



Connecticut
Association of
Water
Pollution
Control
Authorities, Inc.



September 11, 2014

Ms. Denise Ruzicka, PE
Director, Planning and Standards Division
Bureau of Water Protection and Land Reuse
Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

RE: Public Act 14-231 (HB5537) and its Unintended Effects on Wastewater Facilities

Dear Ms. Ruzicka:

During the 2013 legislative session, the Connecticut state legislature passed and the Governor signed into law Public Act 14-231 (Substitute House Bill No. 5537), which goes into effect on October 1, 2014. This bill makes changes to Section 19a of the General Statutes that relate to the Connecticut Department of Public Health (CTDPH). Of particular note to our member Water Pollution Control Facilities (WPCFs) is Section 19a-29a which addresses “environmental laboratories”.

Historically, Section 19a-29a of the General Statutes outlined standards governing environmental laboratory operations in an effort to protect human health and the environment. This Statute applied to all laboratories in Connecticut including wastewater treatment facilities; however a very specific exception was included in the original Statute that exempted WPCFs from the onerous and costly laboratory certifications/licensing requirements. Presumably, these exemptions were included in the original statute because all Connecticut WPCF laboratories are operated by certified licensed operators with an extensive licensing program managed by the Connecticut Department of Energy and Environmental Protection (CTDEEP).

Although the text changes to the statute that HB5537 imposes as related to WWTFs are not particularly substantive, we have learned that the CTDPH is revising their interpretation of this section based upon a perception of prior incorrect application of past law. Specifically, CTDPH believes that the historical exception for laboratories (in this case, the laboratory that is part of the WPCF) should be performed by a registered environmental laboratory that is certified under the CTDPH. This change in interpretation will require that each Connecticut WPCF hire an outside lab to perform this routine laboratory work or develop a robust laboratory program that meets CTDPH’s stringent requirements.

The Connecticut wastewater industry has not been adequately engaged by CTDPH regarding their reinterpretation of the statute. Since the primary sponsors of these changes are both the CTDPH and private laboratories, CTDPH reached out to their normal constituency (i.e. the Connecticut water Associations) for feedback. However, the Connecticut wastewater associations were never approached to see how these changes would positively and/or negatively affect the wastewater community. In addition, it is unclear to us as to why the CTDPH wants to add a new layer of regulatory oversight on top of the CTDEEP, which already requires certification for each licensed wastewater operator.



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Therefore, the Connecticut Water Pollution Abatement Association (CWPA) and Connecticut Association of Water Pollution Control Authorities (CAWPCA) respectfully request your support in requiring the CTDPH to clarify the new Statute and further require CTDEEP to develop a formal waiver for wastewater utilities (via regulation) so we can maintain the wastewater laboratory exception. This will result in WPCF annual cost avoidance estimated by CTDEEP to be in the range of \$20,000 to \$70,000 per year for each of the more than 115 municipal and 20 private facilities affected. Cost avoidance at a Water Pollution Control Authority means that we will not have to pass these additional expenses onto more than 2,000,000 wastewater rate payers throughout Connecticut.

Thank you for your support on this issue.

Sincerely,

Michael J. Bisi
CWPA President

Superintendent of Sanitation
Town of Glastonbury

Thomas V. Sgroi, PE
CAWPCA President

Director of Engineering
Greater New Haven WPCA

The Connecticut Water Pollution Abatement Association (CWPA) is the local affiliate of the New England Environmental Association (NEEA) and the Water Environmental Federation (WEF). The CWPA represents Connecticut's 80+ Water Pollution Control Facilities and a network of over 500 certified operators serving more than 2,000,000 Connecticut residents.

The Connecticut Association of Water Pollution Control Facilities (CAWPCA) is a group of members dedicated to improving, enhancing knowledge and understanding the interests of publicly owned/operated WPCA's or wastewater management entities within the State of Connecticut. The CAWPCA represents its members as well as the 150+ Connecticut WPCAs which serving more than 3,000,000 sewered and non-sewered residents.

Cc: Commissioner Jewel Mullen, MD, CT DPH
Commissioner Robert Klee, PHD, CT DEEP
Dermot Jones, CT DPH Environment Lab Cert. Program
Philip Schlossberg, DT DPH Lab Cert. Officer
CWPA Board of Directors
CAWPCA Board of Directors