



House Bill No. 7194

Public Act No. 19-194

AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS REGARDING PUBLIC DRINKING WATER AND CLARIFICATION CONCERNING THE EFFECT OF THE PROVISIONS OF THE STATE WATER PLAN AND DEFINING MUNICIPALITY WITH RESPECT TO STORMWATER AUTHORITIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 22a-483f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) For the purposes described in subsection (b) of this section, the State Bond Commission shall have the power from time to time to authorize the issuance of bonds of the state in one or more series and in principal amounts not exceeding in the aggregate twenty million dollars.

(b) The proceeds of the sale of said bonds, to the extent of the amount stated in subsection (a) of this section, shall be used by the Department of Public Health for the purpose of providing grants-in-aid, which may be provided in the form of principal forgiveness, to eligible public water systems for eligible drinking water projects for which a project funding agreement is made on or after July 1, 2014, between the Commissioner of Public Health and the eligible public water system pursuant to sections 22a-475 to 22a-483, inclusive, under

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the public water system improvement program established in subsection (c) of this section.

(c) (1) For purposes of the public water system improvement program established pursuant to this section:

(A) "Eligible drinking water project" has the same meaning as provided in section 22a-475;

(B) "Eligible project costs" has the same meaning as provided in section 22a-475;

(C) "Eligible public water system" has the same meaning as provided in section 22a-475; [except "eligible public water system" does not include eligible public water systems that are public service companies, as defined in section 16-1.] and

(D) "Public service company" has the same meaning as provided in section 16-1.

(2) All provisions applicable to drinking water projects under sections 22a-475 to 22a-483, inclusive, shall be applicable to the public water system improvement program, including eligibility of public water systems, eligible project costs, application procedures for financial assistance, and procedures for approving and awarding such financial assistance. The department shall comply with all allocation goals for smaller eligible public water systems and with the priorities for awarding financial assistance, as provided in sections 22a-475 to 22a-483, inclusive.

(3) An eligible public water system applying for financial assistance pursuant to this section shall submit to the department, along with the application submitted under sections 22a-475 to 22a-483, inclusive, a fiscal and asset management plan. The department shall provide financial assistance as follows:

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(A) [Eligible] An eligible public water [systems] system that [serve] serves ten thousand or fewer persons may receive financial assistance pursuant to this section for up to fifty per cent of eligible project costs;

(B) [Eligible] An eligible public water [systems] system that [serve] serves more than ten thousand persons may receive financial assistance pursuant to this section for up to thirty per cent of eligible project costs; [and]

(C) [Eligible] An eligible public water [systems] system that [are] is a for-profit [companies] company, other than a for-profit company that is a public service company, may not receive additional financial assistance pursuant to this section; [.] and

(D) An eligible public water system that is a public service company may not receive financial assistance pursuant to this section unless (i) such financial assistance is for eligible project costs of an eligible drinking water project, (ii) such financial assistance is used by the public service company for such eligible drinking water project, and (iii) the department has consulted with the Public Utilities Regulatory Authority regarding the public service company's receipt of such financial assistance.

(d) All provisions of section 3-20, or the exercise of any right or power granted thereby, which are not inconsistent with the provisions of this section are hereby adopted and shall apply to all bonds authorized by the State Bond Commission pursuant to this section, and temporary notes in anticipation of the money to be derived from the sale of any such bonds so authorized may be issued in accordance with section 3-20 and from time to time renewed. Such bonds shall mature at such time or times not exceeding twenty years from their respective dates as may be provided in or pursuant to the resolution or resolutions of the State Bond Commission authorizing such bonds. None of said bonds shall be authorized except upon a finding by the

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State Bond Commission that there has been filed with it a request for such authorization which is signed by or on behalf of the Secretary of the Office of Policy and Management and states such terms and conditions as said commission, in its discretion, may require. Said bonds issued pursuant to this section shall be general obligations of the state and the full faith and credit of the state of Connecticut are pledged for the payment of the principal of and interest on said bonds as the same become due, and accordingly and as part of the contract of the state with the holders of said bonds, appropriation of all amounts necessary for punctual payment of such principal and interest is hereby made, and the State Treasurer shall pay such principal and interest as the same become due.

Sec. 2. Subdivision (1) of subsection (n) of section 25-32 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(n) (1) On and after the effective date of regulations adopted under this subsection, no person may operate any water treatment plant, water distribution system or small water system that treats or supplies water used or intended for use by the public, test any backflow prevention device, or perform a cross connection survey without a certificate issued by the commissioner under this subsection. The commissioner shall adopt regulations, in accordance with chapter 54, to provide: (A) Standards for the operation of such water treatment plants, water distribution systems and small water systems; (B) standards and procedures for the issuance of certificates to operators of such water treatment plants, water distribution systems and small water systems, including, but not limited to, standards and procedures for the department's approval of third parties to administer certification examinations to such operators; (C) procedures for the renewal of such certificates every three years; (D) standards for training required for the issuance or renewal of a certificate; (E)

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standards and procedures for the department's approval of course providers and courses of study as they relate to certified operators of water treatment plants, water distribution systems and small water systems and certified persons who test backflow prevention devices or perform cross connection surveys for initial and renewal applications; and [(E)] (F) standards and procedures for the issuance and renewal of certificates to persons who test backflow prevention devices or perform cross connection surveys. Such regulations shall be consistent with applicable federal law and guidelines for operator certification programs promulgated by the United States Environmental Protection Agency. For purposes of this subsection, "small water system" means a public water system, as defined in section 25-33d, that serves less than one thousand persons and has no treatment or has only treatment that does not require any chemical treatment, process adjustment, backwashing or media regeneration by an operator.

Sec. 3. (NEW) (*Effective from passage*) In the event of conflict between any provision of the state water plan and any provision of the general statutes, the provision of the general statutes shall control.

Sec. 4. Subsection (a) of section 22a-498 of the general statutes, as amended by section 1 of house bill 7408 of the current session, as amended by House Amendment Schedule "A", is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):

(a) Any municipality may, by ordinance adopted by its legislative body, designate any existing board or commission or establish a new board or commission as the stormwater authority for such municipality. If a new board or commission is created, such municipality shall, by ordinance, determine the number of members thereof, their compensation, if any, whether such members shall be elected or appointed, the method of their appointment, if appointed, and removal and their terms of office, which shall be so arranged that not more than one-half of such terms shall expire within any one year.

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For purposes of this section, "municipality" means any town, city, borough, consolidated town and city or consolidated town and borough. "Municipality" does not include any local school district, regional school district, metropolitan district, district as defined in section 7-324 or any other municipal corporation or authority authorized to issue bonds, notes or other obligations under the provisions of the general statutes or any special act.

Sec. 5. Section 22a-498a of the general statutes, as amended by section 2 of house bill 7408 of the current session, as amended by House Amendment Schedule "A", is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):

A municipal stormwater authority created pursuant to section 22a-498, as amended by [this act] house bill 7408 of the current session, as amended by House Amendment Schedule "A", and located in a distressed municipality, as defined in subsection (b) of section 32-9p, having a population of not more than twenty-eight thousand shall constitute a body politic and corporate and the ordinance establishing such authority may confer upon such authority the following powers: (1) To sue and be sued; (2) to acquire, hold and convey any estate, real or personal; (3) to contract; (4) to borrow money, including by the issuance of bonds, provided the issuance of such bonds is approved by the legislative body of the municipality in which such authority district is located; (5) to recommend to the legislative body of such municipality the imposition of fees upon the interests in real property within such authority district, the revenues from which shall be used in carrying out any of the powers of such authority; (6) to deposit and expend funds; and (7) to enter property to make surveys, soundings, borings and examinations to accomplish the purposes of section 22a-498, as amended by [this act] house bill 7408 of the current session, as amended by House Amendment Schedule "A". For purposes of this section, "municipality" means any town, city, borough, consolidated

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Approved July 9, 2019