



General Assembly

February Session, 2008

Raised Bill No. 5730

LCO No. 2574

02574_____PH_

Referred to Committee on Public Health

Introduced by:
(PH)

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2 repealed and the following is substituted in lieu thereof (*Effective*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 approved by [said] the department, except that no such prior review or
8 approval is required for distribution water main installations that are
9 constructed in accordance with sound engineering standards and all
10 applicable laws and regulations. The plan for any proposed new
11 source of water supply submitted pursuant to this subsection shall
12 address the issues specified in subdivisions (1) and (2) of this
13 subsection. In reviewing any proposed new source of water supply,
14 the department shall consider [the] such issues: (1) The proposed
15 water supply's anticipated effect on nearby water supply systems
16 including public and private wells, and (2) the proposed controls and
17 land use measures that assure purity and adequacy of the new source.

18 [Said department shall consult with and advise any water company as
19 to proposed sources of water supply and methods of assuring their
20 purity and adequacy.] For purposes of this subsection and subsection
21 (c) of this section, "distribution water main installations" means
22 installations, extensions, replacements or repairs of public water
23 supply system mains from which water is or will be delivered to one
24 or more service connections and which do not require construction or
25 expansion of pumping stations, storage facilities, treatment facilities or
26 sources of supply.

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

29 (NEW) (f) A local health department or district health department
30 shall not be held liable for payments to persons displaced pursuant to
31 chapter 135 when the persons are occupants of a residential dwelling
32 unit and are displaced due to a hazard, nuisance or source of filth
33 injurious to the public health. The municipality in which the
34 residential dwelling unit is located shall be liable to make payments to
35 displaced persons in accordance with the provisions of chapter 135. A
36 local health department or district health department shall not be liable
37 for relocation costs incurred, in whole or in part, as a result of an order
38 that has been issued by a director of health or an authorized agent of a
39 director of health.

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

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

- 50 (1) Revoke a practitioner's license or permit;
- 51 (2) Suspend a practitioner's license or permit;
- 52 (3) Censure a practitioner or permittee;
- 53 (4) Issue a letter of reprimand to a practitioner or permittee;
- 54 (5) Place a practitioner or permittee on probationary status and
55 require the practitioner or permittee to:
- 56 (A) Report regularly to such board, commission or department
57 upon the matters which are the basis of probation;
- 58 (B) Limit practice to those areas prescribed by such board,
59 commission or department;
- 60 (C) Continue or renew professional education until a satisfactory
61 degree of skill has been attained in those areas which are the basis for
62 the probation;
- 63 (6) Assess a civil penalty of up to twenty-five thousand dollars; [or]
- 64 (7) In those cases involving persons or entities licensed or certified
65 pursuant to sections 20-341d, 20-435, 20-436, 20-437, 20-438, 20-475 and
66 20-476 require that restitution be made to an injured property owner;
67 or
- 68 [(7)] (8) Summarily take any action specified in this subsection
69 against a practitioner's license or permit upon receipt of proof that
70 such practitioner has been:
- 71 (A) Found guilty or convicted as a result of an act which constitutes
72 a felony under (i) the laws of this state, (ii) federal law or (iii) the laws
73 of another jurisdiction and which, if committed within this state,
74 would have constituted a felony under the laws of this state; or
- 75 (B) Subject to disciplinary action similar to that specified in this

76 subsection by a duly authorized professional agency of any state, the
77 District of Columbia, a United States possession or territory or a
78 foreign jurisdiction. The applicable board or commission, or the
79 department shall promptly notify the practitioner or permittee that his
80 license or permit has been summarily acted upon pursuant to this
81 subsection and shall institute formal proceedings for revocation within
82 ninety days after such notification.

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

85 (a) The Commissioner of Public Health shall adopt regulations in
86 accordance with the provisions of chapter 54 establishing standards to
87 prevent contamination of public water supplies which may result from
88 the installation of automatic fire extinguishing systems, irrigation
89 systems or other physical connections between the distribution system
90 of a public water system and any other water system in any building
91 served by a public water system as defined in subsection (a) of section
92 25-33d. [Such regulations] Regulations concerning automatic fire
93 extinguishing systems shall: (1) Delete the requirement for a reduced
94 pressure principle backflow preventer (RPD) on fire sprinkler systems
95 with siamese connections unless chemicals are added to such systems;
96 (2) require owners to install a double check valve assembly (DCVA) on
97 fire sprinkler systems with siamese connections unless chemicals are
98 added to such systems; (3) allow owners to install an RPD instead of a
99 DCVA on fire sprinkler systems with siamese connections; and (4)
100 provide that any person engaged in the installation of an automatic fire
101 extinguishing system shall notify the water company servicing the
102 building of such installation, and shall be subject to all applicable rules
103 and regulations of such water company.

104 (b) The commissioner shall adopt regulations in accordance with the
105 provisions of chapter 54 [providing] concerning automatic fire
106 extinguishing systems that provide for a civil penalty of not more than
107 two thousand dollars if a required device is not installed on existing

108 systems by July 1, 1999, or if the required device is not installed on
109 new systems after June 23, 1999.

110 Sec. 5. (NEW) (*Effective October 1, 2008*) (a) Any person engaged in
111 the installation of an irrigation system or other physical connection
112 between the distribution system of a public water supply system and
113 any other water system shall notify the water company servicing the
114 building of such installation and shall be subject to all applicable rules
115 and regulations of such water company.

116 (b) Upon a determination by a local director of health that an
117 automatic fire extinguishing system, irrigation system or other
118 physical connection between the distribution system of a public water
119 supply system and any other water system creates an unreasonable
120 risk of injury to the health or safety of persons using the water, to the
121 general public, or to any public water supply, the local director of
122 public health may issue an order requiring the immediate
123 implementation of mitigation measures, that include, but are not
124 limited to, the disconnection of the system. In the event that a cross
125 connection with the public water system is found, the owner of such
126 system may terminate services to the premises.

127 Sec. 6. Subsection (c) of section 25-43 of the general statutes is
128 repealed and the following is substituted in lieu thereof (*Effective*
129 *October 1, 2008*):

130 (c) No person shall cause or permit an aircraft, as defined in
131 subdivision (5) of section 15-34 of the 2008 supplement to the general
132 statutes, to land upon, take off from or be operated, kept, parked,
133 garaged, stored or otherwise maintained on any distribution or storage
134 reservoir or on any watercourse tributary to any such reservoir. Any
135 person who violates a provision of this subsection shall be fined not
136 less than one hundred dollars or imprisoned not more than thirty days
137 or both. Any water company, as defined in section 25-32a, aggrieved
138 by a violation of this section may institute a civil action in the superior
139 court for the judicial district of Hartford to recover all damages,

140 expenses and costs incurred by the water company in responding to
141 the violation and remediating and abating any contamination resulting
142 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(c)

Statement of Purpose:

To: (1) Clarify existing law with respect to the content of water supply plans submitted to the Department of Environmental Protection, (2) clarify that local health departments or district health departments are not liable to persons displaced due to enforcement actions by such health departments, (3) expand on the potential actions that the Department of Public Health may take against persons or entities licensed or certified by the department who engage in actions that result in injuries to homeowners, and (4) protect public water supplies from contamination by a variety of sources.

[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.]