

S.101 An Act Relating to Promoting Housing Choice and Opportunity in Smart Growth Areas, Sections 7 & 8 Wastewater Connection Permits.

Submitted By: Bryan J. Redmond, Director, Drinking Water and Groundwater Protection Division

Good morning, For the record, my name is Bryan Redmond. I am the Director of the Drinking Water and Groundwater Protection Division in the Department of Environmental Conservation (DEC).

I would like to provide a side-by-side comparison of connection permits to public water and sewer systems as currently regulated by the DEC when compared to the regulation proposed under S.101 as passed by the Senate.

Under current regulations, the construction of a new water or wastewater service connection to a public water or wastewater system requires a connection permit. For a typical connection project, a landowner engages the services of a qualified consultant to design the connection. This design includes evaluation of the design flow associated with the new use, isolation distances, as well as the physical infrastructure from the building to the sanitary sewer collection line or public water main. For a state permit, it is required that plans and specifications for the connection are developed and an application is filed with the state. A required component of that application is an allocation letter from the serving municipality, in which the municipality confirms they have adequate reserve treatment and hydraulic capacity to serve the new use. Typically, these letters concur with the calculated design flow for the connection, and the municipality allocates sewer transmission and treatment capacity to accommodate the increase in flow. Assuming all other technical information is in order the permit is issued and filed in the land record. These permits are issued under State law and are not required by the Clean Water Act/Safe Drinking Water Act.

We have heard the state permitting process for connections is redundant in the approval process that is used by some municipalities. From a practical perspective, the primary change that would occur as a result of sections 7 & 8 of this bill would be to transfer the responsibility of approving connections from the DEC to municipalities who choose to register. The Senate has added a requirement for an engineer or designer to submit certification that the connection complies with technical standards, which would ensure that an individual with appropriate qualifications will be reviewing and certifying to the connection. Then the municipality, not the state, would review for conformance with technical standards, and authorize connection.

The DEC has worked closely with Agency of Commerce and Community Development and other stakeholders to establish a process that is functionally equivalent to the technical review and approval process currently used to approve these types of projects.