charge, as aforesaid, shall be used exclusively for capital costs associated with any and all measures necessary to comply with a certain consent decree executed by and between The Metropolitan District and the United States Environmental Protection Agency in a case filed on August 15, 2006 in the United States District court for the District of Connecticut captioned United States of America and State of Connecticut vs. The Metropolitan District of Hartford, Connecticut and a certain consent order executed by and between The Metropolitan District and the State of Connecticut relating to the reduction of nitrogen discharged from District Wastewater Treatment Facilities as required by State of Connecticut Department of Environmental Protection Nitrogen General Permit issued December 21, 2005, as such decree and order may be amended from time to time, and specifically for payment of capital expenditures in connection with compliance with the decree or order, or payment of debt service on indebtedness of The District incurred for purposes of funding expenditures in connection with compliance with such decree and order. For this purpose "indebtedness" shall mean bonds, notes and other loans and obligations, including, without limitation, State of Connecticut Clean Water Fund loans and "Debt service" shall mean any obligation that would constitute "debt service" if incurred with respect to bonds issued under the special obligation indenture of trust, dated June 1, 2013, between The District and U.S. Bank National Association, as trustee, as amended and supplemented from time to time, as the term "debt service" is used

in such indenture, whether or not such obligation is incurred with respect to indebtedness under such indenture.

~~e.)~~d.) The special sewer service charge shall appear separately on the water bills of the District and shall be due and payable at the same time as the water bills are due and payable. Collection and payment of such charge shall be subject to and in accordance with sections S12m, S12n, and S12o of this part.

Therefore, it is **RECOMMENDED** that it be

VOTED: That the Committee on MDC Government recommends to the District Board passage of the following resolution:

RESOLVED: That the revisions to The Metropolitan District's Sewer Ordinances be adopted as follows:

SEC. S12x SPECIAL SEWER SERVICE CHARGE FOR CAPITAL IMPROVEMENTS TO THE SEWERAGE SYSTEM

- a.) For customers of The Metropolitan District who utilize the District sewer system and are furnished water directly by The Metropolitan District there shall be a special sewer service charge at rates established annually through the budget approval process as set forth in Chapter 3 of the Charter of The Metropolitan District. Except as provided in subsection S12x(b) and S12x(c), said rates shall be uniformly applied to, and be proportional to the quantity of water used by, the affected customers.
- b.) Notwithstanding the foregoing, The Metropolitan District may, through its annual budget, allow for a reduction in the special sewer service charge otherwise payable by owners of commercial or industrial properties in the event said properties, and the commercial or industrial operations located thereon, are serviced, in whole or in part, by an on-site wastewater collection, treatment, and disposal system that does not discharge into the sanitary sewage system of The Metropolitan District. The amount of said reduction shall be based upon the sewer usage metered and reported pursuant to Section S12e and determined by the Board of Commissioners of The Metropolitan District during its annual budget approval process for any ensuing year.
- c.) The proceeds from the special sewer service charge, as aforesaid, shall be used exclusively for capital costs associated with any and all measures necessary to comply with a certain consent decree executed by and between The Metropolitan District and the United States Environmental Protection Agency in a case filed on August 15, 2006 in the United States District court for the District of Connecticut captioned United States of America and State of Connecticut vs. The Metropolitan District of Hartford, Connecticut and a certain consent order executed by and between The Metropolitan District and the State of Connecticut

relating to the reduction of nitrogen discharged from District Wastewater Treatment Facilities as required by State of Connecticut Department of Environmental Protection Nitrogen General Permit issued December 21, 2005, as such decree and order may be amended from time to time, and specifically for payment of capital expenditures in connection with compliance with the decree or order, or payment of debt service on indebtedness of The District incurred for purposes of funding expenditures in connection with compliance with such decree and order. For this purpose “indebtedness” shall mean bonds, notes and other loans and obligations, including, without limitation, State of Connecticut Clean Water Fund loans and “Debt service” shall mean any obligation that would constitute “debt service” if incurred with respect to bonds issued under the special obligation indenture of trust, dated June 1, 2013, between The District and U.S. Bank National Association, as trustee, as amended and supplemented from time to time, as the term “debt service” is used in such indenture, whether or not such obligation is incurred with respect to indebtedness under such indenture.

- d.) The special sewer service charge shall appear separately on the water bills of the District and shall be due and payable at the same time as the water bills are due and payable. Collection and payment of such charge shall be subject to and in accordance with sections S12m, S12n, and S12o of this part.

Respectfully submitted,

Scott W. Jellison
Chief Executive Officer

On motion made by Commissioner Magnan and duly seconded, the report was received and the resolution adopted by unanimous vote of those present.

**PROPOSED REVISIONS TO THE SEWER ORDINANCES § S15
OF THE METROPOLITAN DISTRICT**

To: Committee on MDC Government for consideration on December 5, 2016

District staff, through the Office of District Counsel, submits the revisions of Section S15, “FATS, OILS AND GREASE (FOG) MANAGEMENT PROGRAM”, to The Metropolitan District General Ordinances for consideration by the Committee on MDC Government. Pursuant to the authority set forth in Section 1(g) of Special Act 08-9 (Regular Session 2008).

Therefore, it is **RECOMMENDED** that it be

**S - 15 FATS, OILS AND GREASE (FOG) MANAGEMENT PROGRAM
PART 15, GENERAL SEWER ORDINANCE**

<u>Section</u>	<u>Section Title</u>
S15a	Purpose of Ordinance
S15b	Definitions
S15c	Rules and Requirements
S15d	Equipment Requirements
S15e	Variances
S15f	Inspections
S15g	Discharge Limits
S15h	Violations
S15i	Restrictions
S15j	Sewer Stoppages and Maintenance
S15k	Fees
S15l	Billing of FOG Charges
S15m	Paying of FOG Charges
S15n	Non-Compliance
S15o	Time Ordinance Becomes Effective

SEC. S15a PURPOSE

The purpose of the Section of the Sewer Ordinance is to aid in preventing the accumulation of fats, oils and grease into the District's sanitary sewer system thus reducing the potential for sanitary sewer overflows. This Sewer Ordinance outlines the wastewater pretreatment requirements for food ~~service preparation~~ establishments and other commercial facilities that have the potential to discharge fats, oils and grease in their wastewater flow. All new and existing facilities that discharge fats, oils, and grease in their wastewater are applicable to this program. This Section of the Sewer Ordinance shall be an integral part of the District's Ordinance and its Charter in the application, administration and enforcement thereto.

SEC. S15b DEFINITIONS

The following terms shall have the meanings indicated hereafter where used in this Ordinance and are in addition to those defined in Part 1, General Sewer Ordinance, Section S1b, Definitions: ~~In accordance with the provisions of the charter of The Metropolitan District, the following procedure is established for reimbursing Member Town property owners that do not have access to the District's sanitary sewerage system for the approximate cost of pumping of Acceptable Septage from their septic tanks as set forth in Section 14d and 14f.~~

- 1) "FOG – FATS, OILS AND GREASE"
Any fats, oils and grease generated from the food preparation process as identified per the most current EPA method as listed in 40 CFR 136.3., as may be amended from time to time.
- 2) "FOOD ~~PREPARATION SERVICE~~ ESTABLISHMENT (FSE)"
Food ~~preparation service~~ establishment means a Class III or Class IV food service establishment as defined by Section 19-13-B42 of the State of Connecticut Public Health Code or any other facility discharging fats, oil and grease above the effluent limits in Section 5(c)(1) and (2) of the State of Connecticut General Permit for the Discharge of Wastewater Associated with Food ~~Preparation Service~~ Establishments such as, but not limited to, restaurants, hotel kitchens, hospital kitchens, school kitchens, bars, factory cafeterias, retail bakeries and clubs.
- 3) "GENERAL PERMIT FOR THE DISCHARGE OF WASTEWATER ASSOCIATED WITH FOOD ~~PREPARATION SERVICE~~ ESTABLISHMENTS"
The State of Connecticut's Department of Energy and Environmental Protection General Permit for the Discharge of Wastewater Associated with Food ~~Preparation Service~~ Establishments issued September 30, 2005 October 5, 2016 and its subsequent updates.
The General Permit was formerly titled General Permit for the Discharge of Wastewater Associated with Food Preparation Establishments.
- 4) "AGRU Active Grease Recovery Unit (AGRU)"
Automatic-Active Grease Recovery Unit means an interior grease interceptor that separates grease from wastewater by active mechanical or electrical means as described in the General Permit for the Discharge of Wastewater Associated with Food ~~Preparation—Service~~ Establishments issued September—30, 2005-October 5, 2015 and its subsequent updates.
- 5) "Super Capacity Grease Interceptor (SCGI)"
Super Capacity Grease Interceptor means an indoor passive unit, third party certified to retain more than four times the amount of pounds (lbs) of grease than the flow rating in gallons per minute (GPM) and is designed to separate fats, oils

and grease from wastewater while allowing water to flow through and meets specifications defined by Section 5(b)(3) of the General Permit.

6) “Grease Trap/FOG Interceptor”

Grease Trap/FOG Interceptor means a minimum 1,000 gallon outdoor, in-ground passive unit designed to separate fats, oils and grease from wastewater while allowing water to flow through and meets specifications defined in Section 5(b)(1) of the General Permit and the MDC Sewer Standard Details S-38 Outside Grease Separator for Kitchen Waste Lines.

7) “FOG Management Equipment”

FOG Management Equipment means properly designed, installed and operated equipment including Active Grease Recovery Units (AGRU), Grease Trap/FOG Interceptors and Super Capacity Grease Interceptors (SCGI), as approved by MDC, designed to meet the effluent limits defined by Section 5(b)(1) of the General Permit.

SEC. S15c RULES AND REQUIREMENTS

Food ~~preparation-service~~ establishments discharging wastewater to the District's collection system are subject to the following requirements which shall constitute the District's Fats, Oils and Grease Management Program (“FOG”):

1. Compliance with the General Permit for the Discharge of Wastewater Associated with Food ~~Preparation-Service~~ Establishments.
2. ~~Annual-Every three (3) years FSEs filing of a-~~ are required to complete FOG registration ~~on-or Variance application~~ forms supplied by the District. All registrations and variances are non-transferable and must be ~~re~~submitted to the District after any change in ownership or significant menu/facility change.
3. ~~Regular inspections-Inspections~~ performed by the District to verify compliance with these requirements and those requirements of the General Permit for the Discharge of Wastewater Associated with Food ~~Preparation-Service~~ Establishments.
4. Payment of any fees associated with registration, variances, fines or violations, ~~variances~~ and reimbursement for costs associated with any emergency services provided by the District.

SEC. S15d EQUIPMENT REQUIREMENTS

Wastewater generated from food ~~preparation-service~~ establishments shall be treated at the point of discharge to remove FOG using ~~an Outdoor In-Ground Grease Trap Interceptor (Grease Trap Interceptor) or AGRU~~ FOG Management Equipment to meeting the requirements of the General Permit for the Discharge of Wastewater Associated with Food ~~Service Preparation~~ Establishments.

The ~~Grease Trap Interceptor or AGRU FOG Management Equipment~~ shall be connected to those fixtures or drains that would allow FOG to be discharged. This shall include but is not limited to; pot sinks, pre-rinse sinks, any sinks into which fats, oils, or grease are likely to be introduced, soup kettles or similar devices, wok stations, floor drains or sinks into which kettles may be drained, automatic hood wash units, ~~dishwashers without pre-rinse sinks,~~ and any other fixtures or drains that are likely to allow fats, oils and grease to be discharged.

SEC. S15e VARIANCES

If a Food ~~Preparation Service~~ Establishment has limited potential for FOG in the discharge; an establishment may request a variance for required equipment by submitting a Application for Variance on a form provided by the District. If a variance of equipment is approved, the Food ~~Preparation Service~~ Establishment owner shall pay a variance registration fee. The variance registration is valid for a period of three years. If there is a change of ownership then the establishment's new owner must submit a new Application for Variance and pay the associated fee. Facilities that receive a variance on the FOG Management Equipment requirement are subject to the FOG Annual Fee.

SEC. S15f INSPECTIONS

Food ~~Preparation Service~~ Establishments shall be subject to inspection by the District on a regular basis to determine whether the requirements set forth in this Ordinance and the General Permit are being met. Inspections may include but are not limited to; inspection of the FOG Management Equipment and food preparation activities, review of records for the quarterly inspections performed by the Food ~~Preparation Establishment Service Establishment,~~ grease storage and review of cleaning and maintenance logs.

SEC. S15g DISCHARGE LIMITS

No Food ~~Preparation Service~~ Establishment shall discharge or cause to be discharged any wastewater with a FOG concentration in excess of one hundred (100) milligrams per liter, as determined by the currently approved test for recoverable fats and grease listed in 40 CFR 136.3, as may be amended.

SEC. S15h VIOLATIONS

In the event that a Food ~~Preparation Service~~ Establishment fails to meet the recordkeeping, installation, maintenance and/or operational requirements or discharge limit, the District will issue a written notice of violation for the non-compliant condition(s). The Food ~~Preparation Service~~ Establishment shall take immediate steps to bring the establishment into compliance.

Any violation of the District's FOG Management Program will be subject to violation fees. Each day that a violation continues shall be considered a separate occurrence.

SEC. S15i RESTRICTIONS

No Food ~~Preparation Service~~ Establishment shall introduce any additives, including but not limited to, enzymes or surfactants as grease emulsifiers or degradation agents, into the ~~Grease Interceptor or AGRU~~FOG Management Equipment unless given prior approval by the District.

SEC. S15j SEWER STOPPAGES AND MAINTENANCE

In the event of a sewer stoppage or blockage, caused by an FOG discharge from a Food ~~Preparation Service~~ Establishment, the District shall notify said establishment in writing, and said establishment shall reimburse the District any expenses incurred by the District as a result of the sewer stoppage or blockage. The expenses may include, but are not limited to, the cost of services of District employees or contractors for any work or inspection necessary to relieve such stoppage or blockage, and damage to any other properties effected.

If any FOG related stoppage requires emergency action on the part of the District, the Food ~~Preparation Service~~ Establishment shall be charged a minimum penalty fee per event in addition to the cost of services of District employees or contractors. An emergency is defined as any event which requires power rodding, snaking, jetting or any other work required to clear the stoppage, ~~after regular business hours of the District.~~

In the event the collection system needs to be cleaned due to the excess FOG discharged by a Food ~~Preparation Service~~ Establishment, the establishment shall pay to the District the expense incurred by the District to clean the sewer or appurtenance therefore.

SEC. S15k FEES

The District Board may establish and revise fees for the District's FOG Management Program required by this Ordinance. The fees include, but are not limited to: annual registration, variance, violation and maintenance fees.

SEC. S15l BILLING OF FOG CHARGES

The fees associated with the District's FOG Management Program will be billed to the owner of the Food ~~Preparation Establishment Service Establishment~~ as detailed on the FOG registration form.

SEC. S15m PAYING OF FOG CHARGES

The fees associated with the District's FOG Management Program, either as a separate bill or combined with the water and/or sewer bill, shall be due and payable within 30-days of the date of issue, and the District is empowered to permit an extension of time of the due date up to seven days after the end of the billing period. One percent (1%) interest will be applied monthly to the unpaid balance, including previously applied interest, of all bills outstanding beyond the 30 days.

SEC. S15n NON-COMPLIANCE

The District reserves the right to notify the Connecticut Department of Energy and Environmental Protection of any establishment that ~~is continues to be~~ non-compliant with the District's FOG Management Program.

~~SEC. S15o TIME ORDINANCE BECOMES EFFECTIVE~~

~~This ordinance shall become effective on January 1, 2008.~~

~~(Adopted October 1, 2007) ————— (Effective January 1, 2008)~~

VOTED: That the Committee on MDC Government recommends to the District Board passage of the following resolution:

RESOLVED: That the revisions to The Metropolitan District's Sewer Ordinances be adopted as follows:

S - 15 FATS, OILS AND GREASE (FOG) MANAGEMENT PROGRAM PART 15, GENERAL SEWER ORDINANCE

<u>Section</u>	<u>Section Title</u>
S15a	Purpose of Ordinance
S15b	Definitions
S15c	Rules and Requirements
S15d	Equipment Requirements
S15e	Variances
S15f	Inspections
S15g	Discharge Limits
S15h	Violations

S15i	Restrictions
S15j	Sewer Stoppages and Maintenance
S15k	Fees
S15l	Billing of FOG Charges
S15m	Paying of FOG Charges
S15n	Non-Compliance
S15o	Time Ordinance Becomes Effective

SEC. S15a PURPOSE

The purpose of the Section of the Sewer Ordinance is to aid in preventing the accumulation of fats, oils and grease into the District's sanitary sewer system thus reducing the potential for sanitary sewer overflows. This Sewer Ordinance outlines the wastewater pretreatment requirements for food service establishments and other commercial facilities that have the potential to discharge fats, oils and grease in their wastewater flow. All new and existing facilities that discharge fats, oils, and grease in their wastewater are applicable to this program. This Section of the Sewer Ordinance shall be an integral part of the District's Ordinance and its Charter in the application, administration and enforcement thereto.

SEC. S15b DEFINITIONS

The following terms shall have the meanings indicated hereafter where used in this Ordinance and are in addition to those defined in Part 1, General Sewer Ordinance, Section S1b, Definitions:

- 1) "FOG – FATS, OILS AND GREASE"
Any fats, oils and grease generated from the food preparation process as identified per the most current EPA method as listed in 40 CFR 136.3., as may be amended from time to time.
- 2) "FOOD SERVICE ESTABLISHMENT (FSE)"
Food service establishment means a Class III or Class IV food service establishment as defined by Section 19-13-B42 of the State of Connecticut Public Health Code or any other facility discharging fats, oil and grease above the effluent limits in Section 5(c)(1) and (2) of the State of Connecticut General Permit for the Discharge of Wastewater Associated with Food Service

Establishments such as, but not limited to, restaurants, hotel kitchens, hospital kitchens, school kitchens, bars, factory cafeterias, retail bakeries and clubs.

- 3) “GENERAL PERMIT FOR THE DISCHARGE OF WASTEWATER ASSOCIATED WITH FOOD SERVICE ESTABLISHMENTS”
The State of Connecticut’s Department of Energy and Environmental Protection General Permit for the Discharge of Wastewater Associated with Food Service Establishments issued October 5, 2016 and its subsequent updates. The General Permit was formerly titled General Permit for the Discharge of Wastewater Associated with Food Preparation Establishments.
- 4) “Active Grease Recovery Unit (AGRU)”
Active Grease Recovery Unit means an interior grease interceptor that separates grease from wastewater by active mechanical or electrical means as described in the General Permit for the Discharge of Wastewater Associated with Food Service Establishments issued October 5, 2015 and its subsequent updates.
- 5) “Super Capacity Grease Interceptor (SCGI)”
Super Capacity Grease Interceptor means an indoor passive unit, third party certified to retain more than four times the amount of pounds (lbs) of grease than the flow rating in gallons per minute (GPM) and is designed to separate fats, oils and grease from wastewater while allowing water to flow through and meets specifications defined by Section 5(b)(3) of the General Permit.
- 6) “Grease Trap/FOG Interceptor”
Grease Trap/FOG Interceptor means a minimum 1,000 gallon outdoor, in-ground passive unit designed to separate fats, oils and grease from wastewater while allowing water to flow through and meets specifications defined in Section 5(b)(1) of the General Permit and the MDC Sewer Standard Details S-38 Outside Grease Separator for Kitchen Waste Lines.
- 7) “FOG Management Equipment”
FOG Management Equipment means properly designed, installed and operated equipment including Active Grease Recovery Units (AGRU), Grease Trap/FOG Interceptors and Super Capacity Grease Interceptors (SCGI), as approved by MDC, designed to meet the effluent limits defined by Section 5(b)(1) of the General Permit.

SEC. S15c RULES AND REQUIREMENTS

Food service establishments discharging wastewater to the District’s collection system are subject to the following requirements which shall constitute the District’s Fats, Oils and Grease Management Program (“FOG”):

1. Compliance with the General Permit for the Discharge of Wastewater Associated with Food Service Establishments.

2. Every three (3) years FSEs are required to complete FOG registration or Variance application forms supplied by the District. All registrations and variances are non-transferable and must be submitted to the District after any change in ownership or significant menu/facility change.
3. Inspections performed by the District to verify compliance with these requirements and those requirements of the General Permit for the Discharge of Wastewater Associated with Food Service Establishments.
4. Payment of any fees associated with registration, variances, fines or violations, and reimbursement for costs associated with any emergency services provided by the District.

SEC. S15d EQUIPMENT REQUIREMENTS

Wastewater generated from food service establishments shall be treated at the point of discharge to remove FOG using FOG Management Equipment to meet the requirements of the General Permit for the Discharge of Wastewater Associated with Food Service Establishments.

The FOG Management Equipment shall be connected to those fixtures or drains that would allow FOG to be discharged. This shall include but is not limited to; pot sinks, pre-rinse sinks, any sinks into which fats, oils, or grease are likely to be introduced, soup kettles or similar devices, wok stations, floor drains or sinks into which kettles may be drained, automatic hood wash units, and any other fixtures or drains that are likely to allow fats, oils and grease to be discharged.

SEC. S15e VARIANCES

If a Food Service Establishment has limited potential for FOG in the discharge; an establishment may request a variance for required equipment by submitting a Application for Variance on a form provided by the District. If a variance of equipment is approved, the Food Service Establishment owner shall pay a variance registration fee. The variance registration is valid for a period of three years. If there is a change of ownership then the establishment's new owner must submit a new Application for Variance and pay the associated fee. Facilities that receive a variance on the FOG Management Equipment requirement are subject to the FOG Annual Fee.

SEC. S15f INSPECTIONS

Food Service Establishments shall be subject to inspection by the District on a regular basis to determine whether the requirements set forth in this Ordinance and the General Permit are being met. Inspections may include but are not limited to; inspection of the FOG Management Equipment and food preparation activities, review of records for the quarterly inspections performed by the Food Service Establishment, grease storage and review of cleaning and maintenance logs.

SEC. S15g DISCHARGE LIMITS

No Food Service Establishment shall discharge or cause to be discharged any wastewater with a FOG concentration in excess of one hundred (100) milligrams per liter, as determined by the currently approved test for recoverable fats and grease listed in 40 CFR 136.3, as may be amended.

SEC. S15h VIOLATIONS

In the event that a Food Service Establishment fails to meet the recordkeeping, installation, maintenance and/or operational requirements or discharge limit, the District will issue a written notice of violation for the non-compliant condition(s). The Food Service Establishment shall take immediate steps to bring the establishment into compliance.

Any violation of the District's FOG Management Program will be subject to violation fees. Each day that a violation continues shall be considered a separate occurrence.

SEC. S15i RESTRICTIONS

No Food Service Establishment shall introduce any additives, including but not limited to, enzymes or surfactants as grease emulsifiers or degradation agents, into the FOG Management Equipment unless given prior approval by the District.

SEC. S15j SEWER STOPPAGES AND MAINTENANCE

In the event of a sewer stoppage or blockage, caused by an FOG discharge from a Food Service Establishment, the District shall notify said establishment in writing, and said establishment shall reimburse the District any expenses incurred by the District as a result of the sewer stoppage or blockage. The expenses may include, but are not limited to, the cost of services of District employees or contractors for any work or inspection necessary to relieve such stoppage or blockage, and damage to any other properties effected.

If any FOG related stoppage requires emergency action on the part of the District, the Food Service Establishment shall be charged a minimum penalty fee per event in addition to the cost of services of District employees or contractors. An emergency is defined as any event which requires power rodding, snaking, jetting or any other work required to clear the stoppage.

In the event the collection system needs to be cleaned due to the excess FOG discharged by a Food Service Establishment, the establishment shall pay to the District the expense incurred by the District to clean the sewer or appurtenance therefore.

SEC. S15k FEES

The District Board may establish and revise fees for the District's FOG Management Program required by this Ordinance. The fees include, but are not limited to: annual registration, variance, violation and maintenance fees.

SEC. S15I BILLING OF FOG CHARGES

The fees associated with the District's FOG Management Program will be billed to the owner of the Food Service Establishment as detailed on the FOG registration form.

SEC. S15m PAYING OF FOG CHARGES

The fees associated with the District's FOG Management Program, either as a separate bill or combined with the water and/or sewer bill, shall be due and payable within 30-days of the date of issue, and the District is empowered to permit an extension of time of the due date up to seven days after the end of the billing period. One percent (1%) interest will be applied monthly to the unpaid balance, including previously applied interest, of all bills outstanding beyond the 30 days.

SEC. S15n NON-COMPLIANCE

The District reserves the right to notify the Connecticut Department of Energy and Environmental Protection of any establishment that is non-compliant with the District's FOG Management Program.

Respectfully submitted,

Scott W. Jellison
Chief Executive Officer

On motion made by District Chairman DiBella and duly seconded, the report was received and the resolution adopted by unanimous vote of those present.

ADJOURNMENT

The meeting was adjourned at 7:03 PM

ATTEST:

John S. Mirtle, Esq.
District Clerk

Date of Approval