

State of Connecticut
Regulation of
Department of Public Health
Concerning
On-Site Wastewater Disposal Systems

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:

(1) "Accessory structure" means a permanent non-habitable structure [which] that is not served by a water supply or sewage system and is used incidental to residential buildings as defined in section 19-13-B103b of the Regulations of Connecticut State Agencies or non-residential buildings as defined in section 19-13-B103b of the Regulations of Connecticut State Agencies. Accessory structures include, but are not limited to, attached and detached garages, open decks, tool and lawn equipment and storage sheds greater than 200 square feet without permanent foundations, gazebos, below and above ground pools, and barns.

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

[(2)] (3) "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 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.

[(3)] (4) "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.

[(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.]

[(4)] (5) "Code-complying area" means an area on a property where a subsurface sewage disposal system within the jurisdiction of the department can be installed [which] that meets all requirements of [Section 19-13-B103] sections 19-13-B103a to 19-13-B103g, inclusive, of the Regulations of Connecticut State Agencies, 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 9 of the Technical Standards.

[(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 ledgerrock.]

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

[(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.]

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

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

(9) "Design flow" means the anticipated daily sewage discharge from a building as determined in accordance with Sections 5 and 10 of the Technical Standards.

(10) "Effective leaching area" or "ELA" means a measure in square feet of the relative size of a leaching system in accordance with the Section 10 of the Technical Standards.

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

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

(13) "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 9 and 11 of the Technical Standards Sections.

(14) "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 ledgerrock are excluded from this definition.

(15) "Property" means a lot with a building, or buildings, as defined in section 19-13-B103(b) of the Regulations of Connecticut State Agencies.

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

(17) "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.

(18) "Technical Standards" means the standards established by the department 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 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. 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 %] 25% increase in the design flow. On a lot with a cumulative design flow of 5,000 gallons per day or greater, a proposed change in use shall not be approved until the property owner or their authorized agent submits a nitrogen assessment that demonstrates compliance with section 19-13-B103d(c)(3)(f) of the Regulations of Connecticut State agencies.

(c) **Building additions.** If public sewers are not available, no addition to any building 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 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 [lot] property, the building addition shall be permitted, [provided] if a repair area is proposed that meets the following requirements:

(1) The size of the proposed replacement subsurface sewage disposal system shown on design plans or sketch provides a minimum of 50% of the required [effective leaching area per] ELA as required by Section 10 of the Technical Standards[,];

(2) The replacement 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 9 and 11 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 replacement system requires an exception to section 19-13-B103d(a)(3) of the Regulations of Connecticut State Agencies regarding separation distances to wells, then a minimum of 50% of the required ELA and MLSS shall meet the well separation distances in accordance with Table 1 of the Technical Standards[,];

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

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

(6) The building addition as proposed meets the separation distances to any part of the existing and proposed subsurface sewage disposal system in accordance with Table 1 of the Technical Standards.

[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 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 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 the potential repair area, unless the local director of health has determined that after the lot line relocation or disturbance of soils on the lot a code-complying area exists for the 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 demonstrate how the property contains a code-complying area that can accommodate a sewage disposal system. In no case shall a relocated lot line violate Subsection (d) of Section 19-13-B103(d) 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.

(f) **Decision by Director of Health.** Any final decision of the local director of health made in regard to this section 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 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-B103e, 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, small community and small commercial subsurface sewage disposal systems [with a capacity of 5,000 gallons per day or less], non-discharging toilet systems, with a cumulative capacity of 10,000 gallons per day or less per lot, water treatment wastewater dispersal systems, and procedures for the issuance of permits or approvals of such systems by the director of health or registered sanitarian, as [required by] delegated pursuant to Section [25-54i (g)] 22a-430(g) of the Connecticut General Statutes and section 22a-430-1(b) of the Regulations of Connecticut State Agencies. Any lots that are contiguous and owned by the same person, entity or municipality are considered one lot for the purposes of determining whether sections 19-13-B103a to 19-13-B103f, inclusive, are applicable.

Sec. 19-13-B103b. Definitions

As used in sections 19-13-B103a to 19-13-B103g, 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 on-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, aqueduct 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] their 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) "Applicant" means the owner or the owner's agent or representative, including but not limited to a professional engineer, as applicable.

(2) "Building" means both residential and nonresidential buildings, and residential institutions.

(3) "Central subsurface sewage disposal system" means a subsurface sewage disposal system serving a residential building and one or more outbuildings, serving a residential building and one or more nonresidential buildings, serving two or more nonresidential buildings, or serving two or more outbuildings. A central subsurface sewage disposal system is excluded from small community sewerage systems as defined in this section.

(4) "Code complying system" means a subsurface sewage disposal system installed that meets the requirements of sections 19-13-B103a to 19-13-B103g, inclusive, of the Regulations of Connecticut State Agencies, and the Technical Standards.

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

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

(7) "Cumulative sewage design flow" has the same meaning as provided in section 19-13-B100a(a) of the Regulations of Connecticut State Agencies.

- (8) "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.
- (9) "Department" means the Department of Public Health.
- (10) "Design flow" has the same meaning as provided in section 19-13-B100a(a) of the Regulations of Connecticut State Agencies.
- (11) "Drawdown area" means the area adjacent to a well in which the water table is lowered by the withdrawal of water from a well by pumping at a rate not exceeding the recharge rate of the aquifer.
- (12) "Gray water system" means a septic tank and leaching system for domestic sewage containing no fecal material or toilet wastes.
- (13) "Household subsurface sewage disposal system" means a subsurface sewage disposal system receiving domestic sewage from a single residential building or associated outbuildings, or both, where such a system is located on the same lot as the building served or on an easement available for the installation, operation and maintenance of the system and which is recorded on the appropriate land records.
- (14) "Impervious soil" means soil that has a minimum percolation rate slower than 1 inch in 60 minutes when the ground water level is at least 18 inches below the bottom of the percolation test.
- (15) "Leaching system" has the same meaning as provided in section 19-13-B100a(a) of the Regulations of Connecticut State Agencies.
- (16) "Local director of health" means the local director of health or the local director of health's authorized agent.
- (17) "Lot" has the same meaning as provided in section 19-13-B100a(a) of the Regulations of Connecticut State Agencies.
- (18) "Maximum ground water level" means the level that ground water rises for a duration of 1 month or longer during the wettest season of the year.
- (19) "Municipality" has the same meaning as section 22a-423 of the Connecticut General Statutes.
- (20) "Person" has the same meaning as section 22a-423 of the Connecticut General Statutes.
- (21) "Naturally occurring soil" means soil that is native to a site and formed from natural processes independent of human actions and does not include fill placed by humans or deposited because of human actions.
- (22) "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(3) of the Regulations of Connecticut State Agencies.
- (23) "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, dry vault privies. Factory installed internal sewage holding tanks contained in a recreational vehicle or a portable temporary building are not included as a non-discharging sewage disposal system.
- (24) "Open watercourse" means a well-defined surface channel, produced wholly or in part by a definite flow of water and through which water flows continuously or intermittently, and includes any ditch, canal, aqueduct or other artificial channel for the conveyance of water to or away from a given place; or any lake, pond, or other surface body of water intermittently or permanently covered with water, fresh or tidal, but does not include gutters for storm drainage formed as an integral part of a paved roadway.

- (25) "Outbuilding" means an ancillary structure served by a water supply and subsurface sewage disposal system that is located on a lot with an associated primary residential building, which cannot be split off and sold separately from the primary building.
- (26) "Owner" means a person who, alone or together with other persons, has legal title to a lot or property served by a subsurface sewage disposal system or control of the lot, including but not limited to, any agent, executor, administrator, trustee, lessee, or guardian of an estate for the holder of legal title.
- (27) "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.
- (28) "Pollution abatement facility" has the same meaning as provided in section 22a-423 of the Connecticut General Statutes.
- (29) "Professional engineer" means a person licensed as a professional engineer licensed pursuant to Chapter 391 of the Connecticut General Statutes.
- (30) "Residential building" means any house, apartment, trailer or mobile home, or other structure occupied by individuals, permanently or temporarily, as a dwelling but not including residential institutions.
- (31) "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.
- (32) "Responsible party" means the owner or the owner's representative responsible for compliance with the requirements of section 19-13-B103 of the Regulations of Connecticut State Agencies.
- (33) "Septic tank" means a water-tight receptacle that is used for the treatment of sewage and designed and constructed to permit the settling of solids, the digestion of organic matter by detention and the discharge of the liquid portion to a leaching system.
- (34) "Sewage" has the same meaning as "domestic sewage" as defined in section 22a-430-1 of the Regulations of Connecticut State Agencies.
- (35) "Sewage holding tank" means a non-discharging, water-tight receptacle that is used for the collection of sewage to facilitate offsite disposal.
- (36) "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.
- (37) "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.
- (38) "Subsurface sewage disposal system" has the same meaning as section 19-13-B100a(a) of the Regulations of Connecticut State Agencies.
- (39) "Subsurface sewage disposal system cleaner" or "cleaner" means a person licensed as a subsurface sewage disposal system cleaner pursuant to Chapter 393a of the Connecticut General Statutes.
- (40) "Subsurface sewage disposal system installer" or "installer" means a person licensed as a subsurface sewage disposal system installer pursuant to Chapter 393a of the Connecticut General Statutes.

- (41) "Suitable soil" means soil having a percolation rate of 1 inch in 60 minutes or faster when the ground water level is at least 18 inches below the bottom of the percolation test hole.
- (42) "Technical Standards" has the same meaning as provided in section 19-13-B100a(a) of the Regulations of Connecticut State Agencies.
- (43) "Water pollution control authority" means an entity designated in accordance with Chapter 103 of the Connecticut General Statutes.
- (44) "Water treatment device" means a device used for the purpose of treatment or reduction of contaminants in well water supplied to a building on a property with a subsurface sewage disposal system under the jurisdiction of the department.
- (45) "Water treatment wastewater" means wastewater including, but not limited to, discharges of wastewater from water softening equipment generated by a water treatment device.
- (46) "Water treatment wastewater dispersal system" means a system of a solid conveyance pipe, followed by a structure designed to receive water treatment wastewater and allow it to percolate into the underlying soil.

Sec. 19-13-B103c. General provisions

(a) All sewage shall be disposed of by connection to public sewers, by subsurface sewage disposal systems, or [by other methods] as approved by the [Commissioner of Health Services] commissioner, in accordance with the following requirements[.]:

(1) All subsurface sewage disposal systems, privies and toilet or sewage plumbing 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 contents of a subsurface sewage disposal system or privy vault 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.]

(b) All material removed from any septic tank, privy, sewer, subsurface sewage disposal system, sewage holding tank, toilet or sewage plumbing system shall be transported for cleaning purposes as follows:

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

(2) 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;

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

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

(5) 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]

(c) Septic tanks shall be cleaned and maintained in accordance with Section 6 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 reasonable precautions to prevent damage to the 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.]

(d) 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 been notified that any such condition may exist on any property, has conducted an investigation, and has determined 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.

Sec. 19-13-B103d. Minimum requirements

(a) Each subsurface sewage disposal system shall be constructed, repaired, altered or extended pursuant to the requirements of [this section] sections 19-13-B100a and 19-13-B103, as applicable, 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 regarding water supply well separating distance of [Section] section 19-13-B103d(d) of the Regulations of Connecticut State Agencies and [Technical Standard IIA] Table 1, Item A of the Technical Standards, for the repair, alteration, or extension of an existing subsurface sewage disposal system where [he] the local director of health determines the repair, alteration or extension cannot [be affected in compliance] comply with the requirements of this section and upon a finding that such an exception is unlikely to cause a nuisance or health hazard. Requests for an exception pursuant to this subsection shall be submitted 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] commissioner [within thirty days after issuance on forms provided by the Department] upon request.

(2) The [Commissioner of Health Services] commissioner may grant an exception to the requirements of [Section] section 19-13-B103d(d) of the Regulations of Connecticut State Agencies upon written application. The applicant shall submit a proposed plan requesting such exception to the local department of health. Following review and determination by the local director of health that the request for an exception is appropriate, the local director of health shall complete and submit an application for the exception to the commissioner for review and approval. The commissioner may approve an exception upon review and determination that the application for an exception complies with the following requirements: [and upon a finding that:]

(A) A central subsurface sewage disposal system or a small community sewerage system serving more than [one] 1 building is technically preferable for improved distribution and treatment of sewage effluent, or for reasons of site limitations, or to facilitate construction, maintenance or future connection to public sewers[.]; or

(B) A subsurface sewage disposal system not located on the same lot as the building served is located on an easement attached thereto. Such easement shall be properly

recorded on the land records and shall be revokable only by agreement of both property owners and the department [Commissioner of Health Services]; or

(C) The department may grant an exception to the separating distance requirements of Table 1, Item A of the Technical Standards, upon written application and upon a finding that such an exception is unlikely to pollute a water supply well in such a manner as to cause a health hazard.

[(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 unless otherwise identified by the applicant upon 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. 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. The commissioner may modify or update the Technical Standards in response to legal interpretation or to meet changes in technology or relevant design standards.

(c) **Large subsurface sewage disposal systems.** The [Commissioner of Health Services] commissioner shall [approve] review plans for subsurface sewage disposal systems serving a building or buildings with a designed sewage 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 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 large subsurface sewage disposal system to the commissioner. Upon approval from the commissioner, the local director of health shall issue 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 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, and water service lines and wells within the setback distances prescribed in Sections 3 and 4 of the Technical Standards;

(F) [Locations of buildings, open water courses, ground and surface water drains, nearby wells and water service lines.] For lots with cumulative sewage design flows of 5,000 gallons per day or greater, a nitrogen assessment shall be conducted in accordance with Section 12 of the Technical Standards. Any such parcels of land that are contiguous and owned by the same person, entity or municipality are considered one lot for the purposes of this subsection; and

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

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

[(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) **Construction.** While a subsurface sewage disposal system is under construction, the local director of health may require a professional engineer to supervise the construction. If the local director of health requires a professional engineer to supervise construction, the local director of health may require the 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.]

(f) Disposal of sewage in areas of special concern.

(1) Subsurface sewage disposal systems for areas of special concern shall meet the requirements of this subsection. The following are determined to be 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 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; or

(G) Tidal and inland wetlands regulated pursuant to Chapter 400 of the Connecticut General Statutes.

(H) Located within the drawdown area of an existing public water supply well with a withdrawal rate in excess of 50 gallons per minute, or within 500 feet of land owned by a public water supply utility and approved for a future wellsite by the commissioner.

(2) In such 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) (A) Plans for new subsurface systems in areas of special concern shall:

(i) Be prepared by a professional engineer;

(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 within the setback distances prescribed in Sections 3 and 4 of the Technical Standards;

(iii) 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 opinion such may occur.

(B) Prior to the issuance of a permit, the plans for subsurface disposal systems in areas of special concern shall be submitted to the local director of health for initial review. Following review and determination that plans are complete by the local director of health, the local director of health shall

forward the plans to the commissioner for a determination whether the requirements of the subsection have been met, except that such submission need not be made to the commissioner if reviewed in accordance with section 19-13-B103e(b) of the Regulations of Connecticut State Agencies.

(4) If application is made for the replacement, repair, alteration or extension of an existing subsurface disposal system or component thereof in an area of special concern, the local director of health may require that the applicant comply with the requirement of subdivision (3) of subsection (f) of this section unless the local director of health determines that the contemplated replacement, repair, alteration or extension involves technical complexities which can adequately be addressed by a licensed subsurface sewage disposal system installer.

(5) In such areas of special concern, the commissioner or the 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.

(g) **Gray water systems.** A gray water system may be added to a property with a 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 at least one-half the capacity specified for the required sewage disposal system.

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 water supply available or a satisfactory [location for a] water supply well location approved 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 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;] as follows:

(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 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 new subsurface sewage disposal systems on any lot with a cumulative sewage design flow of greater than 5,000 gallons per day that fails to meet the requirements of the nitrogen assessment required by section 19-13-B103d(c)(3)(g) of the Regulations of Connecticut State Agencies and conducted in accordance with Section 12 of the Technical Standards.

Sec. 3. Sections 19-13-B103e(c) to sections 19-13-B103f, inclusive, of the Regulations of Connecticut State Agencies are amended to read as follows:

(c) 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.

(2) Applications for permits shall:

(A) Be submitted on [forms identical to Form #1 in the Technical Standards] forms prescribed or approved by the commissioner; [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 (d) 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.

(d) 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 and report the findings and recommendations of the investigation on a form [identical to Form #2 in the Technical Standards] prescribed or approved by the commissioner [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] 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 or professional engineer 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.

(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.

(e) 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 house sewer;

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

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

(D) Property lines, building locations, open watercourses, ground and surface water drains, and water service lines and wells within the setback distances prescribed in Sections 3 and 4 of the Technical Standards; 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(c) 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.

(f) 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] of the Regulations of Connecticut State Agencies, 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. 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 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] a licensed subsurface sewage disposal 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 may 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(c) 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.]

(g) 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 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 or approved by the commissioner.

(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.

(h) 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 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 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] commissioner 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 U.S.C. 1251-1387, as amended from time to time; and

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

(i) 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.

(j) **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-B103e, 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 in accordance with the records retention schedule as approved and authorized by section 11-8a of the Connecticut General Statutes.

(k) 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 in writing within 20 working days the [requirement(s)] requirement or requirements of [Section] sections 19-13-B103d or

19-13-B103e of [these regulations] the Regulations of Connecticut State Agencies, which prevents any 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 19-108] section 19a-229 of the Connecticut General Statutes.

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

(a) All non-discharging sewage disposal systems shall be designed, installed and operated in accordance with Section 15 of the Technical Standards and the requirements of this section, unless an exception is granted by the [Commissioner] commissioner. [upon a determination that system shall provide for the proper and complete disposal and treatment of toilet wastes or gray water.] Applications for approval of proposed non-discharging sewage disposal systems shall be submitted 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) and (e) of this section. All other non-discharging sewage disposal systems shall be submitted to the commissioner for review and approval following a request for an exception from the local director of health. 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 to the local director of health and in accordance with the requirements set forth by the local director of health. Any request for an exception shall be submitted as part of such application.

(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 or request for an exception to the commissioner for final review and approval or denial. Upon the commissioner's approval or denial of such application, the local director of health shall notify the applicant of the approval or denial.

(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. On lots without an existing subsurface sewage disposal system, a code-complying area, 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]. 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) 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 non-discharging external sewage holding tanks for buildings governed by the Regulations of Connecticut State Agencies in sections 19-13-B103a to 19-13-B103f, inclusive, and in accord with Section 15 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 cumulate sewage design flow of 10,000 gallons per day or less and under the jurisdiction of the department require a water treatment wastewater discharge permit. Water treatment wastewater discharges shall not be made to water treatment wastewater dispersal systems, subsurface sewage disposal systems, or sewage holding tanks unless such systems or tanks are approved by the commissioner.

- (b) The applicant shall submit to the local director of health a plan of the proposed water treatment wastewater dispersal system, water treatment wastewater holding tank, or connection to the subsurface sewage disposal system. The submittal shall also include the name and contact information of the installer. The application shall be submitted in the form and manner prescribed by the local director of health. 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 14 of the Technical Standards.
- (c) For proposed water treatment wastewater discharges that is equal to, or exceeds, the design flow of the subsurface sewage disposal system, the local director of health may require a review pursuant to section 19-13-B100a(e) of the Regulations of Connecticut State Agencies.

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. 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 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 Section 19-13-B103 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. Proposed revisions to Section 19-13-B103d provide local directors of health the discretion to require a professional engineer supervise construction.

Section 3. Proposed revisions to Section 19-13-B103e to Section 19-13-B103f, inclusive, clarify the procedures for applying for a permit, 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 4. Newly proposed Section 19-13-B103g codifies existing procedures for the approval of discharges related to water treatment wastewater pursuant to the 2017 delegation of such jurisdiction from the Department of Energy and Environmental Protection to the Department.

3) Legal effects of the regulation. The proposed revisions comply with the requirements of Section 22a-430(g) of the Connecticut General Statutes 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.