State of Connecticut

Policies and Procedures of

Department of Public Health

Concerning

On-Site Wastewater Disposal Systems

In accordance with Section 22a-430(g) of the Connecticut General Statutes, as amended by section 18 of Public Act 25-96, and in accordance with section 21(j) of Public Act 26-142, the Commissioner of Public Health shall implement the following policies and procedures as regulation until such time as final regulations are adopted.

Section 1. Section 19-13-B100a of the Regulations of Connecticut State Agencies is amended to read as follows:

(a) **Definitions.** As used in this section, and in sections 19-13-B103a to 19-13-B103h, inclusive, of the Regulations of Connecticut State Agencies:

(1) "Accessory structure" means a permanent, non-habitable structure [which] that is not served by a water supply or sewage system, or an above or below ground pool, including but not limited to examples provided in section 4 of the Technical Standards [is not served by a water supply] and is used incidental to residential buildings or non-residential buildings as those terms are defined in section 19-13-B103b of the Regulations of Connecticut State Agencies. [Accessory structures include, but are not limited to, detached garages, open decks, tool and lawn equipment storage sheds, gazebos, and barns.]

(2) “Building” has the same meaning as section 19-13-B103b of the Regulations of Connecticut State Agencies.

(3) “Building addition” means the expansion of interior space to an existing structure, which may include, but not be limited to, the expansion of usable floor space.

[(2)] (4) "Building conversion" means the act of winterizing a seasonal use building into year round use by providing one or more of the following: (A) a [positive heating supply] heating supply controlled by a thermostat or any other autonomous temperature-regulating device to the converted area; [or,] (B) a potable water supply, which is protected from freezing; or, (C) energy conservation in the form of insulation to protect from heat loss.

[(5) "Design flow" means the anticipated daily discharge from a building as determined in accordance with Sections IV and VIII F of the Technical Standards.]

(5) “Cesspool” means an underground sewage dispersal hollow structure that is not preceded by a septic tank and receives sewage from a building.

[(6) "Potential repair area" means an area on a property which could be utilized to repair or replace an existing or failed septic system and includes areas on the property where exceptions to Section 19-13-B103 of the Regulations of Connecticut State Agencies could be granted by the local director of health or the Commissioner of Public Health but does not include areas beyond those necessary for a system repair and areas of exposed ledgerock.]

[(3)] (6) "Change in use " means any structural, mechanical or physical change to a building [which] that allows the occupancy to increase[;], or the activities within the building to expand or alter such that, when the building is fully utilized, the design flow or required effective leaching area will increase.

[(7) "Technical Standards" means those standards established by the Commissioner of Public Health in the most recent revision of the publication entitled "Technical Standards for Subsurface Sewage Disposal Systems" prepared pursuant to Section 19-13-B103d(d) of the Regulations of Connecticut State Agencies. These standards can be obtained from the Department of Public Health, 410 Capitol Avenue, MS #51SEW, P.O. Box 340308, Hartford, CT. 06134-0308, or by calling (860) 509-7296.]

[(4)] (7) "Code-complying area" means an area on a property where a subsurface sewage disposal system under the jurisdiction of the commissioner can be installed [which] that meets all requirements of [Section 19-13-B103] sections 19-13-B103a to 19-13-B103h, inclusive, of the Regulations of Connecticut State Agencies, including scope pursuant to section 19-13-B103a and a nitrogen assessment pursuant to section 19-13-B013d(d) of the Regulations of Connecticut State Agencies as applicable, and meets all applicable specifications within the Technical Standards, except for the [one hundred percent] reserve leaching area referred to in [Section VII A] section 11 of the Technical Standards.

(8) “Commissioner” means the Commissioner of Public Health or the commissioner’s designee.

(9) “Component” means a septic tank, piping, leaching system, or any other individual part of a subsurface sewage disposal system under the jurisdiction of the commissioner.

(10) "Design flow" means the anticipated daily sewage discharge from a building as determined in accordance with sections 7 and 12 of the Technical Standards.

(11) “Effective leaching area” or “ELA” means a measure in square feet of the relative size of a leaching system in accordance with section 12 of the Technical Standards.

(12) “Leaching system” means a structure, excavation, or product designed to allow effluent to disperse into the receiving soil.

(13) “Local director of health” means the director of the local health department or district, or the director’s designee.

(14) “Lot” means a parcel of land, the boundaries of which are described in a deed recorded on the appropriate land records.

(15) “Minimum leaching system spread” or “MLSS” means the minimum leaching system length of effluent application to the receiving soil as determined in accordance with sections 11 and 13 of the Technical Standards.

(16) “Property” means a lot with one or more buildings.

(17) "Repair area" means an area on a property that may be utilized to repair or replace an existing or failed subsurface sewage disposal system and includes areas on the property where exceptions to section 19-13-B103d of the Regulations of Connecticut State Agencies may be granted by the local director of health or the Commissioner of Public Health. Areas beyond those necessary for a system repair and areas of exposed ledge rock are excluded from this definition.

(18) “Reserve Leaching Area” means a secondary leaching area identified during the design of a new subsurface sewage disposal system.

(19) “Subsurface sewage disposal system” or “system” means a system consisting of a building sewer, a septic tank followed by a leaching system, pumps, piping or other components, and any ground water control system on which the operation of the leaching system depends.

(20) "Technical Standards" means the standards established by the commissioner in the most recent revision of the publication entitled "Technical Standards for Subsurface Sewage Disposal Systems" prepared pursuant to section 19-13-B103d(b) of the Regulations of Connecticut State Agencies.

(b) **Building conversion, change in use.** If public sewers are not available, no building or part thereof shall be altered [so as] to enable its continuous occupancy by performing any building conversion, nor shall there be a change in use unless the local director of health has determined that after the conversion or change in use, a code-complying area exists on the [lot] property. [for installation of a subsurface sewage disposal system.] The determination by the local director of health of whether a code-complying area exists on the property shall be based upon analysis of existing soil data. If soil data is not available, the property owner shall perform soil testing. The property owner or the owner's authorized agent shall submit design plans, including soil testing, or a sketch to the local director of health to demonstrate how the property contains a code-complying area. [that can accommodate a sewage disposal system.] The local director of health may require expansion of the existing subsurface sewage disposal system or installation of a new subsurface sewage disposal system at the time of the change in use for those properties whenever the proposed change in use results in [a more than 50 %] a 50% or greater increase in the design flow, or if the existing system is a cesspool.

(c) **Building additions.** If public sewers are not available, no [addition to any] building addition shall be permitted unless the local director of health has determined that after the building addition a code-complying area exists on the [lot] property [for the installation of a subsurface sewage disposal system]. Once a code-complying area is identified, portions of the property outside this designated area may be utilized for further development of the property. This determination by the local director of health shall be based upon analysis of existing soil data to determine if a code-complying area exists. If soil data is not available, the property owner shall perform soil testing. The property owner or the owner's authorized agent shall submit design plans, including soil testing, or a sketch to the local director of health to demonstrate how the property contains a code-complying area [that can accommodate a subsurface sewage disposal system]. If the applicant submits soil test data, design plans or a sketch and is unable to demonstrate a code-complying area exists on the property, the building addition [shall] may be permitted[, provided] if the applicant proposes a system and repair area that meets the following requirements:

(1) The size of the [replacement] proposed system shown on design plans or sketch provides a minimum of 50% of the required [effective leaching area per] ELA as required by section 12 of the Technical Standards[,];

(2) The [replacement] proposed system shown on the design plans or sketch provides a minimum of 50% of the required [Minimum Leaching System Spread (MLSS)] MLSS [per] as required by sections 11 and 13 of the Technical Standards[,];

(3) [The proposed design does not require an exception to Section 19-13-B103d(a) (3) of the Regulations of Connecticut State Agencies, regarding separation distances to wells,] If the proposed system requires an exception to section 19-13-B103d(a)(2)(c) of the Regulations of Connecticut State Agencies for water supply well separation distances, not less than 50% of the required effective ELA and MLSS shall comply with the water supply well separation distances specified in Table 1 in section 5 of the Technical Standards[,];

(4) The building addition does not reduce the [potential] proposed repair area[, and];

(5) The building addition does not increase the design flow of the building; and

(6) The building addition shall meet the separation distances specified in Table I in section 5 of the Technical Standards to all components of both the existing and proposed subsurface sewage disposal system.

[The local director of health may require expansion of the existing sewage disposal system or installation of a new sewage disposal system at the time of building addition whenever the proposed building addition results in a more than 50% increase in the design flow. The separation distance from an addition to any part of the existing sewage disposal system shall comply with Table 1 in Section II of the Technical Standards.]

(d) **[Attached or detached garages, accessory structures, below or above ground pools] Accessory structures**. If public sewers are not available, no [attached garage, detached garage,] accessory structure[, below or above ground pool] shall be permitted unless the local director of health has determined that after construction of the [attached garage, detached garage,] accessory structure[, below or above ground pool,] a code-complying area exists on the [lot] property. [for installation of a subsurface sewage disposal system.] This determination by the local director of health shall be based upon analysis of existing soil data. If soil data is not available, the property owner shall perform soil testing. The property owner or the owner's authorized agent shall submit design plans or a sketch to the local director of health to demonstrate how the property contains a code-complying area [that can accommodate a sewage disposal system]. If the applicant submits soil test data, design plans or a sketch and is unable to demonstrate a code-complying area, the [attached or detached garage, below or above ground pool, or] accessory structure shall be permitted, provided the accessory structure does not reduce the potential repair area. The separation distance from the [attached or detached garage, below or above ground pool, or] accessory structure to any part of the existing subsurface sewage disposal system shall comply with Table 1 in [Section II] section 5 of the Technical Standards.

(e) **Sewage disposal area preservation.** If public sewers are not available, no lot line shall be relocated or any other activity performed that affects soil characteristics or hydraulic conditions [so as to reduce] that reduce the [potential] repair area[,] for any buildings on the property, unless the local director of health has determined that after the lot line relocation, activity or disturbance of soils on the lot a code-complying area exists for the installation of a subsurface sewage disposal system for each building. This determination by the local director of health shall be based upon analysis of existing soil data. If soil data is not available, the property owner shall perform soil testing. The property owner or the owner's authorized agent shall submit design plans, including soil testing, or a sketch to demonstrate how the proposed lot line relocation or other activity performed that affects soil characteristics or hydraulic conditions does not reduce the repair area, or demonstrate how the property contains a code-complying area. [that can accommodate a sewage disposal system.] [In no case shall a] A relocated lot line shall not violate [Subsection (d) of Section 19-13-B103(d)] sections 19-13-B103d(e) or 19-13-B103d(d)(3)(E) of the Regulations of Connecticut State Agencies [that requires that each subsurface sewage disposal system shall be located on the same lot as the building served;]. The separation distance from the relocated lot line to the existing subsurface sewage disposal system shall comply with Table 1 in section 5 of the Technical Standards.

(f) **Decision by Director of Health.** Any final decision of the local director of health made [in regard to] regarding this section shall be made in writing and sent to the applicant. Any decision adverse to the applicant or [which] that limits the application shall set forth the facts and conclusions upon which the decision is based. Such written decision shall be deemed equivalent to an order, and may be appealed pursuant to Section 19a-229 of the Connecticut General Statutes.

Sec 2. Section 19-13-B103a to Section 19-13-B103f, inclusive, of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 19-13-B103a. Scope

[These regulations establish minimum requirements for household and small commercial subsurface sewage disposal systems with a capacity of 5,000 gallons per day or less, non-discharging toilet systems and procedures for the issuance of permits or approvals of such systems by the director of health or registered sanitarian, as required by Section 25-54i (g) of the General Statutes.] Sections 19-13-B103a to 19-13-B103h, inclusive, of the Regulations of Connecticut State Agencies establish minimum requirements effective September 1, 2026 for household subsurface sewage disposal systems, small community sewerage systems, small commercial subsurface sewage disposal systems and non-discharging sewerage disposal systems, with a cumulative sewage design flow of 10,000 gallons per day or less per lot. These regulations also establish minimum requirements for water treatment wastewater dispersal systems on properties or lots with a cumulative sewage design flow of 10,000 gallons per day or less per lot, and procedures for the issuance of permits or approvals of subsurface sewage disposal systems and water treatment wastewater dispersal systems by the local director of health or environmental health specialist, as delegated pursuant to Section 22a-430(g) of the Connecticut General Statutes and section 22a-430-1(b) of the Regulations of Connecticut State Agencies and as authorized by section 19-13-B103h of the

Regulations of Connecticut State Agencies setting standards and procedures for the training, certification and approval of individuals conducting subsurface sewage enforcement at the local district or department of health. On or after the effective date of this section, any proposed systems on lots or properties that are contiguous and are owned or controlled, in whole or in part, by the same person, municipality, or any entity under same beneficial ownership of or control with such person shall be deemed one lot or property for the purposes of determining whether sections 19-13-B103a to 19-13-B103h of the Regulations of Connecticut State Agencies, inclusive, are applicable.

Plans submitted to a local director of health for review prior to September 1, 2026 shall be reviewed pursuant to the regulations and Technical Standards in effect prior to September 1, 2026. If an approval to construct based on the regulations and Technical Standards in effect prior to September 1, 2026 is not issued by January 1, 2027, the local director of health may require the applicant to submit new plans pursuant to the regulations and Technical Standards in effect as of September 1, 2026. Applicants may request a written explanation of a local director of health's decision regarding a permit or approval pursuant to section 19-13-B103e(j)(2) of the Regulations of Connecticut State Agencies.

Sec. 19-13-B103b. Definitions

As used in sections 19-13-B103a to 19-13-B103i, inclusive, of the Regulations of Connecticut State Agencies:

[The following definitions shall apply for the purposes of Sections 19-13-B103c to 19- 13-B103f, inclusive:]

[(a) "Sewage" means domestic sewage consisting of water and human excretions or other waterborne wastes incidental to the occupancy of a residential building or a non-residential building, as may be detrimental to the public health or the environment, but not including manufacturing process water, cooling water, waste water from water softening equipment, blow down from heating or cooling equipment, water from cellar or floor drains or surface water from roofs, paved surface or yard drains.

(b) "Septic tank" means a water-tight receptacle which is used for the treatment of sewage and is designed and constructed so as to permit the settling of solids, the digestion of organic matter by detention and the discharge of the liquid portion to a leaching system;

(c) "Subsurface sewage disposal system" means a system consisting of a house sewer; a septic tank followed by a leaching system, any necessary pumps and siphons, and any ground water control system on which the operation of the leaching system is dependent.

(d) "Residential building" means any house, apartment, trailer or mobile home, or other structure occupied by individuals permanently or temporarily as a dwelling place but not including residential institutions;

(e) "Residential institution" means any institutional or commercial building occupied by individuals permanently or temporarily as a dwelling, including dormitories, boarding houses, hospitals, nursing homes, jails, and residential hotels or motels;

(f) "Nonresidential building" means any commercial, industrial, institutional, public or other building not occupied as a dwelling, including transient hotels and motels;

(g) "Impervious soil" means soil that has a minimum percolation rate slower than one inch in sixty minutes when the ground water level is at least eighteen inches below the bottom of the percolation test hole;

(h) "Suitable soil" means soil having a [minimum] percolation rate of one inch in one to sixty minutes when the ground water level is at least eighteen inches below the bottom of the percolation test hole;

(i) "Maximum ground water level" means the level to which ground water rises for a duration of one month or longer during the wettest season of the year;

(j) "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, aquaduct or other artificial channel for the conveyance of water to or away from a given place, but not including gutters for storm drainage formed as an integral part of a paved roadway; or any lake, pond, or other surface body of water, fresh or tidal; or other surface area intermittently or permanently covered with water.

(k) "Local director of health" means the local director of health or his authorized agent;

(*l*) "Technical Standards" means the standards established by the commissioner of health services in the most recent revision of the publication entitled "Technical Standards for Subsurface Sewage Disposal Systems" available from the State Department of Health Services.

(m) "Department" means the State Department of Health Services.

(n) "Gray water" means domestic sewage containing no fecal material or toilet wastes.

(o) "Drawdown area" means the area adjacent to a well in which the water table is lowered by withdrawal of water from the well by pumping at a rate not exceeding the recharge rate of the aquifer.]

(1) <u>“Abandon” means to fill, crush, remove, disconnect or otherwise eliminate the hazard posed by an unused subsurface sewage disposal system or component thereof.</u>
(2) <u>"Agent of the local director of health" has the same meaning as section 21 of Public Act 26-142;</u>
(3) <u>“Applicant” means the owner or the owner’s authorized agent or representative, including but not limited to a professional engineer, as applicable.</u>
(4) <u>"Building” means both residential and non-residential buildings, and residential institutions.</u>
(5) <u>“Central subsurface sewage disposal system” or “central system” means a household subsurface sewage system or a commercial subsurface sewage disposal system under the jurisdiction of the Commissioner that serves a residential building and one or more outbuildings, a residential</u>

building and one or more non-residential buildings, two or more non-residential buildings, or two or more outbuildings.

(6) "Coastal boundary" has the same meaning as provided in section 22a-94(b) of the Connecticut General Statutes.

(7) "Code-complying system" means a subsurface sewage disposal system that is installed in accordance with sections 19-13-B103a to 19-13-B103h, inclusive, of the Regulations of Connecticut State Agencies, and the Technical Standards.

(8) "Commercial subsurface sewage disposal system" has the same meaning as provided in section 22a-430-1 of the Regulations of Connecticut State Agencies.

(9) "Commissioner" means the Commissioner of Public Health or the commissioner's designee.

(10) "Component" has the same meaning as provided in section 19-13-B100a(a) of the Regulations of Connecticut State Agencies.

(11) "Cumulative sewage design flow" means the total design flow of all subsurface sewage disposal systems on any one lot.

(12) "Deep observation pit" means a test pit or an open pit excavated to allow examination of the soils and to obtain data to identify any conditions that would limit subsurface sewage disposal.

(13) "Department" means the Department of Public Health.

(14) "Design flow" has the same meaning as provided in section 19-13-B100a(a) of the Regulations of Connecticut State Agencies.

(15) "Drawdown area" means the area surrounding a well in which the water table is lowered by the withdrawal of water from the well by pumping at a rate not exceeding the recharge rate of the aquifer.

(16) "Gray water system" means a septic tank and leaching system for domestic sewage containing no fecal material or toilet waste.

(17) "Household subsurface sewage disposal system" means a subsurface sewage disposal system receiving domestic sewage from a single residential building or outbuildings, or both, where such a system is located on the same lot as the building or outbuilding served or on an easement for the installation, operation and maintenance of the system and which is recorded on the appropriate land records.

(18) "Impervious soil" means soil that has a minimum percolation rate slower than 60 minutes per inch when the ground water level is at least 18 inches below the bottom of the percolation test hole.

(19) "Inland wetlands" has the same meaning as "wetlands" as provided in section 22a-38 of the Connecticut General Statutes.

(20) "Leaching system" has the same meaning as provided in section 19-13-B100a(a) of the Regulations of Connecticut State Agencies.

(21) "Local director of health" means the local director of health or the local director of health's authorized agent.

(22) "Lot" has the same meaning as provided in section 19-13-B100a(a) of the Regulations of Connecticut State Agencies.

(23) "Maximum ground water level" means the level to which ground water rises for a period of 1 month or longer during the wettest season of the year.

(24) "Municipality" has the same meaning as section 22a-423 of the Connecticut General Statutes.

(25) "Naturally occurring soil" means soil that originates on the lot through natural processes, independent of human actions, and excludes any soil or fill placed or otherwise deposited as a result of human actions.

(26) "Nitrogen dilution model" means a method for calculating nitrogen dilution to meet the nitrogen assessment requirements in section 19-13-B103d(d)(3)(F) of the Regulations of Connecticut State Agencies.

(27) "Nitrogen sensitive area" means an area located within a coastal boundary, as defined in section 22a-94(b) of the Connecticut General Statutes, or land within one hundred and twenty-five feet of any wetland or watercourse, as defined in section 22a-38 in the Connecticut General Statutes, that are regulated by a municipality pursuant to sections 22a-42 and 22a-42a of the Connecticut General Statutes.

(28) "Non-residential building" means any commercial, industrial, institutional, public or other building not occupied as a dwelling, including transient hotels and motels and camping units as defined in section 19a-2a-29 of the Regulations of Connecticut State Agencies.

(29) "Non-discharging sewage disposal system" means a sewage collection system or sewage holding tank that does not discharge to a subsurface sewage disposal system, including but not limited to, composting toilets, chemical flush toilets, chemical privies, or dry vault privies. Factory installed internal sewage holding tanks in recreational vehicles or portable temporary buildings are excluded from this definition.

(30) "Open watercourse" means a well-defined surface channel formed wholly or partly by the flow of water and through which water flows continuously or intermittently. The term includes, but is not limited to, any ditch, canal, aqueduct or other artificial channel used to convey water to or away from a given place; and any lake, pond, or other surface body of water intermittently or permanently covered with fresh or tidal water. The term does not include any storm drainage gutters that are an integral part of a paved roadway.

(31) "Outbuilding" means an ancillary structure served by a water supply and subsurface sewage disposal system, located on a property with an associated primary residential building, and which cannot be split off and sold separately from the primary building.

(32) "Owner" means a person who, alone or with other persons, has legal title to a lot or property served by a subsurface sewage disposal system or who has control of the lot or property served by a subsurface sewage disposal system. Owner includes, but is not limited to, an agent, executor, administrator, trustee, lessee, or guardian of an estate acting on behalf of the legal title holder.

(33) "Percolation test" means a soil test conducted to approximate the movement of wastewater through the soil that occurs during operation of a subsurface sewage disposal system.

(34) "Person" has the same meaning as section 22a-423 of the Connecticut General Statutes.

(35) "Phase I subsurface sewage enforcement officer" has the same meaning as provided in section 21 of Public Act 26-142.

(36) "Phase II subsurface sewage enforcement officer" has the same meaning as provided in section 21 of Public Act 26-142.

(37) "Pollution abatement facility" has the same meaning as provided in section 22a-423 of the Connecticut General Statutes.

(38) "Professional engineer" means an individual licensed as a professional engineer pursuant to Chapter 391 of the Connecticut General Statutes.

(39) "Residential building" means any house, apartment, trailer or mobile home, or other structure occupied by one or more individuals, permanently or temporarily, as a dwelling but not including residential institutions.

(40) "Residential institution" means any institutional or commercial building occupied by individuals, permanently or temporarily, as a dwelling, including dormitories, hospitals, nursing homes, jails, and residential hotels or motels.

(41) "Responsible party" means the owner or the owner's authorized representative responsible for compliance with the requirements of sections 19-13-B103a through 19-13-B103h, inclusive, of the Regulations of Connecticut State Agencies.

(42) "Septic tank" means a watertight receptacle used for the treatment of sewage, and designed and constructed to allow the settling of solids, organic matter to be digested during detention, and the liquid portion to discharge to a leaching system.

(43) "Sewage" has the same meaning as "domestic sewage" as defined in section 22a-430-1 of the Regulations of Connecticut State Agencies.

(44) "Sewage holding tank" means a non-discharging, watertight receptacle that is used for the collection of sewage to facilitate offsite disposal.

(45) "Small commercial subsurface sewage disposal system" means a commercial subsurface sewage disposal system as defined in section 22a-430-1(a) of the Regulations of Connecticut State Agencies and delegated to the Commissioner pursuant to section 22a-430(g) of the Connecticut General Statutes and section 22a-430-1(b) of the Regulations of Connecticut State Agencies.

(46) "Small community sewerage system" means any subsurface sewage disposal system, serving 2 or more residential buildings or residential institutions located on the same lot, that is not connected to a municipal sewerage system, but does not include any subsurface sewage disposal system serving only a principal dwelling unit and an accessory apartment, as defined by section 8-1a of the Connecticut General Statutes.

(47) "Soil scientist" has the same meaning as provided in section 22a-38 of the Connecticut General Statutes.

(48) "Subsurface sewage disposal system" has the same meaning as provided in section 19-13-B100a(a) of the Regulations of Connecticut State Agencies.

(49) "Subsurface sewage disposal system cleaner" or "cleaner" means an individual licensed as a subsurface sewage disposal system cleaner pursuant to Chapter 393a of the Connecticut General Statutes.

(50) "Subsurface sewage disposal system installer" or "installer" means an individual licensed as a subsurface sewage disposal system installer pursuant to Chapter 393a of the Connecticut General Statutes.

(51) "Subsurface sewage enforcement officer" has the same meaning as provided in section 21 of Public Act 26-142.

(52) "Suitable soil" means soil with conditions suitable for the installation of a subsurface sewage disposal system.

(53) "Technical Standards" has the same meaning as provided in section 19-13-B100a(a) of the Regulations of Connecticut State Agencies.

(54) "Watercourses" has the same meaning as provided in section 22a-38 of the Connecticut General Statutes.

(55) "Water pollution control authority" means an entity designated in accordance with Chapter 103 of the Connecticut General Statutes.

(56) "Water treatment device" means a device used to treat or reduce contaminants in well water supplied to a building on a property served by a subsurface sewage disposal system.

(57)"Water treatment wastewater" means the non-potable water discharge generated by a water treatment device including, but not limited to, discharges of wastewater from water softening equipment.

(58)"Water treatment wastewater dispersal system" means a system consisting of a solid conveyance pipe, followed by a structure designed to receive water treatment wastewater and allow the water treatment wastewater to percolate into the underlying soil.

Sec. 19-13-B103c. General provisions

(a) All sewage shall be disposed of by connection to public sewers, or by subsurface sewage disposal systems, or by other methods as approved by the [Commissioner of Health Services] commissioner in accordance with sections 19-13-B103a to 19-13-B103h, inclusive, of the Regulations of Connecticut State Agencies, and maintained in accordance with the following requirements[.]:

(1) All subsurface sewage disposal systems, privies and non-discharging sewage disposal systems shall be kept in a sanitary condition at all times and shall be constructed and maintained to prevent the escape of odors and to exclude animals and insects; and

(2) The sewage in a subsurface sewage disposal system or privy shall only be transferred and removed by a subsurface sewage disposal system cleaner or subsurface sewage disposal system installer.

[(b) All sewers, subsurface sewage disposal systems, privies and toilet or sewage plumbing systems shall be kept in a sanitary condition at all times and be so constructed and maintained as to prevent the escape of odors and to exclude animals and insects.

(c) The contents of a septic tank, subsurface sewage disposal system or privy vault shall only be disposed of in the following manner. Each application for a permit under (c) (2) and (3) shall be in writing and designate where and in what manner the material shall be disposed of.

(1) If the contents are to be disposed of on the land of the owner, disposal by burial or other method which does not present a health hazard or nuisance; or

(2) If the contents are to be disposed of on land of other than the owner;

(A)The contents shall be transferred and removed by a cleaner licensed pursuant to Connecticut General Statutes § 20-341, and

(B) Only on the application for and an issuance of a written permit from the local director of health in accordance with the provisions of this section;

(3) If the contents are to be dispersed on a public water supply water shed, only on the application and issuance of a written permit by the Commissioner of Health Services in accordance with the provisions of this section.

(d) All material removed from any septic tank, privy, sewer, subsurface sewage disposal system, sewage holding tank, toilet or sewage plumbing system shall be transported in water-tight vehicles or containers in such a manner that no nuisance or public health hazard is presented. All vehicles used for the transportation of such material shall bear the name of the company or licensee and shall be maintained in a clean exterior condition at all times. No defective or leaking equipment shall be used in cleaning operations. All vehicles or equipment shall be stored in a clean condition when not in use. Water used for rinsing such vehicles or equipment shall be considered sewage and shall be disposed of in a sanitary manner approved by the local director of health.]

(3) All material removed from any sewage tank, privy, subsurface sewage disposal system or non-discharging sewage disposal system shall be transported for cleaning purposes as follows:

(i) In water-tight vehicles designed and manufactured for the transportation of sewage, in such a manner that no nuisance or public health hazard is presented;

(ii) In vehicles that shall bear the name of the company or licensee, and the license number, and are maintained in a clean exterior condition at all times;

(iii) No defective or leaking equipment shall be used in cleaning operations;

(iv) All vehicles or equipment used for cleaning purposes shall be stored in a clean condition when not in use; and

(v) Water used for rinsing such vehicles or equipment shall be considered sewage and shall be disposed of in a sanitary manner approved by the local director of health.

[(e) Septic tanks shall be cleaned by first lowering the liquid level sufficiently below the outlet to prevent sludge or scum from overflowing to the leaching system where it could cause clogging and otherwise damage the system. Substantially all of the sludge and scum accumulation shall be removed whenever possible, and the inlet and outlet baffles shall be inspected for damage or clogging. Cleaners shall use all reasonable precaution to prevent damaging the sewage disposal system with their vehicle or equipment. Accidental spillages of sewage, sludge or scum shall be promptly removed or otherwise abated so as to prevent a nuisance or public health hazard]

(b) Septic tanks shall be cleaned and maintained in accordance with section 8 of the Technical Standards. All sludge and scum accumulation in the septic tank shall be removed when possible, and the septic tank and its components shall be inspected for damage or clogging by the cleaner or installer. Cleaners and installers shall use all precautions to prevent damage to the subsurface sewage disposal system during cleaning and maintenance of the subsurface sewage disposal system. Accidental spillages of sewage, sludge or scum during cleaning or maintenance shall be promptly removed or otherwise abated by the cleaner or installer to prevent a nuisance or public health hazard.

[(f) No sewage shall be allowed to discharge or flow into any storm drain, gutter, street, roadway or public place, nor shall such material discharge onto any private property so as to create a nuisance or condition detrimental to health. Whenever it is brought to the attention of the local director of health that such a condition exists on any property, he shall investigate and cause the abatement of this condition.]

(c) No sewage shall be allowed to discharge or flow into any storm drain, gutter, street, roadway or public place, nor shall such material be allowed to discharge onto any property to create a nuisance or condition determined by the local director of health to be detrimental to public health. When the local director of health has determined after an investigation that such a condition is detrimental to public health, the local director of health shall require appropriate remedial action of the condition pursuant to section 19a-206 of the Connecticut General Statutes.

(d) If an installer or cleaner identifies a system as malfunctioning, but not failing, upon maintenance, cleaning or inspection, the installer or cleaner shall notify the local director of health in a written report and shall recommend further assessment. If an installer or cleaner identifies a system as failing, the installer or cleaner shall report the failure to the local director of health to determine whether the system requires remedial action pursuant to section 19a-206 of the Connecticut General Statutes.

Sec. 19-13-B103d. Minimum requirements

(a) Each subsurface sewage disposal system shall be constructed, installed, repaired, replaced, altered or extended pursuant to the requirements of this section and to all applicable specifications in the Technical Standards unless an exception is granted in accordance with the following provisions:

(1) A local director of health may grant an exception, except with respect to the requirements of [Section] sections 19-13-B103d(e) or 19-13-B103d(f) of the Regulations of Connecticut State Agencies and section 5.4 of Technical Standards [IIA,] for the repair, alteration, or extension of an existing subsurface sewage disposal system [where he] if the local director of health determines the repair, alteration or extension cannot [be affected in compliance] comply with the requirements of [this] section 19-13-B103d of the Regulations of Connecticut State Agencies and upon a finding that such an exception is unlikely to cause a nuisance or health hazard. Applicants requesting an exception under this subsection shall submit such requests to the local director of health in a form and manner determined by the local director of health. [All exceptions granted by the local director of health shall be submitted to the Commissioner of Health Services within thirty days after issuance on forms provided by the Department.]

(2) The [Commissioner of Health Services] commissioner may grant an exception to the requirements of [Section] sections 19-13-B103d(e) or 19-13-B103d(f) of the Regulations of Connecticut State Agencies upon written application or as provided in subdivision (2)(C) of this subsection (a). The applicant shall submit a proposed plan requesting an exception to the local director of health. After reviewing the proposed plan and determining that the proposed plan is eligible for an exception under this section, the local director of health shall complete and submit an application for an exception to the commissioner for review and approval. The commissioner may request additional documentation from the applicant to demonstrate that any existing subsurface sewage disposal system is in satisfactory condition and adequate to serve the

proposed use. The commissioner may approve an exception upon a determination that the application for an exception complies with the following requirements: [and upon a finding that:]

(A) [A central subsurface sewage disposal system] A small community sewerage system serving more than [one] 1 building is technically preferable [for reasons of] based on site limitations, [or] to facilitate construction[,] for maintenance of the system, or for improved distribution and treatment of sewage effluent [or future connection to public sewers], and meets the technical specifications for such systems set forth in section 5 of the Technical Standards; or

(B) A subsurface sewage disposal system not located on the same lot as the building served is located on an easement attached thereto. The application for such exception shall include the easement, a design plan and a defined easement area, as specified in section 5 of the Technical Standards. Applicants for an exception under this subdivision (2)(B) of this subsection (a) shall demonstrate compliance with section 19-13-B100a of the Regulations of Connecticut State Agencies if the property where the easement is to be located contains a sewage system. Such easement shall reference the design plan, [shall] be properly recorded on the land records after approval by the commissioner and not later than three months following execution, and [shall] be revokable only by agreement of both property owners and the [Commissioner of Health Services] commissioner; or

(C) The commissioner may grant an exception to the separating distance requirements of Table 1, Item A of the Technical Standards, upon written application in accordance with the requirements in section 19a-209c of the Connecticut General Statutes, and in accordance with section 5 of the Technical Standards that such an exception is unlikely to pollute a water supply well in such a manner as to cause a health hazard. An application for an exception under this subdivision (2)(C) shall include supporting documentation to confirm the location of affected water supply wells. Reviews of applications for an exception under this subdivision (2)(C) of this subsection (a) may include an evaluation of the existing subsurface sewage disposal system which may include as applicable, but not be limited to, an evaluation of the condition of the existing sewage tanks, evaluation of the distribution box and piping, and a summary of the leaching system.

[(3) The Commissioner of Health Services may grant an exception to the requirements of Technical Standard IIA, upon written application and upon a finding that such an exception is unlikely to pollute the well in such a manner as to cause a health hazard.]

(3) For any small community sewerage system for which an exception is granted pursuant to section 19-13-B103d(a) of the Regulations of Connecticut State Agencies, the responsible party shall be the owner of the lot or property unless otherwise specified by the applicant in the application for the exception. Small community sewerage systems may be subject to the requirements of sections 7-246 and 7-246f of the Connecticut General Statutes, and may be subject to the authority of the applicable water pollution control authority.

(b) **Technical standards.** Subsurface sewage disposal systems within the scope of this regulation shall be designed, installed and operated in accordance with the [technical standards established in the "Technical Standards for Subsurface Sewage Disposal Systems"] Technical Standards published by the [Commissioner of Health Services] commissioner pursuant to section 22a-430(g) of the Connecticut General Statutes. The department shall maintain these Technical Standards on the department's website. The Technical Standards shall be reviewed annually and any changes to the Technical Standards shall be made available [on January 1st of each year] including, but not limited to, by posting on the department's website. Changes to the Technical Standards are effective immediately upon posting.

(c) **Approval of subsurface sewage disposal system components.** Any manufactured product, technology, system, part, component, material, or other item for use in a subsurface sewage disposal system under the jurisdiction of the commissioner shall comply with applicable specifications for such items set forth in the Technical Standards. The commissioner may require individual review and approval of such items for compliance with the Technical Standards including, but not limited to, septic tanks, piping, effluent filters, filter fabric, proprietary leaching system, proprietary leaching systems, and manufactured select fill. Any such items approved by the commissioner shall be listed in the Technical Standards. Applicants seeking the commissioner's approval of a proprietary item not listed in the Technical Standards shall submit documentation to the commissioner demonstrating compliance with the applicable technical specifications set forth in the Technical Standards, and any additional information the commissioner may require. Approval of such items may be subject to conditions on their use as determined by the commissioner. Approval of any such items does not constitute approval of a proposed subsurface sewage disposal system subject to the requirements of sections 19-13-B100a and 19-13-B103a to 19-13-B103f, inclusive, of the Regulations of Connecticut State Agencies.

[(c)] (d) **[Large subsurface] Subsurface sewage disposal systems with a design flow of 2,000 gallons per day or greater**. The [Commissioner of Health Services] commissioner shall [approve] review plans for a subsurface sewage disposal systems serving a building or buildings with a [designed sewage] cumulative design flow of [two] 2,000 gallons per day or greater.[, and no] No such systems shall be constructed, repaired, altered or extended unless the plans for such systems are [approved] reviewed and approved by the [Commissioner] commissioner in accordance with the following requirements:

(1) [Plans for the system are submitted at least twenty days prior to approval to construct by the local director of health.] The local director of health shall submit plans for the subsurface sewage disposal system to the commissioner. Upon approval from the commissioner, the local director of health shall issue an approval to construct.

(2) The plans [are] shall be designed by a professional engineer [registered] licensed in the State of Connecticut.

(3) The plans submitted shall [contain] include, but not be limited to, the following:

(A) The basis of design[,];

(B) [Soil conditions and test pit locations] Locations of and data from deep observation pits and percolation tests;

(C) Maximum ground water level and ledge rock elevations[,];

(D) Original and finished surface contours and elevations[,];

(E) Property lines[, and], building locations, open watercourses, ground and surface water drains, water service lines, and all wells located within a distance determined by the local director of health or the commissioner;

(F) [Locations of buildings, open water courses, ground and surface water drains, nearby wells and water service lines.] A nitrogen assessment, as applicable, shall be completed in accordance with the following requirements:

(i) For proposed new systems with any component located in nitrogen sensitive areas and with cumulative sewage design flows of 5,000 to 10,000 gallons per day, a nitrogen assessment shall be conducted in accordance with the requirements for the Nitrogen Dilution Model as specified in section 14.3.2 of the Technical Standards.

(ii) For proposed new systems with no components located in nitrogen sensitive areas and with cumulative sewage design flows of 7,500 to 10,000 gallons per day, a nitrogen assessment shall be conducted in accordance with the requirements for the Nitrogen Dilution Model as specified in section 14.3.2 of the Technical Standards or the Simplified Nitrogen Dilution Model shall be conducted in accordance with section 14.3.1 of the Technical Standards.

(iii) Any lots or properties that are contiguous and are owned or controlled, in whole or in part, by the same person, municipality, or any entity under same beneficial ownership of or control with such person shall be deemed one lot or property for the purposes of this subsection; and

(G) Any other plan elements as required by the department.

[(d)] (e) **Location**. [Each building shall be served by a separate subsurface sewage disposal system. Each such system] Subsurface sewage disposal systems shall be located on the same lot as the building served. The requirements of this subsection (e) shall apply unless an exception is granted by the commissioner in accordance with subsection (a) of this section.

(f) **Shared systems**. Each building shall be served by a separate subsurface sewage disposal system, unless an exception is granted in accordance with subsection (a) of this section, or if such system is a central subsurface sewage disposal system approved by the local director of health in accordance with the specifications of section 5 of the Technical Standards.

[(e) **Disposal of sewage in areas of special concern.** (1) Disposal system for areas of special concern shall merit particular investigation and special design, and meet the special requirements of this subsection. The following are determined to be areas of special concern:

(A) A minimum soil percolation rate faster than one inch per minute, or

(B) Slower than one inch in thirty minutes, or

(C) Maximum ground water less than three feet below ground surface, or

(D) Ledge rock less than five feet below ground surface, or

(E) Soils with slopes exceeding twenty-five per cent, or

(F) Consisting of soil types interpreted as having severe limitations for on-site sewage disposal by most recent edition of the National Cooperative Soil Survey of the Soil Conservation Service, or

(G) Designated as wetland under the provisions of Sections 22a-36 through 22a-45 of the Connecticut General Statutes, as amended.

(H) Located within the drawdown area of an existing public water supply well with a withdrawal rate in excess of fifty gallons per minute, or within [five hundred] 500 feet of land owned by a public water supply utility and approved for a future wellsite by the Commissioner of Health Services.

(2) In such areas of special concern, the local director of health may require investigation for maximum ground water level to be made between February 1 and May 31, or such other times when the ground water level is determined by the Commissioner of Health Services to be near its maximum level.

(3) (A) Plans for new subsurface systems in areas of special concern shall:

(i) Be prepared by a professional engineer registered in the State of Connecticut;

(ii) Include all pertinent information as to the basis of design, and soil conditions, test pit locations, ground water and ledge rock elevations, both original and finished surface contours and elevation, property lines, building locations, open water courses, ground and surface water drains, nearby wells and water service lines;

(iii) Demonstrate an ability to solve the particular difficulty or defect associated with the area of special concern and which caused its classification. The Commissioner or local director of health, as the case may be, may require a study of the capacity of the surrounding natural soil to absorb or disperse the expected volume of sewage effluent without overflow, breakout, or detrimental effect on ground or surface waters if in their opinion such may occur.

(B) The plans for new subsurface disposal systems in areas of special concern shall be submitted to the local director of health and the Commissioner of Health Services for a determination as to whether the requirements of the subsection have been met, except that such submission need not be made to the Commissioner of Health Services if the local director or authorized agent has been approved to review such plans by the Commissioner of Health Services in accordance with Section B103e (b). All submissions to the Commissioner of Health Services shall be made at least 20 days prior to issuance of an approval to construct by the local director of health.

(4) If application is made for the repair, alteration or extension of an existing subsurface disposal system in an area of special concern, the local director of health may require that the applicant comply with the requirement of Subdivision (3) if he determines that the contemplated repair, alteration or extension

involves technical complexities which cannot reasonably be addressed by himself, his authorized agent or the system installer.

(5) While a sewage disposal system in an area of special concern is under construction, the local director of health may require that the construction, be supervised by a professional engineer registered in the State of Connecticut, if in the opinion of the local director of health it is necessary to insure conformance to the plans approved or because of the difficulties likely to be encountered. The engineer shall make a record drawing of the sewage disposal system, as installed, which he shall submit to the local director of health prior to issuance of a discharge permit.

(6) In such areas of special concern, the Commissioner of Health Services or the local director of health who has been approved by the Commissioner to review engineering plans in areas of special concern pursuant to Section 19-13-B103e (b) may require a study of the capacity of the surrounding natural soil to absorb or disperse the expected volume of sewage effluent without overflow, breakout, or detrimental effect on ground or surface waters.]

[(e)] (g) **Construction**. Prior to or during construction, the local director of health may require a professional engineer to supervise the construction of a subsurface sewage disposal system. The local director of health may require a professional engineer to provide an as-built plan of the subsurface sewage disposal system, as installed, prior to issuance of a permit to discharge.

[(f) **Gray water systems.** Disposal systems for sinks, tubs, showers, laundries and other gray water from residential buildings, where no water flush toilet fixtures are connected, shall be constructed with a septic tank and leaching system at least one-half the capacity specified for the required residential sewage disposal system.]

(h) **Disposal of sewage in areas of special concern.**

(1) Subsurface sewage disposal systems for areas of special concern, as determined by the system's location, soil conditions, or both, shall meet the requirements of this subsection. The following are areas of special concern:

(A) A soil percolation rate faster than 1 inch per minute;

(B) A soil percolation rate slower than 1 inch in 30 minutes;

(C) Maximum ground water level less than 3 feet below ground surface;

(D) Ledge rock less than 5 feet below ground surface;

(E) Soils with slopes exceeding 25 percent;

(F) Consisting of soil types with low, very low or extremely low potential for on-site sewage disposal as determined by the United States Department of Agriculture, Natural Resources Conservation Service Web Soil Survey or equivalent resource for Connecticut;

(G) Tidal and inland wetlands regulated pursuant to Chapter 440 of the Connecticut General Statutes;

(H) Located within the drawdown area of an existing public well as defined in section 19a-37 of the Connecticut General Statutes with a withdrawal rate in excess of 50 gallons per minute, or within 500 feet of land owned by a public water supply system with a location approved as a water supply source by the commissioner; or

(I) Nitrogen sensitive areas.

(2) In areas of special concern, the local director of health may require an investigation for maximum ground water level to be made between February 1 and May 31, or such other times when the ground water level is determined by the department to be near its maximum level.

(3) Plans for new subsurface sewage disposal systems in areas of special concern shall:

(A) Be prepared by a professional engineer;

(B) Include all pertinent information regarding the basis of design, and soil conditions, deep observation pit locations, ground water and ledge rock elevations, both original and finished surface contours and elevation, property lines, building locations, open water courses, ground and surface water drains, water service lines, and all wells located within a distance determined by the local director of health or the commissioner; and

(C) Demonstrate an ability to solve the particular difficulty or defect associated with the area of special concern and which caused its classification. The department or local director of health may require a study of the capacity of the surrounding natural soil to absorb or disperse the expected volume of sewage effluent without overflow, breakout, or detrimental effect on ground or surface waters if in their discretion such may occur.

(4) Prior to the issuance of an approval to construct, the plans for subsurface sewage disposal systems in areas of special concern shall be submitted to the local director of health for initial review. Following the local director of health's review and determination that plans are complete, the local director of health shall forward the plans to the commissioner for a determination whether the requirements of this subsection (h) of this section have been met.

(5) If application is made for the replacement, repair, alteration or extension of an existing subsurface sewage disposal system or component thereof in an area of special concern, the local director of health may require that the applicant comply with the requirements of section 19-13-B103d(h)(3) of the Regulations of Connecticut State Agencies unless the local director of health determines that the contemplated replacement, repair, alteration or extension involves technical complexities that can be adequately addressed by a licensed subsurface sewage disposal system installer.

(6) Following the site investigation conducted in accordance with section 19-13-B103e(c) of the Regulations of Connecticut State Agencies, the commissioner or the local director of health may require a soil study of the capacity of the surrounding natural soil in areas of special concern to absorb or disperse the expected volume of sewage effluent without overflow, breakout, or detrimental effect on ground or surface waters. The commissioner or the local director of health may specify whether such soil study shall be completed by a soil scientist or by a professional engineer, as applicable. The commissioner or local

director of health, as applicable, shall review the results of any such soil study to determine whether there is suitable soil for disposal of sewage.

(i) **Gray water systems**. A gray water system may be added to a property with an existing code-complying system if approved by the local director of health. Disposal systems for sinks, tubs, showers, laundries and other gray water from residential and non-residential buildings, where no water flush toilet fixtures are connected, shall be constructed with a septic tank and leaching system with 100% capacity for the code-complying system plus an additional 50% capacity for the gray water system for a total of 150% capacity.

19-13-B103e. Procedures and conditions for the issuance of permits and approvals

No subsurface sewage disposal system or component thereof shall be replaced, constructed, altered, repaired or extended without an approval to construct issued in accordance with this section. No discharge shall be initiated to a subsurface sewage disposal system without a discharge permit issued in accordance with this section. Such permits and approvals shall be issued and administered by the local director of health.

(a) **Requirements for approval.** No permit to construct or discharge or any approval related thereto shall be issued:

(1) For any subsurface sewage disposal system [which] that is designed to discharge or overflow any sewage or treated effluent to any watercourse or ground surface;

(2) For any new subsurface sewage disposal system until it is demonstrated to the satisfaction of the local director of health that there is a public drinking water supply available or a satisfactory location for a [water supply] private well in accordance with section 19-13-B51d of the Regulations of Connecticut State Agencies [complying with Sections 19-13-B51a through 19-13-B51m of the Public Health Code];

(3) For any new subsurface sewage disposal system where the soil conditions in the area of the leaching system are unsuitable for sewage disposal purposes at the time of the site investigation made pursuant to subsection (d) of this section. Unsuitable conditions occur [where the existing soil is impervious, or where there is less than four feet depth of suitable existing soil over ledge rock, two feet of which is naturally occurring soil, or where there is less than 18 inches depth of suitable existing soil over impervious soil, or where the ground water level is less than 18 inches below the surface of the ground for a duration of one month or longer during the wettest season of the year;] in the following circumstances:

(A) Where the existing soil is impervious;

(B) Where there is less than 4 feet depth of suitable existing soil over ledge rock, 2 feet of which is naturally occurring soil;

(C) Where there is less than 18 inches depth of suitable existing soil over impervious soil; or

(D) Where the ground water level is less than 18 inches below the surface of the ground for a duration and frequency as specified in section 13 of the Technical Standards during the wettest season of the year.

(4) For any new subsurface sewage disposal system where the surrounding naturally occurring soil cannot adequately absorb or disperse the expected volume of sewage effluent without overflow, breakout or detrimental effect on ground or surface water.

(5) For any subsurface sewage disposal system that fails to meet the requirements of the nitrogen assessment required by section 19-13-B103d(d)(3)(F) of the Regulations of Connecticut State Agencies, as applicable, and conducted in accordance with section 14 of the Technical Standards.

[(b) **Approval of agents by commissioner of health services.**

(1) A local director of health shall authorize only persons approved by the Commissioner of Health Services to investigate, inspect and approve plans relating to subsurface sewage disposal systems.

(2) The Commissioner of Health Services shall approve agents of the local director of health whose qualifications to investigate, inspect and approve plans relating to subsurface sewage disposal systems have been established by attending training courses and passing examinations given by the Department of Health Services, as follows:

(A) Agents who have attended training courses and passed examinations relative to Sections 19-13-B100, 19-13-B103 and 19-13-B104 of the Public Health Code and the Technical Standards shall be approved to investigate, inspect and approve all plans for subsurface sewage disposal systems except those prepared by a professional engineer registered in the State of Connecticut pursuant to Sections 19-13-B103d (c) or (e).

(B) Agents who have attended training courses and passed examinations relative to the engineering design of subsurface sewage disposal systems shall be approved to investigate, inspect and approve plans for such systems prepared by a professional engineer registered in the State of Connecticut pursuant to Section 19-13-B103d (e).]

[(c)] (b) **Application for permit or approval**

(1) No investigation, inspection or approval of a subsurface sewage disposal system shall be made, or permit issued without an application by the owner in accordance with the [following] requirements set forth in this subsection (b) of section 19-13-B103e of the Regulations of Connecticut State Agencies.

(2) Applications for permits and approvals shall:

(A) Be submitted on [forms identical to Form #1 in the Technical Standards] forms prescribed by the commissioner or on forms containing all language prescribed by the commissioner with any additional language needed by the local director of health; [or]

[(B) Be on forms prepared by the local director of health and deemed by the Commissioner of Health Services as equivalent to Form #1 in the Technical Standards; and]

[C] (B) [Have attached] Include a plot plan of the lot, which shall be a surveyor's plan if available, or [one] a plan prepared [from] based on information [on] in the deed or land records[.]; and

(C) Include documentation of a completed site investigation conducted in accordance with subsection (c) of section 19-13-B103e.

(3) [All the requested information shall be provided. If the information is not provided, it shall be indicated why it is not available or the application may be determined incomplete, and be rejected.] The local director of health may reject an incomplete application for a permit or approval to construct.

[(d)] (c) **Site investigation**.

(1) The applicant shall submit an application to the local director of health to request a site investigation. The local director of health or a professional engineer [registered in the State of Connecticut] representing the applicant shall make an investigation of the site proposed for the subsurface sewage disposal system on a date agreed upon by the applicant and the local director health. [and] The local director of health shall complete the site investigation as specified in the Technical Standards and report the findings and recommendations of the investigation on a form [identical to Form #2 in the Technical Standards] prescribed by the commissioner or on forms containing all language prescribed by the commissioner with any additional language needed by the local director of health [to include] including but not limited to the following:

(A) A record of [soil test location] deep observation pits including locations, depth, date, measurements and observations of the pits;[.]

(B) Soil percolation test results including location, date, depth and calculations;[.]

(C) Observations of ground water and ledge rock;[.]

(D) A conclusion as to the suitability of the site for subsurface sewage disposal;[.] and

(E) Special requirements for design of the system, or further testing [which] that shall be in accordance with [the most recent edition of the] section 11 of the Technical Standards.

(2) Prior to the site investigation, the applicant shall:

(A) Provide for the digging of a suitable number of percolation test holes and deep observation pits in the area of the proposed leaching system and extending at least [four] 4 feet below the bottom of the proposed leaching system, at the direction of the local director of health;

(B) Provide water for performing the percolation tests; and

(C) If required by the local director of health, locate by field stakes or markers the sewage disposal system, house, well or property lines.

[(3) The site investigation shall be made within ten working days of application unless otherwise required by subsection 19-13-B103d(e).]

[(4)] (3) [The] During the site investigation, the local director of health shall:

(A) Assure the accuracy of the findings of soil tests and deep observation pits; and

(B) When the maximum ground water level is in doubt the local director of health shall [investigate] require an investigation pursuant to [Section 19-13-B103d(e)] section 19-13-B103d(f) of the Regulations of Connecticut State Agencies.

(4) The owner shall ensure access to the deep observation pits to the local director of health during testing. Following the conclusion of the site investigation, the owner shall ensure the deep observation pits are backfilled or otherwise secured.

(5) The size of the leaching system shall be based on the results of soil percolation tests made in the area of the proposed leaching system or [on] other methods of determining the soil absorption capacity in accordance with [the Technical Standards] section 11 of the Technical Standards.

(6) In areas of special concern, or for leaching systems with a design [sewage] flow of 2,000 gallons per day or greater, the local director of health may require from the applicant [whatever] further testing or data necessary to assure that the subsurface sewage disposal system [will] shall function properly. Further testing may be required prior to or subsequent to issuance of the approval to construct. Such tests may include permeability tests, sieve analysis or compaction tests of natural soil or fill materials, and the installation of ground water level monitoring wells, or pipes, as well as additional observation pits and soil percolation tests.

(d) **Submission of plan.**

(1) Every plan for a subsurface sewage disposal system shall be submitted to the local director of health.

(2) Every plan for a subsurface sewage disposal system shall include all information necessary to assure compliance with the requirements of [Section] section 19-13-B103d of [these regulations] the Regulations of Connecticut State Agencies, and shall contain [as a minimum] but not be limited to the following information: [the location of the house sewer, the location and size of the septic tank, the location and description of the leaching system, property lines, building locations, watercourses, ground and surface water drains, nearby wells and water service lines.]

(A) The location and description of the building sewer;

(B) The location and size of the sewage tank;

(C) The location and description of the leaching system and system components;

(D) Property lines, building locations, open watercourses, ground and surface water drains, and water service lines and wells; and

(E) The locations and data from deep observation pits and percolation tests.

(3) Where required by the local director of health under [subsections] sections 19-13-B103d(d) and 19-13-B103d(f) of [these regulations] the Regulations of Connecticut State Agencies, the plan shall be prepared by a professional engineer[, registered in the State of Connecticut,] and shall be forwarded by the local director of health to the [Commissioner of Health Services] commissioner, together with [his] the local director of health's comments and recommendations.

(4) No plan shall be submitted directly by the applicant or professional engineer to the [Commissioner of Health Services] commissioner, unless requested by the local director of health.

(e) **Approval to construct.**

(1) Upon determination that the subsurface sewage disposal system has been designed in compliance with the requirements of [Section] section 19-13-B103d of [these regulations] the Regulations of Connecticut State Agencies and the Technical Standards, the local director of health shall issue an approval to construct. The local director of health may specify conditions on the approval to construct to ensure the plan is implemented and constructed in compliance with section 19-13-B103d of the Regulations of Connecticut State Agencies and the Technical Standards. Approvals to construct shall be valid for a period of [one] 1 year from the date of their issuance and shall terminate and expire upon a failure to start construction within that period. Approvals to construct may be renewed for an additional consecutive [one] 1 year period by the local director of health upon a demonstration of reasonable cause by the applicant for the failure to start construction within the [one] 1 year period. Prior to such renewal of an approval to construct, the local director of health may require review or resubmission, or both, of the plan submitted in accordance with subsection (e) of this section to ensure compliance with sections 5 to 14, inclusive, of the current Technical Standards.

(2) Each subsurface sewage disposal system shall be constructed by [person licensed pursuant to section 20-341 of the Connecticut General Statutes] an installer. Such [person] installer shall notify the local director of health at least [twenty-four] 24 hours prior to commencement of construction. Each subsurface sewage disposal system shall be installed in accordance with the approved plan and any conditions included in the approval to construct.

(3) [Approval to construct a subsurface sewage disposal system in an area of special concern shall not be issued until twenty days following submission of the plans to the Commissioner of Health Services in accordance with subsection 19-13-B103d(e), unless earlier approved by the Commissioner.] A local director of health shall not approve plans for a subsurface sewage disposal system with a design flow of 2,000 gallons per day or greater without the commissioner's prior approval of plans for such system in accordance with section 19-13-B103d(d) of the Regulations of Connecticut State Agencies.

[(4) Approval to construct a subsurface sewage disposal system in an area of special concern shall not be issued until twenty days following submission of the plans to the Commissioner of Health Services in accordance with subsection 19-13-103d (e), unless earlier approved by the Commissioner.]

(f) **Inspection.**

(1) The local director of health shall inspect all subsurface sewage disposal systems for compliance with [Subsection] section 19-13-B103d of the Regulations of Connecticut State Agencies, the Technical Standards, and the approved plans [for construction] prior to covering the subsurface sewage disposal system and at such other times as deemed necessary by the local director of health.

(2) After construction, and prior to covering the subsurface sewage disposal system, the subsurface sewage disposal system installer shall notify the local director of health the site is prepared for inspection. Such inspection shall take place as soon thereafter as feasible, but not later than [two (2)] 2 working days after receipt of the request unless the owner agrees to an extension.

(3) A final inspection report shall be prepared by the local director of health on [forms deemed by the Commissioner of Health Services Public Health as equivalent to Form #3 in the Technical Standards] forms prescribed by the commissioner or on forms containing all language prescribed by the commissioner with any additional language needed by the local director of health.

(4) [A record plan of the sewage disposal system, as built, shall be required by the local director of health]. The local director of health shall require an as-built plan of the subsurface sewage disposal system prepared and submitted in accordance with the requirements of section 5 of the Technical Standards.

(g) **Permit to discharge.**

(1) Upon determination that the subsurface sewage disposal system has been installed in compliance with the requirements of [Section] section 19-13-B103d of [these regulations] the Regulations of Connecticut State Agencies, the Technical Standards, and the approved plans, the local director of health shall issue a permit to discharge. A copy of such permit shall be sent to the local building official. No permit to discharge shall be issued [until] unless all required forms are completed and an approved as-built plan [or record drawing] is received.

(2) Any permit to discharge issued by [the Commissioner of Health Services or] a local director of health for a household subsurface sewage disposal system or small commercial subsurface sewage disposal system with a capacity of [five thousand] 10,000 gallons per day or less shall be deemed equivalent to a permit issued under [subsection 25-54i (b)] section 22a-430(b) of the Connecticut General Statutes. Such permits shall:

(A) [specify] Specify the manner, nature and volume of discharge;

(B) [require] Require proper operation and maintenance of any pollution abatement facility required by such permit;

(C) [be] Be subject to such other requirements and restrictions as the [commissioner] the local director of health deems necessary to comply fully with the [purposes of this chapter] applicable state and federal law and regulation including but not limited to [and the Federal Water Pollution Control Act] 33 USC 1251 to 1387, inclusive, as amended from time to time; and

(D) [be] Be issued on [forms approved by the Commissioner of Health Services] a form prescribed by the commissioner.

(3) The local director of health shall record the granting of an exception issued in accordance with section 19-13-B103d(a) of the Regulations of Connecticut State Agencies from any requirement of [Section 19-13-B103d] section 19-13-B103d of the Regulations of Connecticut State Agencies on the permit to discharge.

(4) The local director of health may order the owner to abandon an unused subsurface sewage disposal system, or any hollow component of such system, when failure to abandon such system or component properly poses a public health or safety risk. The subsurface sewage disposal system shall be abandoned in accordance with section 5 of the Technical Standards.

(h) **Enforcement.**

(1) A permit to discharge to a subsurface sewage disposal system shall not be construed to permit any sewage overflow, nuisance or similar condition or the maintenance thereof.

(2) If such a condition is found to exist, the permit to discharge may be revoked, suspended, modified or otherwise limited and any such condition is subject to an order to abate the condition pursuant to [Connecticut General Statutes Section 19a-79] section 19a-206 of the Connecticut General Statutes.

(i) **Records.** Copies of completed applications, investigation reports, review and inspection forms and as-built plans [or record drawings] of each subsurface sewage disposal system, certified as complying with [this Section] sections 19-13-B103a to 19-13-B103f, inclusive, of the Regulations of Connecticut State Agencies, shall be kept permanently in the files of the [town or health district for a minimum of ten years] municipality or health district where the subsurface sewage disposal system is located in accordance with the records retention schedule as approved and authorized by section 11-8a of the Connecticut General Statutes, and shall make such records available to the commissioner for review upon request. The local director of health shall permanently maintain all records pertaining to the regulation of subsurface sewage disposal systems, including but not limited to records tracking permit issuance and approvals for new and repair subsurface sewage disposal systems, as approved and authorized by section 11-8a of the Connecticut General Statutes, and shall make such records available to the commissioner for review upon request.

(j) **Rights of applicant.**

(1) All site investigations, inspections, review of plans and issuance of permits or approvals by the local director of health shall be made without unreasonable delay.

(2) When requested in writing by the applicant, the local director of health shall [designate] explain in writing within [20] 45 working days the [requirement(s)] requirements of [Section] sections 19-13-B103d or 19-13-B103e of [these regulations] the Regulations of Connecticut State Agencies, which [prevents] prevent the [such] investigation, inspection, review of plans and issuance of permits or approvals.

(3) Any final decision of the local director of health made [in regard to] regarding permits or approvals for subsurface sewage disposal systems regulated under sections 19-13-B103a to 19-13-B103e, inclusive, of the Regulations of Connecticut State Agencies [these sections] shall be made in writing and sent to the applicant. Any decision adverse to the applicant or which limits the application shall set forth the facts and conclusions upon which the decision is based. Such written decision [shal] shall be deemed equivalent

to an order[,] and may be appealed pursuant to [Section 19-103] section 19a-229 of the Connecticut General Statutes.

19-13-B103f. Non-discharging sewage disposal systems

(a) Non-discharging sewage disposal systems may be used if approved pursuant to this section. All non-discharging sewage disposal systems shall be designed, installed and operated in accordance with section 17 of the Technical Standards and the requirements of this section [, unless an exception is granted by the Commissioner]. [upon a determination that system shall provide for the proper and complete disposal and treatment of toilet wastes or gray water.] Applications for the approval of proposed non-discharging sewage disposal systems shall be submitted to the local director of health prior to construction. The local director of health may review and approve applications for those non-discharging sewage disposal systems set forth in subsections (c), (d)(1) and (e) of this section. Applications for all other non-discharging sewage disposal systems shall be reviewed by the local director of health first and then forwarded by the local director of health to the commissioner for review and approval. Applications for approval of proposed non-discharging sewage disposal systems shall be submitted as follows:

(1) All applications for non-discharging sewage disposal systems shall be submitted by the application to the local director of health and in accordance with the requirements set forth by the local director of health;

(2) Following review by the local director of health of an application for a composting toilet under subsection (b) of this section, an incineration toilet other than those incineration toilets permitted under local director of health approval in subsection (c) of this section, a chemical toilet inside a building under subdivision (d)(1) of this section, or a sewage holding tank under subsection (f) of this section, the local director of health shall refer the application, on forms prescribed by the commissioner, to the commissioner for final review and approval or denial. Such application shall include, but not be limited to, documentation of a site plan of the lot including but not limited to any buildings, the location of and separation distance to any wells, property lines, and any subsurface sewage disposal system, as applicable. Upon the commissioner's approval or denial of such application, the local director of health shall notify the applicant of the approval or denial in writing; and

(3) All applications for non-discharging sewage disposal systems shall include but not be limited to the following:

(A) Information about the applicant and owner;

(B) Property description and building details, location for the proposed non-discharging sewage disposal system, location of and separation distances to any wells, and property lines;

(C) Information demonstrating the necessity of the proposed non-discharging sewage disposal system and its compliance with this section and section 17 of the Technical Standards;

(D) Design flow of the property;

(E) Information about any existing subsurface sewage disposal system including but not limited to, the age, daily design flow, leaching system details, septic tank size and number of tank compartments;

(F) Information about the manufacturer's specifications for the proposed non-discharging sewage disposal system demonstrating conformance with the applicable regulations and section 17 of the Technical Standards;

(G) Information about any graywater system, as applicable;

(H) Any other information requested by the local director of health or the commissioner; and,

(I) For sewage holding tanks, documentation identifying an installer or cleaner and evidence of a contracted service agreement establishing a routine pump-out schedule for maintenance for the duration of the holding tank's use.

(b) **Composting toilets**.

(1) [The local director of health may approve the use of a large capacity composting toilet or a heat-assisted composting toilet for replacing an existing privy or failing subsurface sewage disposal system, or for any single-family residential building where application is made by the owner and occupant, and the lot on which the building will be located is tested by the local director of health and found suitable for a subsurface sewage disposal system meeting all the requirements of Section 19-13-B103d of these regulations.] The commissioner may approve the use of a composting toilet for a lot with an existing subsurface sewage disposal system, if the local director of health has determined that a code-complying area, as defined in section 19-13-B100a(a) of the Regulations of Connecticut State Agencies, exists on the lot. An application for approval of a composting toilet shall include information related to the existing subsurface sewage disposal system including the age, daily design flow, leaching system details, septic tank size and number of tank compartments. On lots without an existing subsurface sewage disposal system, a code-complying system, as defined in section 19-13-B100a(a) of the Regulations of Connecticut State Agencies shall be installed for a composting toilet to be approved. The commissioner may approve the use of a composting toilet to replace a non-discharging sewage disposal system or to abate a failing subsurface sewage disposal system.

(2) All wastes removed from composting toilets shall be disposed of by burial or other methods approved by the local director of health upon application.

(c) **Incineration toilets**. The local director of health may approve the use of incineration toilets for [non-residential buildings or for existing single-family dwellings for] the purpose of abating existing sewage problems or replacing [the] an existing non-water carriage [toilets] toilet.

(d) **Chemical flush toilets and chemical privies**.

(1) The local director of health may approve chemical flush toilets or chemical privies [for nonresidential use where] when they are located outside of buildings [used for human habitation].

(2) Chemical flush toilets or chemical privies located inside human habitations shall be approved by the [Commissioner of Health Services] commissioner [and the local director of health].

[(2)] (3) Liquid waste from chemical flush toilets or chemical privies shall be disposed of [in a location and manner approved by the local director of health] at a municipal water pollution control facility. [Such liquid shall not be disposed of on a public water supply watershed or within five hundred feet of any water supply well unless approved by the Commissioner of Health Services].

(e) **Dry Vault Privies**.

(1) The local director of health may approve dry vault privies [for nonresidential use] where they are located outside of buildings [used as human habitation].

(2) Wastes removed from dry [privy vaults] vault privies shall be disposed of by burial or other methods approved by the local director of health upon application.

(f) **Sewage holding tanks.** Upon application, the commissioner may approve the use of temporary sewage holding tanks, permanent commercial sewage holding tanks, or sewage holding tanks to replace a non-discharging sewage disposal system or abate a failing subsurface sewage disposal system under sections 19-13-B103a to 19-13-B103f, inclusive of the Regulations of Connecticut State Agencies. The applicant shall enter into a contract documentation identifying an installer or cleaner to perform routine pump-outs for the duration of the holding tank use. Use of sewage holding tanks shall be conducted in accordance with the applicable provisions of section 17 of the Technical Standards, including any exceptions to well separation distances as specified in section 17 of the Technical Standards.

Sec 3. The Regulations of Connecticut State Agencies are amended by adding section 19-13-B103g as follows:

(NEW) Sec. 19-13-B103g. Water treatment wastewater discharges

(a) Water treatment wastewater discharges on lots with a cumulative sewage design flow of 10,000 gallons per day or less and under the jurisdiction of the commissioner require a water treatment wastewater discharge permit issued by the local director of health. Permits may be issued for such discharge to a proposed water treatment wastewater dispersal system, to a water treatment wastewater holding tank, or for connection to the subsurface sewage disposal system. Water treatment wastewater shall not be discharged to a cesspool.

(b) Only water treatment wastewater discharge treatments or technologies approved by the commissioner as specified in section 16 of the Technical Standards are eligible for a water treatment wastewater discharge permit to discharge to a subsurface sewage disposal system. The commissioner may approve water treatment wastewater discharge from specific treatment or technology to a subsurface sewage disposal system if the commissioner determines that the nature and volume of such discharge is unlikely to negatively impact the subsurface sewage disposal system. Water treatment wastewater from ion exchange systems shall not be discharged to a subsurface sewage disposal system. Any water treatment wastewater discharge treatment or technology not approved by the commissioner as specified in section 16 of the Technical Standards may be subject to the commissioner's review and approval to be eligible for a water treatment wastewater discharge permit.

(c) The applicant shall submit to the local director of health a plan of the proposed water treatment wastewater dispersal system. The application shall be submitted in the form and manner prescribed by the commissioner. The application shall include the name and contact information of the individual installing the water treatment wastewater system. The application shall include the site conditions, as-built drawing as specified in Section 16 of the Technical Standards, and a design plan prepared by a professional engineer or sketch prepared by an installer of the proposed water treatment wastewater dispersal system, water treatment wastewater holding tank, or connection to the subsurface sewage disposal system which shall include any buildings, septic systems, wells locations and separation distances, property lines, watercourses and location of the proposed water treatment wastewater dispersal system. The applicant shall specify the type of water treatment device, name, and model number, and its anticipated discharge volume per cycle and frequency. All applicable permits, including but not limited to, electrical and plumbing shall be obtained from the local building official prior to installation of the water treatment wastewater system.

(d) The local director of health may approve an application for a water treatment wastewater discharge permit if the proposed water treatment disposal system is designed in accordance with section 16 of the Technical Standards. The local director of health may reduce separation distance requirements specified in section 16 of the Technical Standards for water treatment wastewater discharge systems if distances cannot be met due to site limitations and if there is no concern that the proposed water treatment wastewater may negatively impact the quality of the groundwater. The local director of health may, in the local director of health's discretion, inspect the proposed water treatment wastewater dispersal system after installation to ensure compliance with the approved plan.

(e) For a proposed water treatment wastewater discharge, the local director of health may require a review pursuant to section 19-13-B100a(e) of the Regulations of Connecticut State Agencies and in accordance with section 16 of the Technical Standards.

Sec. 4 The Regulations of Connecticut State Agencies are amended by adding section 19-13-B103h as follows:

(NEW) Sec. 19-13-B103h. Certified subsurface sewage enforcement officers

(a) Effective October 1, 2026, a local director of health may authorize an individual to investigate, inspect and approve plans relating to subsurface sewage disposal systems if the individual is certified as a subsurface sewage enforcement officer pursuant to section 21 of Public Act 26-142 of the Connecticut General Statutes and as specified in this section.

(b) Subsection (b) of this section is effective until October 1, 2026. The commissioner may approve individuals as agents of the local director of health whose qualifications to investigate, inspect and approve plans relating to subsurface sewage disposal systems have been established by attending training courses and passing examinations given by the department, as follows:

(1) Individuals who have attended training courses and passed examinations relative to sections 19-13-B100a, and sections 19-13-B103a to 19-13-B103i, inclusive, of the Regulations of Connecticut State Agencies and the Technical Standards may be approved to investigate, inspect and approve all plans for subsurface sewage disposal systems except those prepared by a professional engineer licensed in the State of Connecticut pursuant to subsections (c) or (e) of section 19-13-B103d of the Regulations of Connecticut State Agencies.

(2) Individuals who have attended training courses and passed examinations relative to the engineering design of subsurface sewage disposal systems shall be approved to investigate, inspect and approve plans for such systems prepared by a professional engineer registered in the State of Connecticut pursuant to section 19-13-B103d(e) of the Regulations of Connecticut State Agencies.

(3) An individual who was approved by the commissioner under subsection (b) of this section prior to October 1, 2026 and appointed by a local health director may perform the duties of a subsurface sewage enforcement officer without obtaining certification as required by section 21 of Public Act 26-142 until October 1, 2027, provided such individual applies to the department for an initial certificate as a subsurface sewage enforcement officer on or before October 1, 2027, on forms prescribed by the department which shall include proof of the individual's valid approval under subsection (b)(1) of this section for Phase I certification and under subsection (b)(2) for Phase II certification.

(4) The appointment of an agent of the local director of health shall be either by employment or written contract with the municipal health department or district health department. A subsurface sewage enforcement officer may hold appointments to more than one local health department or district. The local director of health shall maintain records of such appointments and shall provide a copy of, or access to, such records to the department upon request.

(c) **Scope of duties for certified subsurface sewage enforcement officers.**

(1) Duties of certified subsurface sewage enforcement officers include the following, in accordance with their level of training and certification:

(A) Review and approve plans for subsurface sewage disposal systems;

(B) Conduct site investigations and assessments;

(C) Conduct regulatory inspections;

(D) Investigations of complaints relating to subsurface sewage disposal systems within the jurisdiction of the local director of health; and

(E) Other related duties as specified by the commissioner and directed by the local director of health.

(2) Scope of duties for a phase I subsurface sewage enforcement officer shall include the activities listed in subdivision (1) of this subsection (c) for subsurface sewage disposal systems serving a building with a design flow up to 2,000 gallons per day, except for such subsurface sewage disposal systems designed by a professional engineer. Phase I subsurface sewage enforcement officers shall refer any subsurface sewage disposal systems exceeding their training and certification to the local director of health for review.

(3) Phase II scope of duties shall include the activities listed in subdivision (1) of this subsection (c) for subsurface sewage disposal systems serving a building with a design flow up to 10,000 gallons per day, including those designed by a professional engineer.

(4) All duties performed by subsurface sewage enforcement officers shall be conducted in accordance with the applicable Regulations of Connecticut State Agencies and Technical Standards.

(d) **Certification qualifications and procedures.**

(1) Certification qualifications. Applicants for certification as a subsurface sewage enforcement officer shall successfully complete the examination as prescribed in this subsection (d) prior to submitting an application for certification to the department. Applicants are eligible to sit for the examination with the following qualifications:

(A) Phase I.

(i) Successful completion of the prescribed Phase I training course.

(B) Phase II.

(i) Current and valid Phase I certification;

(ii) Attestation by the local director of health of the applicant's proficiency in Phase I duties including the following:

(I) Soil testing, conducting percolation testing, and identifying restrictive layers;

(II) Complete construction, installation and inspection of septic tanks, pump chambers and leaching systems;

(III) Review and approval of installer-designed plans;

(IV) Routine enforcement functions including site investigations and system inspections;

(V) Final inspection of a system to determine system is installed in accordance with the approved plan including determining the elevations of the system;

(VI) Review of proposals submitted under section 19-13-B100a of the Regulations of Connecticut State Agencies.

(iii) Successful completion of the prescribed Phase II training course; and

(iv) Current employment or contract with a local health district or department, and appointment as a certified Phase I subsurface sewage enforcement officer.

(2) Application procedures.

(A) Applicants shall submit all applications for certification as either a Phase I or Phase II subsurface sewage enforcement officer not later than one year following successful

completion of the applicable training course, as evidenced by achieving a passing score on the examination prescribed by the commissioner.

(B) Applications for initial certification as a Phase I subsurface sewage enforcement officer shall include the following:

(i) A completed application on forms prescribed by the commissioner;

(ii) Valid government-issued photo ID; and

(iii) Documentation issued by the commissioner or an approved training provider of successful completion of the Phase I training course prescribed by the commissioner and the applicant's examination results.

(C) Applications for initial certification as a Phase II subsurface sewage enforcement officer shall include the following:

(i) Current and valid certification as a Phase I subsurface sewage enforcement officer;

(ii) A completed application on forms prescribed by the commissioner;

(iii) Documentation of successful completion of the Phase II training course prescribed by the commissioner and the applicant's passing score on the examination;

(iv) Certification of required minimum experience with Phase I duties set forth in subsection (d)(1)(B)(ii) on a form prescribed by the commissioner and signed by the local director of health; and

(v) Verification of current employment at a local district or department on a form prescribed by the commissioner and signed by the local director of health.

(D) Renewal of certification. A subsurface sewage enforcement officer shall apply for renewal on or before three years after the date of issuance on a form prescribed by the commissioner. An applicant for renewal shall attest in writing to completion of any required conferences conducted by the commissioner during the three year certification period pursuant to subsection (e)(3) of this section to qualify for renewal of certification, and shall provide documentation of attendance of such required conference upon request.

(e) **Training requirements.**

(1) All training courses and materials to fulfill the requirements for certification as a subsurface sewage enforcement officer shall be developed by the commissioner and taught either by the department, or by a training provider approved by the commissioner in accordance with subdivision (4) of this subsection (e). Training courses may be provided in formats including, but not limited to, in-person, online, pre-recorded, on-site field training, or hybrid training formats.

(2) Initial training requirements.

(A) Training courses shall include knowledge and application of the Technical Standards and applicable state statutes and regulations governing subsurface sewage disposal systems.

(B) Phase I. Phase I training courses shall include, but not be limited to, the following skills and topics related to subsurface sewage disposal systems serving buildings with a design flow of up to two thousand gallons per day:

(i) Practices related to site investigations including deep observation pits, conducting percolation tests, sieve analysis, compaction tests, and ground water monitoring;

(ii) Subsurface sewage disposal system construction and design;

(iii) Installer plan review;
(iv) Conducting a regulatory enforcement inspection;
(v) As-built review;
(vi) Permit issuance and use of approved forms; and
(vii) Any additional topics as prescribed by the commissioner in the training course curriculum.

(C) Phase II. Phase II training courses shall include, but not be limited to, the following skills and topics related to subsurface sewage disposal systems serving a building with a design flow up to ten thousand gallons per day:
(i) Engineer plan review;
(ii) Permeability tests;
(iii) Hydraulic analysis;
(iv) Nitrogen assessment;
(v) Subsurface sewage disposal systems with a design flow of 2,000 gallons per day or greater; and
(vi) Any additional topics as prescribed by the commissioner in the training course curriculum.

(3) Conferences. All certified subsurface sewage enforcement officers shall attend each conference conducted by the department. Such conferences may include, but need not be limited to, the review of the department's technical standards for the siting, design and installation requirements of a subsurface sewage disposal system. Conferences may be provided either in person, online or via prerecorded online presentations. The department shall not require more than two such conferences in any calendar year and shall provide a 60 day notice to all currently certified subsurface sewage enforcement officers for all in-person or live online conferences. Prerecorded online conferences will be made available on the department's website. Participation and attendance at all conferences is required for renewal of certification eligibility. Participants in conferences shall maintain records of attendance that shall be provided to the department upon request.

(4) Training provider approval requirements. No person may offer training courses intended to fulfill the requirements for certification as a subsurface sewage enforcement officer without approval from the commissioner. An applicant for approval as a training provider shall seek approval on forms prescribed by the department as follows:

(A) Documentation of completion of a training provider orientation course offered by the department;

(B) Documentation of qualification in the field of on-site wastewater disposal that satisfies one or more of the following requirements:
(i) Adult educator at an educational institution approved by the State Department of Education or Office of Higher Education;
(ii) Approval by the commissioner as an agent of local health pursuant to subsection (b) of this section, or certification as a Phase II subsurface sewage enforcement officer, with

not less than three years of working experience in local health in the field of on-site wastewater disposal;

(iii) Licensure as a professional engineer with not less than three years of experience designing subsurface sewage disposal systems in Connecticut in accordance with the applicable regulations and Technical Standards; or

(iv) Licensure as an installer with not less than three years of experience installing subsurface sewage disposal systems in Connecticut in accordance with the applicable regulations and Technical Standards.

(C) A proposed course schedule including the proposed date and location of the course examination prescribed and administered by the commissioner.

(D) Written policies and procedures for the following items, which shall be provided to the department upon request:

(i) Recordkeeping, which shall include maintaining attendance, coursework, and course completion records for all course participants and permits inspection by the department of any records upon request; and

(ii) Soliciting and assessing student evaluations from course participants.

(E) Approval as a training provider shall expire three years after the date of such approval. Training providers shall submit applications for renewal on forms prescribed by the department not later than 60 days prior to the expiration date of the current approval. The department may require, following advance notice to the approved training providers of not less than 60 days, training providers to complete updated training provider orientation courses to ensure all approved training providers are up to date with any changes to the Technical Standards or course curriculum.

(F) Suspension of approval. The commissioner may suspend the approval of a training provider for reasons including but not limited to:

(i) Failure to conduct the course as prescribed by the commissioner and consistently with the Technical Standards;

(ii) Failure to maintain the policies and procedures required pursuant to subdivision (4)(D) of this subsection (e);

(iii) Failure to provide the department with records upon request; or

(iv) Repeated and consistent failure of fewer than 80% of course attendees to achieve successful completion of the training course based on the passing score for the certification examination prescribed pursuant to subsection (f) of this section.

(f) **Examination requirements.**

(1) The department shall administer the applicable certification examination prescribed by the commissioner after the applicant has completed all required training courses for the Phase of subsurface sewage enforcement officer certification sought. Applicants shall successfully complete the examination, with a passing score of 75 or higher.

(2) Applicants may retake the examination up to 2 times for a total of 3 examinations not later than one year following completion of the required training courses. Retakes are available for applicants who achieve a score of at least 65 on the prior attempt. Applicants seeking to retake

the examination shall notify the department not later than ten days following the applicant's receipt of the failing score to request the scheduling of an examination retake. The department shall coordinate the scheduling of examination retakes. After a third failure to reach the minimum passing score, the applicant shall repeat the applicable training courses necessary to take the examination again.

(3) Individuals successfully completing the course with an examination score of 75 or higher will receive a written notice of successful completion of the course from the department.

Statutory Authority

The statutory authority for the proposed revisions is delegated to the department in accordance with section 22a-430(g) of the Connecticut General Statutes as amended by section 18 of Public Act 25-96 and Public Act 26-142. The authority for policies and procedures for section 19-13-B103i is section 21(j) of Public Act 26-142. In addition, the statutory authority for the proposed revisions is section 19a-36 of the Connecticut General Statutes.

Statement of Purpose

1) Purpose of the proposed regulation. The proposed revisions to the regulations, implemented as policies and procedures until such time as final regulations are adopted, regarding on-site wastewater disposal systems under the jurisdiction of the Department of Public Health (the Department) are put forth to comply with the requirements of Section 22a-430(g) of the Connecticut General Statutes delegating authority from the Department of Energy and Environmental Protection to the Department for certain systems up to 10,000 gallons per day.

2) Summary of the main provisions of the proposed regulation.

Section 1. Revisions to section 19-13-B100a of the Regulations of Connecticut State Agencies are proposed for clarity and conformity with drafting requirements, and to require a nitrogen assessment for building conversions and changes in use that trigger a review under 19-13-B100a for those systems on lots with a cumulative design flow of over 5,000 gallons per day.

Section 2. Revisions to sections 19-13-B103a to 19-13-B103f, inclusive, of the Regulations of Connecticut State Agencies are proposed to require nitrogen assessment for certain proposed systems, to clarify the exception process and allow small community systems to fall under such exception process. Section 19-13-B103a is revised to reflect the statutory change in jurisdiction transferred from DEEP to DPH. Section 19-13-B103b updates definitions, and section 19-13-B103c includes proposed revisions governing general requirements for on-site wastewater disposal systems. Proposed revisions to Section 19-13-B103d provide local directors of health the discretion to require a professional engineer to supervise construction. Proposed revisions to section 19-13-B103e to section 19-13-B103f, inclusive, clarify the procedures for applying for a permit and conducting a site investigation for soil conditions. Proposed revisions to section 19-13-B103f clarify that applications for non-discharging sewage disposal systems are submitted to the

local director of health, with certain exceptions, and that sewage holding tanks are included in this category of systems.

Section 3. Newly proposed section 19-13-B103g sets forth the procedures for the approval of discharges related to water treatment wastewater discharges pursuant to the 2017 delegation of such jurisdiction from the Department of Energy and Environmental Protection to DPH.

Section 4. Newly proposed section 19-13-B103h implements the requirements of sections 21 and 24 of Public Act 26-142 to set forth standards and procedures for the certification of subsurface sewage enforcement officers, and create a grandfathering process for existing local health agents currently conducted septic regulatory activities.

3) Legal effects of the regulation. The proposed revisions comply with the requirements of Section 22a-430(g) of the Connecticut General Statutes, as amended by Public Acts 26-13 and 26-142, to implement the transfer of jurisdiction for certain systems as delegated by DEEP to the Department. This transfer also impacts DEEP regulations regarding water pollution control, sections 22a-430-1, 22a-430-4, and 22a-430-8 of the Regulations of Connecticut State Agencies, which will be concurrently revised by DEEP.