

**PA13-257**

SB0963

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**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2013**

**VETO  
SESSION**

**VOL.56  
PART 31  
10451 - 10795**

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All right. I move adoption.

SPEAKER SHARKEY:

The question is on adoption. Seeing -- the question is on adoption. Do you care to remark? Let me try your minds. All those in favor of Senate Amendment A please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER SHARKEY:

Those opposed, nay. The amendment is adopted.  
Representative Perone.

REP. PERONE (137th):

Now Mr. Speaker, I'd like to move to Consent.

SPEAKER SHARKEY:

The question is to move this item to the Consent.  
Seeing no objection, so ordered. Will the Clerk please call Calendar 491.

THE CLERK:

On page 15, Calendar 491, favorable report of the joint standing Committee on Planning and Development, Senate Bill 963, AN ACT CONCERNING THE EXPIRATION OF APPROVALS FOR ON-SITE SEWAGE DISPOSAL SYSTEMS WITH DESIGN FLOWS OF LESS THAN FIVE THOUSAND GALLONS PER DAY.

SPEAKER SHARKEY:

Representative Dan Fox.

REP. FOX (148th):

Good evening, Mr. Speaker. I move for acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate.

SPEAKER SHARKEY:

The question is acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate. Will you remark, Sir?

REP. FOX (148th):

Yes, Sir. Thank you, Mr. Speaker. The bill extends the length of time certain onsite sewage disposal system units and approvals are valid. The Clerk has an amendment, LCO 6318. I ask the Clerk to call the amendment, I be granted leave of the Chamber to summarize.

SPEAKER SHARKEY:

Will the Clerk please call LCO 6308.

THE CLERK:

Senate Amendment A, LCO 6318 as introduced by  
Senator Williams et al.

SPEAKER SHARKEY:

The Gentleman seeks leave of the Chamber to

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summarize. Is there objections? If none, please proceed, Sir.

REP. FOX (148th):

Yes, Sir. Mr. Speaker, the amendment adds a provision to the bill excluding permits or approvals from the extension if certain changes are made to the property. I move adoption.

SPEAKER SHARKEY:

The question is adoption of Senate Amendment A. Will you remark? Will you remark? If not, let me try your minds. All those in favor of Senate Amendment A please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER SHARKEY:

Those opposed, nay. The ayes have it. The amendment is adopted. Do you care to remark further on the bill as amended?

REP. FOX (148th):

Yes, Sir. Mr. Speaker, I move the bill be placed on Consent Calendar.

SPEAKER SHARKEY:

No objection, so ordered. Will the Clerk please call Calendar 552.

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Nine four.

SPEAKER SHARKEY:

Nine four previously designated as Senate A.

THE CLERK:

Senate Amendment A, substitute Senate Bill 158,  
LCO 5894.

REP. URBAN (43rd):

I move adoption.

REP. CAFERO (142nd):

Mr. Speaker. Mr. Speaker, we did not --

THE CLERK:

-- introduced by Senator Williams.

REP. URBAN (43rd):

Five eight nine four, I move adoption.

REP. CAFERO (142nd):

No. PT this. I mean I would request that.

Whatever you want to do.

SPEAKER SHARKEY:

The question is -- the question is PT. Without  
objection so ordered. Clerk please call -- will the  
Clerk please call Calendar 659. Six five nine. Yeah.

THE CLERK:

Bill number 1020, Bill number 1006, 963, 878,  
964, 833, 383, 900, Senate Joint 58, 1163, 1079, 709,

1040, 326, 803, 886, 1065, 983, 190 and 158 on the  
Consent Calendar.

SPEAKER SHARKEY:

Representative -- Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Mr. Speaker, I move adoption of the Consent  
Calendar.

SPEAKER SHARKEY:

Staff and guests to the well of the House.

Members take your seats. The machine will be opened.  
Open the board, Mr. Clerk. Open the board for the  
Consent Calendar. Staff and guests to the well of the  
House. Members take your seats. The machine will be  
opened for the Consent Calendar.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will  
members please come to the well of the Chamber please.  
The House is voting immediately.

SPEAKER SHARKEY:

Have all the members voted? Have all the members  
voted? Members please check the board to make sure  
your vote is properly cast. If all the members have  
voted the machine will be locked and the Clerk will

take a tally. Will the Clerk please announce the tally.

THE CLERK:

On the Consent Calendar, Mr. Speaker.

Total Number Voting	146
Necessary for Adoption	74
Those voting aye	146
Those voting nay	0
Absent and not voting	4

SPEAKER SHARKEY:

The bill -- or the Consent Calendar passes.

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Mr. Speaker.

SPEAKER SHARKEY:

Mr. Majority Leader.

REP. ARESIMOWICZ (30th):

Mr. Speaker, I move we adjourn sine die.

SPEAKER SHARKEY:

The motion is to adjourn sine die. Seeing no objection, so ordered.

(On motion of Representative Aresimowicz of the 30th District, the House adjourned at 12:02 o'clock a. m.,

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SENATOR LOONEY:

Thank you, Madam President.

Moving to Calendar page 30, top of the page, Calendar 259, Senate Bill Number 1088, Madam President, that item is marked go; the next item, Calendar 260, Senate Bill Number 1091, also, marked go.

Madam President, moving now to Calendar page 33, at the top of the page, Calendar 277, Substitute for Senate Bill Number 619 is marked go; continuing on that page, Calendar 280, Substitute for Senate Bill Number 929, Madam President, would move to place that item on our Consent Calendar.

THE CHAIR:

Seeing no objection so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Moving to Calendar page 34, at the top of that page, Calendar 283, Senate Bill Number 963, Madam President, move to place that item on our Consent Calendar.

THE CHAIR:

Seeing no objection so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

On the next page, Calendar page 35, the fourth item on that page, Calendar 292, Substitute for Senate Bill Number 692, Madam President, would move to place that item on our Consent Calendar.

THE CHAIR:

Seeing no objection so ordered, sir.

SENATOR LOONEY:

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THE CHAIR:

Seeing no objection so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, before returning to the items to be called by the Clerk, there are two other additional changes and markings for items that had previously been placed on the Consent Calendar, but we have now determined that they need to be amended before being offered. And the first of those, Madam President, is at the bottom of Calendar page 13, the last item, Calendar 137, Substitute for Senate Bill 837, Madam President, would move to remove that item from the Consent Calendar and instead mark it go.

THE CHAIR:

So ordered.

SENATOR LOONEY:

And also, Madam President, on Calendar page 34, the item at the top of Calendar page 34, Calendar 283, Senate Bill Number 963, Madam President, if we would remove that item from the Consent Calendar and also mark it go, as it is in need of an amendment.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

THE CHAIR:

Senator Looney, do you want to call the next -- are we going in order, sir?

SENATOR LOONEY:

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are coming in at 80 -- you know half full. Trains could come in but they ship out this grain, this milk. There's a whole variety of things that are coming in every day and that other 20 -- 20,000 pounds makes a big, big difference. It is going to be less trucks and full trucks and it's a better way to do business. Thank you.

THE CHAIR:

Thank you. Will you remark? Will you remark?  
Senator LeBeau.

SENATOR LeBEAU:

Thank you, Madam President. I -- I want to thank everybody for their -- their comments today. I just wanted to say one thing also that -- when I -- this bill was first proposed I was concerned about safety. But as I -- as I was saying earlier in the discussion in 1974 trucks had different braking systems. Today they have better braking systems and they can handle the additional weight and still handle -- and still be handled quite safely.

So I'm -- I'm pleased to be able to bring this -- this bill forward today and clearly it could have a lot of positive effects on the State particularly in the agricultural area. If there are no objections, Madam President, I would like to move this bill to the Consent Calendar.

THE CHAIR:

Seeing no objections, so ordered. Mr. Clerk.

THE CHAIR:

Page 14, Calendar 283, Senate Bill number 963, AN ACT CONCERNING THE EXPIRATION OF APPROVALS FOR ONSITE SEWAGE DISPOSAL SYSTEMS WITH DESIGN FLOWS OF LESS THAN 5,000 GALLONS PER DAY, favorable report of the Committee on Planning and Development. There are amendments.

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Senator Cassano.

SENATOR CASSANO:

Yes, Madam Chair. I move acceptance of the joint committee's favorable report. I'd like to summarize the bill and waive its reading.

THE CHAIR:

The motion is on adoption. Will you remark, Sir?

SENATOR CASSANO:

I believe the Clerk is in possession of amendment LCO 6318.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO number 6318, Senate A offered by Senators Williams, Looney, et al.

THE CHAIR:

Senator Cassano.

SENATOR CASSANO:

Yes.

THE CHAIR:

Do you want to move for adoption please?

SENATOR CASSANO:

I move for adoption of LCO 6318.

THE CHAIR:

The motion is on adoption. Please proceed, Sir.

SENATOR CASSANO:

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Yes. The -- it's a very simple amendment. The first thing that changes in the very beginning the word notwithstanding but more important in the middle of the amendment there are three changes. But the first change is that if the ownership on the property changes then this becomes null and void.

If there's a change from the approved site of building plan it becomes null and void or change in the property on which the onsite sewage system is to be installed or adjacent property that is deemed by the health authority, if there's changes there then it's null and void. And I say that in a very simple way in that what this -- I guess I don't know if I can talk about the bill but obviously the bill is important to the amendment.

The bill very simply takes these permits -- sewer permits and extends them to meet the time of the exiting site plan developments similar to several of the bills we did last year that helped builders and contractors do their jobs.

THE CHAIR:

Okay. Will you remark? Will you remark? Senator Fasano.

SENATOR FASANO:

Thank you, Madam President. Madam President, this is -- I support the bill or the amendment. This tries to get all our zoning in line for approvals so people are not going back and forth but if I can to Senator Cassano, it's my understanding though even though you have this extension, at the time that you put in the onsite sewage disposal system you have to put it in to the current standards by the Department of Public Health at the time that you put it in.

So in other words if you get approval year one and year four, year five you go to put it in whatever the current standards are in year four and five for -- to meet the health code you have to meet those standards. Is that correct, through you, Madam President.

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SENATOR CASSANO:

Yeah. That is correct.

THE CHAIR:

Senator Cassano. Senator Cassano.

SENATOR CASSANO:

Through you, that is correct.

SENATOR FASANO:

Thank you, Senator Cassano. I appreciate it. And I would say that I think this is another effort to try to keep things moving along. The old rule was you had to go back and do a reapproval which means you couldn't get an extension on your planning and zoning permits or your inland wetlands permits because they wanted to know what the rate was before they give it to you.

So this just makes sense in keeping with our efforts to keep everything on the same page and doesn't reduce or harm or somehow diminish the public health aspect of this so I look forward to passing this amendment and that which will then be the bill. Thank you, Madam President.

THE CHAIR:

Thank you. Are there -- will you remark further? Will you remark further? Senator Cassano, did you want to speak at all?

SENATOR CASSANO:

Sit on Consent Calendar.

THE CHAIR:

I'm sorry.

SENATOR CASSANO:

I would like to move -- put it on Consent.

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THE CHAIR:

Senator, we have to vote on the amendment.

SENATOR CASSANO:

Oh, wait can't. We have to vote on amendment. Madam, I'm sorry.

THE CHAIR:

All those in favor of the amendment please say aye.

SENATORS:

Aye.

THE CHAIR:

Opposed. The amendment passes. Will you remark further on the bill as amended? Will you remark further on the bill as amended? Senator Cassano.

SENATOR CASSANO:

At this point I'd like to put it on Consent Calendar. Thank you.

THE CHAIR:

Seeing no objections, so ordered. Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Madam President, if the Clerk would call as the -- the next item -- item on Calendar page 24, Calendar 395, Senate Bill 967.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 24, Calendar 395 substitute for Senate Bill 967, AN ACT CONCERNING EXPENSES RELATING THE SALE OF

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Seeing no objection, so ordered, Sir.

SENATOR LOONEY:

Thank you, Madam President. If we might now call for a vote on the Consent Calendar.

THE CHAIR:

Sounds like a great idea. Senator -- Mr. Clerk, will you please call for a vote and -- and first read the Consent Calendar before I open the machine.

THE CLERK:

On page one, Calendar 454, Senate -- Senate Joint Resolution number 55, Calendar 455, Senate Joint Resolution number 56, on page two, Calendar 456, Senate Joint Resolution number 57, Calendar 470, House Joint Resolution number 5. Also --

THE CHAIR:

Ninety five, Sir. I think the House Joint Resolution is number 95.

THE CLERK:

It is indeed 95. Also on page two, Calendar 471, House Joint Resolution number 96, Calendar 472, House Joint Resolution number 97, on page ten, Calendar 230, Senate Bill 235, page 14, Calendar 283, Senate Bill number 963, on page 16, Calendar 311, Senate Bill 1118, also Calendar 315, Senate Bill 1078, on page 21, Calendar 367, Senate Bill 804, page 24, Calendar 395, Senate Bill 967, on page 33 Calendar 102, Senate Bill 822, page 34, Calendar 104, Senate Bill 833, and on page 34, Calendar 105, Senate Bill 887.

THE CHAIR:

At this time Mr. -- Senator Looney.

SENATOR LOONEY:

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Thank you, Madam President. One item that needs to be removed from the Consent Calendar that is Calendar 104 -- page 34, Calendar 104. If that might be removed from the Consent Calendar and marked passed temporarily.

JB833

THE CHAIR:

Seeing no -- seeing no objection, so ordered, Sir.

SENATOR LOONEY:

Thank you, Madam President. And if the -- if we would -- might call for a -- a vote now on the other items marked consent.

THE CHAIR:

Mr. Clerk, I will open the machine.

THE CLERK:

Immediate roll call has been ordered in the Senate in voting today's Consent Calendar. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Senator Meyer. Senator Meyer, would you like to vote on the Consent Calendar, Sir. No problem.

Have all members vote, all members have voted. The machine will be closed. Mr. Clerk, will you call the --

THE CLERK:

On today's Consent Calendar.

Total Number Voting 35

Necessary for Adoption 18

Those voting Yea 35

Those voting Nay 0

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Those absent and not voting 1

THE CHAIR:

The Consent Calendar passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam -- thank you, Madam President. Madam President, I believe the Clerk is in possession of Senate Agendas two and three for today's session.

THE CHAIR:

Senator -- Mr. Clerk.

THE CLERK:

The Clerk is in possession of Senate Agendas two and three both dated Wednesday, May 1, 2013. Copies have been distributed and are on Senators' desks.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes, thank you, Madam President. Madam President, I move all items on Senate Agendas numbers two and three dated Wednesday, May 1, 2013 to be acted upon as indicated and that the Agendas be incorporated by reference in the Senate Journal and the Senate transcript.

THE CHAIR:

So ordered, Sir. Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Madam President, that will conclude our business for today. Before yielding the floor to members for announcements or points of personal privilege it's our intention to be in session

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

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**2013**

there's a lot of work getting done that is not -- does not impact exteriors and that cannot be seen from a public way. But that's our purvey.

Of those 3,500 applications, we've had three appeals. And, interestingly enough, in Hartford we have a separate appeals commission who is the applicant's recourse for questioning or making an appeal on a decision of the historic properties commission -- Historic Preservation Commission, excuse me. Of those three appeals, two of them were upheld by the appeals commission. One was overturned.

So, given the context, 3,500 properties, three appeals, we've made a huge impact in the City of Hartford.

Can I answer any questions?

REP. ROJAS: Thank you for your testimony. Are there any questions? Seeing none, thank you.

FRANK SELF: Thank you.

REP. ROJAS: Margaret Miner followed by Frank Defelice.

MARGARET MINER: Good evening, Chairman, members of the Committee. This is a very nicely equipped and comfortable and spacious auditorium. And I recommend next time that you sit there in the comfortable chairs and make the rest of us sit up there and we'll probably move along a lot faster.

JB963

I came to testify. I brought in some testimony from the Connecticut Land Conservation Council on Bill 5242. But I understand there was a drafting error with that, so, we'll just wait and see what happens.

I also ran and attempted to discovery from your staff who tried to be helpful and DEEP, also, what was intended by 963 which is a bill referring to onsite sewage treatment systems. We actually have done whole studies on onsite sewage treatment systems. I cannot make out what kind of system, what technology, where, what the total flows would be, what the permitting authorities are. So, I would just ask -- it could be that this is something benign or good. It could just be awful. I can't tell, but we do have a keen interest in this. So, hope you will allow me to work with staff or with you to figure out what it is. And if we have recommendations, we could always make something better. So, we'd like the opportunity to work with you. And that's all I have to say.

REP. ROJAS: Well, you beat the bell. Are there any questions for Ms. Miner. Seeing none, thank you.

MARGARET MINER: Okay.

REP. ROJAS: Frank Defelice. And if there is anybody who hasn't had an opportunity to testify that didn't sign up, they can come up after Mr. Defelice and identify themselves and provide their testimony.

FRANK DEFELICE: Good evening, Senator Cassano, Representative Rojas, Co-Chairs, and distinguished members of the Planning and Development Committee. My name is Frank Defelice. I'm a Planning and Zoning Commissioner in the Town of Durham as well as a certified Inlands Wetlands Commissioner in the town of Durham. I've had that position -- both of those positions, actually, for nearly 10 years.

And I'm here to speak tonight in support of S.B. 963, AN ACT CONCERNING THE EXPIRATION OF APPROVALS

FOR ONSITE SEWAGE DISPOSAL SYSTEMS WITH DESIGN FLOWS OF LESS THAN 5,000 GALLONS PER DAY.

This bill would extend health department approvals for onsite septic systems from their present five-year period such that they would align with the recently passed extensions that's granted to the Planning and Zoning and Inland Wetlands Watercourse Agency approvals. And I think those approvals were in 2011 and 2012. The extensions were granted by the legislature.

What this extension does it would greatly assist landowners and home builders who have obtained their health department approvals for onsite septic, but have not been able to justify starting because of the downturn in the economy and because of the current whole market. I think it's a great bill. I urge your support because this bill will help preserve jobs in our state's fragile construction industry until economic conditions improve. And because we see builders that come in or developers that come in and, of course, we all know that there are really three legs to this wetlands planning and zoning and Health Department approvals. And the other two have the extensions. It would be a logical extension to have this all aligned.

And with that, I'll take any questions.

REP. ROJAS: Thank you for your testimony. Further clarification, is there anyone?

Representative Kokoruda.

REP. KOKORUDA: Well, Frank, it's good to see you.

FRANK DEFELICE: Good to see you.

REP. KOKORUDA: See your friendly face out there

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today.

FRANK DEFELICE: Yes.

REP. KOKORUDA: This bill would give the extension from five years to nine years?::

FRANK DEFELICE: Yes, it's my understanding.

REP. KOKORUDA: And right now, a person's permit expires before they were able to do the work and they have to go and reapply again and start the whole process over again?

FRANK DEFELICE: Actually, have the test done again.

REP. KOKORUDA: They have to have the test gone?

FRANK DEFELICE: All start from scratch.

REP. KOKORUDA: All start from scratch.

FRANK DEFELICE: Yep.

REP. KOKORUDA: And, so, this would just give them four more years on that permit?

FRANK DEFELICE: Essentially, yes. That's my understanding. And, you know, the conditions aren't really subject to change that frequently. It's just the cost and the inconvenience. And it could -- I suppose there could be a case where someone would have all the work done going before planning and zoning and then have to go back out and start all over again because they didn't have the third approval.

REP. KOKORUDA: And you mention in your testimony that with the economy and everything, you're seeing people just hold back on any additions and all. Is this a real problem in Durham?

FRANK DEFELICE: Absolutely. In Durham and other communities and the people I've talked to, planners in different communities have told me that, you know, builders who had plans to build maybe a development or even just a single-family house, this would apply even to persons who want to build their own single-family retirement home or something. They would have everything in place. And, maybe, things because of the economy right now, they could not move forward. And, so, they put the plans on hold. But what this would do is allow them -- they've already got the other extensions to get the extension on this.

REP. KOKORUDA: Thank you. Thank you for coming up and testifying and waiting around so long. Thanks.

FRANK DEFELICE: Well, thank you. It's a pleasure to be here. And I appreciate all the work that all you do.

REP. ROJAS: Senator Cassano.

SENATOR CASSANO: Frank, thank you, again, for being here. The only question I have, we've had several bills last year that was similar for builders that just extended periods of time so they can not have to start all over again.

FRANK DEFELICE: Yes.

SENATOR CASSANO: You were talking about sewerage. You have a five-year plan. Was a five-year plan designed on something that is -- and I have no idea what this is. Something that's designed in the last five years or is it something that's designed that will last nine years? I mean, we're talking about extended -- I understand, clearly, why in the sense behind that, but what

about the environmental of the sewage issue itself. Is that an issue by extending this?

FRANK DEFELICE: I don't believe there's any issue at all. In most cases, people started construction already. Then the system is in place. It's been expected and so forth. If they haven't started anything, there's been no excavation sort to speak. There's the life expectancy of that septic system will not be any shorter than it would be traditionally.

SENATOR CASSANO: Okay. And they've been inspected and everything else during that five-year period?

FRANK DEFELICE: Well, the inspection is done. Let's say the inspection is done in 2010, right, and the people have put off building. They're going to wait until, maybe, the economy improves or something. So, now, their approval would run out in 2015. This would allow them to go until 2019 or in the case that something started earlier, maybe, 2008, you know, it would just be four more years.

SENATOR CASSANO: Four more years.

FRANK DEFELICE: Yeah. And the important thing about this is that, I believe, there's language in the bill as it's written that requires it to be approvals that are prior to 2011.

SENATOR CASSANO: Okay. That's helpful. Thank you.

REP. ROJAS: Thank you. Are there any other questions?

Representative Diminico.

REP. DIMINICO: Thank you, Mr. Chairman. On your subdivision regulations, do they run for 10

years?

FRANK DEFELICE: Our subdivision regulations right now, it depends on the type of area that you're in. But the approvals that we grant are typically for 5-year or 10-year approvals.

REP. DIMINICO: Five years or with a five-year extension or a five year and a 10 year?

FRANK DEFELICE: No, for our Planning and Zoning, we're five years. And then, now, with the extension you can go out to nine.

REP. DIMINICO: Okay. But as far as the site plan, the -- for the septic systems, it's only granted for five years?

FRANK DEFELICE: Septic systems are five years. That's the health code anywhere in Connecticut. Different municipalities may do their planning and zoning regulations differently. They may have different durations. And I think it's PA115, I think, gave them an extension which extended it out, I think, nine years. PA12-151 also extended like approvals, I believe, for wetlands. And we see these come before us. The only thing that doesn't have the extension right now is the health -- the septic approval. So, you can have a guy that went in, did all of his approvals to build say a retirement home or even, you know, any kind of a residence and, yet, what would happen is they would not be able to continue until they went back to the Health Department, start all over again.

REP. DIMINICO: So --

FRANK DEFELICE: That means test borings and everything.

REP. DIMINICO: So, the design is approved by the Water Pollution Control Authority or the town. It depended on the town. Do you have a Water Pollution or Control Authority or is it --

FRANK DEFELICE: We have our own health department, but many towns use a regional one.

REP. DIMINICO: Yeah.

FRANK DEFELICE: That's fine. The approval is always granted by them following their tests. So, they'll do -- whether it's local or its regional, they'll do their test, they'll give the approval. That approval is good for a period of five years.

REP. DIMINICO: Now, you said you were on for 10 years, have you seen any changes from the Health Department on the way septic systems are designed in the past five years? Have they been pretty consistent for quite a while?

FRANK DEFELICE: Yes, through you, through the chair, yes. I actually am pretty comfortable and fluent in the septic and Health Department regulations for sewage systems onsite, you know, subsoil systems. And there really haven't been any substantiate changes. There's been some improvement in technology. And, really, those improvements are more geared towards being able to fit larger capacity systems into a smaller lot. But the state standard has not changed substantially at all.

REP. DIMINICO: So, it should really run in concert with your subdivision regulations?

FRANK DEFELICE: It's subdivision and it would also be for single-family homes. I mean, there are quite a few people and I can tell you that, you know, we know of people that maybe came in for

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March 11, 2013  
6:00 P.M.

approvals, but right now because of the economy, they're not going to move forward. We don't want to lose that. I mean, those people put a lot of, you know, planning and hopes and dreams into building those kinds of things. It's good for the community as well. And, really, you have the approvals for the other two. This just makes more sense to go back, so, everything is on the same (inaudible).

REP. DIMINICO: So, the cost would be redundant. But would they really have to go through the whole process of perking out and all that kind of stuff?

FRANK DEFELICE: Absolutely.

REP. DIMINICO: That's a considerable expense to the homeowner or to the developer for something where the regulations have not changed.

FRANK DEFELICE: It is, absolutely, a big expense.

REP. DIMINICO: Thank you very much.

FRANK DEFELICE: Any other questions?

REP. ROJAS: Thank you. Are there any other questions? Seeing none, thank you, Mr. Defelice.

FRANK DEFELICE: Thank you very much for your time. Have a good evening.

REP. ROJAS: Is there anybody who hasn't had an opportunity to testify would like to do so please come up. Just identify yourself.

JEFFREY BRAY: My name is Jeffrey Bray. I'm a registered architect. My practice Bray Architects and my residence are both in the City of New Britain. And I'm here to speak in support

SB 960

*Frank C. DeFelice*  
*32 Cherry Lane*  
*Durham, Connecticut 06422*  
*Telephone: 860-690-2400*  
*fcdefelice@aol.com*

March 9, 2013

Planning and Development Committee  
Room 2100, Legislative Office Building  
Hartford, CT 06106

**Support for SB-963: An Act Concerning the Expiration of Approvals for On-site Sewage Disposal Systems with Design Flows of Less Than Five Thousand Gallons per Day**

Dear Members of the Planning and Development Committee,

My name is Frank C. DeFelice, and I am a Planning & Zoning Commissioner and Certified Inland Wetland & Watercourses Commissioner in the Town of Durham, Connecticut. I am writing **in support** of Raised SB-963 *An Act Concerning the Expiration of Approvals for On-site Sewage Disposal Systems with Design Flows of Less Than Five Thousand Gallons per Day*.

This bill would extend Health Department approvals for on-site septic systems from their present 5-year period, so that they would align with the recently passed extensions for Planning & Zoning and Inland Wetland & Watercourse agency approvals (PA 11-5 & PA 12-151). This extension would greatly assist land owners and home builders who have obtained Health Department approvals for an on-site septic system; but have not been able to justify starting construction due to the downturn in our state's economy and housing market. Your support of this bill will help preserve jobs in our state's fragile construction industry; until economic conditions improve

**I respectfully request that you support SB-963.**

Sincerely,

*Frank C. DeFelice*



**HOME BUILDERS & REMODELERS ASSOCIATION  
OF CONNECTICUT, INC.**

3 Regency Drive, Suite 204, Bloomfield, CT 06002  
Tel 860-216-5858 Fax. 860-206-8954 Web: [www.hbact.org](http://www.hbact.org)

*Your Home  
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March 11, 2013

To: Senator Steve Cassano, Co-Chairman  
Representative Jason Rojas, Co-Chairman  
Members of the Planning and Development Committee

From: Bill Ethier, CAE, Chief Executive Officer

Re: **SB 963, AAC the Expiration of Approvals for On-Site Sewage Disposal Systems with Design Flows of Less than Five Thousand Gallons Per Day**

The HBRA of Connecticut is a professional trade association with about nine hundred (900) member firms statewide employing tens of thousands of CT's citizens. Our members, all small businesses, are residential and commercial builders, land developers, remodelers, general contractors, subcontractors, suppliers and those businesses and professionals that provide services to our diverse industry and to consumers. Our members build between 70% to 80% of all new homes and apartments in the state each year.

**We support SB 963 as a logical extension of legislation this committee and the General Assembly adopted in 2011 (PA 11-5) and last session (PA 12-151).** Public Act 11-5 extended permit expiration dates for subdivisions, site plans and wetland permits by four years. That act applies to all approvals obtained up to July 1, 2011. So, those development permits were extended from five years to nine years in order to give the developments extra time to withstand the significant economic and housing recession we have been in. Public Act 12-151 merely coordinated wetland permit expiration dates with the expiration dates for subdivisions and site plans.

However, not yet considered, inadvertently in our view, are permits for construction of on-site sewage disposal systems of 5,000 gallons per day (gpd) that may be connected with developments benefiting from PA 11-5 and PA 12-151. These small systems, individual septic systems and small package plant systems that can serve up to 33 total bedrooms under the Public Health Code, currently expire after five years. SB 963 merely extends these permits to nine years in coordination with the prior public acts mentioned above (i.e., for developments approved before July 1, 2011).

**We urge your support of this logical extension of your past permit relief legislation.**

Thank you for considering our views on this matter.

Strengthening local public health.



Connecticut Association  
of Directors of Health

**Testimony of the Connecticut Association of Directors of Health**

*To Oppose Raised Bill No. 963, An Act Concerning the Expiration of Approvals for On-Site Sewage Disposal Systems with Design Flows of Less than Five Thousand Gallons Per Day*

To the Distinguished Co-Chairs and Members of the Planning and Development Committee  
March 11, 2013

Good afternoon, distinguished Co-Chairs and Members of the Planning and Development Committee. My name is Karen Spargo, President of the Connecticut Association of Directors of Health (CADH) and Director of Health of the Naugatuck Valley Health District, serving the towns of Ansonia, Beacon Falls, Derby, Naugatuck, Seymour and Shelton.

CADH opposes Raised Bill 963: An Act Concerning the Expiration of Approvals for On-Site Sewage Disposal Systems with Design Flows of Less than Five Thousand Gallons Per Day, which would extend the expiration of certain approvals for certain on-site sewage disposal systems, risking installation using outmoded standards.

Subsurface sewage disposal systems are systems consisting of a house or collection sewer, a septic tank followed by a leaching system, any necessary pumps or siphons, and any groundwater control system on which the operation of the leaching system is dependent. Local health departments issue permits or approvals to construct, alter, repair, or extend subsurface sewage disposal systems. The permitting and approval process protects the public by ensuring that system design elements conform to the most recent of constantly evolving standards

Technical standards for subsurface sewage disposal systems are revised approximately every two years. Currently, approvals to construct subsurface sewage disposal systems are valid for one year from issuance and terminate if construction fails to start within that period, though an additional one-year extension may be granted for reasonable cause.<sup>1</sup> Raised Bill 963 extends the approval time to nine years, resulting in subsurface sewage disposal systems installed according to technical standards that could already be four versions old. In that time, standards can change in all aspects of design elements, including separating distances, piping material, and equipment. The permitting process should capture the most current thinking on how best to install these systems.

Connecticut residents are entitled to have on-site sewage disposal systems installed according to the most up-to-date technical standards. Accordingly, CADH opposes Raised Bill 963. CADH is a nonprofit organization comprised of Connecticut's 74 local health departments and districts. Local health directors are the statutory agents of the Commissioner of Public Health and are critical providers of essential public health services at the local level in Connecticut. Thank you for your consideration

<sup>1</sup> Section 19-13B103e(f)(1) of the Public Health Code



# Rivers Alliance of Connecticut

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TO Sen Steve Cassano and Rep. Jason Rojas, Chairmen,  
And the Members of the Planning and Development Committee  
FROM Rivers Alliance of Connecticut  
**RE: Public Hearing**  
DATE March 11, 2013

*Rivers Alliance of Connecticut is the statewide, non-profit coalition of river organizations, individuals, and businesses formed to protect and enhance Connecticut's waters by promoting sound water policies, uniting and strengthening the state's many river groups, and educating the public about the importance of water stewardship. Our 500 members include almost all of the state's river and watershed conservation groups, representing many thousand Connecticut residents*

## RE

**SB 963, AA AN ACT CONCERNING THE EXPIRATION OF APPROVALS FOR ON-SITE SEWAGE DISPOSAL SYSTEMS WITH DESIGN FLOWS OF LESS THAN FIVE THOUSAND GALLONS PER DAY**

**H.B. No. 5242 AA EXPANDING FEE IN LIEU OF OPEN SPACE PROGRAMS**

We oppose **Bill 963** pending clarification of the site, the types of system, the specific products, the total number of systems, and so forth. Rivers Alliance and numerous colleagues have worked on the policy and science of advanced sewage treatment systems for small flows, as well as certain traditional community systems. In this field, the technology is changing rapidly, ground conditions and hydrology sometimes change as well, appropriate standards and oversight have been problematic. We have published a handbook on ATS (Advanced Treatment Systems) that includes performance records. We would be happy to distribute copies to those interested. It is also on our website [www.riversalliance.org](http://www.riversalliance.org)

We submit testimony from the Connecticut Land Conservation Council in **opposition to Bill 5242**. We work with CLCC on preserving open space as the most natural and efficient protection for the state waters. Sidewalks are a great benefit, but are not a substitute for open space conservation.

Thank you, Margaret Miner, Executive Director

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**PLANNING AND  
DEVELOPMENT  
PART 5  
1337 - 1682**

**2013**



FOR THE COMMITTEE ON PLANNING AND DEVELOPMENT  
 TESTIMONY OF RIVERS ALLIANCE OF CONNECTICUT RE  
BILL 964, AAC THE SOUTH CENTRAL CONNECTICUT REGIONAL WATER AUTHORITY AND  
CONCERNING THE SALE OF WATER TO COMMUNITY WATER SYSTEMS  
 And amended testimony for Bill 963, AAC The Expiration of Approvals for On-Site  
Sewage Disposal Systems with Design Flows of Less than 5,000 gpd.

Public Hearing, March 18, 2013

To the Chairmen, Sen. Steve Cassano and Rep. Jason Rojas, and Members of the Committee:

*Rivers Alliance of Connecticut is the statewide, non-profit coalition of river organizations, individuals, and businesses formed to protect and enhance Connecticut's waters by promoting sound water policies, uniting and strengthening the state's many river groups, and educating the public about the importance of water stewardship. Our 450 members include almost all of the state's river and watershed conservation groups, representing many thousand Connecticut residents.*

Thank you for the opportunity to comment on Bill 964, concerning the South Central Regional Water Authority. I am suggesting a small change to ensure transparency. The bill expands benefits to the Regional Water Authority for "water or environmental related activities within or without the district." This is a quite broad and vague category of activities.

My particular concern is with Section 2, which inserts these activities within the list of items constituting the utility's "water supply system." Other items in that list are basically infrastructure and property rights. **All information relating to a water supply system is currently exempt from the Freedom of Information Act disclosure requirements, according to recent rulings by the Freedom of Information Commission.** Critical information about a water supply system not only *can* be kept secret when requested by a member of the public, in most cases the agencies of cognizance believe the information *must* be kept secret. For this reason, we ask that there be no inserts into the definition of "water supply system" in Section 2.

I believe the RWA can achieve its objectives without changing the definition of "water supply system."

**Amended testimony for Bill 963 re expiration of permits for onsite sewage treatment systems.**

I testified on March 11 that I could not discern what different kinds of systems were covered by this proposed bill. My friend from Durham, who testified last (right after me), said he was sure that the bill only covered conventional systems consisting of a septic tank or tanks, distribution pipes, and a leaching field. These are regulated by DPH. It might be helpful if this could be stated explicitly. There is a variety of "advanced" systems that use closed-box biological treatment of wastewater. Some of these rather delicate systems are being permitted for residences or other uses with flows under 5,000 gpd. These are still being regulated by DEEP, pending a move by DPH to write regulations for the "advanced" technology. In addition, there are communal systems of various sorts.

I understand that a complete re-do of an expired permit for a septic system might be unnecessary in most cases. I would recommend a quick review by the local sanitarian to be sure there have been no obvious changes. (For example, the site might have been mined for gravel in the meantime.) But I am happy to defer to the expertise of DPH and the Committee.

Thank you for your time and patience.

*Margaret Miner, Rivers Alliance of Connecticut, [rivers@riversalliance.org](mailto:rivers@riversalliance.org), 203-788-5161*