

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



February 2, 2009

Gordon Joseloff
First Selectman
Westport Town Hall
110 Myrtle Avenue, Room 310
Westport, CT 06880

Re: Sewer Extension Request Guidance
The Red Barn Restaurant
292 Wilton Road
Westport, Connecticut

Dear Mr. Joseloff:

The Red Barn Restaurant (aka The Red Barn), located at the corner of Wilton Road and Sunny Lane in Westport, Connecticut, operates an on-site wastewater disposal system which is currently pumped on a semi-weekly basis in order to avoid surface failure. A Preliminary Engineering Report dated September 2008 was prepared by Nathan L. Jacobson & Associates, Inc. (NLJ), which evaluated the existing subsurface sewage disposal system. The report established that the existing system has design flows greater than 5,000 gallons per day (gpd), which categorizes it as a large system and gives the Department of Environmental Protection (DEP) jurisdiction over the malfunctioning septic system under the State Discharge Permit program.

The report also evaluated wastewater disposal alternatives to remedy the failing septic system. The groundwater located within the vicinity of The Red Barn site has been designated by the DEP as Class GA. Any wastewater from the restaurant can be discharged to an on-site subsurface wastewater absorption system, provided that it meets DEP design criteria and GA groundwater quality goals.

The report concluded that it is unlikely that an on-site wastewater treatment system would be feasible for this site:

- No matter where a new leaching system is installed on the site, wastewater discharge from the site would not be able to meet the DEP pathogen removal design criteria of 21 days travel time through soils prior to reaching the downgradient point of environmental concern (which, depending on its location, would most likely be Poplar Plains Brook).
- Prior to reaching the downgradient point of environmental concern, the wastewater discharge plume would need to meet the drinking water standard of 10 mg/L for Total Nitrogen (TN). Since restaurants produce wastewater with high levels of nitrogen, an advanced biological pretreatment system would be required in order to meet this strict nitrogen effluent limit.

The Department requested additional information on the financial impacts, technical feasibility and administrative steps for implementing: 1) an on-site wastewater treatment system, and 2) a connection to the municipal sanitary sewer system. In a letter dated January 21, 2009, NLJ estimated

that an on-site treatment system would cost in the range of \$1,200,000, versus \$660,000 for a sewer connection.

In light of this information, it appears that a connection to the municipal sanitary sewer is the most appropriate remedy for the failing Red Barn septic system. Plans and specifications for any proposed sewer extension must be reviewed and approved by this Department in accordance with Section 22a-416 of the CGS. One part of our review process includes checking the location of the proposed extension relative to the local Sewer Service Area Map and the State Conservation & Development (C&D) Plan.

The Sewer Service Area Map developed for the Town of Westport Facilities Plan currently shows The Red Barn to be located outside the allowable sewer service area (i.e., outside the "blue line"). The Red Barn is also located within a Rural Lands Area on the current State C&D Plan Locational Guide Map. The extension of sewer service within areas mapped as Rural Lands is generally inconsistent with the State C&D Plan unless the sewerage is completed to abate pollution.

Typically, the local Sewer Service Area Map must remain consistent with the State C&D Plan in order to preserve eligibility for future Clean Water Fund financing. Conflicts between the local plan of conservation and development and the State C&D Plan can only be resolved through one of two opportunities offered under the State C&D Plan statutes. The Town can recommend a change in land classification on the State C&D Plan Location Guide Map either: 1) during the regular five-year update cycle for the State C&D Plan, which is currently in the process of being updated for 2011; or 2) through the interim change provision under the Connecticut General Statutes (CGS) Section 16a-32.

However, it is the DEP's interpretation that if pollution problems from failing septic systems arise in Rural Lands and/or Conservation/Preservation Areas, sewer service can be extended without modifying the State C&D Plan, if such sewer extensions are minimally sized for the problem area only. In other words, as previously stated in a letter to Frank Nistico (owner of The Red Barn) dated January 28, 2009, while The Red Barn is currently outside the sewer service area, the Department would not object to the extension of the sewer to the property, since it would solve an existing water pollution problem, provided that the connection is only for The Red Barn property and serves only as a limited system designed solely to meet the existing needs of The Red Barn. This sewer extension and change to the Sewer Service Area Map will require revision of the Town of Westport Facilities Plan.

The following three steps must be completed in order to obtain DEP approval of the sanitary sewer extension for The Red Barn:

1. Conduct Public Hearing

The Water Pollution Control Authority (WPCA) (aka The Board of Selectman) must conduct a special public hearing to grant approval of the revision to the local Sewer Service Area Map.

Pursuant to Section 8-24 of the CGS, the proposed change may also need to be reviewed by the local Planning and Zoning Commission.

2. Submit Updated Sewer Service Area Map

Once the revised Sewer Service Area Map is approved by the WPCA, the Town must submit the final Sewer Service Area Map to the DEP so that we can formally issue an approval of the Facilities Plan revision.

3. Request Sanitary Sewer Extension

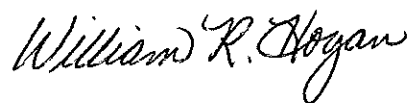
Under Section 22a-416 of the CGS, engineering plans and specifications for the design of a minimally-sized sewer connection that is intended to only serve The Red Barn (e.g., no 8" sewer tie-in) must be submitted to the DEP through the Westport WPCA.

An approval of a sanitary sewer extension for The Red Barn will not relieve the Facility Owner of his obligation to comply with other Federal, State, or Local laws or regulations. For example, prior to commencing wastewater discharge after connection to the existing municipal system is approved, the Facility Owner will be required to comply with the provisions of the DEP *General Permit for the Discharge of Wastewater Associated with Food Preparation Establishments*. No registration with the DEP is required, but permittees are required to use an outside passive grease trap/interceptor, an automatic grease recovery unit (AGRU), or other approved unit and confirm that it is designed in accordance with the technical requirements specified in the General Permit. The Facility Owner must obtain a Sanitary Sewer Connection Permit from the Westport Department of Public Works.

If The Red Barn chooses to connect to the Partrick Road sewer system, the Owner must also enter into agreements with the Owner of the Partrick Road wastewater pump station and the WPCA for the private sewer extension.

If you require further guidance or have any specific questions relative to this matter, please contact me at (860) 424-3753.

Sincerely,



William R. Hogan
Engineer of WPCF
Planning & Standards Division
Bureau of Water Protection & Land Reuse

cc: Frank Nistico, Owner, The Red Barn Restaurant
Brian Curtis, Nathan L. Jacobsen & Associates
Matthew Mandell
Mark Cooper, Westport/Weston Director of Health
Bryan Thompson, Westport WPCA Coordinator
Leo Nevas
Antoanela Daha, CT DEP