

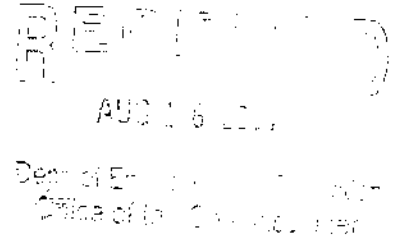


**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION**



August 12, 2004

Ms. Diane Farrell
First Selectman
Town Hall
110 Myrtle Avenue
Westport, CT 06880



Re: Westport Sewer Service Area

Dear Ms. Farrell:

The Department has become aware of a proposal to extend sanitary sewers to an area of Westport known as the Partrick wetlands. The sewers would service a proposed development by ARS Partners and would connect into sanitary sewers within the City of Norwalk.

The Town submitted a wastewater facilities plan in March of 2002 to the Department as the basis for a future upgrade and expansion of its wastewater treatment plant. Following an environmental review with the acceptance of a Finding of No Significant Impact the Department issued an approval letter on the facilities plan. A strategic component of the facilities plan is a map that determines where sewers are acceptable and where sewers are not acceptable. From the Executive Summary (page 1-6) of the facilities plan, an excerpt on Future Sewer Service Area is written as follows: "Accordingly, areas in Town outside the boundary are planned to be sewered by on-site systems maintained by the property owner...." Chapter 6 of the facilities plan deals extensively with the future sewer service area as well. We have not found an exception for the Partrick wetlands area in the approved facilities plan nor does the sewer service area map indicate this area to be within the sewer service area.

We understand that the WPCA may believe that it has limited, if any, jurisdiction over privately financed extensions. If that is the belief, we disagree. Pursuant to Section 7-246(b) of the CGS, WPCAs have the authority to establish areas of sanitary sewer service. This includes both publicly and privately financed sewers. It is the Department's position that the facilities plan, including the sewer service area map, is the water pollution control plan for the town of Westport referenced in this statute.

Whereas the Department would consider the extension of sewers to the Partrick wetlands, whether by the town or by a private developer, to be inconsistent with the approved sewer service area, the following questions are appropriate.

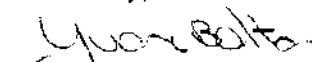
- Does the Town plan to modify its sewer service area map?
- How would the Town justify the change as it relates to the State Conservation and Development Policies Plan and the Town's Plan of Development?
- How is the plan to sewer the Partrick wetlands consistent with Sec. 7-246(b) of the CGS?

Ms. Farrell

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It is my understanding that the Town has already submitted to the Department plans and specifications for the expansion and upgrade of the wastewater treatment plant. A Clean Water Fund application for construction financing is scheduled for submission in September with the expectations that the project will be on the agenda for the October 29, 2004 Bond Commission meeting. The issue of sewerage the Patrick wetlands could create a complication of this schedule. An opportunity to more fully discuss these issues would be beneficial and DEP would be happy to meet with you and your staff. Please advise and we can schedule a meeting accordingly. My assistant, Maritza Pagan, can be reached at (860) 424-3095 to schedule a meeting or I can be reached at (860) 424-3704 to discuss this matter further.

Sincerely,



Yvonne Bolton
Acting Chief

Bureau of Water Management

cc: Westport WPCA
Steve Edwards, Dept. of Public Works