



**HOME BUILDERS & REMODELERS ASSOCIATION  
OF CONNECTICUT, INC.**

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*Your Home  
Is Our  
Business*

**Planning & Development Committee  
Public Hearing  
Testimony  
03/15/2019**

To: Chairman Cassano, Chairwoman McCarth-Vahey, Ranking Members Zawistowski, Champagne and distinguished Members of the Planning & Development Committee

From: Jim Perras, CEO

Re: **Raised Senate Bill 1013: An Act Concerning Sewage Disposal Systems and Alternative Sewage Treatment Systems**

The Home Builders and Remodelers Association of Connecticut (HBRA-CT) is a professional trade association with over eight hundred business members statewide, employing tens of thousands of Connecticut residents. Our association of small businesses is comprised of residential and commercial builders, land developers, remodelers, general contractors, subcontractors, suppliers and those businesses and professionals that provide services to our diverse industry. We build between 70% to 80% of all new homes and apartments in Connecticut each year and engage in countless home remodeling projects.

Thank you, for the opportunity to provide testimony in strong **support of SB 1013**. If enacted, this bill would increase, from a maximum capacity of seven thousand five hundred gallons per day to a maximum capacity of ten thousand gallons per day, the size of certain subsurface sewage disposal systems and alternative on-site sewage treatment systems over which the Department of Public Health has jurisdiction. Secondly, the bill would no longer constrain by available appropriations the duty of the Commissioner of Public Health to regulate certain aspects of alternative on-site sewage treatment systems.

**There are three broad types of wastewater systems.** First is public sewer or centralized systems (i.e., buildings are connected to a public sewer system and the wastewater is treated at a sewer plant). See definitions in CGS, sec. 7-245. The second broad type is a “subsurface sewage disposal system” – these are traditional septic systems, using a tank and leaching field. The third type is an alternative or advanced treatment (AT) system. These AT systems are generally newer technologies that can handle wastewater flow of various design flows, including from groups of buildings that are not on the public system.

Regulatory authority of traditional wastewater management in Connecticut is current bifurcated between DPH and DEEP based on the capacity of the system (gallons per day, or gpd) to be used to process the wastewater from a building or group of buildings. Additionally, for residential buildings (homes, apartments, condos), the determination of total gpd is based on the Public Health Code’s standard of 150 gpd/bedroom for the first 3 bedrooms in a dwelling unit. For units with 4 bedrooms or more, the standard for additional bedrooms is 75 gpd. Thus, a 2-bedroom apartment is assumed to produce 300 gpd, a 4-bedroom home is assumed to produce 525 gpd, while a 5-bedroom home is assumed to produce 600 gpd, and so on. Higher gpd means larger (and more expensive) systems are required to handle wastewater flows.

CGS sec. 22a-430(g) requires DPH to regulate subsurface sewage disposal systems (i.e., a traditional septic system) with a threshold of 7,500 gpd or less. If enacted, **SB 1013 would expand DPH's regulatory authority to include systems with capacities of 10,000 gpd or less**. Because of the Public Health Code's standard of 150 gpd at a 7,500 gpd threshold DPH currently regulates residential developments of up to 50 bedrooms (7,500/150=50). A 10,000 gpd threshold would expand DPH's regulatory authority to include 66 bedrooms (10,000/150=66.6).

Since 2007, CGS sec. 22a-430(g) has required DPH to promulgate regulations on AT systems with capacities of 5,000 or less and then to regulate said systems. Funding that accompanied the original bill was stripped. The following session the deadline date to promulgate these regulations was repealed. To date, these regulations have not been produced and as a result these systems remain under DEEP's regulatory authority. If enacted **SB 1013 would compel DPH to promulgate these regulations and would expand DPH's authority to include AT systems with capacities of 10,000 gpd or less**.

As previously mentioned, traditional septic systems with capacities greater than 7,500 gpd and all alternative treatment septic systems regardless of capacity are currently regulated by the DEEP. DEEP's processes are convoluted. Anecdotally, we've heard nightmare scenarios where AT system approvals have taken up to two years. There is no regulatory certainty nor is there predictability. Many developers will design their projects in order to avoid entering into the abyss that is DEEP regulatory authority. Because of the current regulatory regime many projects that would fall under DEEP never see the light of day simply because of the expectation or fear that the DEEP would have regulatory authority. In contrast, DPH regulates in strict yet fair and transparent processes. DPH has processes and protocols in place that allow for efficient and thorough review of technical codes and standards by regulators with input from industry experts. Most importantly, approvals are rendered in a timely and predictable manner.

We encourage the DPH to look at surrounding states for guidance with regard to regulation and approval processes for AT systems. AT systems are used where traditional systems or sewers are not financially or technically feasible. Better and more efficient regulation of AT systems could encourage more affordable development projects in our rural communities that find it challenging to meet their fair housing obligations. Connecticut is one of the most racially and economically segregated states in the country. Better regulation of AT systems could, in part, help to reverse this negative trend.

In addition to these important steps taken in SB 1013, we ask the Committee to consider amending the bill to also direct DPH to conduct a timely review the following proposals with the goal of encouraging more multifamily and affordable housing development:

1. Reduce further the 150 gpd/per bedroom standard in the Public Health Code. A small reduction was made in the 1/1/18 but we believe further reductions can be made to be more in line with other states without sacrificing our environment or public health. Currently RI uses 115 gpd/ per bedroom; MA uses 110 gpd for all bedrooms in senior housing. So, if CT used RI's 115 gallons per bedroom standard and DPH regulated systems with a capacity up to 10,000, DPH would regulate residential communities containing 86.9 bedrooms or less. This would significantly reduce the capacity of the system needed for the same system, reducing its price dramatically positively impacting a unit's affordability.
2. Eliminate or significantly reduce the reserve area requirement. A reserve area is an additional area of land that must be kept undeveloped to be used as a leach field if the original one fails. However, very rarely is it ever needed as it is customary to make repairs or replace the existing system at the original site. A reduction or elimination of the existing site would allow for more developable land, greater density and better affordability.
3. Eliminate unnecessary septic system setback requirements from property lines. This would allow for greater flexibility and better use of land.
4. Allow the developer the option to utilize licensed engineers to self-certify the design and installation of traditional septic systems as is already done at DEEP with regard to stormwater control plans and hazardous waste issues

Thank you, once again for the opportunity to submit testimony in **support of SB 1013**.