

Sewage Spill “Right-to-Know” Law

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Issue

This report summarizes Connecticut’s “right-to-know” law concerning sewage spills ([CGS § 22a-424a](#), as amended by [PA 21-42](#)). It updates OLR Report [2020-R-218](#) to account for revisions made during the 2021 session.

Summary

Sewage pollution “right-to-know” laws generally require that the public be notified when there is a sewage overflow or bypass event that results in untreated or partially treated sewage discharging into waters.

Under Connecticut’s sewage “right-to-know” law, sewage treatment plant and collection system operators must electronically report a sewage spill or permitted sewage bypass to the Department of Energy and Environmental Protection (DEEP) within two hours after becoming aware of it. Additional reporting requirements apply for spills or bypasses that reach water bodies or may come in contact with the public.

The law requires DEEP to post on its website (1) a map of where sewage spills, anticipated combined sewer overflows, and permitted sewage bypasses occur and (2) notice of a spill or bypass, which must include the same information the operator provides to DEEP about it. The law also requires DEEP to have a public notification system about spills and bypasses.

Failing to file the required electronic reports is subject to civil or criminal penalties, depending on the nature of the violation.

Under the law, a sewage spill is any waste diversion from a sewage treatment plant or collection system in the state.

Notice Requirements

Operators

Notice to DEEP. Under Connecticut law, sewage treatment plant and collection system operators must electronically submit a report to DEEP about a sewage spill or permitted sewage bypass (i.e., sewage diverted from a treatment plan) within two hours after becoming aware of it. The reporting requirement applies to operators of sewage treatment plants, water pollution control facilities, and related pumping stations, collection systems, or other public sewage works ([CGS § 22a-424a\(a\)](#)). The report must include the following information:

1. discharge's location and estimated volume or rate;
2. final volume discharged (once known);
3. level of treatment of the discharge;
4. incident's date and time;
5. estimated or actual time the discharge ended (once known);
6. geographic area impacted;
7. steps taken to contain the discharge (one known);
8. reasonable environmental or public health, safety, or welfare concerns; and
9. public safety precautions that should be taken ([CGS § 22a-424a\(c\)\(1\) & \(2\)](#), as amended by [PA 21-42](#)).

The operator must update the report on a daily basis for each day that the spill or bypass continues after the initial report's submission ([CGS § 22a-424a\(c\)\(2\)](#), as amended by [PA 21-42](#)).

Notice to Municipal Officials. If a sewage spill or permitted sewage bypass reaches a water body or may come in contact with the public, an operator must also notify certain municipal officials within the same two-hour timeframe for reporting to DEEP. The operator must notify the chief elected official, or his or her designee, and the local public health official of the municipality where the spill occurred and any municipality that may be impacted downstream ([CGS § 22a-424a\(c\)\(3\)](#), as amended by [PA 21-42](#)).

Municipal Officials

After being notified about a sewage spill or permitted sewage bypass, a chief municipal official, in conjunction with the local public health official, must inform the public about any spill or bypass that may impact public health, safety, or the environment. They must do this as soon as practicable but not later than two hours after receiving the operator's notice. They may issue the notice through social media, but it must be provided in each predominant language spoken by the municipality's residents ([CGS § 22a-424a\(c\)\(3\)](#), as amended by [PA 21-42](#)).

DEEP

Online Map and Notices. Under the law, DEEP must post on its website a [state map](#) showing where sewage spills, anticipated combined sewer overflows, and permitted sewage bypasses occur. This website must be current and include all of the information operators provide to DEEP about sewage spills (see above) ([CGS § 22a-424a\(b\)](#), as amended by [PA 21-42](#)).

The law also requires DEEP to post on its website a notice of a sewage spill or permitted sewage bypass within two hours after receiving an operator's report of one. This notice must contain the same information the operator provides to DEEP to report the spill or bypass (see above) ([CGS § 22a-424a\(c\)\(1\)](#), as amended by [PA 21-42](#)).

Public Notification System. By law, DEEP must have a real-time public notification system (for those who choose to be notified) with the information the department receives about sewage spills and permitted sewage bypasses. The notifications must occur within two hours after DEEP receives a spill or bypass report ([CGS § 22a-424a\(c\)](#), as amended by [PA 21-42](#)).

Annual Report. The law requires DEEP, by February 1, 2022, to begin annually publishing and making publicly available on its website a report with (1) summaries of the sewage spills that occurred within each municipality during the year, those that reached named or identified water bodies, and the total volume of each spill category and (2) any enforcement actions DEEP took related to the sewage spills ([CGS § 22a-424a\(c\)](#), as amended by [PA 21-42](#)).

Penalties

Under the law, failing to make the required electronic reports is a violation and subject to civil or criminal penalties, as applicable ([CGS §§ 22a-424a](#), as amended by [PA 21-42](#), & [22a-438](#)).

Civil

Failing to file an electronic report related to wastewater discharge, including sewage spills, is punishable by a civil penalty of up to \$25,000 for each violation. The court determines the amount, but each violation is a separate offense. Each day a violation continues is considered a separate offense.

Criminal

The law subjects any person who, with criminal negligence, fails to file an electronic report related to wastewater discharge, including sewage spills, to a fine of up to \$25,000 per day of violation, up to one year in prison, or both. A subsequent 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 required 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 conviction for a violation is a class C felony, punishable by a fine of up to \$100,000, up to 10 years in prison, or both.

The law explicitly includes responsible corporate officers and municipal officials as subject to these penalties.

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