



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

DPH Environmental Engineering Program **August 19, 2010 Code Advisory Committee (CAC) Meeting**

Attendance & CAC Member Updates

- CADH
- CEHA
- COWRA
- CT HBA
- DEP: Warren Herzig's replacement: Michael Hart, (860) 424-3819, michael.hart@ct.gov
- Professional Engineers (CEPP, CSPE, CSCE) New CSCE representative: Mr. Douglas DiVesta
- Soil Scientist

Legislative Matters

- Public Act No. 10-158, AAC the Permit & Regulatory Authority of the DEP and Establishing an Office of the Permit Ombudsman within the DECD. The 2010 General Assembly (GA) enacted the legislation that incorporated recommendations of the Permit Task Force established by Governor Rell's Executive Order No. 39. A key provision of the legislation requires DEP to conduct an analysis of permit timeframes (25 permit programs) and report back to Governor and GA by 9/30/10. One permit program is the Groundwater Discharge Permitting Program for domestic sewage discharges, which was the subject matter for the July 21, 2010 DEP presentation by Oswald Inglese. Any comments on DEP's Groundwater Discharge Permitting Program should be provided to DEP ASAP. Presentation link:

http://www.ct.gov/dep/lib/dep/permits_and_licenses/assessment/presentation_subsurface_program.pdf

DEP Lean Project/Draft General Permit

- Draft *General Permit to Discharge from Subsurface Sewage Disposal Systems Serving Existing Facilities* distributed to CAC members via a June 18, 2010 R. Scully email. Draft General Permit is product of DEP an ongoing Lean Project & fall of 2009 Kaizen Event.

Smart Growth Guidelines

- OPM's website includes a November 2009 publication entitled *Smart Growth Guidelines for Sustainable Design & Development*. The document includes limited and inaccurate comments about septic systems on page 9 (attached). The guidance discourages development on sites that use septic systems because of costs of maintenance and "typical" system failure. R. Scully sent OPM's D. Morley email expressing concern about the comments.

Local Sanitary Codes (Ordinances, Regulations)

- The EE Program is having interns compile a summary of local sanitary codes related to septic systems in order to determine the extent and specifics of local pump-out programs and codes, and to identify potential conflicts. A recently issued DPH Memorandum of Decision ruled that a local sanitary code is inconsistent with the Public Health Code, and vacated the Local Director of Health's denial of a septic system plan for a new single-family residential building. The denial concerned a "20% Rule" that prohibits construction of leaching systems on slopes exceeding 20%.

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Items Previously on CAC Agenda

- **Recycled Glass as Select Fill:** To date, no beneficial use determination (BUD) has been submitted to DEP. Sieve results of sample submitted to DPH indicate non-compliance with select fill specifications.
- **Citizen's Ethics Advisory Board's Advisory Opinion 2010-1 dated January 28, 2010:** Reconsideration granted April 12, 2010, Hearing: May 20, 2010. Board voted on July 22, 2010 to reaffirm adoption of Opinion 2010-1.
- **Leaching System Ratings:** DPH has received comments from several proprietary leaching system companies, and from an engineering firm representing the Northeast Precast Concrete Association. All comments received to date have been distributed to the CAC and are posted on the EE Program's website. Comments currently under review by the program staff, and future CAC meeting(s) to discuss further.
- **Installer & Cleaner Licensure Applications (Initial & Reinstatements):** Applications finalized and posted on DPH website.
- **Appendix A, MLSS Revisions:** Draft language (on EE Program website) previously distributed for review and comment. New systems and code-complying areas (B100a Intensification of Use: Conversions, Changes in Use) shall provide leaching system spreads meeting MLSS that utilizes natural receiving soil only. Proposed language addresses non-compliant repairs that can't meet the new system MLSS. Non-compliant repair MLSS utilizes receiving soil that includes both natural soil and fill material, and in turn the permitted flow on the discharge permit takes into account the hydraulic capacity of this receiving soil. B100a potential repair areas identified for non-flow increasing building additions will also be allowed to consider fill for receiving soil.
- **Closed Loop Geothermal Systems:** DCP has prepared draft regulations that would cover construction and siting standards for closed loop geothermal wells including DX wells. Draft regulations require local permits prior to installation. Minimum separation distances include 50 feet to leaching systems, and 25 feet to watertight tanks (septic tanks, pump chambers, grease interceptor tanks). Distances to be incorporated into next revision of the Technical Standards. Note: Non-vertical boreholes require compliance with minimum separation as measured from the closest point of the borehole.

New Items

- **DCP Residential Property Condition Disclosure Report:** Current form in use is from June 2002. In 2004 DPH provided DCP comments/recommendations pertaining to the sewage disposal & water supply sections, however no changes were ever made. DCP recently asked for comments, and in June 2010 DPH resent DCP comments that were sent over in 2002.
- **Central System Exception Applications:** The EE Program will be preparing a central system exception application (1 page) that is similar to the well exception application. Exception requests will require a sketch/plan that shows the buildings served (existing & proposed), septic system, and water and sewer connections. An assessment confirming existing septic system is functioning satisfactorily will also be required if system is not new. Discussion points: Raw sewage pumps (vaults, location relative to building), Central Systems Vs Community Systems (See October 8, 2004 Memo from R. Scully to W. Herzig).
- **Proprietary Leaching Systems:** Discussion: Add language to Technical Standards that stipulates that it is the responsibility of the company to ensure that installers are properly trained on how to install leaching system.
- **DPH Grant Application:** DPH submitted an application for a CDC grant (*Strengthening Public Health Infrastructure for Improved Public Health Outcomes*) that includes a septic system management and tracking system. COWRA submitted a letter of support.
- **Permit to Discharge Renewals:** Septic system PHC regulation revisions (work in progress) to include language about such renewals in Section 19-13-B103e (h). Possible new language for the next revision of the Technical Standards in Section IV D. No Permit to Discharge renewals for failed systems, and malfunctioning systems identified during pump-out require further assessment prior to renewal.
- **Possible Legislative Proposals:** CGS Section 19a-14(c) revision to provide mechanism for DPH to pursue enforcement action against certified sewage disposal local health agents. CGS Section 19a-36 revision to require a fee for proprietary leaching system reviews/approvals.