

Public Hearing – March 3, 2021
Environment Committee

Testimony Submitted by Commissioner Katie S. Dykes

Senate Bill No. 927 – An Act Concerning Revisions to the Sewage Spill Right-To-Know Statute

Thank you for the opportunity to present testimony regarding Senate Bill No. 927 – An Act Concerning Revisions to the Sewage Spill Right-To-Know Statute. The purpose of this bill is to amend the statute that provides notification to the public of sewage spills that may pose a threat to public health or the environment.

The Department of Energy and Environmental Protection (DEEP) supports providing notification of sewage spills, including timely notification by a municipality to its residents and to municipalities downstream of unanticipated sewage spills that may pose a threat to public health and/or the environment. DEEP staff has been meeting regularly with stakeholders and constituents, including, but not limited to, Save the Sound and Rivers Alliance, to discuss areas of enhancement to notification, and as a result, has some specific recommendations for changes to the bill.

First, the bill proposes to change the definition of “sewage spill” to include, among other discharges, combined sewer overflow (CSOs). CSOs, however, are different from typical sewage spills or bypasses, as they are designed to occur when a rain event of a certain level happens so as not to cause backups into streets or homes. DEEP believes that information on discharges through CSOs should be reported and made available to the public but should also be treated slightly differently under the bill, as these discharges are included in municipal permits and anticipated to occur with rain events. DEEP recommends removing CSOs from the definition of “sewage spills” but including them in the requirements of new subsection (d)(4) under the public notification requirements.

Second, the bill proposes that an operator must provide notice to local officials (lines 67-70), within two hours after becoming aware that a spill “may present a threat to public health or the environment, considering the potential for human exposure or exposure of aquatic life, respectively, and any other relevant factors.” From DEEP’s perspective this standard requires an exercise of judgment that may result in under-reporting of sewage spills by operators not trained to make such a complex judgement call in the midst of a potential emergency situation. DEEP recommends a simplified approach that would require notification to chief elected officials, local health directors, and the public of any spill that reaches a water body or may come into contact with the general public.

Third, DEEP is concerned that new subsection(c)(4) of the bill (lines 83-93), will require additional resources and time to properly implement. DEEP is currently engaged in implementing a new electronic system that will provide real-time notifications of sewage spills to improve timeliness

and will better fit the needs of the public, environmental advocates, and DEEP. DEEP has evaluated surrounding states' systems, such as New York's, to determine which components are effective and to develop a system that is feasible based on DEEP resources. DEEP intends to work with the contractor to ensure that public notification sign up is available to any person. Assuming DEEP does not encounter unforeseen difficulties, our goal is to have a new system in place by the end of 2021.

DEEP looks forward to working with the Committee and interested stakeholders to update this important statute in a manner that aligns with on-going efforts to enhance the current notification system and in a way that will establish an improved, user-friendly, public interface.

Thank you for the opportunity to present testimony on this proposal. Should you have any questions, please do not hesitate to contact James Albis at James.Albis@ct.gov.