



General Assembly

January Session, 2009

**Committee Bill No. 747**

LCO No. 5028

\*05028SB00747ENV\*

Referred to Committee on Environment

Introduced by:  
(ENV)

**AN ACT CONCERNING CONSISTENCY IN PERMITTING REQUIREMENTS FOR ALTERNATIVE ON-SITE SEWAGE TREATMENT SYSTEMS, DISCHARGES AND DECENTRALIZED WASTEWATER SYSTEMS.**

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

1 Section 1. Subsection (b) of section 22a-430 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2009*):

4 (b) The commissioner, [at least thirty days] before approving or  
5 denying a permit application for a discharge, shall (1) consider all  
6 relevant factors, including, but not limited to: (A) The impact that such  
7 discharge may have individually or cumulatively on public health and  
8 the environment, (B) the impact that such discharge may have  
9 individually or cumulatively on land use patterns, and (C)  
10 recommendations regarding responsible growth made to the  
11 commissioner by the Secretary of the Office of Policy and Management  
12 through the Office of Responsible Growth established by Executive  
13 Order No. 15 of Governor M. Jodi Rell, and (2) at least thirty days  
14 before such approval or denial, publish once in a newspaper having a

15 substantial circulation in the affected area notice of [(1)] (A) the name  
16 of the applicant; [(2)] (B) the location, volume, frequency and nature of  
17 the discharge; [(3)] (C) the tentative decision on the application; [ ] and  
18 [(4)] (D) additional information the commissioner deems necessary to  
19 comply with the federal Clean Water Act (33 USC 1251 et seq.). There  
20 shall be a comment period following the public notice during which  
21 period interested persons and municipalities may submit written  
22 comments. After the comment period, the commissioner shall make a  
23 final determination either that [(A)] (i) such discharge would not cause  
24 pollution of any of the waters of the state, in which case he shall issue a  
25 permit for such discharge, [or (B)] (ii) after giving due regard to any  
26 proposed system to treat the discharge, that such discharge would  
27 cause pollution of any of the waters of the state, in which case he shall  
28 deny the application and notify the applicant of such denial and the  
29 reasons therefor, [or (C)] (iii) the proposed system to treat such  
30 discharge will protect the waters of the state from pollution, in which  
31 case he shall, except as provided pursuant to subsection (j) of this  
32 section, require the applicant to submit plans and specifications and  
33 such other information as he may require and shall impose such  
34 additional conditions as may be required to protect such water, and if  
35 the commissioner finds that the proposed system to treat the  
36 discharge, as described by the plans and specifications or such other  
37 information as may be required by the commissioner pursuant to  
38 subsection (j) of this section, will protect the waters of the state from  
39 pollution, he shall notify the applicant of his approval and, when such  
40 applicant has installed such system, in full compliance with the  
41 approval thereof, the commissioner shall issue a permit for such  
42 discharge, or [(D)] (iv) the proposed system to treat such discharge, as  
43 described by the plans and specifications, will not protect the waters of  
44 the state, in which case he shall promptly notify the applicant that its  
45 application is denied and the reasons therefor. No permit shall be  
46 issued for an alternative on-site sewage treatment system, as defined in  
47 the Public Health Code, in a drinking water supply watershed unless  
48 the commissioner determines that [(i)] (I) such system is the only

49 feasible solution to an existing pollution problem and that the  
50 proposed system capacity does not exceed the capacity of the failed  
51 on-site system, or [(ii)] (II) such system is for the expansion of an  
52 existing municipal or public school project or for new construction of a  
53 municipal or public school project on an existing municipal or public  
54 school site, in a municipality in which a majority of the land is located  
55 within a drinking water supply watershed. The commissioner shall, by  
56 regulations adopted in accordance with the provisions of chapter 54,  
57 establish procedures, criteria and standards as appropriate for  
58 determining if [(I)] a discharge would cause pollution to the waters of  
59 the state, and [(II)] if a treatment system is adequate to protect the  
60 waters of the state from pollution. Such procedures, criteria and  
61 standards may include schedules of activities, prohibitions of practices,  
62 operating and maintenance procedures, management practices and  
63 other measures to prevent or reduce pollution of the waters of the  
64 state, provided the commissioner in adopting such procedures, criteria  
65 and standards shall consider best management practices. The  
66 regulations shall specify the circumstances under which procedures,  
67 criteria and standards for activities other than treatment will be  
68 required. For the purposes of this section, "best management practices"  
69 means those practices which reduce the discharge of waste into the  
70 waters of the state and which have been determined by the  
71 commissioner to be acceptable based on, but not limited to, technical,  
72 economic and institutional feasibility. Any applicant, or in the case of a  
73 permit issued pursuant to the federal Water Pollution Control Act, any  
74 person or municipality, who is aggrieved by a decision of the  
75 commissioner where an application has not been given a public  
76 hearing shall have the right to a hearing and an appeal therefrom in  
77 the same manner as provided in sections 22a-436 and 22a-437. Any  
78 applicant, or in the case of a permit issued pursuant to the federal  
79 Water Pollution Control Act, any person or municipality, who is  
80 aggrieved by a decision of the commissioner where an application has  
81 been given a public hearing shall have the right to appeal as provided  
82 in section 22a-437. The commissioner may, by regulation, exempt

83 certain categories, types or sizes of discharge from the requirement for  
84 notice prior to approving or denying the application if such category,  
85 type or size of discharge is not likely to cause substantial pollution.  
86 The commissioner may hold a public hearing prior to approving or  
87 denying any application if in his discretion the public interest will be  
88 best served thereby, and he shall hold a hearing upon receipt of a  
89 petition signed by at least twenty-five persons. Notice of such hearing  
90 shall be published at least thirty days before the hearing in a  
91 newspaper having a substantial circulation in the area affected.

92 Sec. 2. Section 7-247 of the general statutes is repealed and the  
93 following is substituted in lieu thereof (*Effective October 1, 2009*):

94 (a) Any municipality by its water pollution control authority may  
95 acquire, construct and operate a sewerage system or systems; may  
96 enter upon and take and hold by purchase, condemnation or otherwise  
97 the whole or any part of any real property or interest therein which it  
98 determines is necessary or desirable for use in connection with any  
99 sewerage system; may establish and revise rules and regulations for  
100 the supervision, management, control, operation and use of a sewerage  
101 system, including rules and regulations prohibiting or regulating the  
102 discharge into a sewerage system of any sewage or any stormwater  
103 runoff which in the opinion of the water pollution control authority  
104 will adversely affect any part or any process of the sewerage system  
105 except that any such rule or regulation regarding decentralized  
106 systems shall be approved by the local director of health before such  
107 rule or regulation may be effective; may enter into and fulfill contracts,  
108 including contracts for a term of years, with any person or any other  
109 municipality or municipalities to provide or obtain sewerage system  
110 service for any sewage, and may make arrangements for the provision  
111 or exchange of staff services and equipment with any person or any  
112 other municipality or municipalities, or for any other lawful services.  
113 The water pollution control authority of any municipality planning to  
114 acquire, construct or operate a new or additional sewerage system  
115 shall consider the feasibility of using the sewage collected by such

116 system as an energy source for the generation of electricity or the  
117 production of other energy sources. The water pollution control  
118 authority may establish rules for the transaction of its business. It shall  
119 keep a record of its proceedings and shall designate an officer or  
120 employee to be the custodian of its books, papers and documents. No  
121 person shall have a right to a hearing or an appeal in the manner  
122 provided in sections 22a-436 and 22a-437 from a decision of a water  
123 pollution control authority to deny a permit or issue an order unless  
124 such water pollution control authority was delegated authority by the  
125 commissioner pursuant to section 22a-430 to make the decision that is  
126 the subject of such hearing or appeal.

127 (b) Following approval of an engineering report by the  
128 Commissioner of Environmental Protection that includes concurrence  
129 with such approval by the Commissioner of Public Health, and in  
130 consultation with the local director of health, a municipality, acting in  
131 conjunction with its water pollution control authority may, by  
132 ordinance, establish geographical areas of decentralized wastewater  
133 management districts within such municipality.

134 (1) Prior to adopting any such ordinance on and after January 1,  
135 2010, the municipality shall consider all relevant factors, including, but  
136 not limited to: (A) The impact that such discharge may have  
137 individually or cumulatively on public health and the environment, (B)  
138 the impact that such discharge may have individually or cumulatively  
139 on land use patterns, and (C) recommendations regarding responsible  
140 growth made to the Commissioner of Public Health by the Secretary of  
141 the Office of Policy and Management through the Office of  
142 Responsible Growth established by Executive Order No. 15 of  
143 Governor M. Jodi Rell.

144 [(1)] (2) Such ordinance may also include, following the approval of  
145 such ordinance by the local director of health pursuant to such  
146 director's authority under section 19a-207: (A) Remediation and  
147 technical standards for the design and construction of subsurface

148 sewage disposal systems that are more stringent than those imposed  
149 by the Public Health Code; (B) authority for the local director of health  
150 to order the upgrade of subsurface sewage disposal systems in  
151 accordance with such remediation and technical standards; (C)  
152 authority for the local director of health to establish criteria for the  
153 abandonment of substandard subsurface sewage disposal systems; (D)  
154 authority for the local director of health to order the property owner of  
155 a substandard subsurface sewage disposal system that does not  
156 comply with such remediation standards, technical standards or other  
157 criteria to abandon such substandard subsurface sewage disposal  
158 system thus allowing the water pollution control authority to order  
159 such owner to connect to a sewerage system pursuant to section 7-257;  
160 (E) standards established by the local director of health for the effective  
161 supervision, management, control, operation and maintenance of  
162 managed subsurface sewage disposal systems within such  
163 decentralized wastewater management districts; or (F) authority for  
164 the water pollution control authority to enact and amend regulations,  
165 following the approval of such regulations by the local director of  
166 health, that govern the supervision, management, control, operation  
167 and maintenance of such decentralized systems.

168 [(2)] (3) Such ordinance shall include remediation standards for the  
169 design, construction and installation of alternative sewage treatment  
170 systems and standards for the effective supervision, management,  
171 control, operation and maintenance of alternative sewage treatment  
172 systems within such decentralized wastewater management districts  
173 that are consistent with any permit, order or recommendation of the  
174 Commissioner of Environmental Protection.

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

179 (d) Nothing in this section shall be construed to limit the authority

180 of a local director of health, the Commissioner of Public Health or the  
181 Commissioner of Environmental Protection.

182 Sec. 3. (NEW) (*Effective October 1, 2009*) Prior to approving any  
183 engineering report submitted on or after January 1, 2010, in accordance  
184 with section 7-247 of the general statutes, the Commissioners of  
185 Environmental Protection and Public Health shall consider all relevant  
186 factors, including, but not limited to: (1) The impact that such  
187 sewerage system may have individually or cumulatively on public  
188 health and the environment, (2) the impact that such sewerage system  
189 may have individually or cumulatively on land use patterns, and (3)  
190 recommendations regarding responsible growth made to the  
191 Commissioner of Public Health by the Secretary of the Office of Policy  
192 and Management through the Office of Responsible Growth  
193 established by Executive Order No. 15 of Governor M. Jodi Rell.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	22a-430(b)
Sec. 2	<i>October 1, 2009</i>	7-247
Sec. 3	<i>October 1, 2009</i>	New section

**Statement of Purpose:**

To provide consistency in the permitting of new discharges, alternative on-site sewage treatment systems, and decentralized wastewater systems.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: SEN. MEYER, 12th Dist.

S.B. 747