

Environment Committee JOINT FAVORABLE REPORT

Bill No.: SB-927

AN ACT CONCERNING REVISIONS TO THE SEWAGE SPILL RIGHT-TO-

Title: KNOW STATUTE.

Vote Date: 3/12/2021

Vote Action: Joint Favorable Substitute

PH Date: 3/3/2021

File No.:

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SPONSORS OF BILL:

Rep. Patricia A. Dillon, 92nd Dist.

Rep. David Michel, 146th Dist.

Rep. Dorinda Borer, 115th Dist.

Sen. Martin M. Looney, 11th Dist.

REASONS FOR BILL:

Connecticut experiences several unanticipated sewage spills yearly. Notification of sewage spills provides notifications to persons and municipalities downstream that may affect public health or the environment. This has happened several times on the Quinnipiac River.

RESPONSE FROM ADMINISTRATION/AGENCY:

Katie Dykes, Commissioner, Department of Energy and Environmental Protection

Department of Energy and Environmental Protection (DEEP) supports the notification of sewage spills. DEEP has engaged with stakeholders to discuss areas of notification assessment. Specific recommendations have been made to request changes to the bill.

- 1) Remove Combined Sewer (CSO) from the definition of sewer spill and create a new subsection (d)(4) under public notification requirements.
- 2) Operators need to notify local officials within two hours. The notification of this standard requires an exercise in judgement that could lead to under reporting of the

incident. DEEP recommends a simpler approach notifying chief elected officials, local public health officials and any of the public for spills that may reach a body of water or come into contact.

- 3) Additional resources will be required per SB927, subsection (c)(4) and time to implement. DEEP has evaluated New York's system and is working on a system currently to implement public interface and notification, expected to be implemented by the end of 2021.

Deidre Gifford, Acting Commissioner, Department of Public Health

Department of Public Health (DPH) supports SB927. Sewage spill can have a large impact on the public drinking watershed, or the environment. DPH works with DEEP to notify persons that an event has occurred. DPH supports language in SB927 that allow immediate and direct communication between the operator of the sewage plant, local officials, and public health officials in the event of a large spills.

NATURE AND SOURCES OF SUPPORT:

Bill Lucey, Soundkeeper, Save the Sound

Several large sewage spills have occurred on the Quinnipiac River. The impact is not only to recreational uses of the river but also to commercial entities on the river. Save the Sound has been working closely with DEEP to address these issues and agreed to the following changes for public notification of sewage spills. Requested changes include:

- 1) A form of electronic public notification.
- 2) Spills that reach surface waters shall be reported.
- 3) Signs posted along the affected water body notifying the public that waters are unsafe.

Sen. Martin Looney

SB927 expands notification to include chief elected official and local public health director of any municipality impacted by the spill.

8 additional testimonials in support of SB927.

NATURE AND SOURCES OF OPPOSITION:

Metropolitan District Commission

Public Act 18-97 transferred much of Department of Energy and Environmental Protection's (DEEP) responsibility to the operators of sewage treatment plants and collections systems. P.A. 18-97 is a system that operators have implemented to ensure compliance.

SB927 removes the definition of "spill", a quantitative factor of 5000 gallons, and the operator needs to determine the definition of "spill. Under SB927 Section (c)(3) the operator needs to determine:

- 1) If a spill is present
- 2) If any municipality is impacted.
- 3) Operator report actual discharge volume within two hours
- 4) Burden is on operator, not complying can lead to civil and criminal penalties

SB927 mandates DEEP develop a new and advanced electronic reporting efforts. MDC has tried on multiple occasions to assist DEEP to improve its current reporting system, DEEP's response to suggestions was while the suggestions had merit, DEEP did not have the "necessary financial resources" to implement the suggested changes.

Greater New Haven Water Pollution Control Authority

SB927 Section 3 asks that spills be reported "if the operator feels the spill may serve 'as a threat to public health or environment' ". Section 3 language, as written, is vague and leaves room to interpretation.

Operators are currently required to report sewage spills to DEEP and notify the local health department. These are the entities to address the public health and environment concerns. Operators are NOT qualified with dealing with the impacts to public health and environment. Establish clear quantities of the spill volume provides transparency how to respond to each spill.

DEEP does not have the bandwidth to take on new tasks and adding additional tasks to the current system is not advisable.

CT Association of Water Pollution Control Authorities

CT Association of Water Pollution Control Authorities (CAWPCA) reiterates the points of the Greater New Haven Water Pollution Control Authority. DEEP's current reporting system has issues, CAWPCA hopes this system will improve to insure notifications of sewage spills are getting out in a time efficient manner.

Reported by: Steve Smith

Date: 3/15/2021