



House of Representatives

General Assembly

File No. 363

January Session, 2007

Substitute House Bill No. 6402

House of Representatives, April 5, 2007

The Committee on Environment reported through REP. ROY, R. of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT PLACING A MORATORIUM ON CERTAIN ALTERNATIVE ON-SITE SEWAGE TREATMENT SYSTEM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-430 of the general statutes is amended by
2 adding subsections (l) to (n), inclusive, as follows (*Effective from*
3 *passage*):

4 (NEW) (l) Notwithstanding any provision of the general statutes or
5 any regulation adopted under any provision of the general statutes
6 and except as provided in subsection (m) of this section the
7 commissioner, after the effective date of this section and until one year
8 after the effective date of this section, shall not issue a permit for, or
9 accept any application for a permit for an alternative on-site sewage
10 treatment system with a capacity of greater than five thousand gallons
11 per day, nor shall any such system be constructed within such time
12 period, except as provided in subsection (m) of this section.

13 (NEW) (m) Notwithstanding the provisions of subsection (l) of this

14 section, the commissioner may accept application for and, within said
 15 commissioner's discretion, may issue a permit for and allow the
 16 installation of an alternative on-site sewage treatment system with a
 17 capacity of greater than five thousand gallons per day, if: (1) Such
 18 treatment system addresses failures of an existing subsurface sewage
 19 disposal system, provided the proposed treatment system capacity
 20 does not exceed the capacity of the failed system; (2) such treatment
 21 system is necessary to remediate existing pollution associated with an
 22 individual septic system or systems; (3) such treatment system is
 23 necessary to remediate community pollution within a decentralized
 24 wastewater management district established by a municipality
 25 pursuant to section 7-247; (4) such treatment system is necessary for
 26 the expansion of an existing municipal or public school project or for
 27 new construction of a municipal or public school project; or (5) such
 28 system is located on property owned or leased by a nonprofit entity.

29 (NEW) (n) Not later than one year after the effective date of this
 30 section, the Commissioner of Environmental Protection shall
 31 determine, after notice and public hearing, whether alternative on-site
 32 sewage treatment systems with capacities of greater than five
 33 thousand gallons per day perform in accordance with applicable
 34 federal and state standards, in a manner that will not impair the
 35 natural resources of the state.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-430

ENV *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Department of Environmental Protection	EQ - Cost/Revenue Gain	None	None

Note: EQ=Environmental Quality Fund

Municipal Impact: None

Explanation

Imposing a one year statewide moratorium on the permitting or construction of certain alternative on site sewage treatment systems will result in a minimal workload decrease offset by a minimal decrease in revenue. Fewer permit applications will be processed by the Department of Environmental Protection.

The Out Years

None

OLR Bill Analysis**sHB 6402*****AN ACT PLACING A MORATORIUM ON CERTAIN ALTERNATIVE ON-SITE SEWAGE TREATMENT SYSTEM.*****SUMMARY:**

This bill imposes a one-year statewide moratorium on the permitting or construction of alternative on-site sewage treatment systems with a daily capacity greater than 5,000 gallons. But it exempts such systems (1) on property owned or leased by nonprofits, (2) that replace failed septic systems of the same or greater capacity, or (3) needed (a) for school construction or expansion or (b) to remediate certain pollution. It requires the Department of Environmental Protection (DEP) commissioner to determine, by the end of the moratorium, whether the alternative systems perform according to applicable state and federal standards and in a way that does not impair the state's natural resources. Current law bars the commissioner, with certain exceptions, from permitting the installation of alternative systems in drinking water supply watersheds.

EFFECTIVE DATE: Upon passage

ALTERNATIVE ON-SITE SEWAGE TREATMENT SYSTEM PERMIT PROCESS

Current law bars the DEP commissioner from permitting installation of alternative on-site sewage treatment systems in drinking water supply watersheds unless the system is (1) the only feasible solution to an existing pollution problem and the capacity of the alternative system is no greater than that of the system it would replace or (2) to expand an existing municipal or public school project or build a new project on an existing municipal or public school site.

The bill prohibits, for one year following its passage, the

commissioner from permitting, or accepting permit applications for, most such alternative on-site sewage treatment systems with a capacity of more than 5,000 gallons a day. The bill prohibits construction of these systems during the one-year period. (A typical single-family house would generally require a capacity of less than 1,000 gallons a day.) The moratorium on these systems applies statewide, not just in drinking water supply watersheds.

It allows the commissioner to accept a permit application for, and permit and allow the installation of, certain alternative on-site systems during the moratorium, including alternative systems on property owned or leased by nonprofits. It also exempts an alternative system proposed to replace a failed septic system, if the capacity of the alternative on-site system is no greater than that of the system it will replace; and alternative systems needed to remediate (1) pollution associated with an individual septic system or systems and (2) community pollution in a decentralized wastewater management district. The bill also exempts from the moratorium systems needed to build new municipal or public school projects or to expand existing ones.

BACKGROUND

Alternative On-Site Sewage Treatment Disposal Systems

This is a system serving one or more buildings on one property that uses a treatment method other than a septic system and that discharges to state waters.

Decentralized Wastewater Management District

This is an area a municipality designates by ordinance when an engineering report determines that the existing septic systems may be detrimental to public health or the environment and that decentralized systems are required.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 19 Nay 11 (03/19/2007)