

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 21-42—sSB 927

Environment Committee

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

SUMMARY: This act 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 act’s expanded reporting requirements (see BACKGROUND).

The act 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 act 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 act makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2021

SEWAGE SPILL REPORTING

Types of Spills

Under the act, a sewage spill is a diversion of waste from any part of a sewage treatment plant or collection system in the state. The act eliminates from the definition that the diversion 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 act requires that the report also be submitted for permitted sewage bypasses and

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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, once 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 act 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 act expands the circumstances under which local officials must be notified of a spill and the list of officials who must receive notice.

Prior law required a plant or system operator to notify the chief elected official of the municipality where the spill occurred. Notice had to be given within two hours after learning of a spill that exceeds or is anticipated to exceed 5,000 gallons. Under the act, 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 act requires the operator to notify 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 also requires the operator to notify 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

Prior law required local officials to inform the public and downstream public officials as soon as practicable after receiving a spill notice and as appropriate.

Under the act, local officials must notify the public as soon as practicable, but no later than two hours after receiving the operator's notice. Specifically, 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 act makes notifying downstream officials the responsibility of the plant or system operator (see above), rather than the local officials.

The act 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

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Sewage Spill Map Website

Prior law required 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 act 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 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 act 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. Prior law limited the posting of spill information to a notice of unanticipated sewage spills and had no timeframe for posting the information. The act 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 act, 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 act, 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

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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 (see Table on Penalties), except the related fine can be up to \$100,000 (CGS § 22a-438(a)-(c)).