



General Assembly

January Session, 2003

Amendment

LCO No. 6798

HB0625406798HD0

Offered by:

REP. O'CONNOR, 35th Dist.

REP. GIULIANO, 23rd Dist.

REP. SPALLONE, 36th Dist.

To: House Bill No. 6254

File No. 487

Cal. No. 309

"AN ACT CONCERNING ON-SITE WASTEWATER MANAGEMENT DISTRICTS AND ALTERNATIVE SUBSURFACE SEWAGE TREATMENT SYSTEMS."

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

3 "Section 1. Section 7-245 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2003*):

5 For the purposes of this chapter: [, "acquire] (1) "Acquire a sewerage
6 system" means obtain title to all or any part of a sewerage system or
7 any interest therein by purchase, condemnation, grant, gift, lease,
8 rental or otherwise; (2) "alternative sewage treatment system" means a
9 sewage treatment system serving one or more buildings that utilizes a
10 method of treatment other than a subsurface sewage disposal system
11 and that involves a discharge to the ground waters of the state; (3)
12 "community sewerage system" means any sewerage system serving

13 [one] two or more residences in separate structures which is not
14 connected to a municipal sewerage system or which is connected to a
15 municipal sewerage system as a distinct and separately managed
16 district or segment of such system; (4) "construct a sewerage system"
17 means to acquire land, easements, rights-of-way or any other real or
18 personal property or any interest therein, plan, construct, reconstruct,
19 equip, extend and enlarge all or any part of a sewerage system; (5)
20 "decentralized system" means managed subsurface sewage disposal
21 systems, managed alternative sewage treatment systems or community
22 sewerage systems that discharge sewage flows of less than five
23 thousand gallons per day, are used to collect and treat domestic
24 sewage, and involve a discharge to the groundwaters of the state from
25 areas of a municipality; (6) "decentralized wastewater management
26 district" means areas of a municipality designated by the municipality
27 through a municipal ordinance when an engineering report has
28 determined that the existing subsurface sewage disposal systems may
29 be detrimental to public health or the environment and that
30 decentralized systems are required and such report is approved by the
31 Commissioner of Environmental Protection with concurring approval
32 by the Commissioner of Public Health after consultation with the local
33 director of health; (7) "municipality" means any metropolitan district,
34 town, consolidated town and city, consolidated town and borough,
35 city, borough, village, fire and sewer district, sewer district and each
36 municipal organization having authority to levy and collect taxes; (8)
37 "operate a sewerage system" means own, use, equip, reequip, repair,
38 maintain, supervise, manage, operate and perform any act pertinent to
39 the collection, transportation and disposal of sewage; (9) "person"
40 means any person, partnership, corporation, limited liability company,
41 association or public agency; (10) "remediation standards" means
42 pollutant limits, performance requirements, design parameters or
43 technical standards for application to existing sewage discharges in a
44 decentralized wastewater management district for the improvement of
45 wastewater treatment to protect public health and the environment;
46 (11) "sewage" means any substance, liquid or solid, which may
47 contaminate or pollute or affect the cleanliness or purity of any water;

48 and (12) "sewerage system" means any device, equipment,
49 appurtenance, facility and method for collecting, transporting,
50 receiving, treating, disposing of or discharging sewage, including, but
51 not limited to, decentralized systems within a decentralized
52 wastewater management district when such district is established by
53 municipal ordinance pursuant to section 7-247.

54 Sec. 2. Subsection (b) of section 7-246 of the general statutes is
55 repealed and the following is substituted in lieu thereof (*Effective*
56 *October 1, 2003*):

57 (b) Each municipal water pollution control authority designated in
58 accordance with this section may prepare and periodically update a
59 water pollution control plan for the municipality. Such plan shall
60 designate and delineate the boundary of: (1) Areas served by any
61 municipal sewerage system; (2) areas where municipal sewerage
62 facilities are planned and the schedule of design and construction
63 anticipated or proposed; (3) areas where sewers are to be avoided; (4)
64 areas served by any community sewerage system not owned by a
65 municipality; [and] (5) areas to be served by any proposed community
66 sewerage system not owned by a municipality; and (6) areas to be
67 designated as decentralized wastewater management districts. Such
68 plan shall also describe the means by which municipal programs are
69 being carried out to avoid community pollution problems and describe
70 any programs wherein the local director of health manages subsurface
71 sewage disposal systems. The authority shall file a copy of the plan
72 and any periodic updates of such plan with the Commissioner of
73 Environmental Protection and shall manage or ensure the effective
74 supervision, management, control, operation and maintenance of any
75 community sewerage system or decentralized wastewater
76 management district not owned by a municipality.

77 Sec. 3. Section 7-247 of the general statutes is repealed and the
78 following is substituted in lieu thereof (*Effective October 1, 2003*):

79 (a) Any municipality by its water pollution control authority may

80 acquire, construct and operate a sewerage system or systems; may
81 enter upon and take and hold by purchase, condemnation or otherwise
82 the whole or any part of any real property or interest therein which it
83 determines is necessary or desirable for use in connection with any
84 sewerage system; may establish and revise rules and regulations for
85 the supervision, management, control, operation and use of a sewerage
86 system, including rules and regulations prohibiting or regulating the
87 discharge into a sewerage system of any sewage or any stormwater
88 runoff which in the opinion of the water pollution control authority
89 will adversely affect any part or any process of the sewerage system
90 except that any such rule or regulation regarding decentralized
91 systems shall be approved by the local director of health before such
92 rule or regulation may be effective; may enter into and fulfill contracts,
93 including contracts for a term of years, with any person or any other
94 municipality or municipalities to provide or obtain sewerage system
95 service for any sewage, and may make arrangements for the provision
96 or exchange of staff services and equipment with any person or any
97 other municipality or municipalities, or for any other lawful services.
98 The water pollution control authority of any municipality planning to
99 acquire, construct or operate a new or additional sewerage system
100 shall consider the feasibility of using the sewage collected by such
101 system as an energy source for the generation of electricity or the
102 production of other energy sources. The water pollution control
103 authority may establish rules for the transaction of its business. It shall
104 keep a record of its proceedings and shall designate an officer or
105 employee to be the custodian of its books, papers and documents.

106 (b) Following approval of an engineering report by the
107 Commissioner of Environmental Protection that includes concurrence
108 with such approval by the Commissioner of Public Health, in
109 consultation with the local director of health, a municipality, acting in
110 conjunction with its water pollution control authority may, by
111 ordinance, establish geographical areas of decentralized wastewater
112 management districts within such municipality.

113 (1) Such ordinance may also include, following the approval of such

114 ordinance by the local director of health pursuant to such director's
115 authority under section 19a-207: (A) Remediation and technical
116 standards for the design and construction of subsurface disposal
117 systems that are more stringent than those imposed by the Public
118 Health Code; (B) authority for the local director of health to order the
119 upgrade of subsurface sewage disposal systems in accordance with
120 such remediation and technical standards; (C) authority for the local
121 director of health to establish criteria for the abandonment of
122 substandard subsurface sewage disposal systems; (D) authority for the
123 local director of health to order the property owner of a substandard
124 subsurface sewage disposal system that does not comply with such
125 remediation standards, technical standards or other criteria to abandon
126 such substandard subsurface sewage disposal system thus allowing
127 the water pollution control authority to order such owner to connect to
128 a sewerage system pursuant to section 7-256; (E) standards established
129 by the local director of health for the effective supervision,
130 management, control, operation and maintenance of managed
131 subsurface sewage disposal systems within such decentralized
132 wastewater management districts; or (F) authority for the water
133 pollution control authority to enact and amend regulations, following
134 the approval of such regulations by the local director of health, that
135 govern the supervision, management, control, operation and
136 maintenance of such decentralized systems.

137 (2) Such ordinance shall include remediation standards for the
138 design, construction and installation of alternative sewage treatment
139 systems and standards for the effective supervision, management,
140 control, operation and maintenance of alternative sewage treatment
141 systems within such decentralized wastewater management districts
142 that are consistent with any permit, order or recommendation of the
143 Commissioner of Environmental Protection.

144 (c) Notwithstanding any provision of the general statutes, an area
145 that is designated by ordinance of a municipality as a decentralized
146 wastewater management district shall not be a public sewer for
147 purposes of the Public Health Code.

148 (d) Nothing in this section shall be construed to limit the authority
 149 of a local director of health, the Commissioner of Public Health or the
 150 Commissioner of Environmental Protection.

151 Sec. 4. Section 7-257 of the general statutes is repealed and the
 152 following is substituted in lieu thereof (*Effective October 1, 2003*):

153 The water pollution control authority may order the owner of any
 154 building to which a sewerage system is available to connect such
 155 building with the system or order the owner to construct and connect
 156 the building to an alternative sewage treatment system. No such order
 157 shall be issued until after a public hearing with respect thereto after
 158 due notice in writing to such property owner. Any owner aggrieved by
 159 such an order may, within twenty-one days, appeal to the superior
 160 court for the judicial district wherein the municipality is located. Such
 161 appeal shall be brought to a return day of said court not less than
 162 twelve or more than thirty days after service thereof. The judgment of
 163 the court shall be final. If any owner fails to comply with an order to
 164 connect, the water pollution control authority shall cause the
 165 connection to be made and shall assess the expense thereof against
 166 such owner."

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>