

## Sewage "Right-to-Know" Law

By: Kristen Miller, Senior Legislative Attorney  
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### Issue

Summarize Connecticut's "right-to-know" law concerning sewage spills ([CGS § 22a-424a](#)). **This report has been updated by OLR Report [2021-R-0205](#).**

### Summary

Sewage pollution "right-to-know" laws generally require that the public be notified when there is a sewage overflow or bypass event that results in untreated or partially treated sewage discharging into waters.

Under Connecticut's sewage "right-to-know" law, sewage treatment plant and collection system operators must electronically report a sewage spill to the Department of Energy and Environmental Protection (DEEP) within two hours after becoming aware of it. Additional reporting requirements apply for spills exceeding 5,000 gallons or for spills that are expected to exceed that amount.

The law also requires DEEP to post on its website (1) a state map showing combined sewer (i.e., stormwater and sanitary sewer water) overflows anticipated to occur during storm events and (2) notice of unanticipated sewage spills and state waters with chronic and persistent sewage contamination.

Failing to file the required electronic reports is subject to civil or criminal penalties, depending on the nature of the violation.

Under the law, a sewage spill is any waste diversion from a sewage treatment plant or collection system in the state that reasonably generates environmental or public health, safety, or welfare concerns.

## **Notice Requirements**

### ***Operators***

Under Connecticut law, sewage treatment plant and collection system operators must electronically submit a report to DEEP of a sewage spill within two hours after becoming aware of it. An operator must also notify the chief elected official of the municipality where the spill occurred if the spill exceeds 5,000 gallons or is expected to do so. The municipality must then, as soon as practicable, inform the public and downstream public officials, as appropriate ([CGS § 22a-424a\(c\)\(2\) and \(3\)](#)).

This requirement applies to operators of sewage treatment plants, water pollution control facilities, and related pumping stations, collection systems, or other public sewage works ([CGS § 22a-424a\(a\)](#)).

### ***DEEP***

*Anticipated Events.* Under the law, DEEP must post on its website a [state map](#) showing the combined sewer overflows anticipated to occur during certain storm events. It specifies that the following information may be relevant for posting:

1. location, anticipated duration, and extent;
2. reasonable public health, safety, or environmental concerns; and
3. public safety precautions that should be taken ([CGS § 22a-424a\(b\)](#)).

*Unanticipated Events.* DEEP must also post on its website notice of (1) [unanticipated sewage spills](#) and (2) state waters with chronic and persistent sewage contamination and represent a public health threat. DEEP must make the determination about contaminated waters in consultation with the public health commissioner.

The law specifies the following relevant information the notice may contain, as determined from the reported incident:

1. discharge's location and estimated volume;
2. level of treatment of the discharge;
3. incident's date and time;
4. estimated or actual time the discharge ended;

5. geographic area impacted;
6. steps taken to contain the discharge;
7. reasonable environmental or public health, safety, or welfare concerns; and
8. public safety precautions that should be taken ([CGS § 22a-424a\(c\)\(1\)](#)).

The DEEP commissioner had to consult with the public health commissioner, sewage treatment plant or collection system operators, and state and local environmental and health agencies when developing the notice for unanticipated discharges and waters with chronic and persistent contamination ([CGS § 22a-424a\(d\)](#)).

## **Penalties**

Under the law, failing to make the required electronic reports is a violation and subject to civil or criminal penalties, as applicable ([CGS §§ 22a-424a\(f\)](#) & [22a-438](#)).

### ***Civil***

Failing to file an electronic report related to wastewater discharge, including sewage spills, is punishable by a civil penalty of up to \$25,000 for each violation. The court determines the amount, but each violation is a separate offense. Each day a violation continues is considered a separate offense.

### ***Criminal***

The law subjects any person who, with criminal negligence, fails to file an electronic report related to wastewater discharge, including sewage spills, to a fine of up to \$25,000 per day of violation, up to one year in prison, or both. A subsequent violation is punishable by a fine of up to \$50,000 per day of violation, up to two years in prison, or both.

Knowingly failing to file the required report is punishable by a fine of up to \$50,000 per day of violation, up to three years in prison, or both. A subsequent conviction for a violation is a class C felony, punishable by a fine of up to \$100,000, up to 10 years in prison, or both.

The law explicitly includes responsible corporate officers and municipal officials as subject to these penalties.

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