
OLR Bill Analysis

sSB 927

AN ACT CONCERNING REVISIONS TO THE SEWAGE SPILL RIGHT-TO-KNOW STATUTE.

SUMMARY

This bill expands the (1) reporting requirements for sewage treatment plants or collection systems, the Department of Energy and Environmental Protection (DEEP), and local authorities when there is a sewage spill; (2) types of spills and discharges that are subject to reporting; and (3) list of local authorities who must receive spill information. The existing penalties for failing to properly report these spills apply to the bill's expanded reporting requirements (see BACKGROUND).

The bill requires DEEP, by December 1, 2021, to implement a real-time public notification system that allows the public to choose to be notified of sewage spills or permitted sewage bypasses as they are electronically reported to DEEP. The real-time notifications must occur within two hours after DEEP receives a report about a spill or bypass.

The bill also requires DEEP, by February 1, 2022, to begin annually publishing and making publicly available on its website certain summary information about sewage spills in the state.

Lastly, the bill makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2021

SEWAGE SPILL REPORTING

Types of Spills

Under the bill, a sewage spill is a diversion of waste from any part of a sewage treatment plant or collection system in the state. The bill eliminates from the definition that it also must reasonably initiate concern about the environment or public health, safety, or welfare to

be considered a sewage spill.

By law, a “sewage treatment plant or collection system” includes a sewage treatment plant, water pollution control facility, related pumping station, collection system, or other public sewage works.

OPERATOR REPORTING REQUIREMENTS

Notice to DEEP

By law, sewage treatment plant or collection system operators must, within two hours of learning of a sewage spill, electronically report to DEEP. The bill requires (1) the report also for permitted sewage bypasses and (2) that these reports include the following information:

1. estimated discharge volume or rate and, once known, the final discharge volume;
2. discharge treatment level;
3. incident date, time, and location;
4. estimated or actual time the discharge ended, if known;
5. geographic area impacted by the discharge;
6. steps taken to contain the discharge, once known;
7. reasonable concerns about the environment or public health, safety, or welfare; and
8. public safety precautions that should be taken.

The bill also requires the report to be updated daily for each additional day that the spill or bypass continues after the initial report’s submission.

Notice to Local Officials

The bill expands the (1) circumstances under which local officials must be notified of a spill and (2) list of officials who must receive notice.

Current law requires a plant or system operator to notify the chief elected official of the municipality where the spill occurred. Notice must be given within two hours of learning of a spill that exceeds or is anticipated to exceed 5,000 gallons. Under the bill, the notice must occur for any spill (regardless of volume) or permitted sewage bypass that reaches a water body or may come in contact with the general public. The bill requires the notice to be sent to the chief elected official, or his or her designee, and the local public health official of the municipality where the spill or bypass occurred. It must also be sent to the chief elected official, or his or her designee, and the local public health official of any municipality that may be potentially impacted downstream of the spill or bypass.

LOCAL OFFICIAL REPORTING REQUIREMENTS

Current law limits local official reporting to informing the public and downstream public officials as soon as practicable after receiving a spill notice and as appropriate.

Under the bill, notice must be given as soon as practicable but no later than two hours after receiving the operator's notice. The chief elected official, with the local public health official, must inform the public of a spill or bypass that could impact the environment or public health or safety. The bill makes notifying downstream officials the responsibility of the plant or system operator (see above), rather than the local officials.

The bill allows information provided to the public to be disseminated by social media but requires that it be made in each predominant language spoken by the municipality's residents.

DEEP WEBSITE REPORTING REQUIREMENTS

Sewage Spill Map Website

Current law requires DEEP to have on its website a map showing the combined sewer overflows expected to occur during certain storm events, along with certain information about the overflows. The bill expands the information that must be on the map by instead requiring it to include where sewage spills, anticipated combined sewer

overflows, and permitted sewage bypasses occur. It also requires DEEP to (1) post on this website all of the information that it posts online when it receives notice of a sewage spill from a plant or system operator (see “Operator Reporting Requirements,” above) and (2) keep the website current.

Sewage Spill Notice

The bill requires DEEP, within two hours after receiving a report about a sewage spill or permitted sewage bypass, to post certain information about the event on its website. Current law limits the posting of spill information to a notice of unanticipated sewage spills and has no timeframe for posting the information. The bill eliminates requirements for DEEP to (1) post information about waters with chronic and persistent sewage contamination that threatens public health and (2) consult with the public health commissioner, plant or system operators, and environmental and health agencies when developing the notice.

Under the bill, the information that DEEP must post about sewage spills and permitted sewage bypasses is the same information reported by the sewage treatment plant or collection system operator who filed the report (see “Operator Reporting Requirements,” above).

Annual Summary Documents

Under the bill, DEEP must annually publish and make publicly available on its website the following information and documents:

1. report with a summary of the sewage spills that occurred in each municipality during the year,
2. summaries of (a) sewage spills that reached named or identified waters and (b) the total amount of each sewage spill category, and
3. enforcement actions taken by DEEP related to the spills.

BACKGROUND

Existing Penalties

By law, failing to file an electronic report under the sewage spill notification law is a violation and subject to civil or criminal penalties.

A civil penalty may be up to \$25,000 per violation, which is set by the court, and each violation is a separate offense. Anyone who, with criminal negligence, fails to file the report is subject to a fine of up to \$25,000 per day of violation, up to one year in prison, or both. A subsequent criminally negligent violation is punishable by a fine of up to \$50,000 per day of violation, up to two years in prison, or both. Knowingly failing to file the 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 knowing 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(a)-(c)).

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 32 Nay 0 (03/12/2021)