



General Assembly

January Session, 2021

Raised Bill No. 6615

LCO No. 4548



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

AN ACT CONCERNING SAFE DRINKING WATER.

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

1 Section 1. (NEW) (*Effective October 1, 2021*) (a) As used in this section:

2 (1) "Bottled water" has the same meaning as defined in section 21a-
3 150 of the general statutes;

4 (2) "Drinking water" means water, treated or untreated, intended for
5 human use and consumption, including, but not limited to, drinking,
6 bathing, showering, cooking, dishwashing and maintaining oral
7 hygiene;

8 (3) "Fill station" means a location at which customers of a water
9 company may obtain drinking water from a water company that is not
10 affected by an event impacting the quality or quantity of drinking water
11 being provided to consumers;

12 (4) "Consumer" has the same meaning as provided in section 25a-32a
13 of the general statutes; and

14 (5) "Water company" has the same meaning as provided in section 25-
15 32a of the general statutes.

16 (b) A water company shall provide to its consumers an alternative
17 source of drinking water as a temporary measure when there is a water
18 main break, loss of system pressure or other event that the water
19 company determines may last more than eight consecutive hours and
20 that the Department of Public Health determines may affect the quality
21 or quantity of water being provided to such consumers. Alternative
22 sources of water include bulk water provided by a bulk water hauler
23 licensed pursuant to section 20-278h of the general statutes, bottled
24 water or a fill station. A water company shall update its emergency
25 response plan prepared pursuant to section 25-32d of the general
26 statutes or pursuant to section 19-13-B102 of the regulations of
27 Connecticut state agencies, as applicable, to include information
28 regarding how such water company will comply with this section.

29 Sec. 2. (NEW) (*Effective October 1, 2021*) A water company shall
30 provide tier 1 notices to its consumers in the languages predominantly
31 spoken by the consumers in the water company's service area. A water
32 company shall update its emergency response plan prepared pursuant
33 to section 25-32d of the general statutes or pursuant to section 19-13-
34 B102 of the regulations of Connecticut state agencies to include
35 information regarding the provision of such multilingual
36 communications. For purposes of this section, "water company" has the
37 same meaning as provided in section 25-32a of the general statutes and
38 "tier 1 notices" has the same meaning as provided in section 19-13-B102
39 of the regulations of Connecticut state agencies.

40 Sec. 3. (NEW) (*Effective October 1, 2021*) If the Governor proclaims that
41 a state of civil preparedness emergency, pursuant to section 28-9 of the
42 general statutes, or a public health emergency, pursuant to section 19a-
43 131 of the general statutes, exists, each community water system shall
44 report the community water system's operational status to WebEOC as
45 soon as practicable, but not later than eight hours after the time of such
46 proclamation, and at any time thereafter that the status of such system

47 changes. For purposes of this section, "community water system" means
48 a public water system that serves at least twenty-five residents, and
49 "WebEOC" means a web-based emergency management information
50 system used by the state to document routine and emergency events or
51 incidents and provide a real-time common operating picture and
52 resource request management tool for emergency managers at the local
53 and state levels during exercises, drills, local or regional emergencies or
54 state-wide emergencies.

55 Sec. 4. Section 19a-37f of the general statutes is repealed and the
56 following is substituted in lieu thereof (*Effective October 1, 2021*):

57 (a) As used in this section:

58 (1) "Commissioner" means the Commissioner of Public Health, or the
59 commissioner's designee;

60 (2) "Community water system" means a public water system that
61 regularly serves at least twenty-five residents;

62 (3) "Consumer" has the same meaning as provided in section 25-32a;

63 (4) "Customer" means any (A) person, (B) firm, (C) corporation, (D)
64 company, (E) association, (F) governmental unit, except a state agency,
65 (G) lessee that, by the terms of a written lease or agreement, is
66 responsible for the water bill, or (H) owner of property, that receives
67 water service furnished by a water company;

68 (5) "Department" means the Department of Public Health;

69 (6) "Noncommunity water system" means a public water system that
70 serves at least twenty-five persons at least sixty days of the year and is
71 not a community water system;

72 (7) "Nontransient noncommunity water system" means a
73 noncommunity water system that regularly serves at least twenty-five
74 of the same persons over six months per year;

75 (8) "Public water system" means a water company that supplies
76 drinking water to fifteen or more consumers or twenty-five or more
77 persons daily at least sixty days of the year;

78 (9) "Sanitary survey" means the review of a public water system by
79 the department to evaluate the adequacy of the public water system, its
80 sources of supply and operations and the distribution of safe drinking
81 water;

82 (10) "Service connection" means the service pipe from the water main
83 to the curb stop or adjacent to the street line or property line, but does
84 not include a service pipe used only for fire service or irrigation
85 purposes; and

86 (11) "Water company" has the same meaning as provided in section
87 25-32a.

88 (b) On or before [August 1, 2019] November 1, 2021, and [August 1,
89 2020] annually thereafter, the department shall issue a statement, in
90 such manner as the department determines, to each water company that
91 owns a community water system or systems showing the number of
92 service connections and the source of such number each community
93 water system or systems has listed in the department's records as of the
94 date of issuance of the statement. For purposes of this subsection, the
95 department shall combine the number of service connections of all
96 water systems owned and operated by the same water company for a
97 total count of service connections. If any water company disagrees with
98 the number of service connections listed in such statement, the water
99 company shall, not later than thirty days after the date of issuance of
100 such statement, report to the department, in a form and manner
101 prescribed by the department, the accurate number of services
102 connections the water company's community water system or systems
103 serve.

104 (c) On or before [October 1, 2019] November 1, 2021, and [October 1,
105 2020] annually thereafter, the department, in consultation with the
106 Office of Policy and Management, shall post on the department's

107 Internet web site (1) the staff and costs to support the department's
108 ability to maintain primacy under the federal Safe Drinking Water Act,
109 42 USC 300f, et seq., as amended from time to time, which costs, taking
110 into consideration funding received from state and federal sources, shall
111 constitute the safe drinking water primacy assessment for the [current]
112 previous fiscal year, and (2) the assessment amounts due, based on the
113 posted costs and in accordance with subsection (d) of this section.

114 (d) (1) For the fiscal [years ending June 30, 2019, June 30, 2020, and]
115 year ending June 30, 2021, and annually thereafter, each water company
116 that owns a community or nontransient noncommunity water system
117 or systems shall pay annually to the department a safe drinking water
118 primacy assessment amount in accordance with the following: (A) Each
119 community water system having less than fifty service connections and
120 nontransient noncommunity water system shall be assessed one
121 hundred twenty-five dollars; (B) each community water system having
122 at least fifty but less than one hundred service connections shall be
123 assessed one hundred fifty dollars; and (C) each community water
124 system having at least one hundred service connections shall be
125 assessed an amount established by the commissioner, not to exceed
126 three dollars per service connection. For purposes of this subdivision, a
127 community water system's service connections shall be determined in
128 accordance with subsection (b) of this section.

129 (2) On or before January 1, [2020] 2022, and [January 1, 2021] annually
130 thereafter, the department shall issue an invoice, in such manner as the
131 department determines, to each water company that owns a community
132 or nontransient noncommunity water system or systems for the amount
133 due pursuant to subdivision (1) of this subsection. Each such water
134 company shall pay the amount invoiced, in the same year the
135 department issued in the invoice, in accordance with the following
136 schedule:

137 (A) A nontransient noncommunity water system shall pay one
138 hundred per cent of the amount invoiced on or before March first;

139 (B) A community water system having less than one hundred service
140 connections shall pay one hundred per cent of the amount invoiced on
141 or before May first; and

142 (C) A community water system having one hundred or more service
143 connections shall pay fifty per cent of the invoiced amount by March
144 first and the remaining fifty per cent of the amount invoiced by May
145 first.

146 (e) If a water company is acquired by another water company for any
147 reason, the acquiring water company shall pay the amount due to the
148 department for the acquired water company's assessment under
149 subsection (d) of this section.

150 (f) (1) A water company that owns a community water system may
151 collect the assessment amount due for the community water system
152 from a customer of such community water system. The amount
153 collected by the water company from an individual customer may be a
154 pro rata share of such assessment amount and may be adjusted by the
155 water company to reflect the bad debt component and surplus or deficit
156 related to primacy assessment collections of the water company for the
157 prior billing period. Such amount may appear as a separate item on the
158 customer's bills.

159 (2) The assessment amount due for a community water system under
160 subdivision (1) of this subsection may be adopted in rates through the
161 existing rate approval process for the water company or may appear as
162 a separate item identified as an assessment on each customer's bill
163 without requiring a revision to or approval of the schedule of authorized
164 rates and charges for the water company that is otherwise required
165 pursuant to section 7-239 or 16-19 or any special act or enabling
166 legislation establishing a water company. Such charges shall be subject
167 to the past due and collection procedures, including interest charges, of
168 the water company as are applicable to any other authorized customer
169 charge or fee.

170 (g) The requirement for a water company to pay the assessment shall

171 terminate immediately if the department no longer has primacy under
172 the federal Safe Drinking Water Act, 42 USC 300f, et seq., as amended
173 from time to time, whether removed by the federal Environmental
174 Protection Agency or through any other action by a state or federal
175 authority. If the assessment is terminated and not reinstated on or before
176 one hundred eighty days after such termination, the water company
177 shall credit its customers any amounts collected from such customers
178 for such assessment amount that the water company is no longer
179 required to pay to the department.

180 (h) If any assessment or part thereof is not paid on or before thirty
181 days after the date when such assessment is due, the commissioner may
182 impose a fee equal to one and one-half per cent on the balance due of
183 such assessment for each month of nonpayment beyond such initial
184 thirty-day period unless the water company that has not paid such
185 assessment or part thereof is a town, city or borough, in which case the
186 water company shall be subject to the provisions of section 12-38.

187 (i) On or before November 1, [2019] 2021, and [November 1, 2020]
188 annually thereafter, the department shall post on its Internet web site a
189 report that includes: (1) Resources, activities and costs that support the
190 department's ability to maintain primacy under the federal Safe
191 Drinking Water Act, 42 USC 300f, et seq., as amended from time to time,
192 in the previous fiscal year; (2) the number of full-time equivalent
193 positions that performed the required functions to maintain primacy in
194 the previous fiscal year; and (3) quality improvement strategies the
195 department has deployed to streamline operations to make efficient and
196 effective use of staff and resources. The commissioner shall provide for
197 a comment period of thirty days following the posting of such report.
198 At the conclusion of such public comment period, but not later than
199 January 1, [2020] 2022, and [not later than January 1, 2021] annually
200 thereafter, the commissioner shall submit such report and summary of
201 comments received to the Governor and the joint standing committee of
202 the General Assembly having cognizance of matters relating to public
203 health, in accordance with the provisions of section 11-4a.

204 (j) The commissioner may adopt regulations, in accordance with the
205 provisions of chapter 54, to carry out the provisions of this section.

206 (k) State agencies shall be exempt from the requirements of
207 subsections (d) to (h), inclusive, of this section.

208 Sec. 5. (NEW) (*Effective October 1, 2021*) (a) As used in this section:

209 (1) "Consumer" has the same meaning as provided in section 25-32a
210 of the general statutes;

211 (2) "Owner" means the person or entity that owns or controls the
212 small community water system; and

213 (3) "Small community water system" has the same meaning as
214 provided in section 19a-37e of the general statutes.

215 (b) Not later than January 1, 2025, each owner of a small community
216 water system shall complete a small community water system capacity
217 implementation plan on a form prescribed by the Department of Public
218 Health demonstrating that such owner has the managerial, technical
219 and financial capacity to continue to own and operate such system and
220 shall implement such plan. Following the completion of the initial small
221 community water system capacity implementation plan, each small
222 community water system shall update such small community water
223 system capacity implementation plan annually and make such small
224 community water system capacity implementation plan available to the
225 department upon request. Such plan shall include:

226 (1) A description of the small community water system, including the
227 number of consumers and persons served, and sources of drinking
228 water;

229 (2) Ownership and management information, including the type of
230 ownership structure and the current names, addresses and telephone
231 numbers of the owners, certified operators and emergency contact
232 persons for the small community water system;

- 233 (3) Service area maps;
- 234 (4) Facilities maps, including the location of and specific information
235 regarding sources, storage facilities, treatment facilities, pressure zones,
236 booster pumps, hydrants, distribution lines, valves and sampling
237 points;
- 238 (5) A description of such system's cross-connection control program;
- 239 (6) A description of such system's source water protection program;
- 240 (7) A copy of such system's emergency response plan required
241 pursuant to section 19-13-B102 of the regulations of Connecticut state
242 agencies;
- 243 (8) A capital improvement program, including the schedule that
244 identifies all capital improvements scheduled for a five-year planning
245 period and capital improvements or major projects scheduled for a
246 twenty-year planning period;
- 247 (9) Water production and consumption information;
- 248 (10) Information regarding public water systems that are nearby,
249 including the distance from the small community water system and type
250 of public water system, if any. Such information shall be based on the
251 coordinated water system plan approved by the Commissioner of
252 Public Health pursuant to section 25-33h of the general statutes for the
253 water utility coordinating committee in which such small community
254 water system is located; and
- 255 (11) Financial capacity information, including:
- 256 (A) An evaluation of the small community water system's fiscal plan
257 prepared pursuant to section 19a-37e of the general statutes;
- 258 (B) A summary of the income and expenses for the five years
259 preceding the date of submission of the plan;
- 260 (C) A five-year balanced operation budget;

261 (D) Water rate structure and fees charged, including information
262 regarding how such rates and fees are updated and whether such rates
263 and fees are sufficient to maintain cash flow stability and to fund the
264 capital improvement program, as well as any emergency
265 improvements; and

266 (E) An evaluation that has considered the affordability of water rates.

267 (c) On or before July 1, 2025, and annually thereafter, the small
268 community water system shall provide a summary of its small
269 community water system capacity plan in the small community water
270 system's consumer confidence report required by section 19-13-B102 of
271 the regulations of Connecticut state agencies.

272 (d) The provisions of this section shall not apply to a small
273 community water system that is (1) regulated by the Public Utilities
274 Regulatory Authority, (2) subject to the requirements set forth in section
275 25-32d of the general statutes, or (3) a state agency.

276 (e) The provisions of this section shall be deemed to relate to the
277 purity and adequacy of water supplies for the purposes of the
278 imposition of a penalty under section 25-32e of the general statutes.

279 (f) The commissioner may adopt regulations, in accordance with the
280 provisions of chapter 54 of the general statutes, to carry out the
281 provisions of this section.

282 Sec. 6. Section 21a-150b of the general statutes is repealed and the
283 following is substituted in lieu thereof (*Effective October 1, 2021*):

284 (a) Qualified employees of a bottler shall collect samples of water
285 from each approved source used by such bottler not less than once
286 annually to test for contaminants for which allowable levels have been
287 established in accordance with 21 CFR 165.110 and regulations adopted
288 pursuant to sections 21a-150 to 21a-150j, inclusive, as amended by this
289 act, and not less than once every three years to test for contaminants for
290 which monitoring is required pursuant to sections 21a-150 to 21a-150j,

291 inclusive, as amended by this act, but for which no allowable level has
292 been established. Qualified employees of an approved laboratory shall
293 analyze such samples to determine whether such source complies with
294 the provisions of sections 21a-150 to 21a-150j, inclusive, as amended by
295 this act, any regulation adopted pursuant to said sections and any
296 allowable contaminant level set forth in 21 CFR 165.110. Microbiological
297 analysis shall be conducted not less than once each calendar quarter if
298 the source of such water is other than a public water supply and shall
299 be in addition to any sampling and analysis conducted by any
300 government agency or laboratory.

301 (b) Qualified employees of a bottler shall collect samples of water
302 from any source used by such bottler when such bottler knows or has
303 reason to believe that water obtained from such source contains an
304 unregulated contaminant in an amount which may adversely affect the
305 health or welfare of the public. Qualified employees of an approved
306 laboratory shall analyze such samples periodically to determine
307 whether water obtained from any such source is safe for public
308 consumption or use.

309 (c) On or before January 1, 2022, and annually thereafter, qualified
310 employees of a bottler shall (1) collect samples of water from each
311 approved source that is located in the state, that has been inspected and
312 approved by the Department of Public Health pursuant to subdivision
313 (2) of subsection (a) of section 21a-150a and is used by such bottler, prior
314 to any treatment, to test for perfluoroalkyl substances and other
315 unregulated contaminants, and (2) have such samples analyzed by an
316 environmental laboratory registered by the Department of Public
317 Health pursuant to section 19a-29a that has the Environmental
318 Protection Agency approved certification to conduct such analysis. For
319 purposes of this subsection, "unregulated contaminant" means a
320 contaminant for which the Commissioner of Public Health, pursuant to
321 section 22a-471, has set a level at which such contaminant creates or can
322 reasonably be expected to create an unacceptable risk of injury to the
323 health or safety of persons drinking such source of water.

324 Sec. 7. Section 21a-150d of the general statutes is repealed and the
325 following is substituted in lieu thereof (*Effective October 1, 2021*):

326 (a) A laboratory which analyzes any water sample in accordance with
327 any provision of sections 21a-150 to 21a-150j, inclusive, as amended by
328 this act, shall report the results of such analysis to the bottler of such
329 water.

330 (b) Such results shall be available for inspection by the Department
331 of Consumer Protection.

332 (c) A bottler shall report any result which indicates that a water
333 sample contains contaminants in an amount exceeding any applicable
334 standard to the Department of Consumer Protection not later than
335 twenty-four hours after learning of such result.

336 (d) A bottler shall report the results of the analysis conducted
337 pursuant to subsection (c) of section 21a-150b, as amended by this act,
338 to the Department of Public Health and the Department of Consumer
339 Protection not later than nine calendar days after receipt of the results
340 from the environmental laboratory. If such results exceed the level set
341 by the Commissioner of Public Health pursuant to section 22a-471 for
342 such perfluoroalkyl substances and other unregulated contaminants,
343 the Department of Public Health may require such bottler to discontinue
344 use of its approved source until such source no longer creates an
345 unacceptable risk of injury to the health or safety of persons drinking
346 the bottled water that comes from such source. The Department of
347 Public Health shall notify the Department of Consumer Protection of
348 any source for which the Department of Public Health has discontinued
349 use until such source no longer creates an unacceptable risk of injury to
350 the health or safety of the persons drinking the bottled water that comes
351 from such source. For purposes of this section, "unregulated
352 contaminant" means a contaminant for which the Commissioner of
353 Public Health, pursuant to section 22a-471, has set a level at which such
354 contaminant creates or can reasonably be expected to create an
355 unacceptable risk of injury to the health or safety of the persons drinking

356 such source of water.

357 [(d)] (e) All records of any sampling or analysis conducted in
358 accordance with the provisions of sections 21a-150 to 21a-150j, inclusive,
359 as amended by this act, shall be maintained on the premises of the
360 bottler for not less than five years.

361 Sec. 8. Section 25-40a of the general statutes is repealed and the
362 following is substituted in lieu thereof (*Effective October 1, 2021*):

363 (a) Not later than twenty-four hours after obtaining a public water
364 system test result that shows a contaminant at a level that is in violation
365 of the federal Environmental Protection Agency national primary
366 drinking water standards, the environmental laboratory that performed
367 the test shall notify any persons who requested such test and the
368 Department of Public Health, in a form and manner prescribed by the
369 Commissioner of Public Health, of such test result. For purposes of this
370 subsection, "contaminant" means e. coli, lead, nitrate and nitrite.

371 (b) Not later than five business days after receiving notice that a
372 public water system is in violation of the federal Environmental
373 Protection Agency national primary drinking water standards, the
374 Commissioner of Public Health, or the commissioner's designee, shall
375 give written or electronic notification of such violation to the chief
376 elected official of the municipality where such public water system is
377 located and of any municipality that is served by such public water
378 system.

379 Sec. 9. (NEW) (*Effective October 1, 2021*) Each health care institution,
380 as defined in section 19a-490 of the general statutes, required to obtain
381 potable water as a temporary measure to alleviate a water supply
382 shortage shall obtain such potable water from (1) a bulk water hauler,
383 licensed pursuant to section 20-278h of the general statutes, or (2) a
384 bottler, as defined in section 21a-150 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	New section
Sec. 2	<i>October 1, 2021</i>	New section
Sec. 3	<i>October 1, 2021</i>	New section
Sec. 4	<i>October 1, 2021</i>	19a-37f
Sec. 5	<i>October 1, 2021</i>	New section
Sec. 6	<i>October 1, 2021</i>	21a-150b
Sec. 7	<i>October 1, 2021</i>	21a-150d
Sec. 8	<i>October 1, 2021</i>	25-40a
Sec. 9	<i>October 1, 2021</i>	New section

Statement of Purpose:

To require (1) water companies to provide drinking water to consumers in the event of a water main break or loss of system pressure; (2) small community water systems to prepare capacity implementation plans; and (3) bottlers to test approved water sources for unregulated contaminants and report such results to the department.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]