



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

DEH Circular Letter #2003-22

Date: September 8, 2003

To: Directors of Health, Chief Sanitarians, Professional Engineers, Licensed Installers

From: *Rus* Robert W. Scully, Supervising Sanitary Engineer
Environmental Engineering Section

Subject: **WASTEWATER MANAGEMENT DISTRICTS**

New legislation has passed allowing municipalities to establish by ordinance decentralized wastewater management districts. The legislation stipulates conditions that must be met before a town can create such a district, including approval of an engineering report by the Commissioner of the Department of Environmental Protection (DEP) with concurring approval by the Commissioner of the Department of Public Health. The engineering report must have determined that existing subsurface sewage disposal systems may be detrimental to public health or the environment.

Attached is a copy of Sections 140-144 of House Bill No. 6806. These sections pertain to decentralized wastewater management districts and were included in the overall budget bill that Governor Rowland signed into law on August 20, 2003. The legislation is effective October 1, 2003 and will be applicable to decentralized systems in designated management districts. Decentralized systems are sewage treatment and disposal systems with design flows of 5000 gallons per day or less. These would include subsurface sewage disposal systems (i.e., septic systems), cesspools, alternative sewage treatment system and community sewerage systems. Public sewers are typically thought of as centralized systems.

The legislation allows for the implementation of remediation standards that would allow for the evaluation and upgrading of current sewage disposal systems within designated districts. This could entail removal of cesspools, steel septic tanks and leaching systems located too close to groundwater. Remediation standards would also establish criteria for the installation of alternative sewage treatment systems and set performance limits and operational controls for such systems. The legislation also allows for more stringent standards for the design and construction of subsurface sewage disposal systems than those imposed by the Public Health Code.

The legislation details how the local water pollution control authority (WPCA) interfaces with the local director of health. The WPCA is required to designate decentralized management district boundaries on the water pollution control plan for the municipality, and to ensure the operation and management of the decentralized management district. The local director of health must approve all rules or regulations regarding decentralized systems before taking effect. The local director of health pursuant to Connecticut General Statute (CGS) Section 19a-207 would adopt the local ordinance applying to decentralized systems.



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This new legislation could prove to be a valuable tool a municipality can utilize to address community pollution problems in densely populated areas. Although public sewers may be the most appropriate solution to the sewage disposal needs in some of these areas, there may be other areas where establishment of decentralized wastewater management districts will be the ultimate solution to the pollution problems. The legislation will pave the way for use of alternative sewage treatment systems in designated districts. Alternative systems such as aerobic treatment systems are under DEP's permitting authority and therefore can't be used until a DEP permit is secured. The adoption of a wastewater management district will insure there will be proper oversight of these systems following DEP's approval. Local health departments also play a regulatory role (site investigations, system inspections, etc) with alternative systems as stipulated in Public Health Code Section 19-13-B104.

It should be noted that municipalities working under the existing authority of the local director of health as provided by CGS Sec. 19a-207 may adopt by ordinance sanitary rules and regulations as long as they are not inconsistent with the Public Health Code. As such, a municipality working through the local director of health may elect to adopt an ordinance that would require the replacement of antiquated sewage disposal system components such as cesspools and steel septic tanks. This program requests that local health departments forward any such proposed ordinances to this office to insure they are consistent with the Public Health Code before they are adopted. One of the benefits of the new legislation will be to insure that local health departments have the resources to fulfill their obligations related to the management of decentralized systems in designated management districts. The WPCA will have the ability to collect revenues to bring this about.

The Department of Public Health, the Connecticut Environmental Health Association and the Connecticut Association of Directors of Health actively participated in a work group that was convened by DEP to improve the early language in the original bill. Although the legislation was adopted under a short time frame, it is hoped that it will allow for a collaborative effort between the local WPCA and director of health to address community pollution problems with the establishment of decentralized wastewater management districts.

Enclosure

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Sec. 140. Section 7-245 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2003):

For the purposes of this chapter: [, "acquire"] (1) "Acquire a sewerage system" means obtain title to all or any part of a sewerage system or any interest therein by purchase, condemnation, grant, gift, lease, rental or otherwise; (2) "alternative sewage treatment system" means a sewage treatment system serving one or more buildings that utilizes a method of treatment other than a subsurface sewage disposal system and that involves a discharge to the ground waters of the state; (3) "community sewerage system" means any sewerage system serving [one] two or more residences in separate structures which is not connected to a municipal sewerage system or which is connected to a municipal sewerage system as a distinct and separately managed district or segment of such system; (4) "construct a sewerage system" means to acquire land, easements, rights-of-way or any other real or personal property or any interest therein, plan, construct, reconstruct, equip, extend and enlarge all or any part of a sewerage system; (5) "decentralized system" means managed subsurface sewage disposal systems, managed alternative sewage treatment systems or community sewerage systems that discharge sewage flows of less than five thousand gallons per day, are used to collect and treat domestic sewage, and involve a discharge to the groundwaters of the state from areas of a municipality; (6) "decentralized wastewater management district" means areas of a municipality designated by the municipality through a municipal ordinance when an engineering report has determined that the existing subsurface sewage disposal systems may be detrimental to public health or the environment and that decentralized systems are required and such report is approved by the Commissioner of Environmental Protection with concurring approval by the Commissioner of Public Health, after consultation with the local director of health; (7) "municipality" means any metropolitan district, town, consolidated town and city, consolidated town and borough, city, borough, village, fire and sewer district, sewer district and each municipal organization having authority to levy and collect taxes; (8) "operate a sewerage system" means own, use, equip, reequip, repair, maintain, supervise, manage, operate and perform any act pertinent to the collection, transportation and disposal of sewage; (9) "person" means any person, partnership, corporation, limited liability company, association or public agency; (10) "remediation standards" means pollutant limits, performance requirements, design parameters or technical standards for application to existing sewage discharges in a decentralized wastewater management district for the improvement of wastewater treatment to protect public health and the environment; (11) "sewage" means any substance, liquid or solid, which may contaminate or pollute or affect the cleanliness or purity of any water; and (12) "sewerage system" means any device, equipment, appurtenance, facility and method for collecting, transporting, receiving, treating, disposing of or discharging sewage, including, but not limited to, decentralized systems within a decentralized wastewater management district when such district is established by municipal ordinance pursuant to section 7-247.

Sec. 141. Subsection (b) of section 7-246 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2003):

(b) Each municipal water pollution control authority designated in accordance with this section may prepare and periodically update a water pollution control plan for the municipality. Such plan shall designate and delineate the boundary of: (1) Areas served by any municipal sewerage system; (2) areas where municipal sewerage facilities are planned and the schedule of design and construction anticipated or proposed; (3) areas where sewers are to be avoided; (4) areas served by any community sewerage system not owned by a municipality; [and] (5) areas to be served by any proposed community sewerage system not owned by a municipality; and (6) areas to be designated as decentralized wastewater management districts. Such plan shall also describe the means by which municipal programs are being carried out to avoid community pollution problems and describe any programs wherein the local director of health manages subsurface sewage disposal systems. The authority shall file a copy of the plan and any periodic updates of such plan with the Commissioner of Environmental Protection and shall manage or ensure the effective supervision, management, control, operation and maintenance of any community sewerage system or decentralized wastewater management district not owned by a municipality.

Sec. 142. Section 7-247 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2003):

(a) Any municipality by its water pollution control authority may acquire, construct and operate a sewerage system or systems; may enter upon and take and hold by purchase, condemnation or otherwise the whole or any part of any real property or interest therein which it determines is necessary or desirable for use in connection with any sewerage system; may establish and revise rules and regulations for the supervision, management, control, operation and use of a sewerage system, including rules and regulations prohibiting or regulating the discharge into a sewerage system of any sewage or any stormwater runoff which in the opinion of the water pollution control authority will adversely affect any part or any process of the sewerage system except that any such rule or regulation regarding decentralized systems shall be approved by the local director of health before such rule or regulation may be effective; may enter into and fulfill contracts, including contracts for a term of years, with any person or any other municipality or municipalities to provide or obtain sewerage system service for any sewage, and may make arrangements for the provision or exchange of staff services and equipment with any person or any other municipality or municipalities, or for any other lawful services. The water pollution control authority of any municipality planning to acquire, construct or operate a new or additional sewerage system shall consider the feasibility of using the sewage collected by such system as an energy source for the generation of electricity or the production of other energy sources. The water pollution control authority may establish rules for the transaction of its business. It shall keep a record of its proceedings and shall designate an officer or employee to be the custodian of its books, papers and documents.

(b) Following approval of an engineering report by the Commissioner of Environmental Protection that includes concurrence with such approval by the Commissioner of Public Health, and in consultation with the local director of health, a municipality, acting in conjunction with its water pollution control authority may, by ordinance, establish geographical areas of decentralized wastewater management districts within such municipality.

(1) Such ordinance may also include, following the approval of such ordinance by the local director of health pursuant to such director's authority under section 19a-207: (A) Remediation and technical standards for the design and construction of subsurface sewage disposal systems that are more stringent than those imposed by the Public Health Code; (B) authority for the local director of health to order the upgrade of subsurface sewage disposal systems in accordance with such remediation and technical standards; (C) authority for the local director of health to establish criteria for the abandonment of substandard subsurface sewage disposal systems; (D) authority for the local director of health to order the property owner of a substandard subsurface sewage disposal system that does not comply with such remediation standards, technical standards or other criteria to abandon such substandard subsurface sewage disposal system thus allowing the water pollution control authority to order such owner to connect to a sewerage system pursuant to section 7-257; (E) standards established by the local director of health for the effective supervision, management, control, operation and maintenance of managed subsurface sewage disposal systems within such decentralized wastewater management districts; or (F) authority for the water pollution control authority to enact and amend regulations, following the approval of such regulations by the local director of health, that govern the supervision, management, control, operation and maintenance of such decentralized systems.

(2) Such ordinance shall include remediation standards for the design, construction and installation of alternative sewage treatment systems and standards for the effective supervision, management, control, operation and maintenance of alternative sewage treatment systems within such decentralized wastewater management districts that are consistent with any permit, order or recommendation of the Commissioner of Environmental Protection.

(c) Notwithstanding any provision of the general statutes, an area that is designated by ordinance of a municipality as a decentralized wastewater management district shall not be a public sewer for purposes of the Public Health Code.

(d) Nothing in this section shall be construed to limit the authority of a local director of health, the Commissioner of Public Health or the Commissioner of Environmental Protection.

Sec. 143. Section 7-257 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2003):

The water pollution control authority may order the owner of any building to which a sewerage system is available to connect such building with the system or order the owner to construct and connect the building to an alternative sewage treatment system. No such order shall be issued until after a public hearing with respect thereto after due notice in writing to such property owner. Any owner aggrieved by such an order may, within twenty-one days, appeal to the superior court for the judicial district wherein the municipality is located. Such appeal shall be brought to a return day of said court not less than twelve or more than thirty days after service thereof. The judgment of the court shall be final. If any owner fails to comply with an order to connect, the water pollution control authority shall cause the connection to be made and shall assess the expense thereof against such owner.

Sec. 144. (NEW) (Effective October 1, 2003) Any oversight or monitoring duties created for the Department of Public Health by the provisions of section 140, 141 or 142 of this act shall be conducted within available appropriations.