



SAVING THE LAST GREAT PLACES ON EARTH

**55 High Street
Middletown, Connecticut 06457
860-344-0716 x 317**

Testimony of Sally Harold

Before the Environment Committee – February 23rd, 2009

**IN SUPPORT OF BILL 747 - AAC CONSISTENCY IN PERMITTING
REQUIREMENTS FOR ALTERNATIVE ON-SITE SEWAGE TREATMENT SYSTEMS.**

On behalf of The Nature Conservancy's 28,000 members in Connecticut, I am here today to express our support for Bill 747, which would make DEP's permitting procedures concerning Alternative Wastewater Treatment Systems (ATS) more consistent with those of the Department of Public Health.

The DEP and DPH now share the burden of permitting and approving ATS in the state, depending on the size of a proposed unit. Legislation passed in 2007 established more protective standards for DPH's permit process, which we feel should be applied to DEP's process. The Nature Conservancy supports amended regulations for DEP which will require that permitting for large ATS (with discharges over 5,000 gpd) undergo the same scrutiny that is required of DPH when considering small ATS. As with other environmental concerns we are well aware of the straw that broke the camels back. Cumulative impacts of ATS, whether on land use or public health or the environment must be considered when permitting them.

Last year we included with our testimony a White Paper on ATS that The Nature Conservancy produced in 2007. This White Paper 1) outlined the poor performance record of ATS in Connecticut (particularly the 5 FAST brand systems); and concerns about current DEP permitting standards, oversight and enforcement; and 2) provided recommendations addressing these concerns. In an effort to avoid redundancy, I have not submitted copies of this White Paper again, but have some with me. If you would like a copy later please see me. The White Paper is also available on The Conservancy's website:

http://www.nature.org/wherewework/northamerica/states/connecticut/files/ats_white_paper.pdf.

ATS are engineered systems incorporating commercial technologies to pre-treat effluent to remove oxygen-demanding materials, suspended solids and pathogenic organisms before release to the environment. There are many manufacturers making ATS systems, and engineers may combine components from different manufactures.

State permits for ATS currently require that effluent be treated to drinking water standards of ten parts nitrogen per milliliter. If these systems were less temperamental, daily monitoring reports (DMRs) submitted to the DEP would show consistent compliance with permit requirements and I wouldn't be here today. The problem is that these systems are sensitive to the quality and quantity of the loads they receive and to climatic factors, and their performance is influenced by the health of the microbes they depend on to treat the effluent. DMRs submitted to DEP by ATS operators maintaining

the five FAST systems in CT indicate that 63% of the time the systems are unable to consistently meet their permit requirements. In fact, only one of the 5 FAST systems in CT has received a final operating permit awarded after demonstrating that they can meet permit requirements and since they received their final permit, the system operator has submitted DMRs to DEP indicating non-compliance 34% of the time.

ATS, provided they function according to their design specifications, may help us to protect healthy watersheds, but their poor track record in CT means we are putting watershed health and our own health at risk. Failing systems, just like failing conventional systems pose a significant threat to the quality of groundwater and streams used for drinking water, recreation and wildlife. In light of these concerns and in an effort to protect human health, the General Assembly, in 2002, passed Public Act 02-129 prohibiting ATS in drinking water watersheds.

We would very much like to see the ATS technology progress to the point of consistent reliability. We believe this legislation would be one important step in improving their regulation to ensure that systems are operated and maintained to meet permit requirements.