

Sec. 22a-430-1. Delegation of permitting authority for water pollution control

(a) Definitions

“Agent” means any state agency other than the Department of Environmental Protection, any municipal water pollution control authority, any municipal building official or municipal or district director of health.

“Commercial subsurface sewage disposal system” means a subsurface sewage disposal system receiving domestic sewage from any non-residential building or buildings on the same lot or within the same project as the building or buildings served.

“Commissioner” means the Commissioner of Environmental Protection.

“Director” means the Director of the Water Compliance Unit of the Department of Environmental Protection.

“Domestic sewage” means sewage that consists of water and human excretions or other waterborne wastes incidental to the occupancy of a residential building or a non-residential building but not including manufacturing process water, cooling water, wastewater from water softening equipment, commercial laundry wastewater, blowdown from heating or cooling equipment, water from cellar or floor drains or surface water from roofs, paved surfaces or yard drains.

“Groundwater control system” means a system of subsurface drains and in some cases subsurface pipes which are installed to reduce the amount of groundwater entering the soil below a leaching system from a higher elevation and upon which the operation of the leaching system is dependent.

“House sewer” means a sewer pipe extending from within the building served to the septic tank.

“Household subsurface sewage disposal system” means a subsurface sewage disposal system receiving domestic sewage from a single residential building and/or associated outbuildings where such a system is located on the same lot as the building served or on an easement available for the installation, operation and maintenance of the system and which is recorded on the appropriate land records.

“Leaching system” means a structure, excavation or other facility designed to allow settled sewage to percolate into the underlying soil, without overflow, and to mix with the groundwater.

“Lot” means a parcel of land, the boundaries of which are described in a deed recorded on the appropriate land records. Any such parcels which are contiguous and are owned by the same person or municipality shall be considered one lot.

“Non-residential building” means any commercial, industrial, institutional, public or other building not occupied as a dwelling, including hotels and motels.

“Open watercourse” means a well-defined surface channel, produced wholly or in part by a definite flow of water and through which water flows continuously or intermittently, and includes any ditch, canal, aqueduct or other artificial channel for the conveyance of water to or away from a given place; or any lake, pond, or other surface body of water intermittently or permanently covered with water, fresh or tidal.

“Outbuilding” means any structure, located on the same lot as a residential building, which may be served by a subsurface sewage disposal system or a sewer service connection but which cannot be reasonably separated from the residential building with which it is

associated and sold as a separate residential building.

“Public sewer” means a sewer which serves a number of buildings at least one of which is a residential building with or without associated outbuildings.

“Residential building” means any house, apartment, trailer or mobile home or other structure occupied by individuals permanently or temporarily as a dwelling place.

“Septage” means any water or material withdrawn from a septic tank which is used to treat domestic sewage.

“Septic tank” means a watertight receptacle designed and constructed so as to permit settling of solids, the digestion of organic matter and the discharge of settled sewage.

“Sewer service connection” means a sewer pipe or pipes extending from within the building served to a public sewer.

“Sewerage” means sewers and associated sewage disposal systems.

“Subsurface drain” means any pipe or other subsurface conveyance to which groundwater is transported during any season of any year.

“Subsurface pipe” means a pipe which has no loose or open joints, perforations, slots or porous openings which are intended to allow sewage or water to escape from or water to enter the pipe.

“Subsurface sewage disposal system” means a system consisting of a house sewer, a septic tank followed by a leaching system, any necessary pumps or siphons, and any groundwater control system on which the operation of the leaching system is dependent.

(b) Delegation of authority to issue permits, approvals, or orders or to hold public hearings.

(1)

(A) The Commissioner may by agreement delegate authority to issue permits, approvals or orders or to hold public hearings in accordance with Section 22a-430 (f) and Section 22a-2 (b) (2) of the Connecticut General Statutes, as amended, for various categories of discharge to any agent as defined in subsection (a) of this section; and the Commissioner hereby delegates authority to the Commissioner of Health Services in accordance with Section 22a-430 (g) of the Connecticut General Statutes to issue permits, approvals, and to hold public hearings for Categories I and II. Categories I and II are hereby exempted from the requirements for public notice contained in Section 22a-430 (b) of the Connecticut General Statutes.

(B) The Commissioner may limit the scope of review by any delegated agent other than the Commissioner of Health Services to those areas in which the agent demonstrates his or her ability to provide for prompt, thorough processing of permits, approvals, or orders and to insure compliance with all statutes and regulations administered by the Commissioner and directives of the Commissioner, applicable to any category of discharge other than Category I and II.

(2)

(A) Category I includes discharges of 5,000 gallons per day or less of domestic sewage to any one lot through one or more household subsurface sewage disposal systems.

(B) Category II includes discharges of 5,000 gallons per day or less of domestic sewage to any one lot through one or more commercial subsurface sewage disposal systems.

(c) **Delegation process for other than category I and II**

(1) Either the Commissioner may initiate the delegation process by letter to any prospective agent stating his or her intent to delegate and requesting the completion of an information form as provided by the Commissioner, or the prospective agent may initiate the delegation process by delivering to the Commissioner a completed information form. The information form shall set forth the name of the proposed agent, the type or scope of the delegation proposed, the geographical area to be covered and such other information as the Commissioner may require.

(2) The Commissioner shall review the information form and if he or she determines that the agent is capable of providing for prompt, thorough processing of permits, approvals, or orders, holding public hearings and insuring compliance with all statutes and regulations administered by the Commissioner and directives of the Commissioner applicable to any category of discharge, he or she may enter into a delegation agreement with the agent.

(3) The delegation agreement shall provide for delegation of authority to issue permits, approvals or orders or to hold public hearings for designated categories of discharges and for reporting to the Commissioner on action taken, and may contain such other terms and conditions as the Commissioner may reasonably require.

(d) Listing of delegated agents

The Director shall maintain a listing of agents to whom the authority of the Commissioner has been delegated in accordance with these regulations. Such listing shall be maintained in a manner that additions or deletions are made as they occur. The listing may be subdivided with respect to categories of discharges and/or geographical areas at the discretion of the Director. The complete listing or any portion thereof shall be made available to interested parties on request.

(e) Discharges of domestic sewage through subsurface sewage disposal systems

(1) General Provisions:

(A) This subsection applies only to discharges of domestic sewage in volumes of 5,000 gallons per day or less through a subsurface sewage disposal system.

(B) Any expansion or reconstruction of a subsurface sewage disposal system or portion thereof other than a maintenance repair, any increase in the volume of average daily discharge over that anticipated in system design, or any change from seasonal to year-round use shall be considered a new discharge and subject to the provisions of Section 22a-430 of the Connecticut General Statutes.

(C) The Commissioner of Health Services shall periodically investigate and review those sources of discharge which are operating pursuant to any permit issued pursuant to the authority delegated in these regulations and shall report to the Director any discharge from a subsurface sewage disposal system which cannot be corrected in compliance with the minimum requirements established by the Commissioner of Health Services pursuant to Section 22a-430 (g) of the Connecticut General Statutes.

(D) No permit shall be issued pursuant to the authority delegated to the Commissioner of Health Services by these regulations for a discharge from a subsurface sewage disposal system, the operation of which is dependent upon a groundwater control system, unless:

(i) the discharge from the groundwater control system is to an open watercourse, or

(ii) the discharge from the groundwater control system is to a subsurface pipe or subsurface drain owned and maintained by a municipality as defined in Section 22a-423 of

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the Connecticut General Statutes or by an agency of the state or federal government, or

(iii) for residential buildings, the discharge from the groundwater control system is to the ground surface on the same lot as the subsurface sewage disposal system or on an easement available for the installation, operation, and maintenance of the system which is recorded on the appropriate land records.

(E) A groundwater control system may be constructed to serve more than one lot provided the rights and obligations of the owners to maintain the system are established by a permanent covenant approved by the Commissioner and recorded on the land records.

(F) No permit shall be issued pursuant to the authority delegated to the Commissioner of Health Services by these regulations for a discharge which is subject to the provisions of Part C of the Safe Drinking Water Act (42 USC 300f).

(2) General Procedural Requirements;

(A) An applicant for a permit to discharge domestic sewage through a subsurface sewage disposal system shall comply with the procedures established by the Commissioner of Health Services pursuant to Section 22a-430 (g) of the Connecticut General Statutes.

(Effective December 18, 1984)