



General Assembly

February Session, 2020

Raised Bill No. 5186

LCO No. 1355



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, 2020*) A water company, as
2 defined in section 25-32a of the general statutes, shall provide an
3 alternative source of drinking water to its consumers, as defined in
4 section 25-32a of the general statutes, when there is a water main break,
5 loss of system pressure or other event that the water company
6 determines may last more than eight consecutive hours and that the
7 Department of Public Health determines may affect the quality or
8 quantity of drinking water provided to such consumers. An alternative
9 source of drinking water includes bulk water provided by a bulk water
10 hauler licensed pursuant to section 20-278h of the general statutes,
11 bottled water, as defined in section 21a-150 of the general statutes, or a
12 fill station. For the purposes of this section, "fill station" means a location
13 at which consumers of the affected water company may obtain drinking
14 water from a water company that is not affected by the water main
15 break, loss of system pressure or other event.

16 Sec. 2. (NEW) (*Effective October 1, 2020*) (a) As used in this section:

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

19 (2) "Small community water system" has the same meaning as
20 provided in section 19a-37e of the general statutes;

21 (3) "Water company" has the same meaning as provided in section 25-
22 32a of the general statutes.

23 (b) Each small community water system shall prepare, on a form
24 developed by the Department of Public Health, a system capacity
25 implementation plan, which shall assess such system's managerial,
26 technical and financial capacity to operate. Such plan shall include:

27 (1) A description of the small community water system, including the
28 number of consumers and persons served by such system and the
29 source of the water that is supplied to its consumers;

30 (2) Ownership and management information, including the type of
31 ownership structure and the names, addresses and telephone numbers
32 of the owners, certified operators and emergency contact persons for the
33 small community water system;

34 (3) Service area maps;

35 (4) Facilities maps, including the location of and specific information
36 regarding sources, storage facilities, treatment facilities, pressure zones,
37 booster pumps, hydrants, distribution lines, valves and sampling
38 points;

39 (5) A description of the small community water system's cross-
40 connection control program;

41 (6) A description of the small community water system's source water
42 protection program;

43 (7) The small community water system's emergency response plan;

44 (8) The small community water system's capital improvement

45 program, including a schedule that identifies all capital improvements
46 scheduled for a five-year planning period and capital improvements or
47 major projects scheduled for a twenty-year planning period;

48 (9) Water production and consumption information;

49 (10) Information regarding any nearby public water system,
50 including the type of such public water system and the distance of such
51 public water system from the small community water system, based on
52 such information in the coordinated water system plan prepared by the
53 water utility coordinating committee for the public water supply
54 management area in which the small community water system is
55 located pursuant to section 25-33h of the general statutes;

56 (11) Financial capacity information, including:

57 (A) An evaluation of the small community water system's fiscal and
58 asset management plan prepared pursuant to section 19a-37e of the
59 general statutes;

60 (B) A summary of the small community water system's income and
61 expenses for the five years preceding the date of submission of the plan;

62 (C) A five-year balanced operation budget;

63 (D) Water rate structure and fees charged, including information
64 regarding how such rates and fees are updated and whether such rates
65 and fees are sufficient to maintain cash flow stability and to fund the
66 capital improvement program developed pursuant to subdivision (8) of
67 subsection (b) of this section and any emergency improvements; and

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

69 (c) Each small community water system shall complete the system
70 capacity and implementation plan prepared pursuant to subsection (b)
71 of this section not later than January 1, 2026. Following the completion
72 of the initial capacity implementation plan, each small community
73 water system shall annually update such capacity implementation plan

74 and make such capacity implementation plan available to the
75 Department of Public Health upon request.

76 (d) On or before July 1, 2026, and annually thereafter, each small
77 community water system shall provide a summary of its capacity
78 implementation plan in the small community water system's consumer
79 confidence report.

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

84 (f) The provisions of this section shall relate to the purity and
85 adequacy of water supplies for the purposes of the imposition of a
86 penalty under section 25-32e of the general statutes.

87 (g) The Commissioner of Public Health may adopt regulations, in
88 accordance with the provisions of chapter 54 of the general statutes, to
89 carry out the provisions of this section.

90 Sec. 3. Section 21a-150b of the general statutes is repealed and the
91 following is substituted in lieu thereof (*Effective October 1, 2020*):

92 (a) Qualified employees of a bottler shall collect samples of water
93 from each approved source used by such bottler not less than once
94 annually to test for contaminants for which allowable levels have been
95 established in accordance with 21 CFR 165.110 and regulations adopted
96 pursuant to sections 21a-150 to 21a-150j, inclusive, and not less than
97 once every three years to test for contaminants for which monitoring is
98 required pursuant to sections 21a-150 to 21a-150j, inclusive, but for
99 which no allowable level has been established. Qualified employees of
100 an approved laboratory shall analyze such samples to determine
101 whether such source complies with the provisions of sections 21a-150 to
102 21a-150j, inclusive, any regulation adopted pursuant to said sections
103 and any allowable contaminant level set forth in 21 CFR 165.110.
104 Microbiological analysis shall be conducted not less than once each

105 calendar quarter if the source of such water is other than a public water
106 supply and shall be in addition to any sampling and analysis conducted
107 by any government agency or laboratory.

108 (b) Qualified employees of a bottler shall collect samples of water
109 from any source used by such bottler when such bottler knows or has
110 reason to believe that water obtained from such source contains an
111 unregulated contaminant in an amount which may adversely affect the
112 health or welfare of the public. Qualified employees of an approved
113 laboratory shall analyze such samples periodically to determine
114 whether water obtained from any such source is safe for public
115 consumption or use.

116 (c) On or before January 1, 2021, and annually thereafter, qualified
117 employees of a bottler shall collect samples of water from each approved
118 source used by such bottler that is located in the state and have such
119 samples analyzed by an environmental laboratory that is registered by
120 the Department of Public Health pursuant to section 19a-29a and
121 certified to conduct analysis for unregulated contaminants. For the
122 purposes of this subsection, "unregulated contaminant" means a
123 contaminant for which the Commissioner of Public Health has set a level
124 at which such contaminant creates or can reasonably be expected to
125 create an unacceptable risk of injury to the health or safety of persons
126 drinking such source of water, pursuant to section 22a-471.

127 Sec. 4. Section 21a-150d of the general statutes is repealed and the
128 following is substituted in lieu thereof (*Effective October 1, 2020*):

129 (a) A laboratory which analyzes any water sample in accordance with
130 any provision of sections 21a-150 to 21a-150j, inclusive, shall report the
131 results of such analysis to the bottler of such water.

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

134 (c) A bottler shall report any result which indicates that a water
135 sample contains contaminants in an amount exceeding any applicable

136 standard to the Department of Consumer Protection not later than
137 twenty-four hours after learning of such result.

138 (d) A bottler shall report the results of the analysis conducted
139 pursuant to subsection (c) of section 21a-150b, as amended by this act,
140 to the Departments of Public Health and Consumer Protection not later
141 than nine days after the date of receipt of the results from the
142 environmental laboratory. If such results exceed the level set by the
143 Commissioner of Public Health pursuant to section 22a-471 for an
144 unregulated contaminant, the Department of Public Health may require
145 such bottler to discontinue use of its approved source until such source
146 no longer creates an unacceptable risk of injury to the health or safety of
147 the people who drink the bottled water that comes from such source.
148 For the purposes of this subsection, "unregulated contaminant" has the
149 same meaning as provided in subsection (c) of section 21a-150b, as
150 amended by this act.

151 ~~[(d)]~~ (e) All records of any sampling or analysis conducted in
152 accordance with the provisions of sections 21a-150 to 21a-150j, inclusive,
153 shall be maintained on the premises of the bottler for not less than five
154 years from the date of such sampling or analysis.

155 Sec. 5. Section 25-40a of the general statutes is repealed and the
156 following is substituted in lieu thereof (*Effective October 1, 2020*):

157 (a) Not later than twenty-four hours after obtaining a test result that
158 shows a contaminant at a level that is in violation of the federal
159 Environmental Protection Agency national primary drinking water
160 standards, the environmental laboratory that performed the test shall
161 notify the person or persons who requested such test and the
162 Department of Public Health, in a form and manner prescribed by the
163 Commissioner of Public Health, of such test result. For the purposes of
164 this subsection, "contaminant" means any physical, chemical, biological
165 or radiological substance or matter in water.

166 (b) Not later than five business days after the date of receiving notice
167 that a public water system is in violation of the federal Environmental

168 Protection Agency national primary drinking water standards, the
169 Commissioner of Public Health, or the commissioner's designee, shall
170 give written or electronic notification of such violation to the chief
171 elected official of the municipality where such public water system is
172 located and of any municipality that is served by such public water
173 system.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2020</i>	New section
Sec. 2	<i>October 1, 2020</i>	New section
Sec. 3	<i>October 1, 2020</i>	21a-150b
Sec. 4	<i>October 1, 2020</i>	21a-150d
Sec. 5	<i>October 1, 2020</i>	25-40a

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.]