

ENVIRONMENT COMMITTEE
March 3, 2021

SB 927 - AAC REVISIONS TO THE SEWAGE SPILL RIGHT-TO-KNOW STATUTE

Testimony Submitted By:

The Metropolitan District
Hartford, Connecticut

Senator Cohen, Representative Borer, Senator Miner, Representative Harding and distinguished members of the Environment Committee, this testimony is submitted by and on behalf of The Metropolitan District (the “MDC”), a specially chartered municipal corporation which includes the municipalities of Bloomfield, East Hartford, Hartford, Newington, Rocky Hill, West Hartford, Wethersfield and Windsor, is the provider of potable water services to over 400,000 people located within the eight member towns and parts of East Granby, Farmington, Glastonbury, Portland, South Windsor and Windsor Locks. In addition, the MDC provides wastewater treatment services to the customers located and residing within its eight member towns with four water pollution control facilities located throughout the MDC region.

The MDC submits this testimony to the Committee in order to respectfully express its concerns with the provisions of SB 927, entitled “An Act Concerning Revisions to the Sewage Spill Right-to-Know Statute.” In 2018, Public Act 18-97 was adopted by the General Assembly pursuant to which significant changes were made to the reporting requirements that apply to sewage treatment plants or collections systems, and it established both civil and criminal penalties for failing to comply with the new reporting provisions. In 2018, these changes were made to provide the public with real time information regarding these types of events, and it transferred a fair amount of responsibility from the Department of Energy and Environmental Protection (“DEEP”) to the operators of the respective sewage treatment plants and collections systems.

The system that was refined by means of P.A. 18-97 is a system that plant operators have adapted to, and internal systems have been modified to ensure compliance with the provisions of P.A. 18-97. The MDC submits that the revisions proposed by the bill before the committee, although not intended, may cause more harm than good. For example, provisions of SB 927 delete from the definition of “spill” a quantitative factor of 5,000 gallons that has allowed operators to determine whether a “spill” has in fact occurred and whether further action is necessary. Under Section (c)(3) of SB 927, an operator now must make a determination that the spill may present a threat to the public health or to the environment. In addition, the operator also must make a decision and notify any municipality that may be potentially impacted by the spill. How can this burden reasonably be placed on an operator, especially when there is a potential for civil and criminal penalties for failure to comply with the reporting requirements?

SB 927 also requires the operator to report actual volume discharge no later than 2 hours following the commencement of the event. This is not practical. In addition, under SB 927, the

operator will be required to file daily reports for events that last more than a single day. It is important to note that the operator will be focused on addressing the spill and bringing it to a conclusion. A requirement that reports be filed daily is not practical, especially considering the penalties that may be imposed in the event of any failure to comply.

Furthermore, the provisions of SB 927 mandate that DEEP develop a new and advanced electronic reporting system that will benefit the public. Despite the MDC's best efforts to work with DEEP to improve its system, the repeated response from DEEP was that, although the suggestions had merit, the agency lacked the necessary financial resources to implement any of the suggested changes. If the General Assembly mandates these changes, it also must provide the necessary resources to ensure that these changes happen and are maintained into the future.

Given the modifications that occurred approximately three years ago in P.A. 18-97, the MDC respectfully submits that the changes that are proposed in SB 927 are not necessary. In fact, given the strict penalties for failure to comply with the reporting requirements, these suggested modifications may have the effect opposite than that which is intended. Accordingly, the MDC respectfully requested that the Environment Committee not endorse SB 927.

Thank you for your attention to these important issues, and the opportunity to share the MDC's position.