



# Senate

General Assembly

**File No. 332**

February Session, 2006

Substitute Senate Bill No. 313

*Senate, April 4, 2006*

The Committee on Public Health reported through SEN. MURPHY of the 16th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT CONCERNING PROTECTION OF PUBLIC WATER SUPPLY SOURCES.**

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

1 Section 1. Section 8-3i of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) As used in this section "water company" means a water  
4 company, as defined in section 25-32a, and "petition" includes a  
5 petition or proposal to change the regulations, boundaries or  
6 classifications of zoning districts.

7 (b) When an application, petition, request or plan is filed with the  
8 zoning commission, planning and zoning commission or zoning board  
9 of appeals of any municipality concerning any project on any site  
10 [which] that is within the aquifer protection area delineated pursuant  
11 to section 22a-354c or the watershed of a water company, the applicant  
12 or the person making the filing shall provide written notice of the  
13 application, petition, request or plan to the water company and the

14 Commissioner of Public Health, provided such water company or said  
15 commissioner has filed a map showing the boundaries of the  
16 watershed on the land records of the municipality in which the  
17 application, petition, request or plan is made and with the zoning  
18 commission, planning and zoning commission or zoning board of  
19 appeals of such municipality or the aquifer protection area has been  
20 delineated in accordance with section 22a-354c, as the case may be.  
21 Such notice shall be made by certified mail, return receipt requested,  
22 and shall be mailed [within] not later than seven days [of] after the  
23 date of the application. Such water company and the Commissioner of  
24 Public Health may, through a representative, appear and be heard at  
25 any hearing on any such application, petition, request or plan.

26 (c) Notwithstanding the provisions of subsection (b) of this section,  
27 when an agent of the zoning commission, planning and zoning  
28 commission or zoning board of appeals is authorized to approve an  
29 application, petition, request or plan concerning any site [which] that  
30 is within the aquifer protection area delineated pursuant to section  
31 22a-354c or the watershed of a water company without the approval of  
32 the zoning commission, planning and zoning commission or zoning  
33 board of appeals, and such agent determines that the proposed activity  
34 will not adversely affect the public water supply, the applicant or  
35 person making the filing shall not be required to notify the water  
36 company or the Commissioner of Public Health.

37 Sec. 2. Section 22a-42f of the general statutes is repealed and the  
38 following is substituted in lieu thereof (*Effective October 1, 2006*):

39 When an application is filed to conduct or cause to be conducted a  
40 regulated activity upon an inland wetland or watercourse, any portion  
41 of which is within the watershed of a water company as defined in  
42 section 25-32a, the applicant shall provide written notice of the  
43 application to the water company and the Commissioner of Public  
44 Health, provided such water company or said commissioner has filed  
45 a map showing the boundaries of the watershed on the land records of  
46 the municipality in which the application is made and with the inland

47 wetlands agency of such municipality. Such notice shall be made by  
48 certified mail, return receipt requested, and shall be mailed [within]  
49 not later than seven days [of] after the date of the application. The  
50 water company and the Commissioner of Public Health, through a  
51 representative, may appear and be heard at any hearing on the  
52 application.

53 Sec. 3. Section 25-32 of the general statutes is amended by adding  
54 subsection (o) as follows (*Effective October 1, 2006*):

55 (NEW) (o) The commissioner may adopt regulations, in accordance  
56 with the provisions of chapter 54, that incorporate by reference the  
57 provisions of the federal National Primary Drinking Water  
58 Regulations in 40 C.F.R. Parts 141 and 142, promulgated by the United  
59 States Environmental Protection Agency, provided such regulations (1)  
60 are consistent with other regulations adopted pursuant to this section,  
61 and (2) explicitly incorporate any future amendments to said federal  
62 regulations.

63 Sec. 4. Subdivision (4) of section 7-244h of the 2006 supplement to  
64 the general statutes is repealed and the following is substituted in lieu  
65 thereof (*Effective from passage*):

66 (4) Sell, lease, grant options to purchase or to renew a lease for any  
67 interest in all or any portion of property of such authority, real or  
68 personal, tangible or intangible, determined by such authority to be no  
69 longer used by or useful to such authority, on such terms as such  
70 authority may determine to be necessary, desirable or convenient,  
71 subject to the provisions of applicable law concerning such sale, lease  
72 or options, except that such authority may not sell, lease or otherwise  
73 convey any interest in land classified under [subsection (c) of section  
74 25-37] section 25-37c as class I or class II water-company-owned land  
75 unless specifically authorized in subdivision (5) or (17) of this section.

76 Sec. 5. Section 7-244q of the 2006 supplement to the general statutes  
77 is repealed and the following is substituted in lieu thereof (*Effective*  
78 *from passage*):

79 Without limiting the generality of any and all rights, privileges and  
80 powers granted to an authority under the provisions of sections 7-244g  
81 to 7-244s, inclusive, and subject to the provision of said sections 7-244g  
82 to 7-244s, inclusive, an authority shall have the same rights, privileges  
83 and powers related to the issuance of bonds as are granted to a  
84 municipality or town, as such terms are defined in chapter 109. Where  
85 said chapter 109 authorizes or requests action by a municipal or town  
86 official, officer or body, the board of directors of an authority shall  
87 designate an official, officer or body of such authority to take such  
88 action on behalf of such authority, except that the provisions of  
89 sections 7-373 to 7-374a, inclusive, [7-347c] 7-374c, 7-378b, 7-378d and  
90 7-378f do not apply to such authority. For purposes of this section,  
91 references in said chapter 109 to "taxes" or "taxation" mean charges or  
92 assessments by an authority.

93 Sec. 6. (*Effective from passage*) (a) The Commissioners of  
94 Environmental Protection and Public Health shall study the costs and  
95 benefits of using ethanol as a gasoline additive in this state as a means  
96 of meeting the requirements of the federal Clean Air Act. Such study  
97 shall examine (1) the public health implications of exposure to unsafe  
98 levels of ethanol and other toxics unique to ethanol-blended gasoline,  
99 (2) how using ethanol as a gasoline additive effects motor vehicle  
100 emissions and impacts on the state's implementation plan under the  
101 federal Clean Air Act, and (3) health risks associated with chronic  
102 exposure to ethanol or ethanol-blended gasoline.

103 (b) Not later than December 31, 2006, the Commissioner of  
104 Environmental Protection shall, in accordance with section 11-4a of the  
105 general statutes, report the findings of the study authorized in  
106 subsection (a) of this section to the joint standing committees of the  
107 General Assembly having cognizance of matters relating to public  
108 health and the environment. In addition to such findings, such report  
109 shall include (1) an analysis of any reports or recommendations made  
110 by the Northeast States for Coordinated Air Use Management and the  
111 New England Interstate Water Pollution Control Commission, (2) an  
112 analysis of whether Connecticut should continue to use ethanol as a

113 gasoline additive and, if not, an analysis of the process for seeking a  
 114 waiver from the United States Environmental Protection Agency in  
 115 order to discontinue the use of ethanol as a gasoline additive in this  
 116 state, (3) an analysis of the effect of ethanol on the state's air quality, (4)  
 117 an update on the status of any action taken by other states regarding  
 118 the use of ethanol as a gasoline additive, (5) recommendations for new  
 119 ethanol exposure standards for gasoline-related occupations and for  
 120 sensitive population subgroups, and (6) specific recommendations on  
 121 alternative or supplemental air pollution reduction programs such as  
 122 alternative motor vehicle fuel incentives, mass transit and employee  
 123 commuter programs.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	8-3i
Sec. 2	<i>October 1, 2006</i>	22a-42f
Sec. 3	<i>October 1, 2006</i>	25-32
Sec. 4	<i>from passage</i>	7-244h(4)
Sec. 5	<i>from passage</i>	7-244q
Sec. 6	<i>from passage</i>	New section

**PH**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Department of Environmental Protection	GF - Cost	See Below	None
Public Health, Dept.	GF - Cost	None	None

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

It is estimated that the Department of Environmental Protection will require additional resources to undertake modeling and analysis to determine ethanol’s effects on emissions, the state’s air quality and the impacts on the SIP (state implementation plan). Outside consultants would be needed at a cost of \$100,000 to \$250,000 in FY 07 to complete the study in the required time frame. It is anticipated that once the new analysis is completed, the Department of Public Health can undertake the risk assessments within existing resources.

Provisions within Sections 1 - 5 of this bill will result in no fiscal impact.

**The Out Years**

**State Impact:**

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$	FY 11 \$
Department of Environmental Protection	GF - Cost	None	None	None
Public Health, Dept.	GF - Cost	None	None	None

Note: GF=General Fund

**Municipal Impact:** None

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**OLR Bill Analysis**  
**sSB 313**

***AN ACT CONCERNING PROTECTION OF PUBLIC WATER  
SUPPLY SOURCES.***

**SUMMARY:**

This bill requires that the public health (DPH) commissioner receive notice of applications submitted to local agencies about activities on public water supply watersheds. It allows the DPH commissioner to adopt regulations that incorporate by reference federal drinking water regulations.

The bill requires the public health and environmental protection (DEP) commissioners to study the use of ethanol as a gasoline additive in the state as a means of meeting federal Clean Air Act requirements.

The bill also makes technical changes.

**EFFECTIVE DATE:** The DPH commissioner notification and regulation provisions take effect October 1, 2006; the ethanol study and technical changes take effect upon passage.

**NOTIFICATION OF PUBLIC HEALTH COMMISSIONER**

By law, anyone filing an application, petition, request, or plan with the local zoning or zoning appeals authority for any site within a water company's watershed or aquifer protection area must notify the water company if the company has filed a watershed map with the municipality or map of the aquifer protection area.

The bill requires that the applicant also notify the DPH commissioner in these situations. The applicant must send the notice by certified mail, return receipt requested, within seven days after the

date of the application. The commissioner has the right to be heard at any hearing on the application.

The law establishes an exemption from the notice requirements in towns that allow zoning agents to approve applications, if the agent determines that a proposed activity will not adversely affect the public water supply. Existing law exempts notice to water companies in such towns.

By law, an applicant for a regulated activity on an inland wetland or watercourse must notify the water company of the application if it affects the company's watershed and the company has filed a map with the municipality. The bill extends the notice requirement to include the health commissioner. The applicant must send the notice by certified mail, return receipt requested, within seven days of the date of the application. The commissioner can appear and be heard at the hearing on the application.

## **REGULATIONS**

The bill authorizes DPH to adopt regulations that incorporate by reference the provisions of the federal National Primary Drinking Water regulations (40 CFR, Parts 141, 142) if they (1) are consistent with other regulations adopted by the state, and (2) explicitly incorporate any future amendments to the federal regulations.

## **ETHANOL STUDY**

The DEP and DPH commissioners must study the costs and benefits of using ethanol as a gas additive to meet the federal Clean Air Act requirements. The study must address (1) public health implications of exposure to unsafe ethanol levels and other toxics unique to ethanol-blended gasoline, (2) how using ethanol affects motor vehicle emissions and affects the state's implementation plan under the federal act, and (3) health risks associated with chronic exposure to ethanol or ethanol-blended gas.

DEP must report the study findings to the Public Health and Environment committees by December 31, 2006. Additionally, the

report must include an analysis of (1) any reports or recommendations made by Northeast States for Coordinated Air Use management and the New England Institute Water Pollution Control Commission; (2) whether Connecticut should continue to use ethanol as a gas additive and if not, an analysis of the waiver process from the federal Environmental Protection Agency to discontinue its use; and (3) the effect of ethanol on the state's air quality.

The report must also include (1) an update on other states' use of ethanol as a gas additive, (2) recommendations for new ethanol exposure standards for gas-related occupations and sensitive population subgroups, and (3) specific recommendations on alternative or supplemental air pollution reduction programs (e.g., alternative motor vehicle fuel incentives, mass transit, employee commuter programs).

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable Substitute

Yea 23 Nay 0 (03/17/2006)