STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

OFFICE OF ADJUDICATIONS

IN THE MATTER OF	:	*APPLICATION NO. 200500302*
DONSIS, LLC	:	*JANUARY 4, 2006*

PROPOSED FINAL DECISION

I

SUMMARY

Donsis, LLC (applicant) has filed an application with the Department of Environmental Protection (DEP) for a water discharge permit in connection with a proposed sewage treatment and disposal system to serve the applicant's residential development. General Statutes §22a-430. The Commissioner has made a tentative determination that the proposed system to treat the discharge would protect the waters of the state from pollution. §22a-430(b). Regs., Conn. State Agencies §22a-430-4(l)(4)(E).

The parties to this proceeding are the applicant and DEP Bureau of Water Management, Permitting and Enforcement Division (staff). The parties have submitted the attached *Agreed Draft Decision* for consideration as my proposed final decision in this matter. Staff has prepared a draft permit that would authorize this discharge, which is appended to this agreement. (Attachment I.) This draft permit incorporates special terms and conditions, including the requirements for inspection, monitoring or maintenance of the treatment system and quarterly groundwater monitoring down gradient of the treatment system areas. Monitoring results must be reported to the DEP, the Stamford Water Pollution Control Authority and the local health department.

Public comments on the application were received during a hearing on October 20, 2005, at the Government Center Building in Stamford. Written public comments were received at and after the hearing. The public, including the hearing petitioners, expressed concern about the over-intensive development of the site and the future liability of the City of Stamford in the event of system failure on this site, which is located in an area that has been identified for sewer avoidance. These matters implicate the City's responsibilities or are local zoning issues and, therefore, are outside the jurisdiction of the DEP and the scope of my authority. However, I note that Paragraph (G) of Section I of the draft permit provides: "Nothing in this permit shall relieve the permittee of other obligations under applicable federal, state and local law."

Public speakers and written comments also posed questions about the role of the State of Connecticut Department of Public Health (DPH) in the review of this application. DPH has indicated that it has reviewed the application that is the subject of these proceedings and that it intends to review and comment on a complete set of the applicant's development plans when they are issued.[1]

I find that the application complies with all relevant statutes and regulations. The *Agreed Draft Decision,* as supplemented herein, satisfactorily conveys the findings of fact and conclusions of law necessary to support this conclusion. I adopt this *Agreed Draft Decision* as part of my proposed final decision and recommend issuance of the draft permit.

[1] On October 26, 2005, I entered into the hearing record an April 22, 2005 letter to the applicant from DPH, Source Water Protection Unit. This letter notes that DPH Drinking Water Division has reviewed the project and provides the applicant with regulations under DPH jurisdiction that are relevant to the project. (Ex. APP-17.) On November 10, 2005, I received post-hearing, written comments from DPH, which indicate that the Drinking Water Division has reviewed all pertinent application materials, and intends to work with the City and review and comment on the final development plans pursuant to its authority under General Statutes §25-32f. (This letter is a public document and part of the Office of Adjudications docket file in this matter.)

II
DECISION

A
ADDITIONAL FINDINGS OF FACT

I have reviewed the record, public comments and the Agreed Draft Decision. I adopt the findings of fact set forth in the Agreed Draft Decision and make the following additional findings of fact.

28. The DEP required the applicant to demonstrate that wastewaters generated by the proposed system will be treated to at least drinking water standards to comply with the water quality standards for the site groundwater classification of GAA_s and for the pollutants associated with domestic sewage, which include bacteria, viruses, nitrogen and phosphorus. The DEP also required that the applicant demonstrate that the systems were sized on the basis of conservative design flow and designed in accordance with accepted engineering principles. (Ex. DEP-6; test. J. Zmijewski.)

29. The permit, issued for a period of ten years, will require ongoing monitoring and maintenance of all of the components of the treatment and disposal system for the life of the permit. This will include all necessary measures to ensure that the treatment system will operate within the permit limits. Various components of the system will be monitored annually, quarterly or during septic tank pump-out as appropriate and reports will be filed with the DEP and the Stamford Director of Health. Ground water monitoring will also be required; wells will be installed and tested quarterly. Results of groundwater analyses will be reported to the DEP, the Stamford Water Pollution Control Authority (WPCA) and the Stamford Director of Health. Required regular maintenance will include procedures such as system inspections, leaching field inspections, and periodic pumping of the tanks. (Ex. DEP-4.)

30. Ongoing maintenance of community septic systems such as that proposed by the applicant is delegated to the local water pollution control authority, which typically

enters into an agreement with the developer and/or successor homeowners association. In a January 17, 2005 letter, the WPCA confirmed its review of the applicant's preliminary management plan and proposed agreement. The letter states that "subject to ... concurrence from the Department of Legal Affairs, this letter constitutes 'written confirmation' of our approval of the preliminary management plan and agreement which appears to contain sufficient legal authority and financial resources to insure effective operation, maintenance and repair of the proposed community septic system." In a March 24, 2005 letter to the WPCA, the City of Stamford Office of Legal Affairs noted that with the incorporation of several revisions, "the Agreement is satisfactory in form and content for its intended use." (Exs. APP-4, 8.)

31. Extensive field testing was conducted on the site including soil and bedrock characterization, groundwater flow rate and direction, and potential ground water mounding. The applicant's proposed treatment system was reviewed by four professional consulting firms, including an independent peer review by WMC Engineers retained by the City. The proposed system was also reviewed by DEP staff and two local agencies. The results of these reviews were that the analyses and estimated quantities of domestic wastewater discharged to the system were conservative and the proposed treatment was designed to protect the waters of the state. Ground water was determined to flow toward the east, not south toward abutting properties. (Exs. APP-2, 7, 11 - 15.)

III
CONCLUSION

In addition to the conclusions set forth in the Agreed Draft Decision, I find that the applicant's proposed treatment system was thoroughly reviewed and evaluated. The record demonstrates that the proposed system has been designed such that it will adequately treat the domestic wastewater discharges in a manner that will protect the waters of the state from pollution. In addition, the applicant is under a duty to comply with the terms and conditions of the permit. The permit terms and conditions are consistent with all relevant statutes and regulations, and the goals and policies of the

state's water quality standards. Further, the ongoing monitoring and maintenance of the system and associated costs will be managed by the local WPCA thereby ensuring the future integrity of the system.

IV
RECOMMENDATION

I recommend that the applicant be required to submit construction plans and specifications for the subsurface sewage treatment and disposal system, and that the Commissioner authorize the Water Management Bureau to review such plans and specifications. I further recommend that once it has been verified that the system has been constructed in accordance with the approved plans and specifications, the Commissioner issue the water discharge permit.

January 4, 2006
Date

Jean F. Dellamarggio, Hearing Officer

STATE OF CONNECTICUT

DEPARTMENT OF ENVIRONMENTAL PROTECTION

OFFICE OF ADJUDICATIONS

In the Matter of	:	Application No. 200500302
Donsis, LLC	:	December 14, 2005

AGREED DRAFT DECISION

FINDINGS OF FACT

Taking into consideration and giving due regard to all of the substantial evidence in the record, I make the following findings of fact:

A. Procedural History

1. On December 8, 2004, after several meetings with representatives of Donsis, LLC (the "Applicant") and review of the preliminary design of the septic systems, the Connecticut Department of Environmental Protection ("CTDEP") issued a letter of "technical feasibility" for the proposed waste water treatment facility (Exhibit APP-1).

2. On February 14, 2005, the CTDEP received a formal application from the Applicant dated February 3, 2005 for a permit to discharge to the waters of the state, pursuant to Conn. Gen. Stat. § 22a-430 (the "Act") (the "Application"). (Exhibit APP-2).

3. Notice of the Application was published on February 14, 2005 (Exhibit APP-3).

4. Following a technical review of the Application and all supplemental material, CTDEP staff made a tentative determination to approve the Application and issue a permit to discharge. On June 3, 2005 the Commissioner published notice of its Tentative Determination to issue a permit to discharge to the Applicant. (Exhibit DEP-1).

5. On June 24, 2005 after receiving a petition signed by more than 25 persons requesting a hearing (DEP-2) the CTDEP Staff submitted a request for a hearing to the Office of Adjudications. On August 10, 2005, the Office of Adjudications set a hearing date of October 20, 2005 and a Pre- hearing conference date of September 28, 2005.

6. On September 28, 2005 a Pre-hearing Conference was held at which the parties submitted respective lists of issues, witnesses and proposed exhibits. There being no objection, all of the parties proposed exhibits were admitted into the record in this matter. The date for the site visit and hearing was confirmed for October 20, 2005 at 4:00 p.m. and 7:00 p.m., respectively.

7. Hearing Officer Dellamarrgio conducted the site visit as scheduled. All parties were represented at the site visit. Mr. Joseph Codespoti attended the site visit on behalf of the petitioners. The public hearing was held on October 20, 2005 at 7:00 p.m. as publicly noticed. The parties, petitioners and members of the general public offered oral and written testimony. Mark Lancor, P.E offered testimony on behalf of the Applicant. Ms. Jennifer Perry Zmijewski, P.E. offered testimony on behalf of the DEP. Mr. Robert Weway, P.E. offered testimony on behalf of the petitioner. No other professional testimony was offered.

B. Project Overview

8. The Applicant proposes to develop a planned community of twenty-four (24) homes to be built on 74 acres which will have a pool house, pool and tennis court, a gatehouse

and various passive recreational features. (APP-17, Testimony Mr. Mark Lancor, P.E.) . A total of twenty-five (25) acres will be deeded as open space. (APP-2, DYMAR Report p. 3-1) A public water supply system and three conventional on-site community sewage disposal systems, labeled as the South System, Central System and North System, will serve the project. (APP-2, DYMAR Report p. 3-1) The South System will serve thirteen homes. The Central system will serve four homes, the pool house and the Gate House. The North System will serve seven homes. (APP-17, Testimony M. Lancor)

C. Subject Site

9. The subject site is comprised of 74 acres located at 191-193 Erskine Road in the City of Stamford, Connecticut. Currently four residences exist on the property, which is served by individual septic systems and on-site wells. (APP-2, Stearns & Wheler Report, p. 1) There is no sewer system available to the project. (Exhibit APP-2, Attachment U) Other structural amenities include a swimming pool, tennis court, and large detached maintenance garage. (APP-2, Stearns & Wheler Report, p1) All the residences share a common paved access way, which extends west from Erskine Road approximately 600 feet, until it changes direction to the north and joins the first individual driveway. (APP-2, Stearns & Wheler Report, p. 1)

10. Existing onsite wetland areas were delineated by Environmental Planning Services of West Hartford in August, 1997. (Exhibit APP-2, Stearns & Wheler Report, Appendix A) This work was conducted in accordance with the requirements of the Connecticut Inland Wetlands and Watercourses Act.

11. The site is located in the Mianus River Watershed, at a distance of approximately 3-1/2 miles from the main branch of the Mianus River, which has a surface water classification of AA. (APP-2, Stearns & Wheler, p. 2) This classification represents the outlet of

a public water supply watershed. (APP-2, Stearns & Wheler, p 2) Approximately 10 acres of the property, which will remain undeveloped, drains towards the Bargh Reservoir. (APP-2, Stearns & Wheler, p. 2) The remaining 64 acres drain towards the east branch of the Mianus River. The groundwater classification for the site is GAAs, which represents groundwater that is tributary to a public water supply watershed. Both the surface and groundwater classifications for the site were obtained from the Connecticut DEP Water Quality Classification Map for the Housatonic River, Hudson River and Southwest Coastal Basins adopted April 7, 1997. (APP-2, Stearns & Wheler, p. 2)

12. The water quality standards set objectives for existing and future water quality and establish a program based on a system of groundwater classifications to implement these objectives. (DEP-7, Preface, p. i). The proposed system must be designed so that effluent from the leaching field will meet water quality standards prior to contacting any "point of concern" (POC), which may be a body of water, well, property line or other feature determined by the DEP to require protection from pollution. (DEP-11, pages 60-61)

13. The nearest POC in this instance is the wetland to the south of the proposed South and North System and the property line for the Central System. (APP-2, Stearns & Wheler, p. 10; DYMAR Report, pp. 5-7)

D. Septic System Design

14. The DEP evaluates both the hydraulic capacity and the pollutant renovation capacity of a proposed site and disposal system. An applicant must be able to demonstrate that a selected site will be large enough to install a disposal system and that the system's location and extent adequately addresses both capacity thresholds. (DEP-11, p. 1) The site must have hydraulic capacity to move effluent below the ground for a sufficient distance to also meet

treatment criteria, which are based on the water quality standards and applicable DEP regulations. The DEP also requires a pollution renovation analysis that addresses bacteria and virus removal , nitrogen reduction and the removal of phosphorus that is not naturally occurring. (APP-2, DYMAR p5-6) The soils must be able to move the effluent underground in the naturally occurring soils, when utilizing conventional disposal practices, for at least 21 days, the travel time necessary to allow the disposal system to successfully renovate bacteria from the waste stream. (APP – 2,DYMAR p. 5-6) The DEP requires that a minimum of two feet of vertical separating distance be provided between the leaching structure and the mounded seasonal high water table to renovate, in part, bacteria and viruses . (APP – 2, Stearns & Wheler Report, p. 9) Soils at the site must be able to accept the design flow discharge without premature breakout, and must be able to absorb at least six months of the phosphate discharged from the effluent of the disposal system that is not naturally occurring in the soil. Total nitrogen concentrations must be diluted to 10mg/l or less at the point of concern and prior to it leaving the site. (APP – 2, Stearns & Wheler Report, p. 10; DYMAR Report p. 1-4)

1. Hydraulic Capacity - South, Central and North Systems

15. The findings of DYMAR's studies suggest the average water consumption generated for three and four bedroom households, with a Jacuzzi and/or pool, conservatively range from 324 to 366 gallons per day. This would equate to a water consumption rate of 430 gallons per day for a 5-bedroom household. (APP-2, DYMER Report p. 1-5)

16. The design sewage generation flow rate is proposed at a factor of safety of 1.5 times the average estimated water consumption rate, or 645 gallons per day per household, or 129 gallons per day per bedroom. DYMAR used a conservative design sewage generation flow rate of 130 gallons per day per bedroom. (APP-2, DYMER Report, p. 1-5)

17. In-situ load testing was conducted over a three-month period to determine the hydraulic capacity of the leaching field locations. The load test results demonstrate a soil hydraulic capacity of approximately 13,100 gallons per day for the South System. The proposed collection system will discharge a maximum daily flow of 8,450 gallons of effluent per day. (APP-17 Testimony M. Lancor)

18. The proposed Central and North System areas are located and sized conservatively for the soils in-situ hydraulic capacity, based on the load test results. The necessary hydraulic capacities, including a fifty percent hydraulic reserve, are 5,655 gallons per day and 7,410 gallons per day. (APP-17, Testimony M. Lancor, p. 8) The maximum daily design sewage flow proposed for the Central and North system areas are 3,770 gallons per day and 4,940 gallons per day, respectively. (APP-2, DYMAR Report, p 3-2)

19. The three areas together, South, Central and North, have a total hydraulic capacity of 26,200 to 27,700 gallons per day. (APP- 17, Testimony M. Lancor p. 8) The actual proposed total discharge to the three leaching fields is estimated at a maximum daily flow of 17,160 gallons per day. (APP-17, Testimony M. Lancor, p. 6)

2. South System Design

20. The area proposed for the leaching field is approximately 115 feet by 160 feet and is located in the southeast corner of the property. (APP-2, Stearns & Wheler, Executive Summary) One thousand five hundred and eighty (1,580) linear feet of 16 inch high double row infiltrators are required in a configuration of 10 rows. (APP-2, Stearns & Wheler, Executive Summary) In addition, approximately four feet of select septic fill material is proposed that includes a two foot provision of select fill between the maximum mounding height and the

bottom of the leaching system, plus approximately two feet for the height of the infiltrators and then six inches minimum of topsoil. (APP-2, Stearns & Wheler, Executive Summary) The remaining material required for sloping and grading will be clean fill, with toe of fill outside of regulated wetland and watercourse buffers. The area is of sufficient size to accommodate the proposed system and the site has the capacity to move effluent below ground, in the naturally occurring soils, for a sufficient distance, to satisfy the regulatory permitting criteria without breakout. Furthermore, a 50% safety factor is provided separately for both the soil's hydraulic capacity as well as for the design flows and sizing the disposal systems (APP-2, Stearns & Wheler, p. 7; DYMAR, p.1-5)

21. In terms of renovation of pollutants, the estimated final concentration of nitrogen, at the POC, is 9.3 mg/l which is less than the drinking water standard of 10 mg/l. (APP-2, Stearns & Wheler, pp. 11-12) The six month production of phosphate will be absorbed within approximately the first four feet of the system. (APP-2, Stearns & Wheler, p. 13) The distance required for three week travel time for bacteria die-off is approximately 77 feet. Since the downstream wetlands and property line are much further from the edge of the system than the above distances, the pollutants are properly renovated before leaving the site or reaching any POC. (APP-2, Stearns & Wheler, p. 13) The proposed storm water infiltration basin is also located beyond the three week bacteria travel time distance. (APP-2, Stearns & Wheler, p. 13)

3. Central System And North System Design

22. The proposed collection and treatment system has been designed in compliance with the CTDEP permit requirements for community waste water systems. (APP-2, DYMAR, p. 1-5) The proposed Central and North System areas are located and sized

conservatively for the soil's in-situ hydraulic capacity based on the results of the load tests. (APP-2, DYMAR, p. 1-5) The pollutant renovation analysis demonstrates that there are no adverse impacts expected from pollutants regulated by the CTDEP under its water quality standards. (APP-2, DYMAR, p. 1-5) Furthermore, a 50% safety factor is provided separately for both the soil's hydraulic capacity as well as for the design flows and sizing the disposal systems. (APP-2, DYMAR, p. 1-5) The proposal is based on a conventional system approach without the need for advance treatment. (APP-2, DYMAR, p. 5-9)

23. The system construction will allow trench spacing at twelve feet on center, which provides a six foot wide area between the rows. Lateral separation between rows is four to five feet. The proposed length of trench to be provided for the Central and North System areas is 750 feet and 900 feet, respectively. (APP-2, DYMAR, p. 5-5) The systems will meet the requirement of a two-foot vertical separation between the bottom of the disposal structures and the mounded seasonal groundwater table. (APP-2, DYMAR, pp. 4-2, 4-3) These areas are of sufficient size to accommodate the proposed systems and the sites have the capacity to move effluent below ground for a sufficient distance without breakout. (APP-2, DYMAR, p. 5-6 to 5-10)

24. The Central System will provide a bacteria travel time of 75 days which is greater than the standard required of 21 days. (APP-2, DYMAR, p. 5-7) Nitrate nitrogen will be diluted to 7.2 milligrams per liter, which is less than the standard allowed of 10 milligrams per liter. (APP-2, DYMAR, p. 5-7) The system will absorb 652.5 months of phosphorous, which is greater than the standard of six months. (APP-2, DYMAR, p. 5-8)

25. The North system will provide a bacteria travel time of 28 days, which is greater than the standard of 21 days. (APP-2, DYMAR, p. 5-7) The system will dilute nitrate

nitrogen to 9.1 milligrams per liter, which is less than the standard of 10 milligrams per liter. (APP-2, DYMAR, p. 5-8) The system will absorb 392 months of phosphorous, which exceeds the standard of six months. (APP-2, DYMAR, p. 5-9)

E. Operation And Maintenance Agreement

26. Section 7-246f of the Connecticut General Statutes, requires municipalities to ensure the effective management of community septic systems. Pursuant to this statute, a Water Pollution Control Authority may either manage a community septic system by contract or examine the financial and management structure of any private entity which will own such a system. This allows the municipality to determine whether the owner of the system will have the resources to own and operate the septic system. An Operation and Management Plan (the "Plan") will be enforced under the requirements of the Connecticut General Statutes. (Exhibit APP-10) The Plan will require the operating standards necessary to effectively service the project and to satisfy the requirements of the discharge permit. The Plan also provides funds for the maintenance, repair and replacement of all three systems. (Exhibit App- #4, 7, 8, and 10).

27. The permit and the Plan will require ongoing maintenance of all components of the treatment and disposal system. Groundwater monitoring will be required.

F. Proposed Conclusions Of Law And Decision

Before any person may discharge any substance into the waters of the state they must obtain a permit from the Commissioner pursuant to the provisions of Section 22a-430 of the Connecticut General Statutes. No such permit can be issued unless the Commissioner determines that "the proposed system to treat such discharge will protect the waters of the state from pollution". Section 22a-430(b). The Commissioner may establish appropriate procedures, criteria and standards for determining if a discharge would cause pollution to the waters of the

state and if a proposed treatment system is adequate to protect the waters of the state from pollution. Section 22a-430(b). See, R.C.S.A, Sections 22a-430-1 through 22a-430-8.

The Commissioner must also consider whether the proposed discharge would be consistent with the standards set forth in the DEP water quality standards (WQS). Section 22a-430-4(1)(4)(E). The Applicant's property is classified as GAAs. The WQS specifically authorize certain discharges into Class AA groundwater as long as such discharges pose no threat to pollution of groundwater. The WQS and the applicable sections of the Public Health Code set standards for the quality of the discharge and, in this case, the wastewater generated by the proposed facilities will be treated to drinking water standards at the nearest water body or property line.

The Applicant proposes to treat and dispose of approximately 17,160 gallons per day of domestic effluent to the groundwater within the watershed of the Mianus River. The Applicant has demonstrated that the site will accommodate the proposed systems and will transport the treated effluent for sufficient distance below ground without surfacing or breakout so the bacteria will be removed before the effluent reaches a POC. The design of the leach field will eliminate viruses from the effluent before it reaches a POC. The soils of the constructed fill system will absorb at least six months of phosphorus concentration and nitrogen will be treated to acceptable concentration levels.

The proposed treatment and disposal system will protect the waters of the state from pollution. The system will satisfy the treatment goals of the WQS. The design of the proposed treatment and disposal system is such that effluent from the leach field will meet drinking water quality standards prior to contacting any POC. The permit will require ongoing monitoring and regular maintenance to ensure that this treatment and disposal system operates

within the limits of the permit. The evidence presented by the Applicant and supported by DEP Staff demonstrates that any discharge will not threaten the Mianus River or its watershed.

The selection of the leaching areas was made following extensive soil testing and evaluation. These engineered systems are an acceptable method for sewage treatment and disposal. They will be monitored and maintained to ensure that they will function as planned and permitted.

This application for a water discharge permit meets all relevant statutory and regulatory criteria and water quality standards. The proposed sewage treatment and disposal system will treat the discharge and protect the waters of the state from pollution.

G. Agreement

Based on the foregoing, the undersigned hereby agree that the Commissioner authorize staff to require the applicant to submit plans and specifications of the proposed system and such additional information as may be required to ensure protection of the waters of the state

from pollution, and to review and approve the proposed system to treat the discharge. Once such system has been installed in full compliance with the approval, the Commissioner shall authorize staff to prepare a discharge permit for her signature.

THE APPLICANT,
DONSIS, LLC
BY ITS ATTORNEY
JOHN D. FREEMAN

By _____
John D. Freeman
263 Glenville Road
Greenwich, CT 06831
Juris No. 401213

THE CONNECTICUT DEP

By _____
Oswald Inglese, Jr.
Director
Bureau of Water Management
Permitting and Enforcement
Division

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been mailed first class, postage prepaid this 14th day of December, 2005 to the following:

(Via Hand delivery)
Jennifer Perry Zmijewski, P.E.
Bureau of Water Management
Permitting and Enforcement Division
79 Elm Street
Hartford, CT 06106-5127

D.B.Hill, Esq.
Gleason, Hill & Ambrette, LLC
Attorneys at law
23 Old King's Highway
P.O. Box 1267
Darien, CT 06820-1267

John D. Freeman

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

EXHIBIT 1 DEP-4

UIC PERMIT

issued to

Donsis, LLC
C/o National Realty & Development Corporation
3 Manhattenville Road
Purchase, NY 10577

Location Address:
191-193 Erskine Road
Stamford, CT 06903

Facility ID: 135 – 425 **Permit ID:** 0000419 **Permit Expires:**

Watershed: Mianus River **Basin Code:** 7407

SECTION 1: GENERAL PROVISIONS

(A) This permit is issued in accordance with Section 1421 of the Federal Safe Drinking Water Act 42 USC et. seq. and section 22a-430 of Chapter 446k, Connecticut General Statutes ("CGS"), and Regulations of Connecticut State Agencies ("RCSA") adopted thereunder, as amended.

(B) Donsis, LLC, ("Permittee"), shall comply with all conditions of this permit including the following sections of the RCSA which have been adopted pursuant to Section 22a-430 of the CGS and are hereby incorporated into this permit. Your attention is especially drawn to the notification requirements of subsection (i)(2), (i)(3), (j)(1), (j)(6), (j)(8), (j)(9)(C), (j)(11)(C), (D), (E), and (F), (k)(3) and (4) and (l)(2) of section 22a-430-3.

Section 22a-430-3 General Conditions

(a)Definitions
(b)General
(c)Inspection and Entry
(d)Effect of a Permit
(e)Duty
(f)Proper Operation and Maintenance
(g)Sludge Disposal
(h)Duty to Mitigate
(i)Facility Modifications; Notification
(j)Monitoring, Records and Reporting Requirements
(k)Bypass
(l)Conditions Applicable to POTWs
(m)Effluent Limitation Violations (Upsets)
(n)Enforcement
(o)Resource Conservation
(p)Spill Prevention and Control
(q)Instrumentation, Alarms, Flow Recorders
(r)Equalization

22a-430-4 Procedures and Criteria

(a)Duty to Apply
(b)Duty to Reapply
(c)Application Requirements
(d)Preliminary Review
(e)Tentative Determination
(f)Draft Permits, Fact Sheets
(g)Public Notice, Notice of Hearing
(h)Public Comments
(i)Final Determination
(j)Public Hearings
(k)Submission of Plans and Specifications. Approval.
(l)Establishing Effluent Limitations and Conditions
(m)Case by Case Determinations
(n)Permit issuance or renewal
(o)Permit Transfer
(p)Permit revocation, denial or modification
(q)Variances
(r)Secondary Treatment Requirements
(s)Treatment Requirements for Metals and Cyanide
(t)Discharges to POTWs - Prohibitions

(C) Violations of any of the terms, conditions, or limitations contained in this permit may subject the permittee to enforcement action, including but not limited to, seeking penalties, injunctions and/or forfeitures pursuant to applicable sections of the CGS and RCSA.

(D) Any false statement in any information submitted pursuant to this permit may be punishable as a criminal offense under section 22a-438 or 22a-131a of the CGS or in accordance with section 22a-6, under section 53a-157 of the CGS.

(E) No provision of this permit and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by the permittee pursuant to this permit will result in compliance or prevent or abate pollution.

(F) The authorization to discharge under this permit may not be transferred without prior written approval of the Commissioner. To request such approval, the permittee and proposed transferee shall register such proposed transfer with the Commissioner, at least 30 days prior to the transferee becoming legally responsible for creating or maintaining any discharge which is the subject of the permit transfer. Failure, by the transferee, to obtain the Commissioner's approval prior to commencing such discharge(s) may subject the transferee to enforcement action for discharging without a permit pursuant to applicable sections of the CGS and RCSA.

(G) Nothing in this permit shall relieve the permittee of other obligations under applicable federal, state and local law.

(H) An annual fee shall be paid for each year this permit is in effect as set forth in section 22a-430-7 of the Regulations of Connecticut State Agencies.

(I) The permittee shall, within seven days of the issuance of this permit, record on the land records, of the Town of Stamford, a document indicating the location of the zone of influence created by the subject discharge, as reflected in the application for this permit. The Applicant shall obtain the Commissioner's written approval of such document before recording it.

(J) The permittee shall, within seven days of the issuance of this permit, record a copy thereof on the land records, in the Town of Stamford.

(K) This permitted discharge is consistent with the applicable goals and policies of the Connecticut Coastal Management Act (section 22a-92 of the Connecticut General Statutes).

SECTION 2: DEFINITIONS

(A) The definitions of the terms used in this permit shall be the same as the definitions contained in section 22a-423 of the CGS and section 22a-430-3(a) and 22a-430-6 of the RCSA.

(B) In addition to the above the following definitions shall apply to this permit:

"Quarterly", in the context of a sampling frequency, shall mean sampling is required in the months of February, May, August, and November.

"3 times per year", in the context of a maintenance frequency, shall mean the maintenance must be performed at least 3 times during the period of May to November.

SECTION 3: COMMISSIONER'S DECISION

(A) The Commissioner of Environmental Protection (hereinafter "the Commissioner") has made a final determination and found that the system installed for the treatment of the discharge, will protect the waters of the state from pollution. The Commissioner's decision is based on **application # 200500302** for permit issuance received on February 14, 2005 and the administrative record established in the processing of that application.

(B) The Commissioner hereby authorizes the Permittee to discharge 17,160 gallons per day of domestic sewage in accordance with the provisions of this permit, the above referenced application, and all approvals issued by the Commissioner or his authorized agent for the discharges and/or activities authorized by, or associated with, this permit.

(C) The Commissioner reserves the right to make appropriate revisions to the permit in order to establish any appropriate effluent limitations, schedules of compliance, or other provisions which may be authorized under the Federal Safe Drinking Water Act or the Connecticut General Statutes or regulations adopted thereunder, as amended. The permit as modified or renewed under this paragraph may also contain any other requirements of the Federal Safe Drinking Water Act or Connecticut General Statutes or regulations adopted thereunder which are then applicable.

SECTION 4:EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

(A) The use of sewage system additives, as defined in section 22a-460(g) of the General Statutes, are prohibited unless such additive is registered with the Commissioner in accordance with section 22a-462-3 of the Regulations of Connecticut State Agencies. The Commissioner in no way certifies the safety or effectiveness of any registered additive. The permittee shall include in the public offering statement, condominium instruments, rules and regulations adopted pursuant thereto, and any management agreement for the facility the requirement that no sewage system additive shall be used in the subject treatment system unless such additives is registered with the Commissioner, in accordance with section 22a-462-3 of the Regulations of Connecticut State Agencies.

(B) Oils, greases, industrial or commercial wastes, toxic chemicals, wastes from water treatment systems, or other substances, that will adversely affect the operation of the subsurface sewage treatment and disposal system, or,

which may pollute ground water, shall not be discharged to the subsurface sewage treatment and disposal system. The permittee shall include in the public offering statement, condominium instruments, and rules and regulations adopted pursuant thereto, and any management agreement for community sewerage system the requirement that no oils, greases, industrial or commercial wastes, toxic chemicals, wastes from water treatment systems or other liquids that will adversely affect the operation of the subsurface sewage treatment and disposal system or which may pollute ground water shall be discharged to the subsurface sewage treatment and disposal system.

(C) The permittee shall assure that groundwater affected by the subject discharge shall conform to the Connecticut Water Quality Standards.

(D) Any limits imposed on the discharges listed in this permit take effect on the issuance date of this permit, hence any sample taken after this date which, upon analysis, shows an exceedance of permit limits will be considered non-compliance.

The monitoring requirements of this permit begin on the date of issuance of this permit if the issuance date is on or before the 12th day of a month. For permits issued on or after the 13th day of a month, monitoring requirements begin the 1st day of the following month.

(E) The discharges shall not exceed and shall otherwise conform to specific terms and conditions listed below. The discharges are restricted by, and shall be monitored in accordance with, the tables below.

TABLE A	
Discharge Serial No. 301-2, 302-2, 303-2	Monitoring Location: 8
Wastewater Description: Domestic sewage	
Monitoring Location Description: Subsurface sewage treatment and disposal systems	
Average Daily Flow: 11,440 gallons per day	Maximum Daily Flow: 17,160 gallons per day

(F) The treatment facilities shall be monitored, inspected and maintained in accordance with the following schedule:

TABLE B		
INSPECTION, MONITORING, or MAINTENANCE	**DISCHARGE SERIAL NO.**	**MINIMUM FREQUENCY**
Mechanical inspection of pump station	302-2	Quarterly
Mechanical inspection of septic tank baffles	301-2,302-2,303-2	During pump-out
Mechanical inspection of septic tank effluent filter	301-2,302-2,303-2	During pump-out
Clean septic tank effluent filter	301-2,302-2,303-2	During pump-out
Visual inspection of distribution chambers	301-2,302-2,303-2	Annually
Visual inspection of surface condition of leaching fields	301-2,302-2,303-2	Quarterly
Depth of sludge in septic tanks	301-2,302-2,303-2	During pump-out
Water meter readings of water usage	301-2,302-2,303-2	Quarterly
Test run of emergency generator	302-2	Quarterly
Pump out septic tanks	301-2,302-2,303-2	Annually
Pump out pump chamber	302-2	Annually
Pump out emergency overflow tank	302-2	Annually

Depth of ponding in leachfield	301-2,302-2,303-2	Quarterly
Mow grass over leachfield	301-2,302-2,303-2	3 times per year
NOTE: The Stamford Sanitarian shall be notified at least one week prior to pumping of septic tanks and grease traps. Verification of all pump outs shall be attached to the monitoring report and a copy of the report shall be sent to the Stamford Director of Health.		

(G The permittee shall perform the following ground water monitoring in accordance with the monitoring plan approved by the Commissioner. The requirement that the monitoring plan be performed shall be included in the Public Offering Statement, Condominium Bylaws, and the rules and regulations adopted thereto.

TABLE C
(GROUNDWATER MONITORING)

DISCHARGE SERIAL NO. 301A, 301 B 302 A, 302 B 303 A, 303 B	**MONITORING LOCATION:** W
GROUND WATER MONITORING WELL NO.: (as named on AS BUILT)	**DESCRIPTION:** Downgradient monitoring wells

PARAMETER	UNITS	MINIMUM FREQUENCY OF SAMPLING	SAMPLE TYPE
Coliform, Fecal	col/100ml	Quarterly	Grab
Groundwater Depth	Ft, in	Quarterly	Instantaneous
Nitrogen, Ammonia	mg/l	Quarterly	Grab
Nitrogen, Nitrate	mg/l	Quarterly	Grab
Nitrogen, Nitrite	mg/l	Quarterly	Grab
Nitrogen, Total Kjeldahl	mg/l	Quarterly	Grab
Nitrogen, Total	mg/l	Quarterly	Grab
pH	S.U.	Quarterly	Instantaneous
Phosphorus, Total	mg/l	Quarterly	Grab

SECTION 5: SAMPLE COLLECTION, HANDLING and ANALYTICAL TECHNIQUES AND REPORTING REQUIREMENTS

(A) The results of chemical analysis and treatment facilities monitoring required by Section 4 shall be entered on the Discharge Monitoring Report (DMR), provided by this office, and reported to the Water Management Bureau, at the following address, by the end of the month following the month in which the samples are taken.

Bureau of Water Management (Attn: DMR Processing)
Connecticut Department of Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

(B) Copies of all DMRs shall be submitted concurrently to the local Water Pollution Control Authority (hereinafter "WPCA").

(C) Copies of all DMRs shall be submitted concurrently to the local Health Department.

This permit is hereby issued on the

Gina McCarthy
Commissioner

GM/jpz

cc: Stamford Health Dept.
Stamford Water Pollution Control Authority
DYMAR Corp.

[p:\working\jperry\permit\lake windermere draft sp]

DATA TRACKING AND TECHNICAL FACT SHEET

PERMIT #:UI0000419 APPLICATION #:200500302
DEP/WPC#: 135 - 425

DISCHARGER NAME AND ADDRESS DATA

Permittee: Donsis, LLC

Mailing Address:

Street: C/o National Realty & Development Corporation
3 Manhattenville Road

City: Purchase ST: NY Zip: 10577

Contact Name: Richard Baker

Location Address:

Street: 191-193 Erskine Road

City: Stamford St. CT Zip: 06

Contact Name:

PERMIT DURATION

5 YEAR ( ) 10 YEAR (X) 30 YEAR ( )

DISCHARGE CATEGORIZATION

POINT( ) NON-POINT(X) GIS #_____

NPDES( ) PRETREAT( ) GROUND WATER(UIC)(X) GROUND WATER (OTHER)( )

MAJOR( ) SIGNIFICANT MINOR( ) MINOR(X)

COMPLIANCE SCHEDULE YES ___ NO ___X__

POLLUTION PREVENTION( ) TREATMENT REQUIREMENT( ) WATER CONSERVATION( )

PERMIT STEPS ( ) WATER QUALITY REQUIREMENT( ) REMEDIATION( ) OTHER( )

OWNERSHIP CODE

Private(X) Federal( ) State( ) Municipal(town only)( ) Other public( )

UIC PERMIT INFORMATION

Total Wells 3 Well Type 5W11

PERMIT FEES

DISCHARGE CODE 312000a REPRESENTING DSN 301-2 thru 303-2 ANNUAL FEE $ 885.00

DEP STAFF ENGINEER/ANALYST Jennifer Perry Zmijewski

PERMIT TYPE

New(X) Reissuance( ) Modification( ) Subsection-e( )

NATURE OF BUSINESS GENERATING DISCHARGE

Planned residential community consisting of 26 homes, a community recreation center and guard house.

PROCESS AND TREATMENT DESCRIPTION (by DSN)

DSN 301-2 represents the subsurface sewage treatment and disposal system located on the southern end of the site, proposed to serve 65 bedrooms with a design flow of 8,450 gallons per day.
DSN 302-2 represents the subsurface sewage treatment and disposal system on the central portion of the site, proposed to serve 25 bedrooms, the community building and the guard house with a design flow of 3,770 gallons per day.
DSN 303-2 represents the subsurface sewage treatment and disposal system located on the northern portion of the site, proposed to serve 38 bedrooms with a design flow of 4,940 gallons per day.

RESOURCES USED TO DRAFT PERMIT

__ Federal Effluent Limitation Guideline 40CFR
name of category

__ Performance Standards

__ Federal Development Document
name of category

__ Treatability Manual

_X_ Department File Information

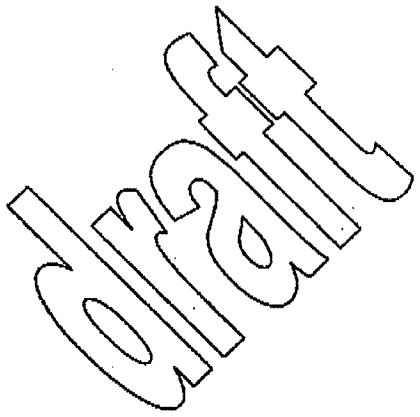
_X_ Connecticut Water Quality Standards

_ Anti-degradation Policy

_ Coastal Management Consistency Review Form

_ Other - Explain

GENERAL COMMENTS



PARTY LIST

Proposed Final Decision In the matter of Donsis, LLC
Application No. 200500302

PARTY	*REPRESENTED BY*
The Applicant Donsis, LLC	John W. Cannavino, Esq. Cummings & Lockwood Four Stamford Plaza 107 Elm Street P.O. Box 120 Stamford, CT 06904 John D. Freeman, Esq. 263 Glenville Road P.O. Box 2606 Greenwich, CT 06836
Department of Environmental Protection	
Bureau of Water Management 79 Elm Street Hartford, CT 06106	Jennifer Perry Zmijewski