



## NEWTOWN DISTRICT DEPARTMENT OF HEALTH SANITARY REGULATIONS

### **Authority**

This Regulation is authorized and promulgated pursuant to Connecticut General Statutes Section 19a-35a, Section 19a-37, and Section 19a-243.

The Director of Health or their Authorized Agent shall hereby have the authority to establish any administrative procedures pursuant to carry out the provisions and requirements of this Regulation.

### **Section 1. Scope and Purpose**

- a. The purpose of this Regulation is to reduce the probability of water pollution by establishing standards for construction of water supplies, sewage disposal systems, and to promote sewer avoidance thereby protecting the health and welfare of our citizens.
- b. The Regulations of Connecticut State Agencies, Title 19, Health and Safety, Department of Public Health, (*hereinafter the "CT Public Health Code"*) as amended, is hereby made part of this Sanitary Regulation and shall apply and govern all cases except where such provisions of the Sanitary Regulation shall have more stringent requirements. All references to the CT Public Health Code shall be to the CT Public Health Code, as amended.

### **Section 2. Definitions**

As used in this regulation, the following terms shall have the meanings indicated:

**Authorized agent** The person designated by the Director of Health to act for the Director of Health in the performance of any duties. This person may be a sanitarian licensed under chapter 395 and any individual certified for a specific program of environmental health by the Commissioner of Public Health in accordance with the general statutes and regulations of Connecticut state agencies.

**Board of Directors** means the Board of Directors of the Newtown Health District.

**CT Public Health Code** The Public Health Code (PHC) of the State of Connecticut, as may be amended from time to time, established in accordance with Connecticut General Statutes (CGS), Chapter 368a, Section 19a-36, as amended.

**Director of Health** The Director of Health of the Newtown Health District who is charged with the responsibility and authority for preserving and improving the public health and preventing the spread of diseases or their authorized agent.

**Health District** The Newtown District Department of Health (NDDH), also referred to as the Newtown Health District.

**Imminent Health Hazard** A condition which is likely to cause an immediate threat to life or serious risk of damage to the health, safety, and welfare of the public if no immediate action is taken.

**Licensed Installer** A person licensed pursuant to Chapter 393a of the General Statutes of the State of Connecticut.

**Parameter** Any measurable physical, chemical, radiological, or bacteriological substance, which may be found in drinking water.

**Private Water Well** A water supply well that meets all of the following criteria: (A) Is not a public well; (B) supplies a residential population of less than twenty-five persons per day; and (C) is owned or controlled through an easement or by the same entity that owns or controls the building or parcel that is served by the water supply well.



## NEWTOWN DISTRICT DEPARTMENT OF HEALTH SANITARY REGULATIONS

**Property Appeal Panel** An appeal review panel that consists of the Director of Health, and a designee from each of the following: the Conservation Commission, the Planning and Zoning Commission and the Water Pollution Control Agency.

**Soil Testing** Deep observations pits, dug in the proposed system area extending a minimum of seven (7) feet or four (4) feet below the bottom of the leaching system. A soil test also includes a percolation test dug to the depth of the proposed leaching area and presoaked as prescribed in the CT PHC and Technical Standards.

**Watercourse and wetlands** In this Regulation shall have the same meaning as those terms defined in the Inland Wetlands and Watercourse Regulations, as amended, of Health District member Towns, and in the CT Public Health Code.

### **Section 3. Approval of the Director of Health**

- a. No person shall construct, alter, repair or enlarge a subsurface sewage disposal system (at times referred to herein as "SSDS") that serves any existing building or structure without first having obtained the written approval of the Director of Health.
- b. No person shall construct or install any new building or structure on any lot or site, which requires a separate SSDS, without first having obtained the written approval of the Director of Health.
- c. No person shall enlarge, remodel or change the present use of any existing building or structure served by a separate SSDS without first having obtained the written approval of the Director of Health. No approval shall be granted to a building or structure that is served by a cesspool.
- d. When public sanitary sewer is available as determined by the local Water Pollution Control Authority, the Director of Health shall require connection to the public sanitary sewer. Notwithstanding the foregoing, this requirement shall not apply to the construction of an accessory structure or non-residential building if it is not expected to generate wastewater or if the structure can be connected to an existing SSDS on the property that meets all of the requirements of the CT Public Health Code and Technical Standards.
- e. The Director of Health may grant an exception to the requirement to connect to the public sanitary sewer as required in this Regulation upon demonstration of extreme financial hardship or construction difficulty. The Director of Health shall not be bound by a finding of financial hardship or construction difficulty and shall act at all times in the best interest of the public health and safety.

### **Section 4. Soil Testing and Site Evaluation**

- a. No plan to install or construct, alter, repair, enlarge or modify any new or existing SSDS shall be submitted to or reviewed by the Director of Health unless soil testing and site evaluation have been performed on the property. The Director of Health or their authorized agent shall be present for any soil testing to be used for septic system design purposes.
- b. Applications for soil testing and site evaluation shall be made on forms provided by the Director of Health, signed by the property owner or authorized agent and shall be accompanied by the appropriate fee as specified in the fee schedule.
- c. For new building lots, soil testing and site evaluation shall consist of at least two deep observation pits and one percolation test in the primary area and one deep observation pit and one percolation test in the reserve area. For repairs, soil testing and site evaluation shall consist of at least two deep observation pit and one percolation test in the area proposed for the repair.



## NEWTOWN DISTRICT DEPARTMENT OF HEALTH SANITARY REGULATIONS

- Additional deep observation pits and/or percolation tests may be required depending on site conditions. Soil testing shall be witnessed by the Director of Health or an authorized agent.
- d. Deep observation pits shall be deep enough to expose the soil to a depth of at least four (4) feet below the bottom of the leaching system. Deep observation pits may be sloped at one end to provide access to the pit by the inspecting sanitarian. Deep observation pits shall be accurately located on the plan submitted to the Director of Health for review and approval.
  - e. Percolation tests shall be performed at the depth and location of the proposed leaching system. Percolation test holes shall be accurately located on the plan submitted to the Director of Health for review and approval.
  - f. All soil testing shall be performed in the manner prescribed by the CT Public Health Code and Technical Standards as amended from time to time.
  - g. The Director of Health reserves the right to suspend soil testing and site evaluation for new lots during unusual dry periods and may require monitoring of ground water levels during periods of seasonal high groundwater (generally February 1st through May 31st). Soil testing for new lots or system replacements shall not be performed in frozen ground. The Director of Health, at their discretions, may suspend soil testing during winter months.
  - h. The results of soil testing and site evaluation as described in this section shall be valid for a period of ten (10) years from the date of the most recent testing subject to the following conditions:
    1. Confirmatory testing may be required at the time of application.
    2. An application for soil testing and site evaluation is on file and the required fee has been paid.
    3. The soil testing has been witnessed by a representative of the Newtown Health District.
    4. Testing must have taken place in the location where the SSDS is proposed.
    5. At the time of an application to construct a SSDS, the Director of Health may make a site visit to determine if there have been substantial changes to the lot or the surrounding area that would alter the drainage characteristics of the lot or the elevation of groundwater at the site. If such changes are found, additional testing will be required.
    6. The Director of Health may require additional soil testing and site evaluation on any parcel if the information on file is inadequate to determine that the SSDS can be constructed in accordance with the requirements of the CT Public Health Code and this Regulation.

### **Section 5. Application for Approval of a Plan**

- a. Applications to approve a plan to alter, repair, enlarge or modify an existing SSDS or to construct a new SSDS shall be made on forms provided by the Director of Health and be accompanied by the appropriate fee as specified in the fee schedule. Applications must be complete and contain all information necessary to demonstrate compliance with the requirements of the CT Public Health Code and Technical Standards. Applications must be signed by the property owner or their duly authorized agent.
- b. Plans for the installation of a new SSDS shall be prepared by a Professional Engineer (P.E.), licensed by the State of Connecticut, and shall bear the seal and live signature of the engineer. Outbuildings with a design flow of 150 GPD or less on single-family residential building lots, a P.E. is not required unless deemed necessary due to site limitations or it is an area of special concern.



**NEWTOWN DISTRICT DEPARTMENT OF HEALTH  
SANITARY REGULATIONS**

- c. If the property is to be served by a private water supply well and a SSDS, the plans shall show an area to be reserved for the disposal of water treatment wastewater, should treatment be required or desired. The area designated for disposal shall be of sufficient size to contain the volume of wastewater generated and shall comply regulations outlined in the CT Public Health Code and Technical Standards.
- d. Upon review of the plan, if the plan is found to be in compliance with the CT Public Health Code and Technical Standards, the Director of Health shall approve the plan and issue a written approval, which shall contain any conditions of approval. If the plan is not in compliance with the CT Public Health Code and Technical Standards, the Director of Health shall reject the plan and return it to the applicant noting the reason(s) for its rejection. The applicant shall be allowed to re-submit one (1) revised plan without additional charge. Subsequent submissions shall be subject to a revision fee as specified in the fee schedule. Plans revised because of a site modification, owner request, system design change etc. shall be subject to a revision fee as specified in the fee schedule.
- e. The approval of a plan to install a new SSDS or to alter, repair, enlarge or modify an existing SSDS shall not constitute a permit to construct or install and shall expire one (1) year from the date of issuance. Plan approvals may be renewed for an additional one (1) year by the Director of Health upon a showing of good cause.
- f. For new construction, once the SSDS plan approval is issued, two sets of returnable building plans must be provided for review and sign off, accompanied by the appropriate application and associated fee.

**Section 6. Approval to Install or Construct a Subsurface Sewage Disposal System**

- a. No person shall construct or install, alter, repair, enlarge or modify any new or existing SSDS without first obtaining an Approval to Construct from the Director of Health. Applications shall be made on forms provided by the Director of Health, signed by a licensed installer and shall be accompanied by the appropriate fee as specified in the fee schedule.
- b. At time of application, the licensed installer must provide the Director of Health with a copy of their valid subsurface sewage disposal system installer's license issued pursuant to Section 20-341 of the CT General Statutes and their driver's license or other photo ID.
- c. The approval to construct shall expire one (1) year from the date of issuance, and shall not be transferable from place to place or from one installer to another.
- d. A Conditions of Approval shall accompany the approved plan and be provided to the licensed installer at the time of application. This shall describe specific design and inspection requirements for the SSDS; including any exceptions made to the CT Public Health Code.
- e. No SSDS shall be placed into use until it has been inspected and approved by the Director of Health. The licensed installer and, if required, professional engineer and/or land surveyor, shall submit to the Director of Health an "as-built" plan of the SSDS within five business days of the date of the final inspection. Upon completion of the final inspection and receipt of all required documentation, the Director of Health shall issue a Permit to Discharge for the system as specified in the CT Public Health Code.



**NEWTOWN DISTRICT DEPARTMENT OF HEALTH  
SANITARY REGULATIONS**

**Section 7. Subdivision Approval**

- a. No proposed subdivision requiring private SSDS shall be approved until the Director of Health has witnessed the appropriate tests on the land thereof and has filed a report regarding the feasibility of SSDS with the appropriate planning and/or zoning commission.
- b. At least two weeks prior to issuance of the report to the planning and zoning commission the following information shall be submitted to the Director of Health in a subdivision site plan package:
  1. The number of each lot.
  2. Storm drainage system/easements, if any.
  3. Water courses or intermittent streams, if any.
  4. Location of any wetlands as defined by Section 22a-45 of the Connecticut General Statutes, as amended.
  5. Soil types as defined by the latest Soil Survey of the United States Department of Agriculture Soil Conservation Service.
  6. Site contours of the subdivision.
  7. The accurate location of all test pits.
  8. Any other relevant site information or documentation.

**Section 8. Applications for Properties on less than One-Half (1/2) Acre**

- a. For existing building lots, at least one-half (1/2) acre is required when both an individual well and a SSDS are proposed. No new building lot less than one-half (1/2) acre will be approved.
- b. Where the lot size requirement of Section 8a. cannot be satisfied concerning existing building lots, the applicant shall submit an application for a Property Size Appeal Review. A recommendation for approval of the application shall be determined by means of an affirmative vote from the majority of the Property Size Appeal Review Panel.

The applicant shall demonstrate the following:

1. An existing code complying private water supply well; or the present availability of year round public water supply;
  2. Compliance with all other State and Local Sanitary Code requirements;
  3. Absence of "Areas of Special Concern" as defined in the CT Public Health Code;
  4. That there will be no adverse impact on water supply or subsurface sewage disposal systems off site.
- c. For existing building lots less than one-half (1/2) acres, served by an onsite well and septic system, no modifications to existing structures or accessory structure installation can be made without application for a Property Size Appeal Review as described in subparagraph b. above. The application shall be submitted to the Health District accompanied by all required documentation and the associated fee.
  - d. If public sewers are not available, no building shall be converted so as to enable its use year round nor shall its use be changed unless after the said conversion or use change the lot satisfies all the current requirements of this Regulation for a SSDS. The conversion or change in use must conform to the CT Public Health Code 19-13- B100a, as amended.



## NEWTOWN DISTRICT DEPARTMENT OF HEALTH SANITARY REGULATIONS

### **Section 9. Other Requirements**

- a. No portion of any sewage disposal system in the Town of Newtown shall be located within 100 feet of any brook, stream or other open watercourse. Distances to an open watercourse from a SSDS in District member Towns shall be set by their respective Inland Wetland Commission or Land Use Agency.
- b. If a select fill package is required as part of a septic system design, select fill material to be utilized shall be sieve tested in place or a sieve analysis provided by the installer prior to installation. The sieve analysis shall be current and representative of the material being placed on-site. For engineered septic system designs, a select fill certification letter shall be provided with final paperwork.
- c. Leaching systems that are to be elevated entirely in select fill require additional percolation tests after select fill placement to confirm the percolation rate of the select fill is not slower than the design rate.

### **Section 10. Private Water Supply Facilities**

- a. The location of all proposed wells shall be indicated on proposed subdivision plans and on the plot plan for individual residences or buildings.
- b. For applications of new wells, or replacement wells, or applications for subdivision of property, no more than 25 feet of the protective well radius shall infringe on adjacent properties. Adjacent property does not include a street or roadway.
- c. Well yield and construction requirements shall comply with the CT Public Health Code 19-13-B51 and Connecticut General Statutes, as amended.

### **Section 11. Well Permit Applications**

- a. Well permit application shall include a plot plan or substantial map of the property that must show all potential sources of pollution, existing or proposed, including a SSDS, drainage ditches, footing drains, sewer piping, highway water runoff, underground oil storage tanks, etc. The plot plan shall also show the distance to property boundaries within distances relevant to the proposed well under this Regulation and State regulations.
- b. No work requiring a permit shall be conducted until the Director of Health or their authorized agent has signed the well drilling permit. The Director of Health may require that a site inspection be made to ensure that the well site meets the requirements specified in section 19-13-B51d of the CT Public Health Code.
- c. For new construction well permit applications, a copy of the foundation as-built shall be submitted prior to the well permit approval.

### **Section 12. Testing of Water Supplies**

- a. Prior to use, the owner of a new private water well or a well that has been repaired, deepened or altered so that a different water bearing geological layer is used, shall have the water sampled for water quality in accordance with Sections 19-13-B51 (1) and 19-13-B101 of the CT Public Health Code. The Director of Health may require testing for additional parameters, such as hydrocarbons, pesticides, heavy metals, or radioactivity, prior to approval. The well water shall not be used for drinking purposes until approval of the Director of Health is obtained. If the laboratory tests indicate that the water meets the requirements of Section 19-13-B101 of the CT Public Health Code, the Director of Health shall approve the



## NEWTOWN DISTRICT DEPARTMENT OF HEALTH SANITARY REGULATIONS

results. The Newtown Health District shall maintain a record of all new well test results.

- b. If a new private water well is found to exceed the established water quality standards, based on either the initial or additional re-sampling analyses, the Director of Health may require the installation of water treatment as a condition of, and prior to, approval. The notification letter from the owner shall be maintained on file which includes the date, the results of the water tests, and a statement of the reason for the failure of the water well to supply water that complies with drinking water standards.
- c. If chemical or physical limits, as stated in the CT Public Health Code are exceeded for a new well, and water treatment fails to bring the water into compliance with the CT Public Health Code, the Director of Health may prohibit the well from being used if, in their opinion, the consumption of the water presents a substantial public health risk.
- d. A Certificate of Occupancy shall not be issued by any other governmental authority for any new structure served by a private water well governed by this Regulation without the approval of the Director of Health.

### **Section 13. Protection and Abandonment of Water Supply Wells**

- a. Section 19a-39 of the Connecticut General Statutes shall govern the protection of wells. Sections 25-128 and 25-134 of the Connecticut General Statutes shall govern the abandonment of wells.
- b. In the case of abandonment, the procedure specified in the Rules and Regulations of the Well Drilling Board of the State of Connecticut shall be followed. The well drilling contractor for this work shall provide the Director of Health with a statement of the work done with the well abandonment application.

### **Section 14. Terms Defined in Other Regulations**

Where terms are not defined in this Regulation and are defined in either the Connecticut General Statutes, or the building, fire safety or food code they shall have the same meanings ascribed to them as in the general statutes or as in these other referenced regulation.

### **Section 15. Terms not defined**

Where terms are not defined under the provisions of either the Connecticut General Statutes or the building, fire safety or food code, including this Regulation, they shall have ascribed to them their ordinarily accepted dictionary meanings or such as the context may herein imply.

### **Section 16. Unconstitutional Clause**

Should any section, paragraph, sentence, clause or phrase of this Regulation be declared unconstitutional or invalid for any reason, the remainder of said Regulation shall not be affected thereby.