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**TOWN OF OLD SAYBROOK
WATER POLLUTION CONTROL AUTHORITY**

**302 Main Street
Old Saybrook, CT 06475**

(860) 395-2876; FAX (860) 395-1216; www.oswpca.org

September 4, 2013

Property Owner

Street

Old Saybrook, CT 06475

Re: Clean Water Fund Program Application Termination

Dear Mr. and Mrs. Owner :

The WPCA instituted a Clean Water Fund Termination Policy on August 26, 2013. This policy allows residents in the Wastewater Management District who have chosen to accept Clean Water Funds, by signing the application in the Notice of Entry Letter (Exhibit A), to terminate the Agreement thereby choosing to "self-fund" their septic system upgrade.

As you have indicated that you would like to change your CWF Program status, we are writing to inform you that the WPCA is retroactively allowing residents to terminate their Agreement from now until October 31, 2013.

In order to do this, you must re-execute the Exhibit A form indicating you decline Clean Water Funds (check Box B, sign, and date) and return it to the WPCA office. Please be aware that the Policy (as provided with this letter) includes a Fee Schedule intended to offset some of the costs associated with site investigation and preparation of bid documents etc.

According to the Fee Schedule, should you decide to terminate your agreement, you must reimburse the Town of Old Saybrook for \$\$\$\$00 and include this amount with your updated application.

Please understand that choosing to withdraw from the Clean Water Fund program in no way relieves you of the responsibility to upgrade your septic system according to the WWMD Ordinance. The Order to Upgrade you received from the Director of Health remains in effect.

If we do not hear from you regarding your Clean Water Fund application, we will continue to proceed under the Ordinance and State Department of Health guidelines for enforcement.

We look forward to hearing from you on this important decision regarding your septic system upgrade funding.

Very truly yours,

**OLD SAYBROOK WATER
POLLUTION CONTROL AUTHORITY**

By: Robbie Marshall

Name: Robbie Marshall, Coordinator

Policy on Clean Water Fund Program Application Termination

This policy reflects the requirements of the Connecticut General Statutes and provides for fiduciary responsibility to and protection for the Town in the form of an executed termination. Nothing in the policy should be interpreted to mean that the OSWPCA is obligated to enter or terminate such Agreement unless, in its sole discretion, it determines to do so. The OSWPCA may deviate from the Schedule of Fees if a termination situation or upgrade does not fall under the specified categories and requires a more intensive scrutiny and calculation of costs in order to apply appropriate compensation to the Town and CWF budget.

Introduction

The Old Saybrook Water Pollution Control Authority (hereafter referred to as the OSWPCA), in accordance with the Decentralized Wastewater Management District (WWMD) and the WWMD Ordinance adopted on August 11, 2009, administers the Clean Water Fund grants and loans associated with the septic system upgrades. The OSWPCA provides residents in the WWMD the opportunity to avail themselves of the Clean Water Funding program within 30 days of receiving their Notice of Entry Letter (“NOEL”) as provided in the Ordinance.

Septic System Upgrade (Clean Water Funding Option)

The agreement to accept the Clean Water Funds (CWF) is included in the NOEL and is initiated by checking Box A (Exhibit A) which states:

I accept Clean Water Funds to investigate and implement upgrades as necessary on my property. By signing and checking Box A you are giving the WPCA and its agents permission to access your property for the purpose of site evaluation and soil testing. Implementation of any necessary upgrades may require construction by the Town to meet Town Ordinance requirements. I understand an assessment will be made against my property in accordance with § 7-249 et. seq. of the Connecticut General Statutes. A 25% grant from the CWF and a matching 25% from the Town is applied to the cost of the upgrade, with the remaining 50% payable by the homeowner as a 20-year loan at 2%.

Once the resident has elected to participate in the Clean Water Fund program, the OSWPCA begins site investigation and collection of data and preparation of documents for the contract bid materials. This process involves the OSWPCA staff, Connecticut River Area Health District, and OSWPCA engineers and other consultants. These efforts and resources are included in the costs which are paid by the homeowner as part of their Benefit Assessment.

Septic System Upgrade (Self-funding Option)

The waiver to decline Clean Water Funds (CWF) is included in the Notice of Entry package and initiated by checking Box B (Exhibit A) which states:

I/we **decline** Clean Water Funds to implement and pay for upgrades to my septic/sewerage system under Town Ordinances. In doing so, I/we acknowledge that I/we will undertake to pay for and implement all required upgrades. The Director of Health or the Water Pollution Control Authority will issue an order with a schedule to implement the upgrades, as applicable.

Upon declining Clean Water Fund monies, the homeowner becomes responsible for their septic system upgrade under the Decentralized WWMD Ordinance. The Director of Health will issue an Order to Upgrade at the time the contract for their neighborhood (or subset of their neighborhood) is executed. The Order to Upgrade will include a deadline for the upgrade which coincides with the contract completion, approximately 90 to 100 days.

Clean Water Fund Termination Policy

The current OSWPCA policy established that termination of the agreement to accept the CWF option was not allowed under the program as it is costly to remove a property after plans have been prepared as well as complicated to settle the costs expended on a single property.

After a review of the program, the OSWPCA is adopting a revised policy to terminate or accept the CWF option as follows.

Conditions under which Termination of CWF Program Application cannot be executed:

- I.** Initially, it is within the sole discretion of the WPCA to allow a homeowner to “break its contract” with the WPCA, and change its funding option. Furthermore, a property owner **cannot** choose to terminate or enter the CWF option after a contract has been released to bid that includes such property, as this has impact on the time and resources expended by the contractors preparing their bids.
- II.** If the original CWF Program Application has been terminated and re-executed, it cannot be reversed a second time (nor can any subsequent owners of the property choose to accept or decline the funding.)

Conditions under which Termination of CWF Program Waiver can be executed:

(Where property enters CWF Program)

- I.** If a property owner has initially chosen to decline participating in the CWF program, but changes their application to accept the funding, they will be assessed a fee according to the progress on the bid contract, per Schedule A.
- II.** If a property has been sold, and the previous owner had declined the funding, the new owner may choose to accept Clean Water Fund monies and be assessed fees as listed in Schedule A, depending on the position in the phase and progress of the bid contract.

Conditions under which Termination of CWF Program Acceptance can be executed:

(Where property exits CWF Program)

- I.** If a property owner chooses to terminate the CWF agreement within **30 days** of executing it **and** the OSWPCA **has not** initiated any physical site evaluation (i.e. interior and exterior inspections and soil testing), the owner is responsible for fees indicated in the attached Schedule A.
- II.** If a property owner chooses to terminate the CWF agreement **after** the site investigation has begun, the owner is responsible for fees as indicated in the attached Schedule A.

III. If a property owner chooses to terminate the CWF agreement after the contract drawings and bid package have been prepared, the property owner is responsible for fees as indicated in the attached Schedule A.

IV. If a property has been sold, and the previous owner had accepted the funding, the new owner may choose to decline Clean Water Fund monies and they will be assessed a fee according to the progress on the bid contract, per Schedule A.

Procedure

Upon written notification to WPCA and determination by WPCA through review by its staff, the OSWPCA will re-execute the CWF Program Application/Waiver and Access letter (as necessary) to reflect the change of status, send an acknowledgment to the property owner, and, after receipt from property owner of payment (if any) to the OSWPCA as described in Schedule A and executed documents reflecting the change in status, record these documents in the file, update the WWMD Caveat in the Town Clerk's files, and the revised determination will be implemented.

A homeowner will make payment (if any) to the OSWPCA as described in Schedule A and is provided with a receipt and a copy of the signed documents reflecting the change in status.

This policy is in effect as of August 26, 2013 as approved and adopted by the OSWPCA on August 26, 2013, in accordance with Section 173-34 of the WWMD Ordinance.

Clean Water Fund Program Application Termination

Schedule A (Termination Fees)

1. Termination of **Acceptance of CWF monies** within **30** days after OSWPCA receipt of Exhibit A to the NOEL and **before** site investigation commences: **\$500.00**
2. Termination of **Acceptance of CWF monies after** site investigation commences: **\$1000**
3. Termination of **Acceptance of CWF monies** fee after the bid package has been prepared: **\$2000**
4. Termination of **Decline of CWF monies** by homeowner in order to **accept** CWF monies and to allow the OSWCPA to upgrade the septic system. *Minimum fee for entrance into program is: **\$200**
*Unanticipated costs may increase the minimum fee as stated.

Note: Regardless of whether or not the property has changed ownership; the fees to terminate the original agreement and either decline CWF monies or accept CWF monies are the same.

Note: Costs can be calculated for a Settlement Document; owner reimburses the Town, performs the upgrade, and is given a receipt/release.

Note: Under 1, 2 or 3, the property owner executes a revised Exhibit A, and will self-fund required upgrades to the septic system.

EXHIBIT A

Connecticut River Area Health District

455 Boston Post Rd. Suite 7, Old Saybrook, CT 06475
Phone 860-661-3300 Fax 860-661-3333
Serving Old Saybrook, Clinton and Deep River

**APPLICATION FOR INITIAL INVESTIGATION
AND UPGRADE OF SEPTIC SYSTEM UNDER § 173-18 ET SEQ.
CODE OF THE TOWN OF OLD SAYBROOK AND
TITLE 19 OF THE PUBLIC HEALTH CODE**

Date: _____

Owners Name: _____ Day Time Phone: _____

Property Address: _____

Mailing Address (if different from above) _____

Email Address: _____

Number of Bedrooms in the structure on your property: _____

You must submit the completed application, including any revisions to the information about your property, within thirty (30) days of receipt of this application form

YOU MUST CHECK ONE OF THE FOLLOWING BOXES REGARDING CLEAN WATER FUND PARTICIPATION. CHECKING BOX A MEANS YOU WILL ACCEPT CLEAN WATER FUNDS. CHECKING BOX B MEANS YOU WAIVE CLEAN WATER FUNDS .

Box A. I **accept** Clean Water Funds to investigate and implement upgrades as necessary on my property. By signing and checking Box A you are giving the WPCA and its agents permission to access your property for the purpose of site evaluation and soil testing. Implementation of any necessary upgrades may require construction by the Town to meet Town Ordinance requirements. I understand an assessment will be made against my property in accordance with § 7-249 et. seq. of the Connecticut General Statutes. A 25% grant from the CWF and a matching 25% from the Town is applied to the cost of the upgrade, with the remaining 50% payable by the homeowner as a 20-year loan at 2%.

Box B. I **decline** Clean Water Funds to implement and pay for upgrades to my septic/sewerage system under Town Ordinances. I acknowledge that I will not be eligible for the Clean Water Fund grant and loan program and will undertake to pay for and implement all required upgrades. The Director of Health or the Water Pollution Control Authority will issue an order with a schedule to implement the upgrades, as applicable.

Applicant Signature: _____ Date: _____

Print Name: _____