



PA 18-97—sHB 5130
Environment Committee

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

SUMMARY: This act (1) adds to the reporting requirements that apply to sewage treatment plants or collection systems and establishes civil and criminal penalties for failing to electronically report in accordance with the act, (2) requires any report required under the state’s regulations on general conditions for water discharge permits to be submitted electronically, and (3) establishes continuing education requirements for certified wastewater treatment facility operators.

Beginning July 1, 2018, sewage treatment plant or collection system operators must, within two hours after becoming aware of a sewage spill, 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, notify certain municipal officials.

Beginning October 1, 2018, the act requires certified wastewater treatment facility operators to annually obtain at least six hours of continuing education. The operators and their work facilities 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.

Lastly, the act makes several technical changes.
EFFECTIVE DATE: Upon passage for the sewage spill notice provisions and October 1, 2018 for the wastewater facility operator requirements.

ELECTRONIC REPORTING

Sewage Spill

The act’s sewage spill notice requirements apply to sewage treatment plants, water pollution control facilities, related pumping stations, collection systems, or other public sewage works. A “sewage spill” is waste diverted from a sewage treatment plant or collection system, such as during a bypass event, that results in reasonable public health, safety, or environmental concerns.

Under the act, in addition to the notice to DEEP, if a spill exceeds 5,000 gallons or is anticipated to do so, an operator also must notify the chief elected official in the municipality where the spill occurred within two hours of becoming aware of the spill. The municipality must then, as soon as practicable, notify the public and downstream public officials, as appropriate.

OLR PUBLIC ACT SUMMARY

Existing regulations on reporting bypass events 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 act, 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.

Penalties

The act requires that electronic reports be made on a form the DEEP commissioner prescribes. Failing to do so is a violation and subject to civil or criminal penalties, as applicable.

Civil. Under the act, 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 a separate offense.

Criminal. The act subjects anyone who, with criminal negligence, fails to file an electronic report related to wastewater discharge, including sewage spills, to a fine of up 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.

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.