



**For the Public Health Committee
Testimony of Alicea Charamut, Executive Director
March 4, 2024**

Rivers Alliance was formed to fight for sound water policies at the state and federal levels, to provide education on water resources, and to advocate for any person or group striving to protect water. If you want clean, free-flowing and healthy rivers, and high-quality drinking water, Rivers Alliance is here to help.

Thank you for the opportunity to provide written testimony following my testimony before the committee at the public hearing on February 26th on the following raised bill.

HB 6977 - AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS REGARDING DRINKING WATER – [Oppose sections 2 and 3.](#)

I have significant concerns about these sections as proper regulation and oversight of subsurface sewage systems is essential to preventing nutrient pollution to our surface and groundwater – particularly groundwater as these systems have the greatest potential to contribute to pollution of drinking water wells, both public and private.

Neither the Commissioner’s testimony before this Committee nor the written testimony submitted brings clarity to these sections.

I’m still unclear as to what providing “policy and procedure authority” means. The agency’s policy and procedure authority lies in providing standards and regulations. If DPH is concerned that the process of adopting and developing such standards and regulations will take longer than the deadlines required in statute, the agency should ask for more time. This “policy and procedure authority” will only make it more difficult for local Health Directors. They are the boots on the ground responsible for implementing these programs and have broad range of programs for which they are responsible.

For this reason I ask you to strike Sections 1 and 2 and continue to the conversation with DPH and stakeholders to ensure that we are implementing subsurface sewage programs that are protective of public and environmental health and provide local Health Directors with standards, regulations and direction they need to implement these programs.

Section 2

Section 2 applies to subsection (a) of section 19a-35a of the general statutes which pertains to alternative on-site treatment systems. This section increases DPH's jurisdiction of AT systems from 5,000 gallons per day to 10,000 gallons per day and includes language that would allow DPH to provide "policy and procedure authority." It also sets a self-imposed deadline (as it is DPH themselves setting the deadline) of July 1, 2025 for adopting regulations for AT systems.

What exactly "policy and procedure authority" is and what it applies to remain unclear. In addition, DPH either has not developed a program for AT systems or if it has, this program is in its infancy. Furthermore, the proposed regulations that the Commissioner mentioned in her testimony to the committee to not apply to subsection (a) section 19a-35a.

Section 3

Section 3 applies to subsection (g) of section 22a-430 of the general statutes and pertains to household and small commercial subsurface sewage disposal systems. This section also contains the same unclear language on "policy and procedure authority."

PA 23-207 and Proposed Regulations

Below is the Commissioner's testimony explaining Sections 2 and 3.

"Sections 2 and 3 provide policy and procedure authority to the department to implement the transfer of subsurface sewage disposal systems with a capacity between 7,500 and 10,000 gallons from DEEP to DPH, as required in PA 23-47. These sections also clarify the department's authority to issue technical standards that govern subsurface sewage disposal systems under the jurisdiction of the Commissioner of Public Health. It is important that these standards be updated to guarantee the safety of these systems."

The Public Act reference in the Commissioner's testimony contains a typo. PA 23-47 is AN ACT CONCERNING VARIOUS REVISIONS TO THE CRIMINAL LAW AND CRIMINAL JUSTICE STATUTES.

The correct statutory reference is PA 23-207 AN ACT ESTABLISHING A TAX ABATEMENT FOR CERTAIN CONSERVATION EASEMENTS AND ADDRESSING HOUSING AFFORDABILITY FOR RESIDENTS IN THE STATE.

It is Section 27 of PA 23- 207 that relates to sewage. Section 27 and only applies to 22a-430 which covers household and small commercial subsurface sewage disposal systems (highlights for emphasis):

Sec. 27. Subsection (g) of section 22a-430 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(g) The commissioner shall, by regulation adopted prior to October 1, 1977, establish and define categories of discharges ~~[which] that~~ constitute household and small commercial subsurface sewage disposal systems for which ~~[he] the commissioner~~ shall delegate to the Commissioner of Public Health the authority to issue permits or approvals and to hold public hearings in accordance with this section, on and after said date. Not later than July 1, 2025, the commissioner shall amend such regulations to establish and define categories of discharges that constitute small community sewerage systems and household and small commercial subsurface sewage disposal systems. The Commissioner of Public Health shall, pursuant to section 19a-36, establish minimum requirements for small community sewerage systems and household and small commercial subsurface sewage disposal systems and procedures for the issuance of such permits or approvals by the local director of health or a sanitarian registered pursuant to chapter 395. As used in this subsection, small community sewerage systems and household and small commercial disposal systems shall include those subsurface sewage disposal systems with a capacity of ~~[seven thousand five hundred] ten thousand~~ gallons per day or less. Notwithstanding any provision of the general statutes ~~[or regulations of Connecticut state agencies,]~~ (1) the regulations adopted by the commissioner pursuant to this subsection that are in effect as of July 1, 2017, shall apply to household and small commercial subsurface sewage disposal systems with a capacity of seven thousand five hundred gallons per day or less, and (2) the regulations adopted by the commissioner pursuant to this subsection that are in effect as of July 1, 2025, shall apply to small community sewerage systems, household systems and small commercial subsurface sewerage disposal systems with a capacity of ten thousand gallons per day or less. Any permit denied by the Commissioner of Public Health, or a director of health or registered sanitarian shall

be subject to hearing and appeal in the manner provided in section 19a-229. Any permit granted by [said] the Commissioner of Public Health, or a director of health or registered sanitarian on or after October 1, 1977, shall be deemed equivalent to a permit issued under subsection (b) of this section.

The proposed regulations out for public comment that the Commissioner referred to in her testimony before the committee at the public hearing only apply to Subsection (g) of section 22a-430.

Sec. 19-13-B103a. Scope

These regulations establish minimum requirements for household, small community and small commercial subsurface sewage disposal systems [with a capacity of 5,000 gallons per day or less], nondischarging toilet systems, with a cumulative capacity of 10,000 gallons per day or less per lot, water treatment wastewater dispersal systems, and procedures for the issuance of permits or approvals of such systems by the director of health or registered sanitarian, as [required by] delegated pursuant to Section [25-54i (g)] 22a-430(g) of the Connecticut General Statutes and section 22a-430-1(b) of the Regulations of Connecticut State Agencies. Any lots that are contiguous and owned by the same person, entity or municipality are considered one lot for the purposes of determining whether sections 19-13-B103a to 1913-B103f, inclusive, are applicable.

Is DPH ready for a jurisdictional shift from 5,000 gallons to 10,000 gallons for alternative treatment systems?

Section 2 self-imposes a jurisdictional shift from 5,000 gallons per day to 10,000 gallons per day for alternative treatment systems and also self-imposes a deadline of July 1, 2025 to adopt regulations for these systems.

It is my understanding that DPH does not have regulations in place for systems less than 5,000 gallons – their current jurisdiction for AT systems. It is also my understanding that DPH does not yet have an ATS program in place. I will note again that these systems are not within the scope of the proposed regulations that are currently out for public comment.

Below is an excerpt from a DPH presentation to the Commission on Connecticut's Development Future Sewerage Subcommittee outlining what DPH must have in place in order to take on greater oversight of AT sewage systems.

The slide features the DPH logo on the left and a circular seal on the right. The title is in a dark blue header bar. The content is organized into three sections, each with a bolded heading and a bulleted list of requirements. At the bottom, there is a footer with the branch name and a page number.

DPH Requirements for DPH Jurisdiction of an AT Sewage Program

Training:

- Local Health Department staff training. A Phase III Training class and certification specifically for AT sewage systems. Implementation of a CEC (continuing education credit) program for certified local health department staff would be required due to changes in technology.
- License sewage installers / operators specifically for AT sewage systems. Implementation of a CEC program would also be required.

Certification:

- Certify individual AT sewage system product manufacturers for approval for use. Requires monitoring of product performance to a specific standard. DPH certified product manufacturers will certify licensed individuals to operate their products.

Enforcement:

- Includes tracking individual AT sewage system users and ensuring continued usage and proper functioning of equipment. Also includes enforcement against AT licensed sewage installers / operators.
- An electronic data management system would be required to oversee enforcement, certification and licensed individuals.

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I urge the committee to get clarification from DPH as to the status of an ATS program within the agency. Also note that the agency themselves is putting out a deadline that is only four months away for a program that does not even have proposed regulations. If a program does not yet exist or is only in its infancy, it would be disastrous for DPH to take on the jurisdictional shift from 5,000 gallons to 10,000 gallons and put policies and procedures in place – leaving local Health Directors to sort this out without proper training or direction.

For all of these reasons, I ask you to strike Section 2 entirely and for Section 3, discuss extending the deadline for regulations and standards for systems that fall under Subsection (g) of section 22a-430 in order to remain in compliance in lieu of new and unclear regulatory authority.

I am happy to work with the committee and DPH on this issue to bring clarity and meet both public and environmental health goals.