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For the Committee on the Environment
Public Hearing, February 23, 2009

TESTIMONY RE

S.B. No. 747 AAC CONSISTENCY IN PERMITTING REQUIREMENTS FOR ALTERNATIVE ON-SITE SEWAGE TREATMENT SYSTEMS

Dear Chairman Meyer, Chairman Roy, and Honorable Members of the Committee:

Rivers Alliance is the statewide, non-profit coalition of river organizations, individuals, and businesses formed to protect and enhance Connecticut's waters by promoting sound water policies, uniting and strengthening the state's many river groups, and educating the public about the importance of water stewardship.

In 2007, the legislature passed PA 07-231 and PA 07-1, which set forth criteria for Department of Public Health (DPH) approval of packaged, stand-alone sewage treatment systems. These are often called ATS for "Advanced" or "Alternate" "Treatment Systems." The impetus for this bill was a strong warning from the state Health Districts that better management of decentralized wastewater treatment was needed to avoid a public health disaster. Authority for ATS under 5,000 gallons per day was transferred from the DEP to DPH, conditional upon DPH writing appropriate regulations.

The language setting forth permitting criteria for ATS was vetted by DPH, DEP, and various other stakeholders, including Rivers Alliance. It represents the most recent thinking on appropriate criteria for approval.

The purpose of this bill is to amend ATS permit language for the DEP in order to make it consistent with the language applying to DPH. There is no significant difference between an ATS that discharges 4,000 gpd and one that discharges 7,000 gpd. The permitting criteria should be the same.

The language to which I am referring is to be found in the 2008 Supplement to the CT General Statutes at Sec. 19a-35a-c, and is shown here below.

"(b) In establishing and defining categories of discharge that constitute alternative on-site sewage treatment systems pursuant to subsection (a) of this section, and in establishing minimum requirements for such systems pursuant to section 19a-36 of the general statutes, said commissioner shall consider all relevant factors,

A tax-exempt
organization under
501 (c) (3) of the
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Code

including, but not limited to: (1) The impact that such systems or discharges may have individually or cumulatively on public health and the environment, (2) the impact that such systems and discharges may have individually or cumulatively on land use patterns, and (3) recommendations regarding responsible growth made to said commissioner by the Secretary of the Office of Policy and Management through the Office of Responsible Growth established by Executive Order No. 15 of Governor M. Jodi Rell.”

Rivers Alliance, The Nature Conservancy, Connecticut Fund for the Environment, and several other groups have received a grant to study the use and performance of packaged on-site sewage treatment plants. At a time that the number of these systems may rapidly double, we feel that the General Assembly was forward looking and prudent in directing DPH to consider cumulative effects and implications for smart growth. As it happens, DPH has not yet written the necessary regulation, so all ATS permitting is being done by DEP.

DPH has held off on its work on the grounds that, in order to start a new program, it needed new staff. Not surprisingly, its request for an appropriation to support a new team has not been granted. But there should be no reason for DEP to put a fiscal note on this bill. The bill applies to a program that is well-established. DEP has recently been upgrading its permit criteria and conditions. This bill assures that the agency will be using the highest current standards.

Many of you are aware of controversy surrounding several high-profile projects relating to ATS. This proposed legislation does not target any particular project. We are in the process of reviewing ATS performance in Connecticut and Massachusetts over some twenty years. There are indeed numerous performance problems, but essentially the technology is neutral. It can be used to meet state goals or to flout them. This bill assumes average or good performance and extends criteria for permitting that have already been approved by you.

We ask you urgently to pass this legislation.

Many thanks for your consideration.

Margaret Miner,
Executive Director

