



General Assembly

Amendment

February Session, 2002

LCO No. 5379

SB0046505379HDO

Offered by:

REP. DAVIS, 50th Dist.
REP. FONTANA, 87th Dist.
REP. BLACKWELL, 12th Dist.
REP. STRIPP, 135th Dist.

REP. THOMPSON, 13th Dist.
REP. TYMNIAK, 133rd Dist.
SEN. MCKINNEY, 28th Dist.
SEN. FREEDMAN, 26th Dist.

To: Subst. Senate Bill No. 465

File No. 188

Cal. No. 462

**"AN ACT CONCERNING WASTEWATER DISCHARGES IN
DRINKING WATER SUPPLY WATERSHEDS."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (b) of section 22a-430 of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective*
5 *October 1, 2002*):

6 (b) The commissioner, at least thirty days before approving or
7 denying a permit application for a discharge, shall publish once in a
8 newspaper having a substantial circulation in the affected area notice
9 of (1) the name of the applicant; (2) the location, volume, frequency
10 and nature of the discharge; (3) the tentative decision on the
11 application, and (4) additional information the commissioner deems
12 necessary to comply with the federal Clean Water Act (33 USC 1251 et

13 seq.). There shall be a comment period following the public notice
14 during which period interested persons and municipalities may
15 submit written comments. After the comment period, the
16 commissioner shall make a final determination either that (A) such
17 discharge would not cause pollution of any of the waters of the state,
18 in which case he shall issue a permit for such discharge, or (B) after
19 giving due regard to any proposed system to treat the discharge, that
20 such discharge would cause pollution of any of the waters of the state,
21 in which case he shall deny the application and notify the applicant of
22 such denial and the reasons therefor, or (C) the proposed system to
23 treat such discharge will protect the waters of the state from pollution,
24 in which case he shall, except as provided pursuant to subsection (j) of
25 this section, require the applicant to submit plans and specifications
26 and such other information as he may require and shall impose such
27 additional conditions as may be required to protect such water, and if
28 the commissioner finds that the proposed system to treat the
29 discharge, as described by the plans and specifications or such other
30 information as may be required by the commissioner pursuant to
31 subsection (j) of this section, will protect the waters of the state from
32 pollution, he shall notify the applicant of his approval and, when such
33 applicant has installed such system, in full compliance with the
34 approval thereof, the commissioner shall issue a permit for such
35 discharge, or (D) the proposed system to treat such discharge, as
36 described by the plans and specifications, will not protect the waters of
37 the state, in which case he shall promptly notify the applicant that its
38 application is denied and the reasons therefor. No permit shall be
39 issued for an alternative on-site sewage treatment system, as defined in
40 the Public Health Code, in a drinking water supply watershed unless
41 the commissioner determines that (i) such system is the only feasible
42 solution to an existing pollution problem and that the proposed system
43 capacity does not exceed the capacity of the failed on-site system, or
44 (ii) such system is for the expansion of an existing municipal or public
45 school project or for new construction of a municipal or public school
46 project on an existing municipal or public school site, in a municipality
47 in which a majority of the land is located within a drinking water

48 supply watershed. The commissioner shall, by regulations adopted in
49 accordance with the provisions of chapter 54, establish procedures,
50 criteria and standards as appropriate for determining if [(i)] (I) a
51 discharge would cause pollution to the waters of the state, and [(ii)] (II)
52 a treatment system is adequate to protect the waters of the state from
53 pollution. Such procedures, criteria and standards may include
54 schedules of activities, prohibitions of practices, operating and
55 maintenance procedures, management practices and other measures to
56 prevent or reduce pollution of the waters of the state, provided the
57 commissioner in adopting such procedures, criteria and standards
58 shall consider best management practices. The regulations shall specify
59 the circumstances under which procedures, criteria and standards for
60 activities other than treatment will be required. For the purposes of
61 this section, "best management practices" means those practices which
62 reduce the discharge of waste into the waters of the state and which
63 have been determined by the commissioner to be acceptable based on,
64 but not limited to, technical, economic and institutional feasibility. Any
65 applicant, or in the case of a permit issued pursuant to the federal
66 Water Pollution Control Act, any person or municipality, who is
67 aggrieved by a decision of the commissioner where an application has
68 not been given a public hearing shall have the right to a hearing and an
69 appeal therefrom in the same manner as provided in sections 22a-436
70 and 22a-437. Any applicant, or in the case of a permit issued pursuant
71 to the federal Water Pollution Control Act, any person or municipality,
72 who is aggrieved by a decision of the commissioner where an
73 application has been given a public hearing shall have the right to
74 appeal as provided in section 22a-437. The commissioner may, by
75 regulation, exempt certain categories, types or sizes of discharge from
76 the requirement for notice prior to approving or denying the
77 application if such category, type or size of discharge is not likely to
78 cause substantial pollution. The commissioner may hold a public
79 hearing prior to approving or denying any application if in his
80 discretion the public interest will be best served thereby, and he shall
81 hold a hearing upon receipt of a petition signed by at least twenty-five
82 persons. Notice of such hearing shall be published at least thirty days

83 before the hearing in a newspaper having a substantial circulation in
84 the area affected."

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>