

IN THE MATTER OF : APPLICATION NO. 201003469

EDEN HARBOUR CONDOMINIUM
ASSOCIATION, INC. : NOVEMBER 10, 2010

To: All Parties

From: Jennifer Perry, P.E., Sanitary Engineer, Bureau of Materials Management and Compliance Assurance

Re: Legal Issues and Witnesses

Legal Issues

The applicant has applied for a modification of the existing permit to discharge required by Section 22a-430 of the Connecticut General Statutes for domestic sewage generated by the existing age restricted housing development. A permit to discharge is required because the design flow is in excess of 5,000 gallons per day. The existing permit incorporates an alternative treatment technology. The applicant proposes to discontinue the use of the existing sequencing batch reactor and convert the system to a conventional subsurface sewage treatment and disposal system. Furthermore because the site is located within the coastal area, such permit must be consistent with the goals and policies of the Connecticut Coastal Management Act (CGS Sections 22a-92). An application has been submitted, reviewed by the Department of Environmental Protection staff, and found to meet the applicable design criteria. The Department has made the Tentative Determination that the proposed modification of the existing onsite wastewater renovation system to treat the discharge will protect the waters of the state from pollution. The Commissioner proposes to require the applicant to submit construction plans and specifications for review and approval. Upon verification that the system is constructed in full compliance with such approval the Commissioner proposes to modify a permit for this discharge. The Commissioner has received a petition requesting a hearing on this application.

Witnesses

Jennifer Perry, P.E. - Jennifer Perry is the Department of Environmental Protection's staff engineer assigned to this application. She will testify regarding the review of the application and the requirements that must be met to demonstrate that the proposed modification of the existing onsite wastewater renovation system will protect the waters of the state from pollution.

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Re: Exhibit List

List of Exhibits:

- DEP – 1 Notice of Tentative Determination to Issue Permit – Published August 5, 2010
- DEP – 2 Request for public hearing – Received August 31, 2010
- DEP – 3 Notice of public hearing – Published October 15, 2010
- DEP – 4 Draft Permit
- DEP – 5 Staff Qualifications
- DEP – 6 Staff Statement
- DEP – 7 Water Quality Standards
- DEP – 8 Chapter 446k, Section 22a-430 of the Connecticut General Statutes
- DEP – 9 Sections 22a-430-1 through 22a-430-8 of the Regulations of Connecticut State Agencies
- DEP – 10 Section 19-13-B102 of the Connecticut Public Health Code Standards for quality of public drinking water
- DEP – 11 Guidance Document: “Design of Large-Scale Onsite Wastewater Renovation Systems”