

**FOR:** The CT CGA Planning and Development Committee  
**RE:** SB 961 AAC CERTAIN SEWAGE DISPOSAL SYSTEMS AND  
ALTERNATIVE SEWAGE TREATMENT SYSTEMS  
**DATE:** March 4, 2021, for Public Hearing March 5, 2021

To the Committee Co-Chairs Sen. Cassano and Rep. McCarthy-Vahey, Ranking Members Sen. Hwang and Rep. Zullo, and Members of the Committee

**From:** Margaret Miner, Environmental Consultant

**I urge you to reject SB 961**, especially as it concerns Alternative Sewage Treatment Systems (ATS). I strongly agree with the testimony of Lori Brown on behalf of the Connecticut League of Conservation Voters.

Formerly, as executive director of Rivers Alliance from 2000 to 2019, I had many opportunities to study and comment on use of ATS. Twenty years ago, the CGA passed one of the first bills dealing with ATS; it banned their use in drinking-water watersheds. This legislation was prompted by environmental advocates in Greenwich.

About 10 years later, controversial ATS-based projects in Madison, Westport, and Weston led to the introduction of a several CGA bills calling for limited moratoria on the use of ATS. The Geoffrey C. Hughes Foundation supported a study of ATS in Connecticut, which showed that most of the existing ATS were not in compliance with their permits; a couple of the existing facilities had not even received permits. It is time now for another review of the regulatory or performance status of existing ATS. This review should be done prior to transferring authority for their management from one over-extended agency (DEEP) to another (DPH).

The most risky use of ATS is for individual homes or small clusters of residences. Small, residential systems run on the same bio-chemical principles as large municipal wastewater systems. The balance of chemicals and the health of the essential bacteria must be regularly (almost constantly) checked and adjusted as necessary. The systems are sensitive to caustic cleaners, irregular flows, extreme cold, infiltration of stormwater, and so forth. Their maintenance is comparable to maintaining a home aquarium with tropical fish. The bacteria are alive, like the fish. They can die, like the fish.

Individual householders and even homeowners' associations rarely have the expertise and resources for effective management of ATS. The state lacks an adequate program, for the prudent permitting and oversight of small systems. In the past, DPH estimated that the cost of developing a strong ATS regulatory program would be about \$400,000.

Traditionally, the proponents of small ATS have prominently included developers and builder. ATS can be used to override protections for wetlands and even wells. Traditional on-site septic systems require considerable space for leaching fields and significant setbacks from sensitive waters and soils. But the claim for an AT system is typically that its discharge meets drinking-water standards. This result can be accomplished with infrastructure that occupies a fraction of the space required for a traditional system. For example, an open-space property that could support, say, six lots with traditional septic may arguably support, say, 24 lots. On paper it

looks acceptable. But how can an one ensure that the 24 individual ATS (probably from different manufacturers and vendors) are really going to work as promised?

A large AT system serving, say, an 80-unit apartment building can be checked and adjusted frequently. But regulating 80 units spread all over the landscape is another, more difficult matter.

The problem with ATS is not with the science. With care, they can work well and be used for good projects. The problem is that the state's policies, laws, and resources haven't kept up with the science. We don't have a program to monitor the small systems adequately. We need something like a simple litmus test and electronic reporting to track performance. This kind of technology is available for personal use from most pharmacies and medical providers. But, normally, people don't want to know what's going with their septic systems. They're assumed to be working -- until they're obviously not.

Probably the most common explanation for the request to have DPH take over the permitting of more ATS is that DPH gives out the permits faster. Fast delivery is good. *What* is delivered is even more important.

Thank you for your attention and hard work on a heavy load of bills this session.

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