

## **Chatham Health District**

Serving the Towns of East Haddam, East Hampton, Haddam, Hebron, Marlborough & Portland

### **Wastewater Pumping and Permit to Discharge Regulation**

#### **Section 1 – Purpose**

To protect the public health and welfare within the District, through the prevention of public health nuisances, hazards and environmental degradation that may have a detrimental impact upon the quality of the ground water and surface water within its boundaries.

To help local Waster Pollution Control Authority (WPCA) Commissions implement and comply with sewer avoidance policies to all areas within the towns of the Chatham Health District where onsite treatment and disposal of wastewater is deemed feasible.

To define wastewater management practices and generate data on existing subsurface sewage disposal systems including septage pumped out within the District.

To regulate and control the design, construction, operation and maintenance of subsurface sewage disposal systems within the District and require periodic inspections of these systems.

#### **Section 2 – Applicability**

All onsite subsurface sewage disposal systems in the Chatham Health District with 5,000 gallons per day or less design discharge are subject to this regulation.

#### **Section 3 – Connecticut Public Health Code**

This regulation is subject to the Connecticut Public Health Code regulations Sections 19-13-B100A, 19-13-B103 (including the Technical Standards, forms and appendices) and 19-13-B104 and all amendments.

#### **Section 4 – Definitions**

If not defined below, all definitions will be based upon those found in Section 19-13-B103b and the Technical Standards of the Connecticut Public Health Code as amended.

Director means: Director of Health of the Chatham Health District or designated agent

District means: The Chatham Health District

Failing system means: A Subsurface Sewage Disposal System, a.k.a. a septic system, or any other onsite wastewater system where wastewater discharges to the ground surface, into an open watercourse, backs up into the house or otherwise causes health hazards or nuisance conditions.

Malfunctioning system means: A Subsurface Sewage Disposal System, a.k.a. a septic system, where wastewater overflows the outlet baffle, backs up into the riser(s) above the tank or backs up into the house sewer line, backflow from the leaching system is observed, or other evidence that the system is not performing as designed.

Permit to Discharge means: A permit issued to the owner by the Director to authorize or allow the discharge of a stated amount of wastewater to an on-site subsurface sewage disposal system for a stated period of time.

Pump out means: The removal of septage from any part of a subsurface sewage disposal system by a licensed cleaner.

Registered cleaner means: A State licensed installer or cleaner registered in the Chatham Health District.

Septage means: Any liquid or solid materials removed from a subsurface sewage disposal system used to treat domestic sewage.

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 groundwater control system on which the operation of the leaching system is dependent.

System Owner means: Owners of record of property within the District served by a subsurface sewage disposal system.

### **Section 5 – Registration of Septic Cleaners**

Any person engaged in the business of cleaning, pumping or disposing of septage within the District, shall be licensed by the State of Connecticut Department of Public Health, and registered with the District.

### **Section 6 – Registration**

Annual registration is the responsibility of the State licensed cleaner or installer and shall be on forms approved by the District. Registration may be submitted to any District office, or, when available, may be completed electronically through the District's web-based record management system. It is the responsibility of the registered cleaner to notify the District of any changes in registration. The registration period is annual, from July 1 through June 30, and shall be completed by July 15<sup>th</sup> of the current year.

Registration includes name, business name, address, CT cleaner or installer license number, phone number, and any other electronic contact information requested. The District shall provide a current list to the WPCA's of the member towns of all registered individuals. Failure to submit pumping reports, as described in Section 7 may result in suspension of an individual's registration within the District.

### Section 7 – Application for Pumping Permit

- A. All registered cleaners shall apply for a pump out permit on forms approved by the District.
- B. All pump out permits shall be approved in compliance with the following:
1. Section 19-13-B103c PHC.
  2. Information for each pump out shall be collected and submitted to the system owner and the District on forms approved by the District that includes system owner, location (site of origin), destination of load (where it will be disposed), date of cleaning, septic tank size, amount pumped and location of tank, and a statement of proper function or malfunction and any other information deemed necessary by the District to establish the cleaning record.
  3. If water conditioners or backwash from water treatment systems are discharging to the subsurface sewage disposal system, it shall be noted on the cleaning record.
  4. Submission of Cleaning Record Information

Completed pump out information, with all items observed noted, is required to be sent by the registered cleaner to the District within thirty (30) days of when the pump out occurred. Electronic reporting of required information (on web-based forms approved by the District) is allowed in lieu of paper forms through the District web-based management information system.

5. Failure to submit forms completely and in a timely manner may result in suspension of an individual's registration to operate within the District.
  - a. The Director of Health may suspend or revoke the registration of a cleaner issued under section 6 for any of the following reasons:
    - (1) For operating in a manner that constitutes a hazard to the public health;
    - (2) For failing to comply with the reporting requirements of this regulation or the Public Health Code;
    - (3) For violations of the Public Health Code;
    - (4) For interference with the Director of Health, Registered Sanitarian or certified agent in the performance of their duties; or
    - (5) Failing to perform in accordance with the standards of the profession

When an order is issued suspending or revoking a registration all cleaning operations shall immediately cease.

- b. If practicable, and when it will not imperil the public health in the opinion of the director, the Director of Health will seek to advise any installer when contemplating the issuance of an order before the order is issued.
- c. The registered cleaner shall be served with any order issued containing the reasons for the issuance of the order and notification that the cleaner has an opportunity to appeal the order to the Commissioner of Health by filing a written appeal within three business days with the Commissioner in accordance with the provisions of CGS 19a-229.
- d. If no appeal is filed the order becomes final.
- e. The director of Health may terminate a suspension when in the opinion of the director the reasons the issuance of the suspension no longer exist.

### **Section 8 – Permit to Discharge**

A. Systems constructed on or after January 1, 2000 are subject to application for renewal of the Permit to Discharge upon the effective date of this regulation. Said renewal will be issued upon compliance of this regulation. Renewals will be issued based upon submission of a recent pumping report within the last five (5) years, indicating that no failure or malfunctions were detected, and proper permits were issued.

B. Systems constructed before January 1, 2000 shall be inspected by a registered cleaner within five years from the adoption of this regulation. Inspection will consist of tank pumping and visual walk over of the leaching area. Further investigation by the registered cleaner may be necessary if the system is malfunctioning.

1. Permits to Discharge shall be issued or renewed by the Director to system owners whose subsurface sewage disposal systems meet the conditions listed below.

Cesspools and steel septic tanks are not considered to be in compliance with the Public Health Code and Technical Standards. A Permit to Discharge will allow the owner to discharge a specified number of gallons per day to the subsurface sewage disposal system described on the permit, and may include additional restrictions on use of the system or of the property.

2. Permits to Discharge shall be valid, unless revoked or suspended in accordance with Section 8.B.5 of this regulation, for a period not to exceed five (5) years. Information regarding operation and maintenance, special requirements, restrictions and exceptions will be included on the permit.

3. A Permit to Discharge shall be issued or renewed by the Director:

- a. Upon the final inspection of a newly constructed subsurface sewage disposal system which is deemed by the Director to meet at that time all the requirements of this regulation, or

- b. Upon repair and final inspection of an existing subsurface sewage disposal system which is deemed by the Director to meet at that time all the requirements of this regulation, or
  - c. Upon cleaning and inspection of an existing subsurface sewage disposal system, provided that no failure or malfunction is detected during the inspection and the appropriate inspection report is submitted to the Director.
4. A report by the registered cleaner of a malfunctioning or failed system shall be submitted to the Director within ten business days.
5. The Director of Health may revoke, suspend, or not renew a permit to discharge upon the determination by the Director that the system is malfunctioning or has failed.
- a. An order or determination shall be sent to the owner of the property containing the reasons for the order or determination and notification that an appeal may be taken to the Commissioner of Public Health by filing a written appeal within three business days of its issuance setting forth the reasons for the appeal.
  - b. An appeal does not stay the enforcement of the order. If no appeal is taken the order becomes final.
  - c. The director of health may terminate any order or renew a permit when the reasons for the initial issuance or denial no longer exist.

### **Section 9 – Enforcement**

A. Responsibility to keep the Permit to Discharge valid is that of the system owner. If a permit is not renewed after 45 days of the expiration date an order will be issued. Failure to maintain a valid permit will result in denial of applications under Section 19-13-B100a of the Public Health Code for building additions, improvements, accessory structures, change of use, until proper renewal of Permit to Discharge has been achieved. Upon the failure to renew a permit to discharge and its expiration, the district will initiate an action under the provisions of C.G.S. 19a-206 and seek the imposition of a civil penalty of \$100 per day until such time as a new permit is issued. In addition, the District will seek to recover court costs and legal fees as necessary to obtain compliance with this section.

B. If an individual does work within the District without a District registration, or providing pump out information in compliance with this regulation, it will be considered a violation of this regulation. The district shall initiate an action under the provisions of C.G.S. 19a-206 and seek the imposition of a civil penalty of not less \$100 a day for each separate violation of the regulation.

C. Complaints shall be filed with the State Department of Public Health, which oversees the licenses of septic system installers and cleaners under Connecticut General Statutes Chapter 393a, Sec 341f, that states the department may take action under section 19a-17

for any of the following reasons: (1) The license holder has employed or knowingly cooperated in fraud or material deception in order to obtain his license or has engaged in fraud or material deception in the course of professional services or activities; (2) illegal, incompetent or negligent conduct by a license holder in his work; or (3) violation of any provision of this chapter or any regulation adopted hereunder.

#### **Section 10 – Public information**

The Director will develop a public information program for subsurface sewage disposal system owners, which may include, but not be limited to, the use, operation and maintenance of on-site septic systems.

#### **Section 11 – Fees**

The Board of Health shall establish such fees as deemed necessary to implement this regulation.

#### **Section 12 – Authority**

The Chatham Health District is authorized to adopt regulations as provided under its By-laws and Section 19a-243 of the Connecticut General Statutes.

#### **Section 13 – Adoption**

This regulation shall become effective after review by the Connecticut Department of Public Health, Environmental Engineering Section and affirmative vote of the Board of Health, and sixty (60) days following publication in a newspaper having general circulation in the member towns of the District.

#### **Section 14 – Conflicting and Unconstitutional provisions**

In any case where this regulation is found to be in conflict with any provision of the Public Health Code or any State Statute, the more restrictive shall apply. Should any section, paragraph, sentence, clause, or phrase be declared unconstitutional or invalid for any reason, the remainder of said regulation shall not be affected thereby.