

February 15, 2023

Esteemed Chairs Kavros Degraw and Rahman,
Members of the Planning and Development Committee:

The Western Connecticut Council of Governments (WestCOG) appreciates the opportunity to comment on Raised Bill 1001, *An Act Concerning Certain Sewage Disposal Systems and Alternative Sewage Treatment Systems*.

WestCOG is concerned about the public health, environmental, and fiscal impacts of this bill.

The bill would provide for “small community sewerage systems.” In contrast with systems operated by a single tenant (e.g., in commercial installations), it is not clear that homeowner associations, which largely comprise volunteers and have an incentive to defer maintenance, have the capacity to manage a sewerage system. Such systems have a checkered track record in other states, which include numerous failures that have had to be corrected at public expense.

The bill appears only to speak to the initial permitting of a system; it does not address the operation of the system. Given the challenges and risks of community management of infrastructure as complex as a sewerage system, the bill may not provide adequate safeguards for public health or the environment. For instance, does the bill:

- Ensure that systems, once permitted, are competently managed?
- Mandate regular testing of systems and enjoin remedial action when performance standards are not met?
- Require that funds are available to correct any deficiencies, including for substantial repair or replacement of the system?

Historically, municipalities have been held accountable – either by law or by politics – for the failure of private wastewater systems, resulting in significant public expense. State law should not enable or encourage such burden-shifting from irresponsible development to local taxpayers.

In addition, this bill would assign the permitting of small community sewerage systems to local directors of health or sanitarians. It is not clear that local health departments or sanitarians have the staff, budget, or expertise adequately to review these systems. In addition to creating an unfunded mandate for municipalities, the shifting of permitting to parties that may not have the resources to satisfy this responsibility properly may result in unpredictable results, including regulatory delays and questionable permitting decisions.

WestCOG urges your Committee **not to advance this bill** until adequate regulatory guardrails – and resources – are in place.

Should you have questions or require additional information, please do not hesitate to contact me. Thank you for your consideration.

A handwritten signature in black ink that reads "Francis Pickering". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Francis R. Pickering
Executive Director