

Home Builders & Remodelers Association of Connecticut, Inc.

Please SUPPORT HB 6332 and HB 5416, Companion bills to Improve the Regulation of Wastewater (both bills passed Environment unanimously)

Wastewater from all buildings is regulated by both DEEP and DPH. The jurisdiction of the two agencies is determined by the volume of wastewater (gallons per day, or gpd) presumed to come from a building or group of buildings – *see reverse for a more detailed explanation.*

HB 6332 charges DPH to finally write regulations for the approval of AT systems, with appropriate guidelines to protect the environment and the public's health.

- AT systems (or ATS) are alternative or advanced wastewater treatment systems. They are well known and routinely approved much easier and quicker in other states. They're ideal for areas not on central sewer systems and where subsurface sewage disposal systems (i.e., typical septic systems, with a tank and leach field) are not appropriate or feasible (e.g., due to lot size or soil conditions).
- In 2007, the legislature charged DPH to write regulations to take over from DEEP the regulation of AT systems of 5,000 gpd or less. However, to date, such regulations have not been done, so all AT systems remain within DEEP's jurisdiction.
- Writing new regulations that creates a swift and certain process at DPH for permitting smaller AT systems will greatly help the regulatory process. *But, DEEP should also be required to adopt a swift and certain permitting process for larger AT systems.*

HB 5416 increases the threshold for DPH's jurisdiction from 5,000 gpd to 7,500 gpd or less.

- It applies to AT systems only. *But, the threshold increase for DPH's authority should also apply to traditional septic systems.* Both can serve a single building or groups of buildings.
- To give a residential context to these thresholds, 5,000 gpd means a residential development with a total of 33 bedrooms or less, while a 7,500 gpd threshold means a residential development of 50 bedrooms or less.
- Going to DPH is much more preferable; the regulatory timeframe is shorter and more certain.

These bills will help municipalities without central sewers to address issues with failing septic systems by improving the permitting of AT systems, and to allow further housing and economic development to go forward. *The two bills need to be reconciled (i.e., simply change "five thousand" in line 9 of HB6332 to "seven thousand five hundred"; and change the effective date of HB5416 to July 1, 2018).*

RI, MA and other states can more efficiently approve AT systems. CT should also in order to become economically competitive. These bills will also help both home builders and commercial developers by allowing larger projects (up to 7,500 gpd) to be permitted by DPH.

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HBRAC T's Vision: "Building CT's Economy, Communities & Better Lives One Home at a Time."

HBRAC T's Mission: "Using Effective Advocacy & New Knowledge to Solve our Member's Problems."

Joint Jurisdiction of Wastewater Control Between DEEP and DPH:

Wastewater from homes and other buildings is regulated by both DEEP and DPH. The statutes bifurcate which agency controls wastewater systems based on the magnitude of the design flow (i.e., gallons per day, or gpd) of the system to be used to process the wastewater from a building or group of buildings. See Regulatory Split below.

For residential buildings (homes, apartments, condos), the determination of total gpd is based on the Public Health Code's standard of 150 gpd/bedroom, up to 4 bedrooms in a dwelling unit. For units with 5 bedrooms or more, the standard for additional bedrooms is 75 gpd. Thus, a 2 bedroom apartment is assumed to produce 300 gpd, a 4 bedroom home is assumed to produce 600 gpd, while a 5 bedroom home is assumed to produce 675 gpd, and so on.

Also, there are three broad types of wastewater systems. First is public sewer or centralized systems (i.e., the buildings are connected to the public sewer system, and the wastewater is treated at a sewer plant). See definitions in *CGS, sec. 7-245*. Second broad type is a "subsurface sewage disposal system" – these are traditional septic systems, using a tank and leaching field. The third type is an alternative or advanced treatment system. These "AT" systems are generally newer technologies that can handle wastewater flows of various design flows, including from groups of buildings that are not on the public sewer system.

Regulatory Split:

CGS sec. 22a-430(g) has since 1977 required DEEP to delegate to DPH the regulation of subsurface sewage disposal systems with a capacity of 5,000 gpd or less.

CGS sec. 19a-35a requires DPH to define AT systems with capacities of 5,000 gpd or less. After such regulations are created, DPH is to regulate these smaller systems.

A change to DPH's jurisdiction from 5,000 gpd or less to 7,500 gpd or less should be made in both statutes above, i.e., for both subsurface sewage disposal systems and alternative systems, as well as in the definitions contained in *CGS sec. 7-245*. See the impact of this change below under 1.

Other changes that CT should pursue to improve the regulation of wastewater, or at least review, are:

1. Change the 150 gpd/bedroom standard in the Public Health Code. Other states use lower design flow calculations (e.g., while MA uses 330 gpd for the first two bedrooms, they drop to 110 gpd for the 3rd and more bedrooms; MA also uses 110 gpd for all bedrooms in senior housing; RI uses 115 gpd/bedroom). At CT's regulatory split of 5,000 gpd, DPH now regulates residential systems handling up to 33 bedrooms ($5,000/150 = 33$). At 7,500 gpd, DPH would regulate systems handling up to 50 bedrooms. If the 150 gpd standard was also reduced, to say 115 gpd, at 7,500 gpd, DPH would regulate systems handling up to 65 bedrooms ($7,500/115 = 65$). This change would be even more significant than just transferring larger projects to DPH, as it would reduce the cost of required systems by almost a third.
2. DEEP and DPH should accept and more quickly approve alternative or advanced treatment systems. There are systems approved in RI, for example, that have yet to be approved in CT. Alternative treatment systems can help facilitate housing and economic development in areas not served by centralized (pubic) systems and where traditional septic systems are not appropriate.
3. Eliminate the requirement of preserving a "reserve area" when constructing a subsurface sewage disposal system, which includes a leach field. A "reserve area" is an additional area of land that can be used in the future if the leach field fails. However, when repairs are necessary, they are made to the existing leach field and the reserve area is not typically used. There's no need for it.
4. Allow licensed engineers to self-certify system approvals, as is done at DEEP for stormwater control plans and hazardous waste issues.