

## #1 - Vetting and Communication of Subsurface Sewage Disposal System Requirements

### Issue

Although the Code Advisory Committee shares and reviews changes to regulations and technical standards for subsurface sewage disposal systems, stakeholders have concerns about the process's predictability, clarity, and inclusiveness and seek a more formal, transparent procedure that ensures a standard timing for updates and broad input.

### Discussion

Members from DPH maintain that the current Code Advisory Committee process is sufficient. They note that proposed modifications to technical standards are distributed in advance and that all technical standards undergo thorough review, vetting, and broad communication prior to adoption. These members assert that the existing framework ensures transparency and allows for meaningful stakeholder engagement before updates are implemented. Additionally, DPH representatives expressed concerns that increasing the authority of the Code Advisory Committee could introduce additional bureaucracy, potentially delay necessary updates, and lead to a conflict of interest in setting the standards.

Conversely, other committee members suggest that the process could be enhanced by incorporating regulatory changes alongside technical standards reviews. They support establishing greater predictability, such as a regular review cycle modeled after the Building Code and Standards Committee (DAS). Furthermore, these members underscore the importance of providing all stakeholders with ample time, opportunity, and structure to develop and review standards and policy, rather than merely offering opinions. They contend that this revised structure, led by volunteers in partnership with DPH, would improve transparency, facilitate communication, reduce confusion, and more effectively serve the regulated community while protecting the environment and the population at large.

### Recommendation

To address these concerns while supporting continued progress and technical integrity, we recommend establishing a new Code Advisory Committee modeled after the Building Codes and Standards Committee (under DAS) per Connecticut General Statutes Section 29-251[AS1][MG2][BW3]. This committee would feature a formalized structure, regular review cycles, and transparent procedures for stakeholder engagement and feedback. Current technical standards could be the base document from which a newly-empowered Code Advisory Committee could begin their work. While some have raised concerns about potential inconsistencies with DPH's current regulatory approach, and about the risk of increased bureaucracy or lobbying, these can be mitigated by ensuring all meetings are held within the public eye. To partially address this, the committee membership could be expanded to technical experts, policy specialists, and industry advocates in a way that encourages active participation. The committee would not replace public comment but would provide an additional, predictable venue for technical input,

regulatory review, training curriculum development, and consensus-building among industry professionals, public health officials, and other stakeholders. This approach seeks to enhance clarity, communication, and trust in the process, while preserving efficiency and the primacy of expert input in technical standard development.

The majority of committee members recommend the establishment of a new Code Advisory Committee, modeled after the Building Codes and Standards Committee under DAS, as outlined in Connecticut General Statutes Section 29-251. [This proposed committee would implement a formal structure with regular review cycles and increased ~~transparent procedure~~communication ~~efforts~~ to ensure robust stakeholder engagement and feedback.]<sup>[AS4][MG5][BW6]</sup> The committee would not replace the existing public comment process but would provide a predictable and structured forum for technical input, regulatory review, training curriculum development, and consensus-building among industry professionals, public health officials, and other interested parties. This recommendation is intended to enhance ~~the~~ clarity, communication, and trust in the process, while maintaining efficiency and prioritizing expert input in the development of technical standards.

It should be noted that the Department of Public Health (DPH) does not support this recommendation. DPH has expressed concerns with granting increased authority to regulated entities is inconsistent with how the department regulates others throughout the state.

Additionally, allowing a regulated entity to determine how they are regulated reduces the department's ability to effectively oversee and protect public health and the environment. DPH is concerned that public health would no longer be a priority consideration. They feel public comment remains an important process to understand the work on the ground and the impacts on the people implementing regulations. Additionally they feel this policy could also introduce additional bureaucracy or opportunities for lobbying.

Despite these concerns, most of the subcommittee believes that by ~~holding all meetings in public and maintaining the current better communicating~~ opportunities for participation and public comment<sup>[AS7][MG8]</sup>, these risks are mitigated with governmental agency representation on the Committee, greater transparency and inclusiveness in the regulatory process.

## **#2 - Environmental Engineering Program Capacity and Focus**

### **Issue**

The Environmental Engineering Program at DPH is operating at full capacity. Expanding its mandate to review Subsurface Sewage Disposal Systems up to 7,500 gallons per day, along with potential responsibilities regarding AT systems, places significant strain on this small team.

\*The Environmental Engineering Program is not legislated program but rather an internal organizational arrangement established by DPH. Legislature does not dictate departmental structure.

## Discussion

As the Environmental and Engineering program at DPH continues to take on additional work within the scope of the department, it is important that as we consider adding more to their workload, we consider their capacity and potential need for resources. Since 2020, the Environmental Engineering Program has faced staffing challenges due to attrition and retirement reductions while simultaneously taking on additional responsibilities, such as oversight of Public Pools and Family Campgrounds. [AS9][MG10] These changes have extended the program's workload beyond its original scope, which previously focused on sewage disposal, wastewater treatment, and management of human remains. [AS11][MG12] As the scope responsibility of agencies and for program managements continues to evolve, these increased demands have made it more difficult for the program staff to meet the needs of the state.

## Recommendation

The committee believes DPH oversight of subsurface wastewater disposal is important and appropriate staffing should be assigned to focus exclusively on this key area of responsibility. To help the Environmental Engineering Program better meet current and future needs, it is recommended that the program focus on maintaining core responsibilities and restore adequate staffing levels and divest itself of unrelated responsibilities (Pools and Camp Grounds). [AS13][MG14][BW15] This more focused approach would allow the program to gradually expand its capacity to cover all aspects of onsite wastewater disposal. Reestablishing foundational capacity could also set the stage for developing a dedicated Alternative Technology section to oversee new policy initiatives and implementation strategies.

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## 3) Education and Training for Subsurface Wastewater Disposal Professionals

### Issue

There is a significant need to establish and fund ongoing training programs for Department of Public Health (DPH) staff, local sanitarians, installers, and design engineers. Without regular education and professional development, the workforce cannot remain equipped to handle evolving industry standards and regulatory requirements.

### Discussion

Since 2020, high turnover rates among sanitarians and engineering personnel have resulted in a substantial loss of institutional knowledge. The transition to remote work further diminished opportunities for knowledge transfer from experienced staff to newer employees. As a result, Connecticut has fallen behind other states in the adoption of new wastewater treatment technologies. To address these challenges, it is vital to develop and implement a comprehensive, field-oriented training curriculum for engineers, installers, sanitarians and others involved in the design, installation and maintenance of subsurface wastewater disposal systems.

[AS16][MG17][BW18] Such a program must be adequately funded and managed to fill existing gaps in expertise. Training should also emphasize alternative treatment methods, ensuring that staff are prepared to adapt as policies evolve and new technologies become available.

DPH The subcommittee discussed questioned questions if of whether professional education is a responsibility that falls to the state. [AS19][MG20][BW21] Many other professions require continuing education, yet these requirements are typically neither provided nor funded by the state. If there are existing concerns regarding program capacity, additional requirements may further compound these challenges. It may be beneficial to evaluate the effectiveness of ongoing training opportunities available where individuals receive their initial instruction. Additionally or alternatively, training can be provided through a variety of programs on a statewide or local basis and should be developed in coordination with DPH, local health districts, installers, and maintenance professionals, with a strong focus on field-based training.

## **Recommendation**

We recommend the creation of a dedicated education and training fund, supported by both local permit fees and general fund allocations. Funding must be adequate to create the curriculum and allow for state and local government professionals to attend the training alongside other industry professionals (installers and engineers.)

Designated staff should work in coordination with the new code advisory committee to set curriculum and design the training program. Collaborations with and reliance on, industry associations is encouraged to facilitate effective field-based instruction, which can be delivered without the need for state-owned facilities and state faculty.

This joint approach in providing a state-created curriculum targeting DPH identified shortfalls and indicatives will help ensure the workforce is well-prepared to meet current and future needs in septic wastewater management.

During this discussion the committee identified continuity of knowledge and internal on the job training shortfalls within the state due to staff turnover, retirement, and work from home policies. Some believe that work from home policies in place for state workers should be revisited to ensure that there is adequate in office time for senior and experienced staff to transfer knowledge and provide training.

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## **4) Timeliness and Consistency in Review Processes**

### **Issue**

Review timelines for Local Health Departments and Districts (LHDs), the Department of Public Health (DPH), and the Department of Energy and Environmental Protection (DEEP) are both

lengthy and inconsistent. This unpredictability leads to inefficiencies within the approval process.

## Discussion

Unreliable and prolonged design and approval processes have a greater impact on increasing development costs than high review fees themselves. LHDs often struggle to meet permit demand due to budgetary limitations and insufficient staffing, and DPH and DEEP reviews face ~~similar irregularities~~<sup>[AS22][BW23]</sup>a spectrum of application review and response, some of which can be understood as challenges created by the wide variety of application details and quality of submission. ~~The~~<sup>[AS23]</sup>Further, the demand for reviews and related services does not remain constant, making it challenging for both local and state agencies to maintain staffing levels that can address high-demand periods. As a result, large projects and the required inspections once they advance to production stages experience significant delays.

## Recommendation

We recommend a maximum of 20 days for initial plan reviews/comment and 2~~two~~ days from request to start inspections to be conducted by local and state entities. This does not stipulate approval in 20 days but rather the completion of the initial review of the application with comments, and it does assume and require sufficient staffing levels to process applications<sup>[AS24]</sup>

Implementing a work-sharing system among health districts during periods of high demand, supported by memorandums of understanding and standardized policies, would improve both consistency and efficiency. ~~Additionally, consideration should be given to~~ the development of a unified fee structure across all related agencies ~~is advised~~ to provide the staffing and training required to better address peaks in demand. <sup>[AS25][BW26]</sup>Consideration should also be given to instituting an expedited fee option, which would fund the work-sharing program and potentially support the creation of a moonlighting initiative for sanitarians and local health professionals. Developers are likely to accept higher fees in exchange for improved, more timely services.

## 5) Impact of Failing Onsite Wastewater Systems on Surface Water Quality

**Issue:** Failed existing systems provide a larger threat to surface water quality and pollution than the installation of new septic systems.

**Discussion:** Failing septic systems presents a significant challenge, as issues often remain undetected until the property changes ownership. Despite concerns raised by neighbors regarding a potentially malfunctioning system, these complaints frequently go unresolved. This is primarily because local health departments lack straightforward methods to observe and effectively test the operational status of onsite wastewater systems. Furthermore, many property owners are aware of system failures and wish to address them but are unable to do so due to financial constraints.

**Recommendation:** Establishment of a Homeowner Assistance Fund to effectively abate any sewage that discharges or flows into any storm drain, gutter, street, roadway or public place, and shall not allow such material to discharge onto any private property so as to create a nuisance or condition detrimental to health or improve or repair the existing subsurface sewage disposal system. We recommend creating a dedicated fund that offers need-based loans to homeowners for the repair and replacement of failing onsite wastewater systems. By addressing existing system failures or the improvement of the existing subsurface sewage disposal system, this initiative would help prevent unnecessary environmental contamination and protect public health.

The proposed loan structure would provide flexibility for borrowers, allowing loans to be paid off through scheduled payments or repaid in full—with interest—at the time of property transfer. Ensuring the program is straightforward and user-friendly is vital to encourage widespread participation and maximize its effectiveness.

Program administrator will need to be determined but it is recommended that this not be managed through DPH or DEEP but rather a government agency with similar programs in place.