



# STATE OF CONNECTICUT

## STATE ETHICS COMMISSION

ADVISORY OPINION NUMBER 84-14

State Employee Seeking Support from Own  
Department on Private Matter

A senior sanitary engineer in the Water Compliance Unit, Department of Environmental Protection, has asked whether the Code of Ethics for Public Officials (Chapter 10, Part I, General Statutes) limits action he may take to correct alleged problems, which affect his personal finances, in the administration of the sewage system in his hometown .

Before he moved there, his hometown received a Federal grant, via the State, to build a sewer system. The sewers discharge to a sewage treatment plant in an adjacent town. As required by Federal Regulations (40 CFR Part 35, Subpart E), his present hometown developed a method for billing those connected to the sewer system, and the two towns entered into an intermunicipal agreement under which one town charges the other for treating the latter's sewage.

Shortly after moving to his current hometown he received his first sewer use bill. In his judgment the bill was extraordinarily high. Reviewing the system his hometown had developed for billing sewer system users, and the intermunicipal agreement into which his hometown had entered with the town providing waste treatment, he discovered in both what he perceived to be irregularities.

He first wrote his hometown's sewer authority, suggesting that the method of billing units in his condominium complex for sewer use be revised to one based upon actual use as determined by water meter readings. In the letter he did not reveal his State employment, identifying himself simply by address.

Investigating further, the engineer discovered two additional areas in which he believed Federal Regulations had not been followed. He had not received an answer to his letter to the sewer authority. He wrote a letter to the Water Compliance Unit, the State unit in which he is employed, asking that the Department of Environmental Protection review, as provided in Federal Regulations, the user charges imposed by his hometown and on his hometown by the town treating his town's waste. He identified three areas in which he believed there was non-compliance with Federal Regulations: the issue of basing charges on metered water use; what administrative costs could be included when his hometown calculated user charges; and the method by which the other town computes

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charges for treating waste.

The Assistant Director of the Water Compliance Unit, to whose attention the engineer's letter had been directed, answered only one of the questions in the letter. He agreed that assessment of administrative costs had been improper. The engineer took no part in preparing the response.

Another sewer use billing is imminent, as well as a public hearing on the user charges. The engineer would like to prod the Water Compliance Unit into responding to his two remaining questions. He would also like to suggest, as a citizen of his hometown and one of its sewer users, that the State not award a grant to build additional sewers, for which his hometown has applied, until the town complies with all State and federal laws and regulations, including those applicable to sewer systems built with State or federal financial assistance. He has asked whether his employment in the Water Compliance Unit restricts the rights he would have as a private citizen.

A senior sanitary engineer's position classification requires that, with regard to sewage and industrial waste, he be expert in the engineering and technical aspects of waste treatment collection systems, the operation of waste treatment plants, and abatement of pollution of public waterways by sewage and industrial waste. The engineer in question works in the grant administration section of the Water Compliance Unit. His responsibilities do not include, however, grants to his hometown or to the town which treats its wastes. He is assigned to a different district, defined by another drainage basin. State support for the three changes in billing he has proposed could result in a financial advantage to him, as well as to others in his condominium unit in the case of shifting to water meters, and to all using the sewer system in the case of administrative costs and charges to his hometown for waste treatment.

The answer to the engineer's question is simple. In protesting the method by which he is billed for sewer use he may utilize his expertise in waste collection and treatment systems, including expertise acquired as a State employee. He may not, however, use his State position, or confidential information gained in it, to attempt to lower his sewer use bills. Subsection 1-84(c), General Statutes. These principles are easier to enunciate than they are to observe. Further, the engineer must avoid contributing to the appearance that the Department of Environmental Protection is other than objective or that its decisions are based on anything but the best



interests of the public.

In his communications on sewer matters with municipal authorities he must speak only for himself as a private citizen, and never suggest that he can bring the weight of the Department of Environmental Protection to bear on his side of an issue.

His relationships with the Department of Environmental Protection on his personal sewer billing problems must be handled delicately, since the unit in which he serves is responsible for the issues which cause him concern. His communications must be formal, in writing, a practice which he has observed to date. He must, of course, refrain from influencing a response in any way other than by the facts and argument in his letters. Subsections 1-84(a), 1-84(c), section 1-86, General Statutes. Answers to his correspondence must also be formal, in writing, signed by one of his superiors in the Department, and issued only if the Department would reply to any other citizen. A formal response permits comparison of the Department's position in this case with those in the past, and reminds the Department that its views at this time must be considered should the same issue arise in another municipality. There is no reason why he may not suggest that his town get no additional grants for sewers until it is in compliance with State and federal law. Not only is it unobjectionable to demand that a town obey the law, but denial of further grants in the case of noncompliance is enforcement authority specifically granted the Department. 40 CFR 35.965.

If the engineer and the Department of Environmental Protection are careful and open in their relationship involving the engineer's private concerns, he should be able to seek Departmental support without violating the Code of Ethics for Public Officials or weakening public confidence in the integrity of the Department's operations.

By order of the Commission,

Lucille E. Brown

Dated 7 November 1984

