

**Sec. 22a-482-1. Introduction and priority management system**

(a) **Definitions** as used in Sections 22a-482-1 to 22a-482-4 inclusive,

(1) “Act” means the Federal Clean Water Act (33 U.S.C. 1251 et seq., as amended).

(2) “Ad valorem tax” means a tax based upon the assessed value of real property.

(3) “Applicant” means a municipality as defined in section 22a-475 of the General Statutes.

(4) “Architectural or engineering services” means consultation, investigations, reporting and design services offered within the scope of the practice of architecture or professional engineering as defined by the laws of the State of Connecticut.

(5) “Building” means the erection, acquisition, alteration, remodeling, improvement or extension of pollution abatement facilities.

(6) “Cash flow projection” means a schedule of expenditures to municipal prime contracts throughout the life of the project.

(7) “Clean Water Fund” means the fund created under sections 22a-475 to 22a-483 inclusive of the General Statutes.

(8) “Collector sewer” means the common lateral sewers, within a publicly owned sewer system, which are primarily installed to receive wastewaters directly from facilities which convey wastewaters from individual systems, or from private property, and which include service “Y” connections designed for connection with those facilities including:

(A) crossover sewers connecting more than one property on one side of a major street, road, or highway to a lateral sewer on the other side when they are more cost-effective than parallel sewers; and

(B) pumping units and pressurized lines serving individual structures or groups of structures when such units are more cost-effective and are owned and maintained by the municipality.

This definition excludes other facilities which convey wastewater from individual structures or from private property to the public lateral sewer or its equivalent and also excludes facilities associated with alternatives to conventional pollution abatement facilities in small communities.

(9) “Combined sewer” means a sewer that is designed as a sanitary sewer and a storm sewer.

(10) “Compatible industrial wastewater” means wastewater that is produced by an industrial user, has a pollutant strength and other characteristics similar to those of domestic wastewater, and can be efficiently and effectively transported and treated with domestic wastewater.

(11) “Complete waste treatment system” means a system that consists of all the pollution abatement facilities necessary to meet the requirements of Title III of the Act, involving the transport of wastewater from individual homes or buildings to a plant or facility where treatment of the wastewater is accomplished; the treatment of the wastewater to remove pollutants; and the ultimate disposal, including recycling or reuse, of the treated wastewater and residues which result from the treatment process.

(12) “Construction” means the erection, building, acquisition, alteration, remodeling, improvement or extension of pollution abatement facilities; or, the inspection and supervision of any of the foregoing items.

(13) “Cost Analysis” means the review and evaluation of each element of subagreement cost to determine reasonableness, allocability and allowability.

(14) “Design” means studies, surveys, plans, working drawings, specifications, procedures and field testing of innovative and alternative wastewater treatment processes and techniques (excluding operation and maintenance) requisite for the construction of pollution abatement facilities.

(15) “Excessive infiltration/inflow” means the quantity of infiltration/inflow which can be economically eliminated from a sewer system as determined in a cost-effectiveness analysis that compares the costs for correcting the infiltration/inflow conditions to the total costs for transportation and treatment of the infiltration/inflow.

(16) “Grantee” means a municipality as defined in section 22a-475 of the General Statutes.

(17) “Individual systems” means privately owned alternative pollution abatement facilities (including dual waterless/gray water systems) serving one or more principal residences or small commercial establishments. Normally these are onsite systems with localized treatment and disposal of wastewater, but may include systems serving a cluster of principal residences or small commercial establishments.

(18) “Infiltration” means water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

(19) “Inflow” means water other than wastewater that enters a sewer system (including sewer service connections) from sources such as, but not limited to: roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

(20) “Initiation of operation” means the date specified by the municipality on which use of the project begins for the purpose that it was planned, designed and built.

(21) “Interceptor sewer” means a sewer which is designed for one or more of the following purposes:

(A) to intercept wastewater from collector sewers and convey such wastes directly to a treatment facility or another interceptor;

(B) to replace an existing pollution abatement facility and transport the waste to an adjoining collector sewer or interceptor sewer for conveyance to a treatment plant;

(C) to transport wastewater from one or more municipal collector sewers to another municipality or to a regional plant for treatment; or

(D) to intercept an existing discharge of raw or inadequately treated wastewater for transport directly to another interceptor or to a pollution abatement facility.

(22) “Municipality” is as defined in section 22a-475 of the General Statutes.

(23) “Nonexcessive infiltration” means the quantity of wastewater flow which cannot be economically and effectively eliminated from a sewer system as determined in a cost-effectiveness analysis.

(24) “Nonexcessive inflow” means the rainfall induced peak inflow rate which does not

result in chronic operational problems related to hydraulic overloading of the pollution abatement facility during storm events. These problems may include surcharging, backups, bypasses, and overflows.

(25) “Operation and maintenance” means activities required to assure the dependable and economical functioning of pollution abatement facilities.

(A) Maintenance: preservation of functional integrity and efficiency of equipment and structures. This includes preventive maintenance, corrective maintenance and replacement of equipment as needed during the useful life of the facility.

(B) Operation: control of the unit processes and equipment which make up the pollution abatement facility. This includes financial and personnel management, records, laboratory control, process control, safety and emergency operation planning.

(26) “Pollution abatement facility” is as defined in section 22a-475 of the General Statutes and is synonymous with the terms project, treatment works, treatment system, and treatment facility.

(27) “Pollution abatement facility phase or segment” means any portion of a complete pollution abatement facility described in an approved engineering report which can be identified as a contract or discrete sub-item or subcontract. Completion of the building of a pollution abatement facility phase or segment may, but need not in and of itself, result in an operable pollution abatement facility.

(28) “Planning” means all necessary engineering reports and studies to determine the feasibility of pollution abatement facilities including pertinent engineering, architectural, legal, fiscal and economic investigations prior to design.

(29) “Project performance standards” means the performance and operational requirements applicable to a project including the enforceable requirements of the Act and the specifications which the project is planned and designed to meet.

(30) “Price analysis” means the process of evaluating a prospective price without regard to the contractor’s separate cost elements and proposed profit. Price analysis determines the reasonableness of the proposed subagreement price based on adequate price competition, previous experience with similar work, established catalog or market price, law, or regulation.

(31) “Principal residence” means the habitation of a family or household for at least 51 percent of the year. Second homes, vacation or recreation residences are not included in this definition.

(32) “Profit” means the net proceeds obtained by deducting all allowable costs (direct and indirect) from the price.

(33) “Project schedule” means a timetable specifying the dates of key project events including public notices of proposed procurement actions, subagreement awards, issuance of a notice to proceed with the building and key milestones in the building, initiation of operation and completion of the project.

(34) “Replacement” means expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the pollution abatement facility to maintain the capacity and performance for which such works were designed and constructed. The term “operation and maintenance” includes replacement.

(35) “Sanitary sewer” means a conduit intended to carry liquid and water carried wastes

from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

(36) “Services” means a contractor’s labor, time or efforts which do not involve the delivery of a specific end item, other than documents which may result from the contractor’s labor, time or efforts (e.g., reports, design drawings, specifications). This term does not include employment agreements or collective bargaining agreements.

(37) “Small commercial establishments” means private commercial establishments such as restaurants, hotels, stores, filling stations, or recreational facilities; or private, non-profit entities such as: churches, schools, hospitals, or charitable organizations having dry weather wastewater flows of less than 25,000 gallons per day.

(38) “Small community” means any municipality with a population of 5,000 or less or highly dispersed sections of large municipalities, as determined by the Commissioner.

(39) “Storm sewer” means a sewer designed to carry only storm waters, surface runoff, street wash waters and drainage.

(40) “Subagreement” means a written agreement between a grant recipient and another party (other than another public agency) and any lower tier agreement for services, supplies, equipment, or construction necessary to complete the project. Subagreements include contracts and subcontracts for personal and professional services, agreements with consultants and purchase orders.

(41) “Useful life” means the period during which a pollution abatement facility will be operated.

(42) “User charge” means a charge levied on users of a pollution abatement facility, or that portion of the ad valorem taxes paid by a user, for the user’s proportionate share of the cost of operation and maintenance (including replacement) of such facility.

(43) “Value engineering” (VE) means a specialized cost control technique which uses a systematic and creative approach to identify and to focus on unnecessarily high costs in a project in order to arrive at cost savings without sacrificing the reliability or efficiency of the project.

**(b) Development and Format of Project Priority List.**

(1) The Commissioner shall make funding assistance available for projects on a state priority list as established under this section for such periods as are authorized by the Legislature under Chapter 446k of the General Statutes.

(2) The Commissioner shall prepare an ordered priority listing of projects for which state funding assistance shall be made available for the period effective July 1st to the following June 30th corresponding to the state fiscal year.

(3) The priority list shall contain two portions: (A) a fundable portion consisting of those highest priority projects ready for construction and anticipated to be funded within the current state fiscal year; and (B) a future portion consisting of those projects that may be funded from future authorized allotments.

**(c) State Priority System and Project Priority List.**

(1) Priority Rating Criteria. All projects eligible for funding assistance shall be evaluated and assigned a priority rating in accordance with the criteria set forth below and will appear on the project priority list. The Commissioner may determine that large-scale, multi-phase projects be segregated and rated separately. Each project shall be evaluated and given points

as applicable for each of the following rating criteria, the sum of which shall determine its priority number. These criteria are consistent with the rating system used to establish federal funding priorities and are shown in the following table:

PRIORITY RATING POINT SYSTEM

I. Benefit of project upon adversely impacted potable water supplies. (10 points maximum)

- A. Impaired water supply affecting less than 25 people—2 points.
- B. Impaired water supply affecting 26 to 100 people—4 points.
- C. Impaired water supply affecting 101 to 1,000 people—6 points.
- D. Impaired water supply affecting 1001 to 5,000 people—8 points.
- E. Impaired water supply affecting more than 5,000 people—10 points.

II. Benefit of project toward attainment of designated water quality standards and goals. (28 points maximum)

A. Project is necessary for attainment of water quality standards where the impacted water resource is:

- 1. Smaller than main stem of a sub-regional drainage basin or groundwater goals will be attained—5 points.
- 2. Main stem of sub-regional drainage basin—10 points.
- 3. Main stem of regional drainage basin—15 points.
- 4. Main stem of major drainage basin—20 points.

B. Project will impact coastal areas (considered the equivalent of a regional drainage basin)—15 points.

For the purposes of the Priority Rating Point System, the drainage basin designations are defined on the map entitled “Natural Drainage Basins in Connecticut: 1981” prepared by the Natural Resources Center of the Department of Environmental Protection in cooperation with the United States Geological Survey.

C. Project will enable impacted waters to meet minimum dissolved oxygen standards—8 points.

III. Project will enhance specific water resource values. (24 points maximum)

A. Fishery resources—(6 points maximum).

- 1. Project will improve recreational fisheries—3 points.
- 2. Project will improve anadromous fisheries—6 points.
- 3. Project will open new streams for fish stocking programs—6 points.

B. Shellfish resources—(6 points maximum).

- 1. Project will lower coliform bacteria levels in the waters of shellfish beds—3 points.
- 2. Project will open new areas for shellfishing—6 points.

C. Swimming—(6 points maximum).

- 1. Project will enhance existing swimming opportunities—3 points.
- 2. Project will allow for new swimming opportunities—6 points.

D. Eutrophication—(6 points maximum).

1. Project will reduce eutrophication of a lake or impoundment by diverting septic system discharges out of a drainage basin—3 points.

2. Project will reduce eutrophication of a lake or impoundment by providing nutrient removal in a municipal treatment plant or by relocating an existing treatment plant

discharge—6 points.

IV. Population equivalent (including commercial and industrial waste) initially served by the project. (12 points maximum)

- A. Less than 5000—2 points.
- B. 5,000 but less than 10,000—4 points.
- C. 10,000 but less than 20,000—6 points.
- D. 20,000 but less than 40,000—8 points.
- E. 40,000 but less than 75,000—10 points.
- F. 75,000 or greater—12 points.

V. Health and Sanitation Impacts. (6 points)

Project will eliminate ponding of sewage from failing septic systems, backup of sewage into basements, or overflow of sewage in streets (combined sewer overflow correction projects are not eligible for points).

VI. Miscellaneous. (20 points maximum)

A. Project involves the upgrading of an existing primary facility in order to comply with secondary treatment standards—5 points.

B. Project that will result in Commissioner rescinding an Order concerning a sewer connection moratorium—5 points.

C. Project will eliminate nuisance odors associated with treatment processes or pump stations but exclusive of large-scale expansion or upgrading of pollution abatement facilities—5 points.

D. Remedial action will improve treatment plant operations where treatment standards are already being achieved—5 points.

VII. Connecticut Housing Partnership Program—Development Designation Community has received development designation—3 points.

Note: In cases where the priority rating or score is the same for two or more projects, the order is determined by the highest score assigned cumulatively in criteria II (total), III (total), and IV. If a tie still remains, preference will be given to those projects ready to proceed at the earliest date within the limit of funds available.

(2) Project Ranking Mechanism. The relative position or rank of a project on the priority list for funding will be determined by its priority number and its readiness to proceed to construction during the funding year under consideration. The Commissioner may choose to assign a higher rank for projects which fall into one of the following categories:

(A) Category I—Consists of projects for which a construction application was submitted for review during the previous funding period and which were on the fundable portion of that year's priority list. These applications have undergone preliminary review, are essentially complete and represent the good faith efforts of municipalities to comply with grant program requirements. Only those projects from the fundable portion of the previous year's priority list can be placed in this category;

(B) Category II—Consists of phased projects where previous phases were funded by the Clean Water Fund: Phased funding takes into account local disruption created by construction activities and the ability of the Clean Water Fund to finance the entire project in one fiscal year. The state has a strong commitment to a phased project once it is initiated.

(C) Category III—Consists of projects which remedy documented pollution of potable

water supplies. In order to qualify for high ranking for funding within this special category, projects must meet the following basic criteria: (i) the scope of the pollution problem is significant; (ii) the affected water supply is not potable, i.e. does not meet minimum drinking water standards and requires treatment beyond chlorination; and (iii) pollution abatement facilities are the cost-effective solution to the problem. This category does not apply to potential emergency use of class B waters for potable water supply as defined in the Connecticut Water Quality Standards adopted pursuant to section 22a-426 of the General Statutes.

(3) Order of Funding Priority. The Commissioner shall distribute funds subject to the requirements for public hearing set forth in this section. It is the goal to establish a balance between planning, design and construction. Therefore, all needs within the highest funding designation need not be fulfilled before proceeding to the next highest funding designation. The following categories establish the general order in which assistance is made:

(A) funds to finance temporary loans for planning and design pursuant to section 22a-478 (e) of the General Statutes necessary for planning and design for sewage facility projects;

(B) a reserve of funds to finance unanticipated cost increases for projects previously funded;

(C) a reserve of funds sufficient to finance at least one small community project;

(D) additional set asides which the Commissioner may establish if he or she determines that serious health or water quality problems caused by wastewater facilities are in the public interest to correct, but will not receive sufficient-priority to correct in a time frame he or she considers reasonable; and

(E) funds available for construction.

(4) Annual Public Hearing. The amount of funds applied to each category described in subdivision (3) of this subsection shall be determined annually by the Commissioner based upon available funds and shall be designated in a draft priority list. The draft priority list will indicate which specific projects are proposed to receive funding within each funding designation for the upcoming fiscal year and shall be made available to appropriate local officials at least thirty (30) days prior to a specified date for public hearing. The Commissioner will consider all written and oral testimony presented at the hearing and may elect to modify the draft priority list on the basis of such testimony. The Commissioner shall also indicate his or her reasons for accepting or rejecting any suggested revisions as part of the hearing record. Following notice of any changes to the priority list which may result from the hearing, the priority list shall be deemed final except for minor revisions allowable under subdivision (5) of this section.

(5) Revisions to the Priority List.

(A) The priority system shall include a project bypass procedure. The Commissioner may bypass a project on the fundable portion of the priority list if he or she determines that the bypassed project will not be ready to proceed within the first six months of the funding year. The Commissioner shall advise, in writing, each municipality he or she intends to bypass and the reasons therefore. Projects that are bypassed will retain their relative priority rating for consideration in future years. Projects bypassed will be replaced by the next highest ranking project ready to proceed. Projects will be removed from the priority list the

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following year after they receive funding.

(B) Revisions to the priority list may be made at any time during the funding period. If the Commissioner determines the change to be significant, a public hearing with appropriate notice will be held and all affected by such a change will be notified directly.

(Effective March 5, 1992)