



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

TESTIMONY PRESENTED BEFORE THE PUBLIC HEALTH COMMITTEE March 5, 2007

Ellen Blaschinski, Branch Chief, Regulatory Services Branch (860) 509-7293

Senate Bill 1341 - An Act Concerning Application For A Certificate Of Public Convenience and Necessity

The Department of Public Health supports Senate Bill 1341.

The Certificate of Public Convenience and Necessity process is a tool to promote responsible growth of public water supply systems throughout the state. This proposed legislation recommends changes to the existing certificate of public convenience and necessity statutes: 1) to allow the Department of Public Health to process applications from non-community public water supplies without imposing an unnecessary burden on the Department of Public Utility Control while improving efficiency, and 2) to better link this certificate process with the CT Plan drinking water supply planning process. This bill incorporates changes recommended by the various stakeholders that participated in this process through the water planning council (including state agencies, water companies and environmental organizations).

The changes included in this bill are: definitional changes to clarify the applicability of this statute to all public water supplies, the creation of two distinct processes for issuing certificates to community public water supplies and to non-community public water supplies, establishment of ownership responsibilities for new public water supplies, and establishment of clearer ties to the water utility coordinating committee (WUCC) drinking water supply planning process.

However, the DPH is not in favor of Section 2 of the bill as written. This section reads " If a court determines that a subsurface sewage disposal system has contaminated a well, the court shall order the owner of such subsurface sewage disposal system to pay all costs associated with restoring the contaminated well." The Department of Environmental Protection (DEP) is responsible, per CGS 22a-432, for issuing orders to correct potential sources of pollution. This statute already has a process for the Attorney General to bring action in Superior Court to remedy this type of situation. Additionally Local Directors of Health currently have the authority to issue orders to abate health hazards and nuisance conditions. The DPH feels that it is not in the best interest of all parties concerned to make the court responsible for determining if a well is contaminated.

The DPH also questions why only contamination from a subsurface sewage disposal system is specified. Clearly if any type of contamination were to occur, e.g. fuel oil contamination, contamination from leaks of hazardous substances, etc., it would be expected the responsible party would be liable for remediating the contamination.

Thank you for your consideration of the Department's views on this bill.

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