



# Senate

General Assembly

**File No. 558**

January Session, 2021

Substitute Senate Bill No. 961

*Senate, April 21, 2021*

The Committee on Planning and Development reported through SEN. CASSANO of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING CERTAIN SEWAGE DISPOSAL SYSTEMS  
AND ALTERNATIVE SEWAGE TREATMENT SYSTEMS.***

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

1 Section 1. Subsection (g) of section 22a-430 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

4 (g) The commissioner shall, by regulation adopted prior to [October  
5 1, 1977] July 1, 2023, establish and define categories of discharges which  
6 constitute small community sewerage systems and household and small  
7 commercial subsurface sewage disposal systems for which [he] the  
8 commissioner shall delegate to the Commissioner of Public Health the  
9 authority to issue permits or approvals and to hold public hearings in  
10 accordance with this section, on and after said date. The Commissioner  
11 of Public Health shall, pursuant to section 19a-36, establish minimum  
12 requirements for small community sewerage systems and household  
13 and small commercial subsurface sewage disposal systems and

14 procedures for the issuance of such permits or approvals by the local  
15 director of health or a sanitarian registered pursuant to chapter 395. As  
16 used in this subsection, small community sewerage systems and  
17 household and small commercial disposal systems shall include those  
18 subsurface sewage disposal systems with a capacity of [seven thousand  
19 five hundred] ten thousand gallons per day or less. Notwithstanding  
20 any provision of the general statutes or regulations of Connecticut state  
21 agencies, the regulations adopted by the commissioner pursuant to this  
22 subsection that are in effect as of [July 1, 2017] July 1, 2023, shall apply  
23 to small community sewerage systems and household and small  
24 commercial subsurface sewage disposal systems with a capacity of  
25 [seven thousand five hundred] ten thousand gallons per day or less.  
26 Any permit denied by the Commissioner of Public Health, or a director  
27 of health or registered sanitarian shall be subject to hearing and appeal  
28 in the manner provided in section 19a-229. Any permit granted by [said]  
29 the Commissioner of Public Health, or a director of health or registered  
30 sanitarian on or after October 1, 1977, shall be deemed equivalent to a  
31 permit issued under subsection (b) of this section.

32 Sec. 2. Subsection (a) of section 19a-35a of the general statutes is  
33 repealed and the following is substituted in lieu thereof (*Effective from*  
34 *passage*):

35 (a) Notwithstanding the provisions of chapter 439 and sections 22a-  
36 430, as amended by this act, and 22a-430b, the Commissioner of Public  
37 Health shall, within available appropriations, by regulation adopted  
38 prior to July 1, 2023, and pursuant to section 19a-36, establish and define  
39 categories of discharge that constitute alternative on-site sewage  
40 treatment systems with capacities of [five] ten thousand gallons or less  
41 per day. After the establishment of such categories, said commissioner  
42 shall have jurisdiction, within available appropriations, to issue or deny  
43 permits and approvals for such systems and for all discharges of  
44 domestic sewage to the groundwaters of the state from such systems.  
45 Said commissioner shall, pursuant to section 19a-36, and within  
46 available appropriations, establish minimum requirements for  
47 alternative on-site sewage treatment systems under said commissioner's

48 jurisdiction, including, but not limited to: (1) Requirements related to  
 49 activities that may occur on the property; (2) changes that may occur to  
 50 the property or to buildings on the property that may affect the  
 51 installation or operation of such systems; and (3) procedures for the  
 52 issuance of permits or approvals by said commissioner, a local director  
 53 of health, or a sanitarian licensed pursuant to chapter 395. A permit or  
 54 approval granted by said commissioner, such local director of health or  
 55 such sanitarian for an alternative on-site sewage treatment system  
 56 pursuant to this section shall: (A) Not be inconsistent with the  
 57 requirements of the federal Water Pollution Control Act, 33 USC 1251 et  
 58 seq., the federal Safe Drinking Water Act, 42 USC 300f et seq., and the  
 59 standards of water quality adopted pursuant to section 22a-426, as such  
 60 laws and standards may be amended from time to time, (B) not be  
 61 construed or deemed to be an approval for any other purpose,  
 62 including, but not limited to, any planning and zoning or municipal  
 63 inland wetlands and watercourses requirement, and (C) be in lieu of a  
 64 permit issued under section 22a-430, as amended by this act, or 22a-  
 65 430b. For purposes of this section, "alternative on-site sewage treatment  
 66 system" means a sewage treatment system serving one or more  
 67 buildings on a single parcel of property that utilizes a method of  
 68 treatment other than a subsurface sewage disposal system and that  
 69 involves a discharge of domestic sewage to the groundwaters of the  
 70 state.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-430(g)
Sec. 2	<i>from passage</i>	19a-35a(a)

**PD**      *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.*

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**OFA Fiscal Note**

**State Impact:** See Below

**Municipal Impact:** None

**Explanation****SUMMARY**

This bill transfers from the Department of Energy and Environmental Protection (DEEP) to the Department of Public Health (DPH) regulatory authority over small community sewerage systems.

It is anticipated that approximately \$175,000 and two positions will be transferred from DEEP to DPH in both FY 22 and FY 23 for this purpose.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis****sSB 961*****AN ACT CONCERNING CERTAIN SEWAGE DISPOSAL SYSTEMS AND ALTERNATIVE SEWAGE TREATMENT SYSTEMS.*****SUMMARY**

This bill transfers from the Department of Energy and Environmental Protection (DEEP) to the Department of Public Health (DPH) regulatory authority over small community sewerage systems with daily capacities of up to 10,000 gallons.

By law, DEEP already delegates regulatory authority to DPH over (1) household and small commercial subsurface sewage disposal systems (generally, septic systems) with daily capacities up to 7,500 gallons and (2) alternative on-site sewage treatment systems with daily capacities of up to 5,000 gallons. The bill increases both these thresholds, and therefore the maximum capacity of facilities under DPH authority, to 10,000 gallons.

The bill does so by requiring the DEEP and DPH commissioners, as applicable, to adopt regulations effectuating the jurisdictional transfers before July 1, 2023.

EFFECTIVE DATE: Upon passage

**SEPTIC SYSTEMS AND SMALL COMMUNITY SEWERAGE SYSTEMS**

The bill increases the size of septic systems over which DPH and local health departments, rather than DEEP, have jurisdiction from a maximum daily capacity of 5,000 gallons to a maximum daily capacity of 10,000 gallons. It also shifts from DEEP to DPH jurisdiction over small community sewerage systems with a maximum daily capacity of 10,000 gallons. Community sewerage systems are comprised of one subsurface

sewage disposal system serving at least two residential buildings.

Under the bill, DEEP must adopt regulations before July 1, 2023, establishing and defining the systems subject to DPH authority. Under existing law, DEEP delegates to the DPH commissioner authority to issue permits and approvals for certain household and small commercial subsurface disposal systems. DPH must then establish minimum requirements for these systems in regulations and procedures for local health directors or sanitarians to issue permits or other approvals.

### **ALTERNATIVE ON-SITE SEWAGE TREATMENT SYSTEMS**

Before July 1, 2023, the bill requires the DPH commissioner to adopt regulations establishing and defining discharge categories that are alternative on-site sewage treatment systems with a daily capacity of up to 10,000 gallons, instead of up to 5,000 gallons as current law requires. As with existing law, DPH must do so within available appropriations. (To date, none of these regulations have been adopted, and DEEP is currently responsible for permitting all of these systems.)

Existing law gives the DPH commissioner jurisdiction over alternative on-site sewage treatment systems after the adoption of associated regulations, including the ability to issue or deny permits and approvals for these systems. An alternative on-site sewage treatment system consists of a sewage treatment system that uses a treatment method other than a subsurface sewage disposal system and involves a discharge to groundwater.

### **BACKGROUND**

#### ***Related Bill***

sSB 1024, § 11, favorably reported by the Planning and Development Committee, also (1) increases the size of alternative sewage treatment systems over which DPH has authority, but from a maximum daily capacity of 5,000 gallons to a maximum daily capacity of 7,500 gallons, and eliminates the caveat that it is within available appropriations and (2) gives DPH authority over community sewer sewage systems with a

maximum daily capacity of 7,500 gallons.

**COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute

Yea 15 Nay 11 (03/31/2021)