



House of Representatives

File No. 647

General Assembly

February Session, 2018

(Reprint of File No. 3)

Substitute House Bill No. 5130
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
April 26, 2018

**AN ACT CONCERNING THE SEWAGE SPILL RIGHT-TO-KNOW ACT
AND EXPANDING CONTINUING EDUCATION PROGRAMS FOR
WASTEWATER OPERATORS.**

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

1 Section 1. Subsection (d) of section 22a-416 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2018*):

4 (d) As used in this section the terms "class I", "class II", "class III" and
5 "class IV" mean the classifications of wastewater treatment plants
6 provided for in regulations adopted by the Department of Energy and
7 Environmental Protection. The Commissioner of Energy and
8 Environmental Protection may establish requirements for the presence
9 of approved operators at pollution abatement facilities. Applicants for
10 class I and class II certificates shall only be required to pass the
11 relevant standardized national examination prepared by the
12 Association of Boards of Certification for Wastewater Treatment
13 Facility Operators. Applicants for class III and class IV certificates shall
14 only be required to pass the relevant standardized national
15 examination prepared by the Association of Boards of Certification for

16 Wastewater Treatment Facility Operators supplemented with
17 additional questions submitted by the commissioner to such board.
18 Operators with certificates issued by the commissioner prior to May
19 16, 1995, shall not be required to be reexamined. The commissioner
20 shall administer and proctor the examination of all applicants. The
21 qualifications of the operators at such facilities shall be subject to the
22 approval of the commissioner. The commissioner may adopt
23 regulations, in accordance with the provisions of chapter 54, requiring
24 all operators at pollution abatement facilities to satisfactorily complete,
25 on a regular basis, a state-certified training course, which may include
26 training on the type of municipal pollution abatement facility at which
27 the operator is employed and training concerning regulations
28 promulgated during the preceding year. Any applicant for certification
29 who passed either the examination prepared and administered on
30 December 8, 1994, by the commissioner or the examination prepared
31 by the Association of Boards of Certification for Wastewater Treatment
32 Facility Operators and administered on December 8, 1994, by the
33 commissioner shall be issued the appropriate certificate in accordance
34 with the regulations adopted under this section. On and after October
35 1, 2018, each certified operator shall obtain not less than six hours of
36 continuing education each year. A record of such continuing education
37 shall be maintained by the certified operator and by the facility
38 employing the operator and shall be made available for inspection
39 upon request by the commissioner.

40 Sec. 2. Section 22a-424a of the general statutes is repealed and the
41 following is substituted in lieu thereof (*Effective from passage*):

42 (a) For the purposes of this section:

43 (1) "Sewage treatment plant or collection system" means any sewage
44 treatment plant, water pollution control facility, related pumping
45 station, collection system or other public sewage works;

46 (2) "Sewage spill" means the diversion of wastes from any portion of
47 a sewage treatment plant or collection system in this state that

48 reasonably initiates public health, safety or welfare concerns, or
49 environmental concerns; [and]

50 (3) "Combined sewer" means structures which are designed to
51 convey both sanitary and storm sewage, and allow the overflow of
52 such combined sewage, untreated, to the waters of the state during
53 periods of high flows; and

54 (4) "Electronic report" means a reporting form that uses an electronic
55 format as prescribed by the Commissioner of Energy and
56 Environmental Protection.

57 (b) On and after July 1, 2013, the Commissioner of Energy and
58 Environmental Protection shall post, on the department's Internet web
59 site, a map of the state indicating the combined sewer overflows
60 anticipated to occur during certain storm events. The web site may
61 include the following relevant information about the overflows: (1)
62 Location, anticipated duration and extent; (2) reasonable public health,
63 safety or environmental concerns; and (3) public safety precautions
64 that should be taken.

65 (c) (1) On and after July 1, 2014, the Commissioner of Energy and
66 Environmental Protection shall post, on the department's Internet web
67 site, notice of unanticipated sewage spills and waters of the state that
68 have chronic and persistent sewage contamination that represents a
69 threat to public health, as determined by the Commissioner of Energy
70 and Environmental Protection in consultation with the Commissioner
71 of Public Health. Any notice posted pursuant to this subsection may
72 contain the following relevant information as best determined from the
73 reported sewage spill incident: [(1)] (A) The estimated volume of
74 discharge; [(2)] (B) the level of treatment of the discharge; [(3)] (C) the
75 date and time the incident occurred; [(4)] (D) the location of the
76 discharge; [(5)] (E) the estimated or actual time the discharge ceased;
77 [(6)] (F) the geographic area impacted by the discharge; [(7)] (G) the
78 steps taken to contain the discharge; [(8)] (H) reasonable public health,
79 safety or welfare concerns or environmental concerns; and [(9)] (I)

80 public safety precautions that should be taken.

81 (2) On and after July 1, 2018, not later than two hours after
82 becoming aware of any sewage spill, the operator of a sewage
83 treatment plant or collection system shall submit an electronic report
84 to the Department of Energy and Environmental Protection.

85 (3) On and after July 1, 2018, not later than two hours after
86 becoming aware of any sewage spill that exceeds five thousand gallons
87 or that is anticipated to exceed five thousand gallons, the operator of a
88 sewage treatment plant or collection system shall notify the chief
89 elected official of the municipality where the sewage spill occurred. As
90 soon as practicable after receiving any such notification, such
91 municipality shall inform the public and downstream public officials,
92 as appropriate.

93 (d) The Commissioner of Energy and Environmental Protection
94 shall consult with the Commissioner of Public Health, operators of
95 sewage treatment plant or collection systems and state and local
96 environmental and health agencies when developing the notice
97 required by subdivision (1) of subsection (c) of this section.

98 (e) Any report to the Department of Energy and Environmental
99 Protection that is required pursuant to section 22a-430-3 of the
100 regulations of Connecticut state agencies shall be submitted as an
101 electronic report.

102 (f) The failure to file an electronic report pursuant to any provision
103 of this section shall be deemed a violation of the provisions of this
104 section for purposes of section 22a-438.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018</i>	22a-416(d)
Sec. 2	<i>from passage</i>	22a-424a

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 19 \$	FY 20 \$
Various Municipalities	Potential Cost	Up to 3,000	Up to 3,000

The bill as amended may result in costs to various municipalities, for wastewater treatment plant operators to obtain continuing education credits. It is anticipated that larger cities have up to six wastewater treatment plant operators and that continuing education credit requirements may cost up to \$500 per employee.

To the extent costs for continuing education are paid for by the local water pollution control authorities (WPCA), there may be costs to various municipalities, estimated at up to \$3,000 annually.

The Out Years

The annualized ongoing fiscal impact described above would continue into the future subject to the number of employees in each municipal WPCA.

House "A" replaced the underlying bill with the provision and fiscal impact described above.

OLR Bill Analysis**sHB 5130 (as amended by House "A")******AN ACT CONCERNING THE SEWAGE SPILL RIGHT-TO-KNOW ACT AND EXPANDING CONTINUING EDUCATION PROGRAMS FOR WASTEWATER OPERATORS.*****SUMMARY**

This bill (1) adds to the reporting requirements applicable to sewage treatment plants or collection systems and establishes civil or criminal penalties, as applicable, for failing to electronically report as the bill requires; (2) establishes continuing education requirements for certified wastewater treatment facility operators; and (3) makes several technical changes.

Beginning July 1, 2018, the bill requires sewage treatment plant or collection system operators, within two hours after becoming aware of a sewage spill, to submit an electronic report about it to the Department of Energy and Environmental Protection (DEEP). And if a spill exceeds 5,000 gallons, or is anticipated to do so, the operator must notify the chief elected municipal official where the spill occurred. The municipality must then, as soon as practicable, notify the public and downstream public officials, as appropriate, of the spill.

The bill also requires any report required under the state's regulations on general conditions for water discharge permits to be submitted as an electronic report.

Lastly, the bill requires certified wastewater treatment facility operators to annually obtain at least six hours of continuing education. The operators and the facilities at which they work must keep a record of the continuing education and make it available if the DEEP commissioner requests it. Existing law and regulations require operators to pass an examination and meet certain education

requirements as part of their certification (CGS § 22a-416; Conn. Agencies Regs. § 22a-416-4).

*House Amendment "A" replaces the original bill (File 3), which instead (1) added to DEEP's notice responsibilities after a reported spill incident and (2) required DEEP to establish and administer a certification renewal process and continuing education program for wastewater facility operators.

EFFECTIVE DATE: Upon passage for the sewage spill notice provisions and October 1, 2018 for the wastewater operator requirements.

ELECTRONIC REPORTING

Sewage Spill

The bill's sewage spill notice requirements apply to any sewage treatment plant, water pollution control facility, related pumping station, collection system, or other public sewage works. A "sewage spill" is waste diverted from any part of a sewage treatment plant or collection system that results in reasonable public health or safety or environmental concerns.

Existing regulations on reporting bypass events (i.e., diversion of waste from a wastewater collection or treatment facility) already require facilities to report the events to DEEP within two hours of becoming aware of them and provide a written report, within five days after they occur, on the cause, duration, and corrective actions (Conn. Agencies Regs. § 22a-430-3).

Other Reports

Under the bill, each report that must be submitted to DEEP under the existing regulations on water discharge permits must be submitted electronically. Some of the reports required by the regulations include monitoring reports, permit-mandated reports, and reports on discharges that exceed certain thresholds (Conn. Agencies Regs. § 22a-430-3).

Penalties

Under the bill, electronic reports must be made on a reporting form as the DEEP commissioner prescribes. Failing to file an electronic report as the bill requires is a violation and subject to civil or criminal penalties, as applicable.

Civil. Under the bill, failing to file an electronic report related to wastewater discharge, including sewage spills, is punishable by a civil penalty of up to \$25,000 for each violation. The court determines the amount, but each violation is a separate offense. For continuing violations, each day a violation continues is considered a separate offense (CGS § 22a-438(a)).

Criminal. The bill subjects anyone who, with criminal negligence, fails to file an electronic report related to wastewater discharge, including sewage spills, to a fine up of to \$25,000 per day of violation, up to one year in prison, or both. A subsequent violation is punishable by a fine of up to \$50,000 per day of violation, up to two years in prison, or both (CGS § 22a-438(b)).

Anyone who knowingly fails to file a required report is punishable by a fine of up to \$50,000 per day of violation, up to three years in prison, or both. A subsequent conviction for a violation is a class C felony, punishable by a fine of up to \$100,000, up to 10 years in prison, or both (CGS § 22a-438(c)).

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute
Yea 30 Nay 0 (02/28/2018)