



NEWTOWN HEALTH DISTRICT SANITARY CODE

1 SCOPE AND PURPOSE:

- 1.1 This ordinance shall be known and may be cited as the "SANITARY CODE of the Newtown District Department of Health" (hereinafter "SANITARY CODE").
- 1.2 The purpose of this code is to reduce the probability of water pollution by establishing standards for the construction of water supplies, sewage disposal systems, and to promote sewer avoidance thereby protecting the health and welfare of our citizens.
- 1.3 The Regulations of Connecticut State Agencies, Title 19, Health and Safety, Department of Public Health and Addiction Services, (hereinafter the Connecticut Public Health Code) as amended, is hereby made a part of this SANITARY CODE and shall apply and govern all cases except where such provisions of the SANITARY CODE shall have more stringent requirements. All references to the Connecticut Public Health Code shall be to the Connecticut Public Health Code as amended.
- 1.4 No dwelling, apartment, boarding house, hospital or other structure or improvement shall be constructed in the District unless the sanitation facilities are approved by the District Director of Health and are in accord with the provisions of the SANITARY CODE.

2 DEFINITIONS:

- 2.1 **Newtown District Department of Health** also is known as the Newtown Health District.
- 2.2 **Watercourses and wetlands:** The terms "watercourse" and "wetlands," used in this ordinance shall have the same meaning as those terms defined in the "Inland Wetlands and Watercourse Regulations of the Town of Newtown, Connecticut," as amended and in the Connecticut Public Health Code.
- 2.3 **Soil testing:** The term "soil testing" as used in this ordinance means deep observation pits, dug in the proposed septic area extending a minimum of seven (7) feet or four (4) feet below the bottom of the leaching system. A soil test also includes percolation tests dug to the depth of the proposed leaching area and presoaked for a minimum of two hours before the test is conducted. A minimum of one percolation test and two deep observation pits shall be conducted in the location of the proposed primary system, and a percolation hole and a deep test in the reserve area.

- 2.4 **The Health Review Panel** was established as an appeals board. It 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.
- 2.5 **The Minimum Leaching System Spread (MLSS)** as amended is a method of calculating the hydraulic impact of the leaching area on the underlying soil and assessing the capability of the soil to disperse the effluent. A MLSS or equal must be calculated for all new and repair septic proposals

3 WATER SUPPLY FACILITIES:

The following regulations shall govern the construction of all water supplies for new residences in the District or existing residences in the sewer avoidance area as identified in the WPCA "Water Pollution Control Plan for the town of Newtown".

- 3.1 Extend or develop a public water supply if economically feasible. Any new public water system must seek approval from the Department of Public Utilities Control and the Department of Public Health and Addiction Services through the "Certificate of Needs & Necessity" identified in the Connecticut General Statutes Section 16-262m. If neither option is possible, construct individually drilled wells complying with the provisions of The Connecticut General Statutes Article 4 section 25-128-33 through section 25-128-57 & section 25-128-61 through section 25-128-64 and appendix. Also the Connecticut Public Health Code 19-13-B51 (a) through (m) inclusive. A satisfactory water quality test must also be submitted.
- 3.2 The location of all proposed wells shall be indicated on proposed subdivision plans and on the plot plan for individual residences or buildings. No more than 25 feet of the well radius shall infringe on adjacent properties. Any new well shall meet the separation distances established by Sec. 19-13-B51d of the Connecticut Public Health Code between wells and sewage disposal facilities, drains and any other items for which it may establish separation distances including underground oil storage tanks.
- 3.3 A copy of the foundation as built must be submitted before well permit approval.
- 3.4 A Yield of at least the following will be considered a satisfactory water supply:

| <u>DEPTH OF WELL</u> | <u>YIELD</u> in gallons per minute (gpm) |
|----------------------|--|
| 100' or less | 5 gpm |
| 101' to 150 | 3 1/2 gpm |
| 151' to 200' | 2 gpm |
| 201' to 300' | 1 gpm |
| Over 300' | 1/2 gpm |

- 3.5 The static level of the well shall indicate that it is 75% full of water, or either the next higher yield shall be used or an adequate storage tank, approved by the Director of Health, shall be installed.
- 3.6 The well casing diameter shall be at least six (6) inches.
- 3.7 The above requirements refer only to average household water usage.

- 3.8 Any repairs (that is hydro-fracting, redevelopment, etc.) performed on a water supply will require the well contractor to obtain a permit in accordance with Section 25-128-61 of the Connecticut General Statutes and file the altered permit with the Health District.
- 3.9 Any new well or repair as identified in 3.8 must perform and submit to the Health District a satisfactory chemical and bacterial water test.

4 THE FOLLOWING SHALL GOVERN THE CONSTRUCTION OF ALL SEWAGE DISPOSAL FACILITIES IN THE DISTRICT:

- 4.1 Extend public sewers in the sewered area, whenever feasible, to facilitate correction of chronic septic system failures. New development must abide by the WPCA plans for undeveloped properties within the sewered area.
- 4.2 The area outside of the sewered area as identified by the WPCA is the sewer avoidance area and shall be under the WPCA SEWER AVOIDANCE POLICY.
- 4.3 Where land is being subdivided or where a new lot is being created, the following criteria shall apply:
- (A) A percolation rate of less than one inch in 30 minutes is not acceptable for a sewage disposal system.
 - (B) A minimum of 24 inches of separating distance is required between the bottom of the leaching field and high ground water, mottling and/or hardpan. At least 18 inches of this separating distance shall be naturally occurring soil (original ground). A curtain drain may be needed to control ground water.
 - (C) Ledge rock shall be at least four feet below the bottom of the leaching fields. At least two feet of this separation distance must be in original ground.
 - (D) No portion of any sewage disposal system shall be located within 100 feet of any brook, stream or other open watercourse as defined in section 2.2.
 - (E) MLSS must be calculated for all lots or a hydraulic analysis may be performed with the results submitted for the septic proposals).
 - (F) If there is an existing residence on the property, the existing septic system and water supply shall be located on the plan, identified by examination, and demonstrated to be a functional system. A viable tested reserve area must be established.
- 4.4 Land that is being subdivided or when a new lot is created of less than one (1) acre that is served by both an individual well and a subsurface disposal system, in addition to the requirements of section 4.3 (A) through (F) above, an applicant shall satisfy the requirements of section 4.5 below. For the purpose of this section and section 4.3 above, wetlands and areas within fifty (50) feet of an open watercourse shall be excluded from the computation of lot size.

- 4.5 For existing lots, at least one-half (1/2) acre is required if both an individual well and a subsurface sewage disposal system are proposed to be used.
- 4.6 Where section 4.3 is applicable, or where the lot size requirements of section 4.4 cannot be satisfied, the applicant may appeal to the Health Panel Review. A recommendation for approval of the application shall be determined by means of an affirmative vote from the majority of the panel. The applicant shall demonstrate the following:
- (A) For new subdivision lots or newly created lots of less than one (1) acre (as defined in section 4.4 above):
 - (a) The present availability of sewers or present availability of year round public water supply, or
 - (b) Compliance with section 4.3 (A) through (F);
 - (c) Compliance with all other State and Local Sanitary Code requirements;
 - (d) Absence of "Areas of Special Concern" as defined in the Connecticut Public Health Code;
 - (e) That there will be no adverse impact on water supply or subsurface sewage disposal systems off site;
 - (B) For existing lots of less than one-half (1/2) acre:
 - (a) Present availability of sewers or present availability of year round public water supply.
 - (b) Compliance with section 4.3 (A) through (F);
 - (c) Compliance with all other State and Local Sanitary Code requirements;
 - (d) Absence of "Areas of Special Concern" as defined in the Connecticut Public Health Code;
 - (e) That there will be no adverse impact on water supply or subsurface sewage disposal systems off site;
- 4.7 If public sewers are not available:
- (A) 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 the SANITARY CODE for subsurface sewage disposal systems, and
 - (B) No addition for any building which reduces the lot area available for subsurface sewage disposal systems shall be constructed unless after the said addition the lot satisfies all the current requirements of the SANITARY CODE for sub-surface sewage disposal systems. If the lot satisfies all the current requirements except for the one hundred percent reserve area, an addition shall be permitted only if it adds only one room beyond the number of rooms existing at the time the subsurface sewage disposal system was installed and does not reduce the area of the lot available for subsurface sewage disposal.

- (C) The conversion or change in use must conform with the Connecticut Public Health Code 19-13-B-100 as amended.

5 SOIL TESTING IN ALL PRIMARY AND RESERVE SEWAGE DISPOSAL SYSTEMS:

- 5.1 Each proposed building lot requires, a minimum of two percolation test and three deep observation pits in accordance with section 2.3 prior to the approval of the proposed subdivision or individual lot. Solid four inch diameter PVC stand pipes, or accepted equal, may be placed in each deep observation pit to mark the location and allow monitoring of the ground water level for a minimum of 18 months, or other method of monitoring approved by the Director of Health.
- 5.2 Prior to issuance of a permit to construct a septic system, the soil drainage characteristics and the level of highest ground water shall be determined by conducting soil tests in accordance with section 2.3. The testing is to be witnessed by the Director of Health or an authorized representative.
- 5.3 High ground water levels may be ascertained by examining the soil profile in the deep test pits and observing where mottling appears. The maximum observable soil mottling level shall then be considered the level of high ground water. When the soil conditions are inadequate for the Director of Health or authorized representative to ascertain the maximum groundwater level, the test shall be deemed inconclusive and shall be measured at a time the Director of Health deems acceptable in accordance with section 5.4.
- 5.4 Soil test may be conducted during the normally wet seasons of the year. Conditions shall be presumed to be suitable unless the Director of Health has posted a Notice in writing in the Newtown Town Clerk's office that ground conditions are not suitable for testing. Said Notice shall be posted at least three days prior to the date on which it is effective and shall continue until rescinded by a further notice in writing that ground conditions are again suitable for testing.
- 5.5 Approval shall be obtained from the Department of Public Health and Addiction Services and the Newtown Health District for subsurface sewage disposal systems with a design flow exceeding 2,000 gallons per day but not more than 5,000 gallons per day. For subsurface sewage disposal systems with a design flow exceeding 5,000 gallons per day, approval shall be obtained solely from the Connecticut Department of Environmental Protection.

6 THE FOLLOWING SHALL BE USED TO GOVERN THE USE OF FILL:

- 6.1 In cases where fill is required to alter a site to accommodate a leaching system due to the proximity of ground water, mottling or hardpan too close to the ground surface a minimum of 18 of the 24 inch separating distance between the bottom of the leaching system and the restricting layer shall be in natural soil (i.e. original ground).
- 6.2 When more than four feet of fill is required to establish a leaching system, the completed fill package shall be allowed to settle through one winter season or shall be mechanically compacted and additional soil testing performed. If the quality of the fill is still in question, a sieve analysis and/or a modified optimum density test shall be required. All fill shall be certified by the design engineer as being a course textured, well graded sand and gravel soil mixture with no more than 5% (percent) by

dry weight passing the No. 200 sieve or other state approved method for acceptance of fill. The porous fill shall not have a slower percolation rate than the underlying soil or the septic system shall be sized based on the slower rate.

- 6.3 The fill shall be certified by percolation tests done to the depth of the fill and at least one percolation test extending into the original ground and witnessed by a representative of the Health District or other means acceptable to the Director of Health. The perc in the original soil must yield the same perc rate that was observed before the fill was placed.
- 6.4 The fill package must extend at least 15' past the edges of the leaching trenches before beginning a 2 to 1 slope to original grade.
- 6.5 A reserve area shall be required for all new leaching systems. The minimum site investigation requirements to determine feasibility of the reserve area shall include the results of one percolation test and one deep observation pit in the proposed reserve area. A reserve area is not required for repairs, alterations or extensions of existing leaching systems
- 6.6 Any community septic system requiring fill in the reserve area must prepare the reserve area at the same time that the primary area is installed.

7 PERMIT TO DISCHARGE:

Before the Permit to discharge is issued, the Health District shall be provided with the following information:

- (A) A copy of the *foundation as-built*.
- (B) *Well permit and well completion report*.
- (C) *A bacteriological, chemical and physical analysis of the well water* performed by a laboratory approved by the State of Connecticut. A satisfactory bacteriological report indicates that no coliform colonies are present.
- (D) *A well pump permit*.
- (E) *An as-built diagram* of the subsurface sewage disposal system drawn by the installer or engineer as required in the Newtown District As -Built Policy.

8 ADMINISTRATION:

- 8.1 The responsibility for complying with the regulations herein stated rests with the owner or lessee of the land involved.
- 8.2 Enforcement of these regulations rests with the Director of Health or an authorized representative, who shall issue permits, make inspections at any time and if a violation is discovered, suspend any permit granted.

- 8.3 Any person aggrieved by denial of permit or by suspension of a permit may appeal the decision of the Director of Health to the Newtown Health Panel Review Committee and/or the Commissioner of Health Services of the State of Connecticut under Section 19a-229 of the Connecticut General Statutes and to a court of competent jurisdiction.
- 8.4 The fees for permits shall be determined by the District Board of Health and shall be posted in the Health District office.
- 8.5 All permits to construct a septic system shall be valid for a period of one (1) year from the date of issue. The permit shall expire upon failure to start construction within that period and obtain a permit to discharge within 18 months. Permits may be renewed for an additional one (1) year period by the Director of Health if a reasonable cause for failure to start construction within a one (1) year period is demonstrated.
- 8.6 The Director of Health shall hereby have the authority to establish any administrative procedures pursuant to carrying out the provisions and requirements of this code.

9 SEPARABILITY:

It is hereby declared to be the intent that, if a court of competent jurisdiction finds any provisions of this ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective and all other provisions of this ordinance to be separately and fully effective.

- 9.1 Effect on other requirements. It is not intended that the requirements of any other law or ordinance, except where stated herein, be repealed or otherwise made ineffective by this ordinance. In case of conflict, the strictest of the relevant provisions of this and other laws and ordinances shall apply.
- 9.2 This ordinance shall become effective 14 days after approval by the Board of Health and publication in a local newspaper.
- 9.3 Adoption of this Ordinance shall repeal the SANITARY CODE of the Town of Newtown, adopted by the Legislative Council November 16, 1988, *Town Journal* 20, Pages 439-450, Ordinance 44A.

Date May 10, 1995



Jim Smith, Chairman
Newtown District Department of Health Board