



General Assembly

Substitute Bill No. 927

January Session, 2021



AN ACT CONCERNING REVISIONS TO THE SEWAGE SPILL RIGHT-TO-KNOW STATUTE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-424a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 (a) For the purposes of this section:

4 (1) "Sewage treatment plant or collection system" means any sewage
5 treatment plant, water pollution control facility, related pumping
6 station, collection system or other public sewage works;

7 (2) "Sewage spill" means the diversion of wastes from any portion of
8 a sewage treatment plant or collection system in this state; [that
9 reasonably initiates public health, safety or welfare concerns, or
10 environmental concerns;]

11 (3) "Combined sewer" means structures which are designed to
12 convey both sanitary and storm sewage, and allow the overflow of such
13 combined sewage, untreated, to the waters of the state during periods
14 of high flows; and

15 (4) "Electronic report" means a reporting form that uses an electronic
16 format as prescribed by the Commissioner of Energy and

17 Environmental Protection.

18 (b) On and after July 1, 2013, the Commissioner of Energy and
19 Environmental Protection shall post, on the department's Internet web
20 site, a map of the state indicating [the] where sewage spills, anticipated
21 combined sewer overflows [anticipated to occur during certain storm
22 events. The web site may include the following relevant information
23 about the overflows: (1) Location, anticipated duration and extent; (2)
24 reasonable public health, safety or environmental concerns; and (3)
25 public safety precautions that should be taken] and permitted sewage
26 bypasses occur. The Internet web site shall include all information
27 posted pursuant to subdivision (1) of subsection (c) of this section and
28 shall be current.

29 (c) (1) On and after July 1, 2014, not later than two hours after receipt
30 of any report submitted pursuant to subdivision (2) of this subsection,
31 the Commissioner of Energy and Environmental Protection shall post,
32 on the department's Internet web site, notice of [unanticipated] any such
33 reported sewage spills [and waters of the state that have chronic and
34 persistent sewage contamination that represents a threat to public
35 health, as determined by the Commissioner of Energy and
36 Environmental Protection in consultation with the Commissioner of
37 Public Health] and permitted sewage bypasses. Any notice or report
38 posted pursuant to this subsection [may] shall contain the following
39 relevant information as best determined [from the reported sewage spill
40 incident] by the operator of the sewage treatment plant or collection
41 system that filed the subject report: (A) The estimated volume or rate of
42 discharge and, once known, the final volume discharged; (B) the level
43 of treatment of the discharge; (C) the date and time the incident
44 occurred; (D) the location of the discharge; (E) once known, the
45 estimated or actual time the discharge ceased; (F) the geographic area
46 impacted by the discharge; (G) once known, the steps taken to contain
47 the discharge; (H) reasonable public health, safety or welfare concerns
48 or environmental concerns; and (I) public safety precautions that should
49 be taken.

50 (2) On and after July 1, 2018, not later than two hours after becoming
51 aware of any sewage spill or permitted sewage bypass, the operator of
52 a sewage treatment plant or collection system shall submit an electronic
53 report to the Department of Energy and Environmental Protection that
54 includes all of the information required for any notice or report posted
55 in accordance with the provisions of subdivision (1) of this subsection.
56 Such report shall be updated by the operator on a daily basis for each
57 additional day that the sewage spill or permitted sewage bypass
58 continues after the submittal of the initial report and until such time as
59 the sewage spill or permitted sewage bypass ceases.

60 (3) On and after July 1, 2018, not later than two hours after becoming
61 aware of any sewage spill or permitted sewage bypass that [exceeds five
62 thousand gallons or that is anticipated to exceed five thousand gallons]
63 reaches a water body or may come in contact with the general public,
64 the operator of a sewage treatment plant or collection system shall notify
65 the chief elected official, or such official's designee, and the local public
66 health official of the municipality where the sewage spill or permitted
67 sewage bypass occurred [. As soon as practicable after receiving any
68 such notification, such municipality shall inform the public and
69 downstream public officials, as appropriate] and the chief elected
70 official, or such official's designee, and the local public health official of
71 any municipality that may be potentially impacted downstream by such
72 spill or sewage bypass. As soon as practicable, but not later than two
73 hours after receipt of any such notice pursuant to this subdivision, each
74 such chief elected official, in conjunction with the local public health
75 official, shall inform the public of any sewage spill or permitted sewage
76 bypass that has the potential to impact public health, safety or the
77 environment. Any such information provided to the public may be
78 provided through the use of social media and shall be provided in each
79 predominant language spoken by the residents of such municipality.

80 (4) Not later than December 1, 2021, the Department of Energy and
81 Environmental Protection shall implement a real-time public
82 notification system, through which the public may choose to be notified

83 of any sewage spills or permitted sewage bypasses as such sewage spills
84 or permitted sewage bypasses are reported electronically to said
85 department. Such real-time public notifications shall occur not later than
86 two hours after said department's receipt of any such report.

87 (5) Not later than February 1, 2022, and annually thereafter, the
88 Department of Energy and Environmental Protection shall publish and
89 make publicly available on the department's Internet web site an annual
90 report that includes a summary of the sewage spills that occurred within
91 each municipality during such year, a summary of sewage spills that
92 reached named or identified water bodies, a summary of the total
93 volume of each category of sewage spill and any enforcement actions
94 taken by the department related to such sewage spills.

95 [(d) The Commissioner of Energy and Environmental Protection shall
96 consult with the Commissioner of Public Health, operators of sewage
97 treatment plant or collection systems and state and local environmental
98 and health agencies when developing the notice required by
99 subdivision (1) of subsection (c) of this section.]

100 [(e)] (d) Any report to the Department of Energy and Environmental
101 Protection that is required pursuant to section 22a-430-3 of the
102 regulations of Connecticut state agencies shall be submitted as an
103 electronic report.

104 [(f)] (e) The failure to file an electronic report pursuant to any
105 provision of this section shall be deemed a violation of the provisions of
106 this section for purposes of section 22a-438.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2021	22a-424a
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Statement of Legislative Commissioners:

Technical conforming changes were made throughout the section for consistency.

ENV *Joint Favorable Subst.*