



General Assembly

January Session, 2007

**Raised Bill No. 1341**

LCO No. 4512

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Referred to Committee on Public Health

Introduced by:  
(PH)

**AN ACT CONCERNING APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.**

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

1 Section 1. Section 16-262m of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) As used in this section and section 8-25a, "water company"  
4 means a corporation, company, association, joint stock association,  
5 partnership, municipality, state agency, other entity or person, or  
6 lessee thereof, owning, leasing, maintaining, operating, managing or  
7 controlling any pond, lake, reservoir, stream, well or distributing plant  
8 or system employed for the purpose of supplying water to fifteen or  
9 more service connections or twenty-five or more persons [on a regular  
10 basis] for at least sixty days in any one year.

11 (b) No water company may begin the construction of a water supply  
12 system for the purpose of supplying water to fifteen or more service  
13 connections or twenty-five or more persons for at least sixty days in  
14 any one year, and no [water company] person or entity, except a water  
15 company supplying more than two hundred fifty service connections

16 or one thousand persons, may begin expansion of such a water supply  
17 system, without having first obtained a certificate of public  
18 convenience and necessity. [for the construction or expansion from the  
19 Department of Public Utility Control and the Department of Public  
20 Health. An]

21 (c) For systems serving twenty-five or more residents, an  
22 application for a certificate of public convenience and necessity shall  
23 be on a form prescribed by the Department of Public Utility Control, in  
24 consultation with the Department of Public Health, and accompanied  
25 by a copy of the water company's construction or expansion plans and  
26 a fee of one hundred dollars. The departments shall issue a certificate  
27 to an applicant upon determining, to their satisfaction, that (1) no  
28 [feasible] interconnection is feasible with [an existing system is  
29 available to the applicant] a water system owned by the provider for  
30 the exclusive service area, as determined pursuant to section 25-33g or  
31 with another water system by arrangement of the provider, (2) the  
32 applicant will complete the construction or expansion in accordance  
33 with engineering standards established by regulation by the  
34 Department of Public Utility Control for water supply systems, (3) [the  
35 applicant has the financial, managerial and technical resources to  
36 operate the proposed water supply system in a reliable and efficient  
37 manner and to provide continuous adequate service to consumers  
38 served by the system] ownership of the system will be assigned to the  
39 provider for the exclusive service area, as determined pursuant to  
40 section 25-33g, (4) the proposed construction or expansion will not  
41 result in a duplication of water service in the applicable service area,  
42 and (5) the applicant meets all federal and state standards for water  
43 supply systems. [ provided subdivisions (1) and (4) of this subsection  
44 shall not apply to any water supply system (A) owned and operated or  
45 proposed to be owned and operated, by a municipality, municipal  
46 district or regional water authority, (B) owned by a municipality,  
47 municipal district or regional water authority and operated, or  
48 proposed to be operated, on its behalf by an operator that has obtained  
49 all required certifications from the Department of Public Health,

50 including but not limited to certifications required by regulations  
51 established pursuant to section 25-32, or (C) owned or operated by a  
52 nonprofit corporation on behalf of one or more municipalities for the  
53 purpose of providing water service to an elderly housing project which  
54 has obtained all required certifications from the Department of Public  
55 Health, including but not limited to certifications required by  
56 regulations established pursuant to section 25-32. Nothing in this  
57 section shall prevent a municipality, municipal district or regional  
58 water authority from voluntarily transferring ownership of a water  
59 supply system to another water company, a municipal public service  
60 company or regional water authority.] Any construction or expansion  
61 with respect to which a certificate is required shall thereafter be built,  
62 maintained and operated in conformity with the certificate and any  
63 terms, limitations or conditions contained therein.

64 [(c)] (d) The Department of Public Utility Control [, in consultation  
65 with] and the Department of Public Health, shall each adopt  
66 regulations, in accordance with the provisions of chapter 54, to carry  
67 out the purposes of subsections (a) to (c), inclusive, of this section.

68 (e) (1) For systems serving twenty-five or more persons, but not  
69 twenty-five or more residents, at least sixty days in any one year an  
70 application for a certificate of public convenience and necessity shall  
71 be on a form prescribed by the Department of Public Health and  
72 accompanied by a copy of the construction or expansion plans. The  
73 Department of Public Health shall issue a certificate to an applicant  
74 upon determining, to its satisfaction, that (A) no interconnection is  
75 feasible with a water system owned by the provider for the exclusive  
76 service area, as determined pursuant to section 25-33g or with another  
77 water system by way of arrangements with the provider for the  
78 exclusive service area, (B) the applicant will complete the construction  
79 or expansion in accordance with engineering standards established by  
80 regulation for water supply systems, (C) ownership of the system will  
81 be assigned to the provider for the exclusive service area, as  
82 determined pursuant to section 25-33g, if agreeable to the exclusive

83 service area provider and the Department of Public Health, or may  
84 remain with the applicant, if agreeable to the Department of Public  
85 Health, provided the applicant has the financial, managerial and  
86 technical resources to (i) operate the proposed water supply system in  
87 a reliable and efficient manner, and (ii) provide continuous adequate  
88 service to consumers served by the system, until such time as the water  
89 system for the exclusive service area, as determined by section 25-33g,  
90 has made an extension of the water main, after which the applicant  
91 shall obtain service from the provider for the exclusive service area,  
92 (D) the proposed construction or expansion will not result in a  
93 duplication of water service in the applicable service area, and (E) the  
94 applicant meets all federal and state standards for water supply  
95 systems. Any construction or expansion with respect to which a  
96 certificate is required shall thereafter be built, maintained and operated  
97 in conformity with the certificate and any terms, limitation or  
98 conditions contained therein. Properties held by the Department of  
99 Environmental Protection and used for or in support of fish culture,  
100 natural resource conservation or outdoor recreational purposes shall  
101 be exempt from the requirements of subdivisions (1), (3) and (4) of  
102 subsection (c) of this section and subparagraphs (A), (C) and (D) of  
103 subdivision (1) of subsection (e) of this section.

104 (2) The Department of Public Health shall adopt regulations, in  
105 accordance with the provisions of chapter 54, to carry out the purposes  
106 of this subsection. Such regulations may include measures that  
107 encourage water conservation and proper maintenance.

108 Sec. 2. (NEW) (*Effective October 1, 2007*) If a court determines that a  
109 subsurface sewage disposal system has contaminated a well, the court  
110 shall order the owner of such subsurface sewage disposal system to  
111 pay all costs associated with restoring the contaminated well.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	16-262m

Sec. 2	October 1, 2007	New section
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**Statement of Purpose:**

To streamline the application process for noncommunity public water supplies and to better link this application process with the drinking water supply planning process.

*[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.]*