



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing – March 7, 2011
Environment Committee

Testimony Submitted by Acting Commissioner Susan Frechette
Department of Environmental Protection

**Committee Senate Bill No. 204 - AN ACT EXEMPTING THE WHITE MEMORIAL
FOUNDATION FROM CERTAIN DEPARTMENT OF ENVIRONMENTAL
PROTECTION REQUIREMENTS**

Thank you for the opportunity to present testimony regarding Committee Senate Bill No. 204 – AN ACT EXEMPTING THE WHITE MEMORIAL FOUNDATION FROM CERTAIN DEPARTMENT OF ENVIRONMENTAL PROTECTION REQUIREMENTS.

The Department respectfully opposes Committee Senate Bill No. 204 because it is unclear how the provisions of this bill will assure that domestic sewage discharges on properties affected by this bill would be properly managed to protect the environment and public health, safety and welfare and not cause pollution to the waters of the state. Moreover, the proposal appears to reference a prospective general permit for which the public has not yet been given the opportunity to review and comment in accordance with state law. The Department would welcome the opportunity to resolve with the sponsors of this bill any underlying issues or concerns.

Under the current statutory and regulatory framework, the Commissioner is required to examine sewage disposal systems and compel their operation in a manner that conserves and protects natural resources and the environment, and protects public health, safety & welfare (CGS Section 22a-416). A wastewater discharge permit is required from the Department for any discharge to the waters of the state, which includes discharges from subsurface sewage disposal systems. Furthermore, when issuing a discharge permit, the Commissioner must determine that the disposal system to treat the discharge will protect the waters of the state from pollution (CGS Section 22a-430). Under state law, the Commissioner of Public Health has been delegated a portion of this permitting authority pertaining to domestic sewage discharges of $\leq 5,000$ gallons per day to any one lot through one or more subsurface sewage disposal systems (CGS Section 22a-430(g) and RCSA Section 22a-430-1). The Commissioner of Public Health issues permits for such systems that meet technical standards under the Connecticut Public Health Code.

Pollutants in domestic sewage include pathogenic bacteria, protozoa and viruses, natural and synthetic organic chemicals, inorganic chemicals and nutrients (e.g. nitrogen and phosphorus). Properly designed, installed and operated subsurface sewage disposal systems are necessary for adequate treatment of these pollutants to protect both public health and the environment.

It is estimated there are hundreds of properties within the Department's jurisdiction which currently have unpermitted discharges from sewage disposal systems. Many of these discharges pose risks to public health and the environment resulting from the failure or malfunctioning of the sewage disposal systems. Administrative orders and individual permits and authorizations are currently the primary regulatory mechanisms the Department relies upon to address these public health and environmental risks. These regulatory mechanisms are not well-suited to efficiently address these emergent public health and environmental risks in a timely manner.

For these reasons, the Department is developing a general permit in coordination with the Department of Public Health and local health districts to serve as a more efficient and streamlined regulatory mechanism that would expedite the repair or replacement of failing or malfunctioning sewage disposal systems on properties within the Department's jurisdiction. The general permit would incorporate technical requirements for smaller sewage disposal systems, like those that serve the White Memorial Foundation, that are compatible with the requirements set forth in the Connecticut Public Health Code. The general permit would also include remedial options for managing domestic sewage when a failing or malfunctioning sewage disposal system cannot be repaired or replaced, including connection to a municipal sanitary sewerage system or the use of a holding tank to collect the sewage for transport and disposal to a publicly owned sewage treatment plant.

The Department is still working on drafting the general permit prior to formal proposal and welcomes input from the White Memorial Foundation and the proposed bill sponsors in developing a general permit that efficiently protects public health and the environment while meeting the needs of potential permittees.

Thank you for the opportunity to present the Department's views on this proposal. If you should require any additional information, please contact the Department's legislative liaison, Robert LaFrance, at (860) 424-3401 or Robert.LaFrance@CT.gov.