



# Senate

General Assembly

**File No. 217**

January Session, 2021

Substitute Senate Bill No. 927

*Senate, March 30, 2021*

The Committee on Environment reported through SEN. COHEN of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-424a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 (a) For the purposes of this section:

4 (1) "Sewage treatment plant or collection system" means any sewage  
5 treatment plant, water pollution control facility, related pumping  
6 station, collection system or other public sewage works;

7 (2) "Sewage spill" means the diversion of wastes from any portion of  
8 a sewage treatment plant or collection system in this state; [that  
9 reasonably initiates public health, safety or welfare concerns, or  
10 environmental concerns;]

11 (3) "Combined sewer" means structures which are designed to  
12 convey both sanitary and storm sewage, and allow the overflow of such

13 combined sewage, untreated, to the waters of the state during periods  
14 of high flows; and

15 (4) "Electronic report" means a reporting form that uses an electronic  
16 format as prescribed by the Commissioner of Energy and  
17 Environmental Protection.

18 (b) On and after July 1, 2013, the Commissioner of Energy and  
19 Environmental Protection shall post, on the department's Internet web  
20 site, a map of the state indicating [the] where sewage spills, anticipated  
21 combined sewer overflows [anticipated to occur during certain storm  
22 events. The web site may include the following relevant information  
23 about the overflows: (1) Location, anticipated duration and extent; (2)  
24 reasonable public health, safety or environmental concerns; and (3)  
25 public safety precautions that should be taken] and permitted sewage  
26 bypasses occur. The Internet web site shall include all information  
27 posted pursuant to subdivision (1) of subsection (c) of this section and  
28 shall be current.

29 (c) (1) On and after July 1, 2014, not later than two hours after receipt  
30 of any report submitted pursuant to subdivision (2) of this subsection,  
31 the Commissioner of Energy and Environmental Protection shall post,  
32 on the department's Internet web site, notice of [unanticipated] any such  
33 reported sewage spills [and waters of the state that have chronic and  
34 persistent sewage contamination that represents a threat to public  
35 health, as determined by the Commissioner of Energy and  
36 Environmental Protection in consultation with the Commissioner of  
37 Public Health] and permitted sewage bypasses. Any notice or report  
38 posted pursuant to this subsection [may] shall contain the following  
39 relevant information as best determined [from the reported sewage spill  
40 incident] by the operator of the sewage treatment plant or collection  
41 system that filed the subject report: (A) The estimated volume or rate of  
42 discharge and, once known, the final volume discharged; (B) the level  
43 of treatment of the discharge; (C) the date and time the incident  
44 occurred; (D) the location of the discharge; (E) once known, the  
45 estimated or actual time the discharge ceased; (F) the geographic area

46 impacted by the discharge; (G) once known, the steps taken to contain  
47 the discharge; (H) reasonable public health, safety or welfare concerns  
48 or environmental concerns; and (I) public safety precautions that should  
49 be taken.

50 (2) On and after July 1, 2018, not later than two hours after becoming  
51 aware of any sewage spill or permitted sewage bypass, the operator of  
52 a sewage treatment plant or collection system shall submit an electronic  
53 report to the Department of Energy and Environmental Protection that  
54 includes all of the information required for any notice or report posted  
55 in accordance with the provisions of subdivision (1) of this subsection.  
56 Such report shall be updated by the operator on a daily basis for each  
57 additional day that the sewage spill or permitted sewage bypass  
58 continues after the submittal of the initial report and until such time as  
59 the sewage spill or permitted sewage bypass ceases.

60 (3) On and after July 1, 2018, not later than two hours after becoming  
61 aware of any sewage spill or permitted sewage bypass that [exceeds five  
62 thousand gallons or that is anticipated to exceed five thousand gallons]  
63 reaches a water body or may come in contact with the general public,  
64 the operator of a sewage treatment plant or collection system shall notify  
65 the chief elected official, or such official's designee, and the local public  
66 health official of the municipality where the sewage spill or permitted  
67 sewage bypass occurred [. As soon as practicable after receiving any  
68 such notification, such municipality shall inform the public and  
69 downstream public officials, as appropriate.] and the chief elected  
70 official, or such official's designee, and the local public health official of  
71 any municipality that may be potentially impacted downstream by such  
72 spill or sewage bypass. As soon as practicable, but not later than two  
73 hours after receipt of any such notice pursuant to this subdivision, each  
74 such chief elected official, in conjunction with the local public health  
75 official, shall inform the public of any sewage spill or permitted sewage  
76 bypass that has the potential to impact public health, safety or the  
77 environment. Any such information provided to the public may be  
78 provided through the use of social media and shall be provided in each  
79 predominant language spoken by the residents of such municipality.

80     (4) Not later than December 1, 2021, the Department of Energy and  
 81 Environmental Protection shall implement a real-time public  
 82 notification system, through which the public may choose to be notified  
 83 of any sewage spills or permitted sewage bypasses as such sewage spills  
 84 or permitted sewage bypasses are reported electronically to said  
 85 department. Such real-time public notifications shall occur not later than  
 86 two hours after said department's receipt of any such report.

87     (5) Not later than February 1, 2022, and annually thereafter, the  
 88 Department of Energy and Environmental Protection shall publish and  
 89 make publicly available on the department's Internet web site an annual  
 90 report that includes a summary of the sewage spills that occurred within  
 91 each municipality during such year, a summary of sewage spills that  
 92 reached named or identified water bodies, a summary of the total  
 93 volume of each category of sewage spill and any enforcement actions  
 94 taken by the department related to such sewage spills.

95     [(d) The Commissioner of Energy and Environmental Protection shall  
 96 consult with the Commissioner of Public Health, operators of sewage  
 97 treatment plant or collection systems and state and local environmental  
 98 and health agencies when developing the notice required by  
 99 subdivision (1) of subsection (c) of this section.]

100     [(e)] (d) Any report to the Department of Energy and Environmental  
 101 Protection that is required pursuant to section 22a-430-3 of the  
 102 regulations of Connecticut state agencies shall be submitted as an  
 103 electronic report.

104     [(f)] (e) The failure to file an electronic report pursuant to any  
 105 provision of this section shall be deemed a violation of the provisions of  
 106 this section for purposes of section 22a-438.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2021	22a-424a

**Statement of Legislative Commissioners:**

Technical conforming changes were made throughout the section for consistency.

**ENV**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 22 \$	FY 23 \$
Department of Energy and Environmental Protection	GF - Potential Cost	10,000	None

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill requires the Department of Energy and Environmental Protection (DEEP), by December 1, 2021, to implement a real-time public notification system for the public to be notified of sewage spills or sewage bypasses as they are electronically reported to DEEP.

Any costs of this provision depend on the level of system sophistication determined necessary to meet the requirement. If existing DEEP systems (i.e. social media) provide adequate functionality, there is no fiscal impact.

However, if the bill is determined to require implementation of a reverse-911 type of system that does not currently exist, the bill is estimated to result in one-time costs of approximately \$10,000 in FY 22 to implement this type of system.

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. This has no fiscal impact, as DEEP has staff to post information on its website.

Lastly, the bill makes technical and conforming changes that have no

fiscal impact.

***The Out Years***

There is no annualized ongoing fiscal impact as the one-time costs identified above are estimated to occur in FY 22 only.

**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)