



General Assembly

February Session, 2010

Raised Bill No. 5477

LCO No. 2080

02080_____PH_

Referred to Committee on Public Health

Introduced by:
(PH)

**AN ACT CONCERNING THE CLEAN WATER ACT AND STREAM
FLOW REGULATIONS.**

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

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2 repealed and the following is substituted in lieu thereof (*Effective from*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

4 (g) (1) The commissioner shall, by regulation adopted prior to
5 October 1, 1977, establish and define categories of discharges which
6 constitute household and small commercial subsurface disposal
7 systems for which he shall delegate to the Commissioner of Public
8 Health the authority to issue permits or approvals and to hold public
9 hearings in accordance with this section, on and after said date. The
10 Commissioner of Public Health shall, pursuant to section 19a-36,
11 establish minimum requirements for household and small commercial
12 subsurface disposal systems and procedures for the issuance of such
13 permits or approvals by the local director of health or a sanitarian
14 registered pursuant to chapter 395. As used in this subsection, small
15 commercial disposal systems shall include those subsurface disposal
16 systems with a capacity of five thousand gallons per day or less. Any

17 permit denied by the Commissioner of Public Health, or a director of
18 health or registered sanitarian shall be subject to hearing and appeal in
19 the manner provided in section 19a-229. Any permit granted by said
20 Commissioner of Public Health, or a director of health or registered
21 sanitarian on or after October 1, 1977, shall be deemed equivalent to a
22 permit issued under subsection (b) of this section.

23 (2) Notwithstanding the provisions of this section and any
24 regulations adopted thereunder, the Commissioner of Public Health
25 shall not require the periodic inspection or pumping of septic tanks or
26 subsurface sewage disposal systems with a capacity of five thousand
27 gallons per day or less, provided such septic tanks or subsurface
28 sewage disposal systems are owned or operated by persons possessing
29 valid permits to discharge. Nothing in this subdivision shall prevent
30 said commissioner from investigating, inspecting or requiring the
31 pumping of such septic tanks or subsurface sewage disposal systems
32 in order to address a specific public health concern or in response to a
33 complaint about a specific septic tank or subsurface sewage disposal
34 system.

35 Sec. 2. (*Effective from passage*) (a) Not later than January 1, 2011, the
36 Department of Environmental Protection, in consultation with the
37 Department of Public Health, shall complete a study of all basins in the
38 state using the methodology developed by the Institute of Water
39 Resources at The University of Connecticut. The study shall: (1)
40 Review anticipated changes in such basins as a result of flow
41 regulations adopted pursuant to section 26-141a or 26-141b of the
42 general statutes; (2) identify rivers and streams that may incur
43 impaired flows as a result of such flow regulations; and (3) assess the
44 impact of such flow regulations on public water supply systems. Upon
45 completion of the study, the Department of Environmental Protection
46 shall conduct a public hearing for the purposes of considering input
47 from stakeholders in communities that would be affected by changes
48 in such basins and establishing priorities for compliance with such
49 regulations. Such public hearing shall be conducted not later than May

50 1, 2011.

51 (b) Not later than March 1, 2011, the Commissioner of Public Health
52 shall review the study conducted pursuant to subsection (a) of this
53 section to determine if the enforcement of flow regulations adopted
54 pursuant to section 26-141a or 26-141b of the general statutes would
55 jeopardize any public water supply system's ability to meet its public
56 health obligations. If the commissioner determines that a public water
57 supply system's ability to meet its public health obligations would be
58 jeopardized by the enforcement of such regulations, such system's
59 water supplier shall not be required to comply with such flow
60 regulations until the commissioner, in consultation with the
61 Commissioner of Environmental Protection, has developed a plan to
62 preserve the yield level of the public water supply system. Such plan
63 shall consider: (1) The water supplier's plans for conservation
64 programs; (2) the available options and time required to obtain
65 approvals for additional water supply sources or interconnections; and
66 (3) whether a modified release requirement would be appropriate for
67 the water supplier to allow such water supplier to meet the flow
68 regulations adopted pursuant to section 26-141a or 26-141b of the
69 general statutes. Such plan shall be developed not later than
70 September 1, 2011.

71 (c) The Department of Environmental Protection shall, prior to
72 submitting proposed regulations concerning flow of river and stream
73 systems to the standing legislative regulation review committee,
74 submit such proposed regulations to the Department of Public Utility
75 Control. Not later than sixty days after the receipt of such proposed
76 regulations, the Department of Public Utility Control shall initiate a
77 docket to examine the potential impact of such flow regulations on
78 water company ratepayers. Such an examination shall include, but not
79 be limited to, an assessment of: (1) The ability of public service
80 companies to comply with the regulations; (2) appropriate ratemaking
81 mechanisms to recover costs incurred for compliance with such flow
82 regulations; (3) the impact on the initiation or completion of other

83 infrastructure projects; (4) the impact on compliance with state and
84 federal water quality regulations; (5) how ratemaking can be modified
85 to encourage conservation; and (6) mechanisms for funding or
86 assisting in funding compliance with such flow regulations in a
87 manner equitable to all water users in the state. Upon initiation of the
88 docket, the department shall provide public notice for interested
89 parties to submit recommendations on the report contents and criteria,
90 with a deadline for submissions not later than ninety days after
91 initiation of such docket. The department may hold a hearing on the
92 docket but shall issue a decision on the docket not later than one
93 hundred eighty days after the deadline for interested parties to submit
94 their recommendations on the report contents and criteria.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-430(g)
Sec. 2	<i>from passage</i>	New section

Statement of Purpose:

To prohibit the Department of Public Health from requiring septic tanks and subsurface sewage disposal systems to be inspected or pumped at regular intervals, to require the Department of Environmental Protection to conduct a study of basins in the state to assess the impact by proposed stream flow regulations, to require the Commissioner of Public Health to examine the impact of stream flow regulations on public water supplies, and to require the Department of Public Utility Control to initiate a docket to examine the potential impact of stream flow regulations on water company ratepayers.

[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.]