

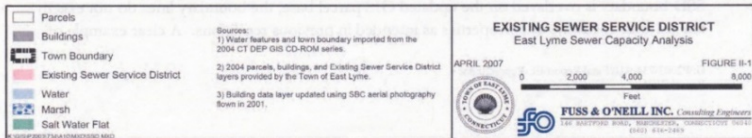
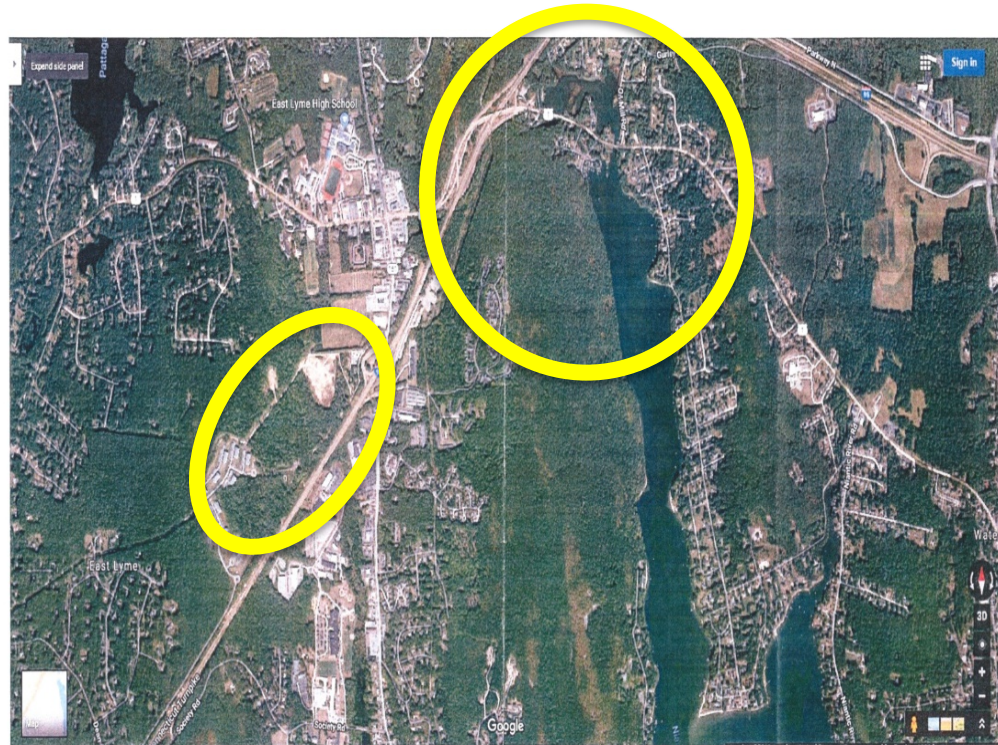
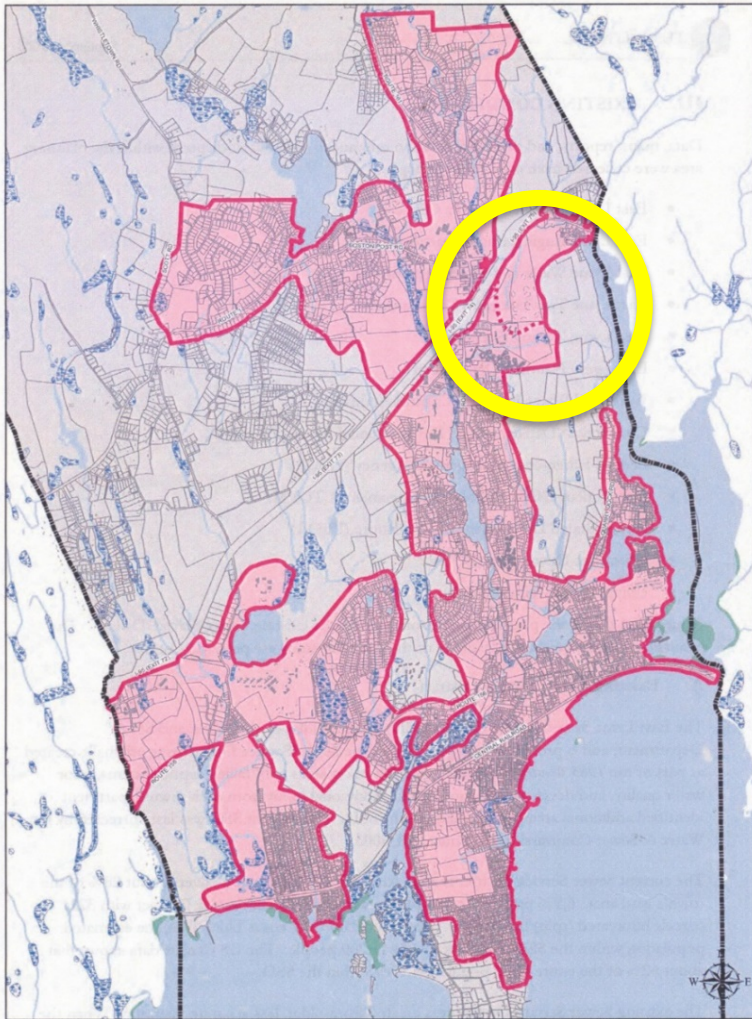
# Sewer Laws and Wars: *The Limits of Government Use of Sewers to Control Development*

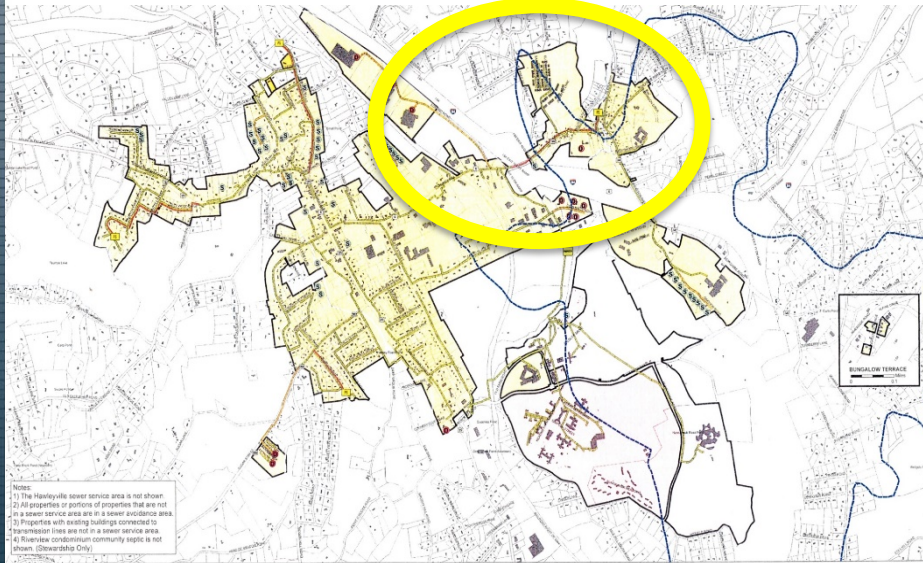


Presented By  
Timothy S. Hollister

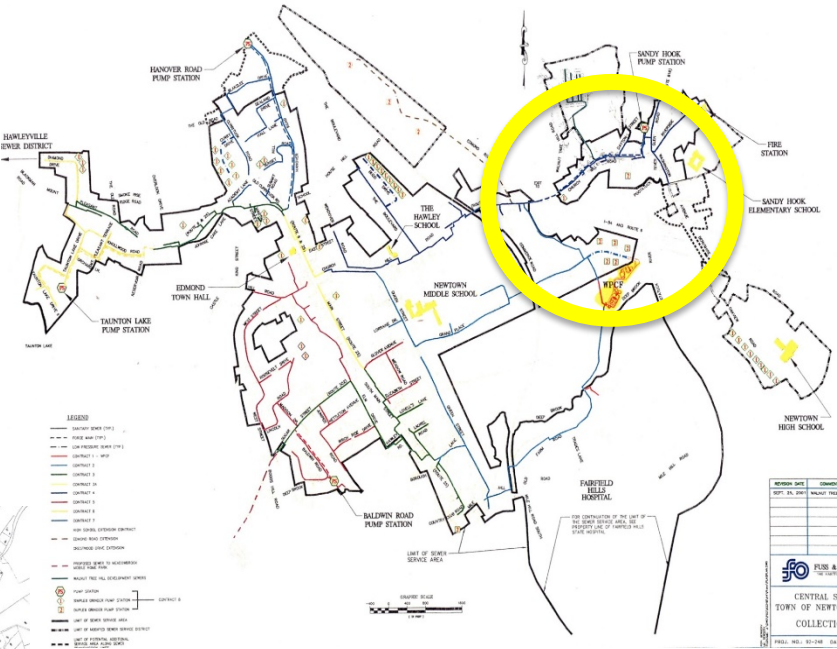
LANDS Housing Law CLE & Roundtable  
October 25-26, 2018

# War Story 1





No.	Description	Color	Symbol
1	Central Sewer Service Area	Light Blue	
2	State of Connecticut Sewer Service Area	Light Green	
3	Fairfield Hills Sewer Service Area	Light Yellow	
4	Connected to Transmission Line	Yellow	
5	Bungalow Terrace Community Septic System	Light Orange	
6	Sewer Avoidance Area (Outside of APZ)	Blue outline	
7	Aquifer Protection Zone (APZ)	Blue outline	
8	Hydrography (Surface Water)	Blue	
9	Gravity Sewer	Orange	
10	Low Pressure Sewer	Red	
11	Force Main	Red	
12	Simplex Grinder Pump	Star symbol	
13	Duplex Grinder Pump	Red circle symbol	
14	Pump Station	Yellow square symbol	
15	Wastewater Treatment Plant	Yellow rectangle symbol	



NO.	DATE	REVISION
1	10/20/18	ISSUED FOR THE BIDDING PROCESS
2		
3		
4		
5		

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**CENTRAL SEWER DISTRICT  
 TOWN OF NEWTOWN SEWER SYSTEM  
 COLLECTION SYSTEM MAP**

PROJ. NO.: 18-0048 DATE: 10/20/18 SCALE: 1" = 100'



# Law of Sewers

- State statutes
- Local regulations
- Sewer maps:
  - ◆ service areas / avoidance areas
- State supervision:
  - ◆ Part of clean water jurisdiction
- Intermunicipal Agreements





- Sewer district boundaries
- Treatment capacity
- Extensions
- Capital improvements and maintenance; timing

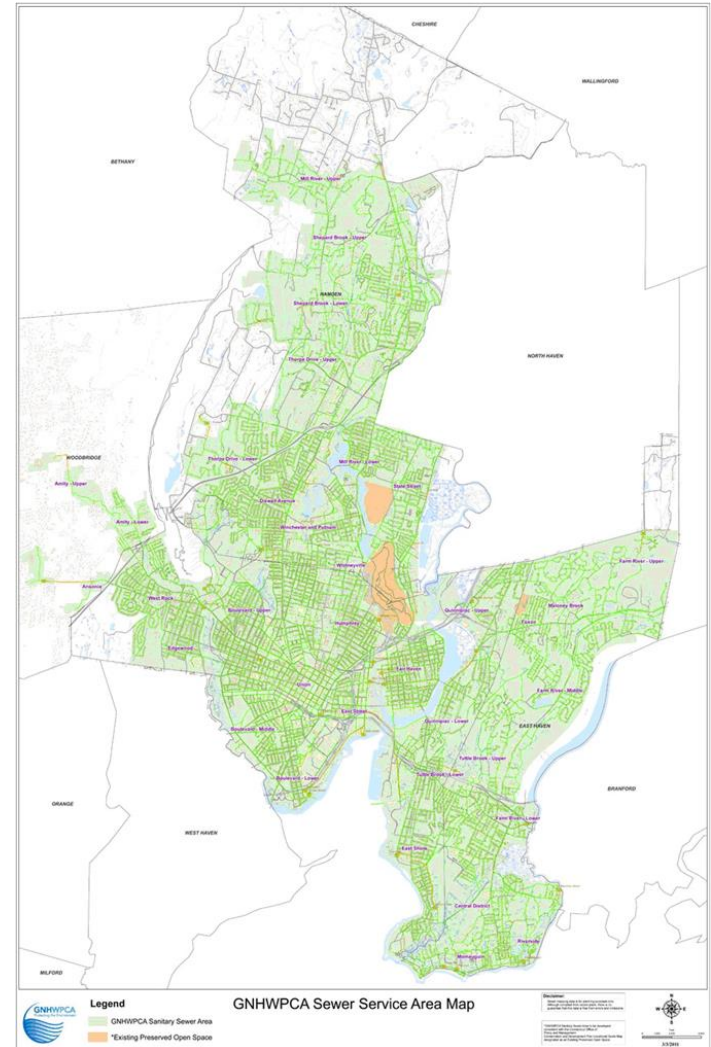
# Limits on Discretion

- Cannot be illegal or arbitrary
- Key Issue: are sewers "public utilities"?
- Sewer commissions cannot use sewers to control land use
- Right to capacity and connection:
  - ◆ Within sewer district
  - ◆ No extension needed
  - ◆ Ample capacity
  - ◆ No engineering issue



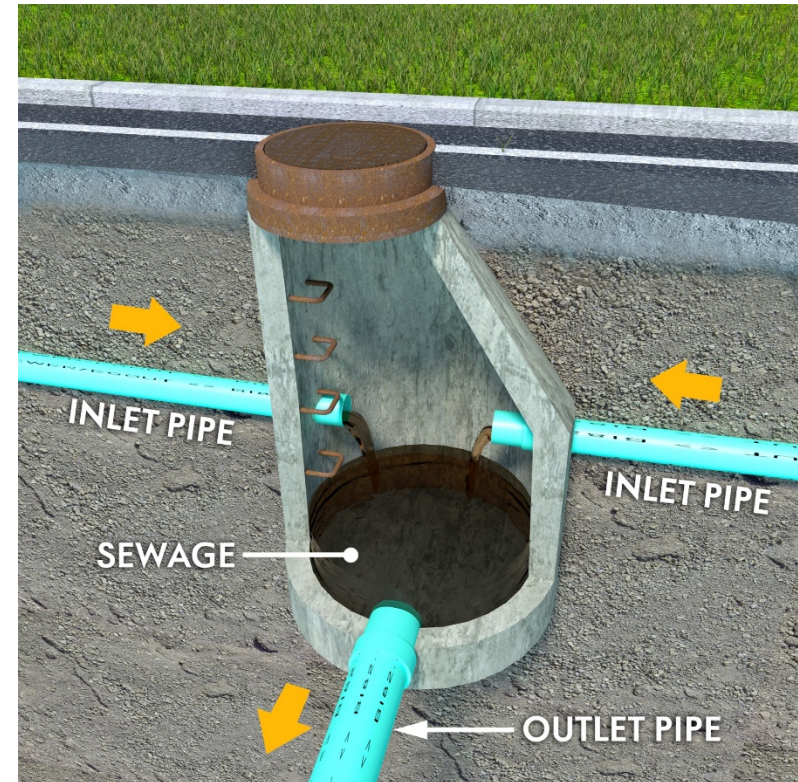
# Particular Issues

- Sewer Service Areas
- Sewer Avoidance Areas
- Capacity Measurement
- Moratoria
- "Failing Septic Systems"



# Particular Issues

- Capital Improvement Plans
- Gallonage Formulas
- Environmental Justice
- Conditional Approvals



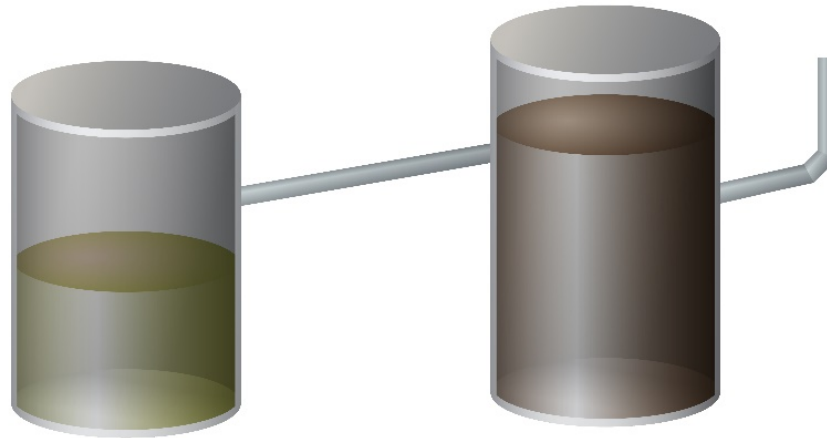


# Litigation and Other Issues

- Protected property interest?
- Mandamus?
- Fair Housing Act
- Annexation
- RLIUPA



# Potential Ethical Issue: Concurrent Conflict of Interest: Rule 1.7



# Questions?

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