



House of Representatives

File No. 767

General Assembly

February Session, 2008

(Reprint of File No. 553)

Substitute House Bill No. 5730
As Amended by House Amendment Schedule
"A"

Approved by the Legislative Commissioner
May 1, 2008

AN ACT CONCERNING ENVIRONMENTAL HEALTH.

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

1 Section 1. Subsection (b) of section 25-33 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2008*):

4 (b) No system of water supply owned or used by a water company
5 shall be constructed or expanded or a new additional source of water
6 supply utilized until the plans therefor have been submitted to and
7 reviewed and approved by [said] the department, except that no such
8 prior review or approval is required for distribution water main
9 installations that are constructed in accordance with sound
10 engineering standards and all applicable laws and regulations. [In
11 reviewing any proposed new source of water supply, the department
12 shall consider the proposed water supply's anticipated effect on nearby
13 water supply systems including public and private wells. Said
14 department shall consult with and advise any water company as to
15 proposed sources of water supply and methods of assuring their

16 purity and adequacy.] A plan for any proposed new source of water
17 supply submitted to the department pursuant to this subsection shall
18 include documentation that provides for: (1) A brief description of
19 potential effects that the proposed new source of water supply may
20 have on nearby water supply systems including public and private
21 wells; and (2) the water company's ownership or control of the
22 proposed new source of water supply's sanitary radius and minimum
23 setback requirements as specified in the regulations of Connecticut
24 state agencies and that such ownership or control shall continue to be
25 maintained as specified in such regulations. If the department
26 determines, based upon documentation provided, that the water
27 company does not own or control the proposed new source of water
28 supply's sanitary radius or minimum setback requirements as
29 specified in the regulations of Connecticut state agencies, the
30 department shall require the water company proposing a new source
31 of water supply to supply additional documentation to the department
32 that adequately demonstrates the alternative methods that will be
33 utilized to assure the proposed new source of water supply's long-term
34 purity and adequacy. In reviewing any plan for a proposed new source
35 of water supply, the department shall consider the issues specified in
36 this subsection. The Commissioner of Public Health may adopt
37 regulations, in accordance with the provisions of chapter 54, to carry
38 out the provisions of subsections (b) and (c) of this section. For
39 purposes of this subsection and subsection (c) of this section,
40 "distribution water main installations" means installations, extensions,
41 replacements or repairs of public water supply system mains from
42 which water is or will be delivered to one or more service connections
43 and which do not require construction or expansion of pumping
44 stations, storage facilities, treatment facilities or sources of supply.

45 Sec. 2. Section 19a-206 of the 2008 supplement to the general statutes
46 is amended by adding subsection (f) as follows (*Effective from passage*):

47 (NEW) (f) If the order of a district department of health, formed
48 pursuant to section 19a-241, causes the displacement of any occupant
49 of a residential dwelling unit, the municipality in which such dwelling

50 unit is located shall be responsible for any relocation assistance
51 afforded to such occupant pursuant to chapter 135. The district
52 department of health shall provide written notification to the occupant
53 of the occupant's rights under chapter 135 at the time an order causing
54 displacement is issued. The written notification shall include the name,
55 address and telephone number of the person authorized by the
56 municipality to process applications for relocation assistance afforded
57 pursuant to chapter 135.

58 Sec. 3. Subsection (a) of section 19a-17 of the 2008 supplement to the
59 general statutes is repealed and the following is substituted in lieu
60 thereof (*Effective October 1, 2008*):

61 (a) Each board or commission established under chapters 369 to 376,
62 inclusive, 378 to 381, inclusive, and 383 to 388, inclusive, and the
63 Department of Public Health with respect to professions under its
64 jurisdiction that have no board or commission may take any of the
65 following actions, singly or in combination, based on conduct that
66 occurred prior or subsequent to the issuance of a permit or a license
67 upon finding the existence of good cause:

68 (1) Revoke a practitioner's license or permit;

69 (2) Suspend a practitioner's license or permit;

70 (3) Censure a practitioner or permittee;

71 (4) Issue a letter of reprimand to a practitioner or permittee;

72 (5) Place a practitioner or permittee on probationary status and
73 require the practitioner or permittee to:

74 (A) Report regularly to such board, commission or department
75 upon the matters which are the basis of probation;

76 (B) Limit practice to those areas prescribed by such board,
77 commission or department;

78 (C) Continue or renew professional education until a satisfactory
79 degree of skill has been attained in those areas which are the basis for
80 the probation;

81 (6) Assess a civil penalty of up to twenty-five thousand dollars; [or]

82 (7) In those cases involving persons or entities licensed or certified
83 pursuant to sections 20-341d, 20-435, 20-436, 20-437, 20-438, 20-475 and
84 20-476, require that restitution be made to an injured property owner;
85 or

86 [(7)] (8) Summarily take any action specified in this subsection
87 against a practitioner's license or permit upon receipt of proof that
88 such practitioner has been:

89 (A) Found guilty or convicted as a result of an act which constitutes
90 a felony under (i) the laws of this state, (ii) federal law or (iii) the laws
91 of another jurisdiction and which, if committed within this state,
92 would have constituted a felony under the laws of this state; or

93 (B) Subject to disciplinary action similar to that specified in this
94 subsection by a duly authorized professional agency of any state, the
95 District of Columbia, a United States possession or territory or a
96 foreign jurisdiction. The applicable board or commission, or the
97 department shall promptly notify the practitioner or permittee that his
98 license or permit has been summarily acted upon pursuant to this
99 subsection and shall institute formal proceedings for revocation within
100 ninety days after such notification.

101 Sec. 4. Section 19a-37a of the general statutes is repealed and the
102 following is substituted in lieu thereof (*Effective October 1, 2008*):

103 (a) The Commissioner of Public Health shall adopt regulations in
104 accordance with the provisions of chapter 54 establishing standards to
105 prevent contamination of public water supplies which may result from
106 the installation of automatic fire extinguishing systems, irrigation
107 systems or other physical connections between the distribution system

108 of a public water system and any other water system in any building
109 served by a public water system as defined in subsection (a) of section
110 25-33d. [Such regulations] Regulations concerning automatic fire
111 extinguishing systems shall: (1) Delete the requirement for a reduced
112 pressure principle backflow preventer (RPD) on fire sprinkler systems
113 with siamese connections unless chemicals are added to such systems;
114 (2) require owners to install a double check valve assembly (DCVA) on
115 fire sprinkler systems with siamese connections unless chemicals are
116 added to such systems; (3) allow owners to install an RPD instead of a
117 DCVA on fire sprinkler systems with siamese connections; and (4)
118 provide that any person engaged in the installation of an automatic fire
119 extinguishing system shall notify the water company servicing the
120 building of such installation, and shall be subject to all applicable rules
121 and regulations of such water company.

122 (b) The commissioner shall adopt regulations in accordance with the
123 provisions of chapter 54 [providing] concerning automatic fire
124 extinguishing systems that provide for a civil penalty of not more than
125 two thousand dollars if a required device is not installed on existing
126 systems by July 1, 1999, or if the required device is not installed on
127 new systems after June 23, 1999.

128 Sec. 5. (NEW) (*Effective October 1, 2008*) (a) Any person engaged in
129 the installation of an irrigation system or other physical connection
130 between the distribution system of a public water supply system and
131 any other water system shall notify the water company servicing the
132 property or building of such installation and shall be subject to all
133 applicable rules and regulations of such water company. For purposes
134 of this section, "water company" has the same meaning as provided in
135 section 25-32a of the general statutes.

136 (b) When a permit application is filed with the local building
137 inspector of any municipality concerning any project that includes a
138 change of use or installation of fixtures or facilities in a building that
139 may affect the performance of, or require the installation of, a reduced
140 pressure principle backflow preventer, a double check valve assembly

141 or a pressure vacuum breaker, the local building inspector shall
142 provide written notice of the application to the water company serving
143 the building not later than seven days after the date the application is
144 filed. Upon receipt of such written notice, the water company shall
145 cause to be performed an evaluation of cross-connection protection by
146 a person who has met the requirements prescribed in the regulations
147 of Connecticut state agencies and such water company shall notify the
148 local building inspector regarding its determination. The local building
149 inspector shall not issue a permit or certificate of occupancy until any
150 cross-connection issue has been corrected.

151 (c) Upon a determination by a local director of health that an
152 automatic fire extinguishing system, irrigation system, change of use,
153 installation of fixtures or facilities in a building or other physical
154 connection between the distribution system of a public water supply
155 system and any other water system creates an unreasonable risk of
156 injury to the health or safety of persons using the water, to the general
157 public, or to any public water supply, the local director of public health
158 may issue an order requiring the immediate implementation of
159 mitigation measures, that include, but are not limited to, the
160 disconnection of the system. In the event that a cross connection with
161 the public water system is found, the owner of such system may
162 terminate services to the premises.

163 Sec. 6. Section 25-43 of the general statutes is repealed and the
164 following is substituted in lieu thereof (*Effective October 1, 2008*):

165 (a) Any person who bathes or swims in any reservoir from which
166 the inhabitants of any town, city or borough are supplied with water,
167 or in any lake, pond or stream tributary to any distribution reservoir,
168 or in any part of any lake, pond or stream tributary to any storage
169 reservoir, which part is distant less than two miles measured along the
170 flow of water from any part of such storage reservoir, and any person
171 who causes or allows any pollutant or harmful substance to enter any
172 such public water supply reservoir, whether distribution or storage, or
173 any of its tributaries, or commits any nuisance in any public water

174 supply reservoir or its watershed, shall be fined not [less than one]
175 more than five hundred dollars or imprisoned not more than thirty
176 days, or both. For the purposes of this section, "storage reservoir"
177 means an artificial impoundment of substantial amounts of water,
178 used or designed for the storage of a public water supply and the
179 release thereof to a distribution reservoir, and "distribution reservoir"
180 means a reservoir from which water is directly released into pipes or
181 pipelines leading to treatment or purification facilities or connected
182 directly with distribution mains of a public water system.

183 (b) No person, after having received notice or after notice has been
184 posted that any reservoir, lake or pond, or any stream tributary
185 thereto, is used for supplying the inhabitants of a town, city or
186 borough with water, shall wash any animal or clothing or other article
187 or allow any animal to enter therein. No person shall cause or allow
188 any pollutant or harmful substance to enter such reservoir, lake, pond
189 or stream, nor shall any person, after receipt of written notice from the
190 municipality, water company, as defined in section 25-32a, or the local
191 director of health having jurisdiction, or their agents, that the same is
192 detrimental to such water supply, permit any such substance to be
193 placed upon land owned, occupied or controlled by such person, so
194 that the same may be carried by rains or freshets or otherwise flow into
195 the water of such reservoir, lake, pond or stream, or allow to be
196 drained any sewage from such land into such water. Any person who
197 violates any provision of this subsection shall be fined not [less than
198 one] more than five hundred dollars or imprisoned not more than
199 thirty days, or both.

200 (c) No person shall cause or permit an aircraft, as defined in
201 subdivision (5) of section 15-34 of the 2008 supplement to the general
202 statutes, to land upon, take off from or be operated, kept, parked,
203 garaged, stored or otherwise maintained on any distribution or storage
204 reservoir or on any watercourse tributary to any such reservoir. Any
205 person who violates a provision of this subsection shall be fined not
206 more than five hundred dollars or imprisoned not more than thirty
207 days, or both. Any water company, as defined in section 25-32a,

208 aggrieved by a violation of this section may institute a civil action in
209 the superior court for the judicial district where such reservoir or
210 watercourse tributary is located, either entirely or in part, to recover all
211 damages, expenses and costs incurred by the water company in
212 responding to the violation and the remediation and abatement of any
213 contamination resulting from the violation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	25-33(b)
Sec. 2	<i>from passage</i>	19a-206
Sec. 3	<i>October 1, 2008</i>	19a-17(a)
Sec. 4	<i>October 1, 2008</i>	19a-37a
Sec. 5	<i>October 1, 2008</i>	New section
Sec. 6	<i>October 1, 2008</i>	25-43

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 chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Judicial Dept.	GF - Revenue Gain	Minimal	Minimal
Judicial Dept.	GF - Cost	Minimal	Minimal

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 09 \$	FY 10 \$
Various Municipalities	STATE MANDATE - Cost	See Below	See Below
Various Municipalities	Savings	Potential Indeterminate	Potential Indeterminate

Explanation

This bill makes various changes having fiscal impacts as follows:

Section 1 modifies standards that must be met by public water systems when new drinking water sources are proposed. It also authorizes the Department of Public Health (DPH) to adopt related regulations. These changes are not anticipated to result in a fiscal impact.

Section 2 states that relocation assistance is the financial responsibility of the municipality in which the home of an occupant displaced due to an order of a health district is located. This will preclude future claims against health districts (governed by multiple towns).

Section 3 authorizes the Department of Public Health (DPH) to order direct restitution to an injured property owner harmed by

actions of a licensed asbestos, lead, or on-site subsurface sewage disposal professional. No fiscal impact is associated with this change.

Section 4 requires the DPH to adopt regulations concerning standards for irrigation systems and connections between public water distribution systems and other water systems. The department will be able to do so within its normally budgeted resources.

Section 5 authorizes local health directors to order mitigation measures in cases of inappropriate cross connection between a potable water system and a nonpotable water system (e.g., an irrigation system). It also requires notification to be made to water companies of such connections. To the extent that this reduces the likelihood of contamination of public water supplies, this may preclude future remediation costs to municipal water companies.

This section also establishes additional duties for local building inspectors. It is anticipated that these duties can be accommodated within normally budgeted local resources.

Section 6 increases certain criminal fines related to prohibitions involving public water supplies. Any revenue gain under these provisions is anticipated to be less than \$10,000.

This section also establishes a new crime, punishable by imprisonment for up to 30 days and/or a fine of up to \$500, for causing or allowing an aircraft to land on, take off from, or be operated, kept parked or stored on any distribution or storage reservoir or on any watercourse tributary to the reservoir. Any revenue gain or cost for incarceration/probation supervision under these penalties is anticipated to be minimal.

House "A" adds a provision that authorizes the DPH to adopt regulations concerning standards that must be met by public water systems when new drinking water sources are proposed. Should the department choose to adopt these regulations, it is anticipated that it would do so within its anticipated budgetary resources.

The amendment also establishes additional duties for local building inspectors, which are anticipated to be accommodated within normally budgeted local resources.

Finally, the amendment makes other changes that do not result in a fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5730 (as amended by House "A")******AN ACT CONCERNING ENVIRONMENTAL HEALTH.*****SUMMARY:**

This bill:

1. modifies the Department of Public Health's (DPH) review and approval process concerning proposals for new water supplies;
2. specifies which municipality is responsible for relocation payment assistance to persons who have been displaced due to enforcement actions by district departments of health;
3. expands the potential disciplinary actions DPH can take against department-licensed or -certified persons or entities who engage in actions harmful to property owners;
4. requires installers of irrigation systems or other physical connections between public water supply distribution systems and other water systems to notify the water company of the installation, authorizes local health directors to order mitigation measures if such physical connections create an unreasonable risk of injury to health and safety, and requires DPH to adopt regulations on irrigation systems and other physical connections; and
5. establishes a penalty for prohibited aircraft-related activities on reservoirs and amends the penalties for other violations concerning improper activities on public water supplies.

*House Amendment "A" (1) adds the documentation requirements

concerning proposed new water supply sources, (2) eliminates a requirement of current law that DPH consult with and advise water companies on proposed water supply sources, (3) authorizes DPH to adopt regulations concerning the review process for proposed new water supplies, (4) specifies the definition of “water company” concerning physical connections between public water supply systems and other water systems, and (5) adds the notification, evaluation, and permit approval requirements applicable to local building inspectors.

EFFECTIVE DATE: October 1, 2008, except for the relocation assistance provision, which is effective upon passage.

DPH REVIEW AND APPROVAL OF PROPOSED NEW SOURCES OF WATER

Existing law prohibits the construction or expansion of a water supply system owned or used by a water company or the use of a new additional water supply source until plans for them have been submitted to and approved by DPH. No prior review or approval is required for distribution water main installations if they are constructed according to sound engineering standards and all applicable laws and regulations. In reviewing any proposed new water supply source, DPH must consider the proposed water supply’s anticipated effect on nearby water supply systems including public and private wells. The law also requires DPH to consult with and advise the water company concerning proposed water supply services and methods to assure their purity and adequacy.

The bill expressly requires the submitted plan to include documentation that provides for (1) a brief description of the proposal’s potential effects on nearby water supply systems, including public and private wells and (2) the water company’s ownership or control of the proposed new water supply source’s sanitary radius and minimum setback requirements as specified in state regulations and that such ownership or control will continue to be maintained as specified in regulation.

Under the bill, DPH can require the water company proposing the new source to provide additional documentation that adequately demonstrates alternative methods it will use to assure the new supply source's long-term purity and adequacy if DPH determines, based on the initial required documentation, that the water company does not own or control the proposed new source's sanitary radius or minimum setback requirements. The bill directs DPH, when reviewing the proposed new water supply sources, to consider these issues.

Under the bill, DPH can adopt regulations to carry out the above provisions and also a provision of current law requiring water companies to annually report electronically to DPH on the number and location of all new distribution water main installations.

The bill eliminates a provision of current law requiring DPH to consult with and advise water companies on proposed water supply sources and methods to assure their purity and adequacy.

RELOCATION ASSISTANCE

Under the bill, if an order of a district department of health causes an occupant's displacement from a dwelling unit, the municipality in which the dwelling is located is responsible for any relocation assistance to the occupant available under the law. (Generally, such an order would occur when a hazard, nuisance, or source of filth injurious to the public health has been identified.)

By law, towns, cities, and boroughs may unite to form district departments of health by vote of their respective legislative bodies, or join an existing district health department with the approval of the district's board. District health departments are instrumentalities of their constituent municipalities.

The bill requires the district health department to give written notification to the occupant of his or her rights under the law at the time the displacement order is issued. The notice must include the name, address, and telephone number of the person authorized by the

municipality to process applications for relocation assistance provided under the Uniform Relocation Assistance Act (URAA; CGS § 8-268).

The URAA establishes uniform policies for people who are displaced from their dwellings or businesses by state or local government activities and actions.

IRRIGATION SYSTEMS AND OTHER CONNECTIONS BETWEEN PUBLIC WATER SUPPLY SYSTEMS AND OTHER WATER SYSTEMS

The bill requires any person installing an irrigation system or other physical connection between the distribution system of a public water supply system and any other water system to notify the water company that services the building of the installation. The installer is subject to all rules and regulations of that water company.

The bill specifies that in this context, “water company” means any individual or entity that (1) owns, maintains, operates, manages, controls or employs any pond, lake, reservoir, well, stream, or distributing plant or system that supplies water to two or more consumers or to 25 or more people on a regular basis. If the individual or entity owns or controls 80% of the equity value of more than one such system or company, the number of consumers or persons the system supplies must be considered as owned by one company for the purposes of this definition (CGS § 25-32a).

Under the bill, when a permit application is filed with a local building inspector concerning a project including a change of use of installation of fixtures or facilities in a building that may affect the performance of or require the installation of a reduced pressure backflow preventer, a double valve assembly, or a pressure vacuum breaker, the inspector must give written notice of the application to the water company serving the building within seven days of the application’s filing.

After receiving notice, the water company must have an evaluation of cross-connection protection done by a qualified person. The water

company must notify the local building inspector of its determination. The bill prohibits the inspector from issuing a permit or certificate of occupancy until any cross-connection issue is corrected.

The bill authorizes a local director of health to issue an order requiring the immediate implementation of mitigation measures when he or she determines that an automatic fire extinguishing system, irrigation system changes of use, installation of fixtures or facilities in a building, or other physical connection between the public water supply distribution system and any other water system causes an unreasonable injury risk to the health or safety of those using the water, to the general public, or to any public water supply. The mitigation measures can include disconnection of the system. If a cross-connection with the public water system is found, the owner of the system may terminate services to the premises under the bill.

The bill requires the DPH commissioner to adopt regulations establishing standards to prevent contamination of public water supplies which may result from the installation of irrigation systems or other physical connections between a public water supply distribution system and any other water system in any building served by the public water system. DPH must already adopt regulations establishing such standards for the installation of automatic fire extinguishing systems.

DPH AUTHORITY TO ORDER CERTAIN PERSONS OR ENTITIES TO MAKE RESTITUTION TO PROPERTY OWNERS

The bill gives DPH the authority to order certain DPH-licensed individuals and entities to make restitution to an injured property owner based on a finding of good cause. This applies to subsurface sewage disposal installers or cleaners, asbestos contractors, asbestos consultants, asbestos abatement workers, asbestos abatement site supervisors, lead abatement contractors, lead consultants, lead abatement supervisors, and lead abatement workers.

PENALTIES FOR PROHIBITED ACTIVITIES INVOLVING PUBLIC WATER SUPPLIES

The bill changes, from a minimum of \$100 to a maximum \$500, the fine that can be imposed on a person who (1) bathes or swims in any public water supplies, (2) washes or allows animals in water supplies, or (3) causes or allows pollution to enter a public water supply reservoir. The current possible penalty of 30 days' imprisonment remains unchanged.

Current law prohibits anyone from causing or allowing an aircraft to land on, take off from, or be operated, kept parked, or stored on any distribution or storage reservoir or on any watercourse tributary to the reservoir. The bill establishes a penalty of a maximum fine of \$500, imprisonment of up to 30 days, or both. Any water company harmed by such an aircraft violation can bring a civil action in Superior Court for the judicial district where the reservoir or watercourse tributary is located, entirely or in part.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute Change of Reference
Yea 22 Nay 4 (03/10/2008)

Judiciary Committee

Joint Favorable Substitute
Yea 43 Nay 0 (03/24/2008)

Appropriations Committee

Joint Favorable
Yea 42 Nay 0 (04/18/2008)