



**HOME BUILDERS & REMODELERS ASSOCIATION  
OF CONNECTICUT, INC.**

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*Your Home  
Is Our  
Business*

March 13, 2017

To: Senators Kennedy and Miner, Representative Demicco, Co-Chairs  
Representative Harding, Ranking Member  
Members of the Environment Committee

From: Bill Ethier, CAE, Chief Executive Officer

Re: **Support HB 5416, AAC the Threshold for the Department of Energy and Environmental Protection's Review of Community Water Systems**

The HBRA of Connecticut is a professional trade association with about eight hundred (800) member firms statewide employing tens of thousands of CT's citizens. Our members, all small businesses, are residential and commercial builders, land developers, remodelers, general contractors, subcontractors, suppliers and those businesses and professionals that provide services to our diverse industry and to consumers. We build between 70% to 80% of all new homes and apartments in the state each year and engage in countless home remodeling projects.

**We strongly support HB 5416**, with the assumption that the bill intends to address wastewater systems, not "community water systems," which are water supply systems serving 25 or more residents that are regulated by the Dept of Public Health. The reference to a "system" with a capacity of 7,500 gallons appears to refer to wastewater systems, which are regulated by both DEEP and DPH, as explained below.

**Joint Jurisdiction of Wastewater Control Between DEEP and DPH:**

Wastewater from homes and other buildings is regulated by both DEEP and DPH. The statutes determine 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 on page 2.

Also, for residential buildings (homes, apartments, condos), the determination of total gpd is based on the Public Health Code's standard of 150 gpd/bedroom for the first 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.

**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. The 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.

**Vision: "Building CT's Economy, Communities and Better Lives One Home at a Time"**  
**Mission: "Using Effective Advocacy and New Knowledge to Solve Our Member's Problems."**

## **Regulatory Split:**

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

Since 2007, 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. However, the original bill in 2007 contained funding to go along with the new regulatory responsibility. During the legislative process that year, the funding to DPH was stripped. Then, in 2008 or 2009, the deadline date for DPH to produce these regulations was repealed. So, DPH has not yet promulgated these regulations and all AT systems remain under DEEP's authority. **HB 6332** (in Environment) is intended to address the process for regulating AT systems, while **HB 6243** (referred to Appropriations from the Public Health Committee) would transfer funding for regulating 5,000 gpd or less AT systems from DEEP to DPH.

**So, to effectuate the intent of HB 5416 to change the threshold for DPH's authority, in addition to requiring the two agencies to develop a swift and certain process for approving AT systems (i.e., HB 6332), the additional transfer of regulatory jurisdiction to DPH (i.e., DPH to regulate systems up to 7,500 gpd, versus the current 5,000 gpd) should be done for both subsurface sewage disposal systems, CGS sec. 22a-430(g), and AT systems, CGS sec. 19a-35a.**

**To give you some context, the impact of this change would be as follows.** Because of the Public Health Code's standard of 150 gpd/bedroom, at 5,000 gpd, DPH now regulates residential developments of up to 33 bedrooms ( $5,000/150 = 33$ ). At 7,500 gpd, DPH would regulate residential developments of up to 50 bedrooms ( $7,500/150 = 50$ ). Or, for a new home community of 3-bedroom homes, DPH now regulates 11 homes or fewer, while under HB 5416, DPH would regulate a community of 16 or fewer new homes.

## **Finally, other ways to improve the regulation of wastewater include:**

1. Increase DPH's regulatory authority for subsurface sewage disposal and AT systems to 10,000 gpd. Make the change a bit more significant than 7,500 gpd.
2. Reduce the 150 gpd/bedroom standard in the Public Health Code. For example, other states use lower design flow calculations, e.g., while MA uses 330 gpd for the first two bedrooms (165 gpd/bedroom), MA drops to 110 gpd for the 3<sup>rd</sup> and more bedrooms; MA also uses 110 gpd for all bedrooms in senior housing; and RI uses 115 gpd/bedroom. So, if CT used RI's 115 gpd/bedroom standard, and DPH regulated systems with a capacity up to 7,500 gpd, DPH would regulate residential communities containing 65 bedrooms or less. Larger communities would go to DEEP. This change would be even more significant than just transferring larger projects to DPH, as it would reduce the cost of construction of required systems by almost a third.
3. Eliminate the requirement of preserving a "reserve area" on the building lot 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, i.e., there's no need for it.

**We urge you to support HB 5416 to help further improve the regulatory environment in Connecticut.** Thank you for the opportunity to express our views on this legislation.