



House of Representatives

General Assembly

File No. 17

February Session, 2014

House Bill No. 5082

House of Representatives, March 18, 2014

The Committee on Environment reported through REP. GENTILE of the 104th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING WASTEWATER TREATMENT PLANT DESIGN FLOW.

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

- 1 Section 1. (NEW) (*Effective from passage*) Notwithstanding any
2 provision of the general statutes, in determining whether a wastewater
3 treatment plant has reached ninety per cent or more of its design flow,
4 the Department of Energy and Environmental Protection shall make
5 such determination based upon a three-hundred-sixty-five day rolling
6 average.

This act shall take effect as follows and shall amend the following sections:

| | | |
|-----------|---------------------|-------------|
| Section 1 | <i>from passage</i> | New section |
|-----------|---------------------|-------------|

ENV Joint Favorable

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact:

| Municipalities | Effect | FY 15 \$ | FY 16 \$ |
|------------------------|--------------------------|-----------|-----------|
| Various Municipalities | Potential Cost Avoidance | See Below | See Below |

Explanation

The bill delays the time for facility reevaluation of its design flow, from its current 180-day average to a 365-day rolling average. This could delay costs to municipalities of approximately \$250,000 to \$500,000¹ for the development of a new facility design plan.

Municipalities could also delay significant capital expenditures for facility improvements as the bill delays redeterminations from six months to one year, if a treatment plant is found to exceed the cap of 90% of its capacity.

It is estimated that currently one in 86 municipal treatment plants reach the current trigger point of 90% of its capacity. The likelihood of these plants reaching 90% of their capacity under the bill's longer time frame, and thereby potentially incurring significant costs, is anticipated to decrease as the time frame for their flow evaluation increases.

The Out Years

¹ Costs for facility design plans are eligible for a 55% grant from the Clean Water Fund.

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of treatment plants that reach 90% of capacity.

OLR Bill Analysis**HB 5082*****AN ACT CONCERNING WASTEWATER TREATMENT PLANT DESIGN FLOW.*****SUMMARY:**

By law, wastewater treatment plants must have a discharge permit from the Department of Energy and Environmental Protection (DEEP) in order to operate. In practice, these permits contain a design flow rate, which DEEP regulations define as the flow rate on which the design of a particular treatment plant is based.

This bill requires DEEP to use a 365-day rolling average when determining whether a wastewater treatment plant has reached at least 90% of its design flow. Current law does not specify how DEEP must calculate the plant's flow, but in practice, the department generally requires plants, as a condition of their discharge permits, to calculate it based on an average for the previous 180 days.

Similarly, the law does not set consequences for reaching the 90% threshold. However, as a condition of the discharge permit, if a wastewater treatment plant reaches the 90% threshold, the permittee must generally develop, and submit to DEEP for review and approval, a plan to address future flow increases. The plan must include a schedule for making recommended improvements and a plan to finance them.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 28 Nay 0 (02/28/2014)