



General Assembly

January Session, 2009

**Raised Bill No. 6539**

LCO No. 3294

\*03294\_\_\_\_\_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 (a) of section 19a-35a of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

4 (a) Notwithstanding the provisions of chapter 439 and sections 22a-  
5 430 and 22a-430b, the Commissioner of Public Health shall, [not later  
6 than December 31, 2008, and] within available appropriations,  
7 [pursuant to section 19a-36,] establish and define categories of  
8 discharge that constitute alternative on-site sewage treatment systems  
9 with capacities of five thousand gallons or less per day. After the  
10 establishment of such categories, said commissioner shall have  
11 jurisdiction, within available appropriations, to issue or deny permits  
12 and approvals for such systems and for all discharges of domestic  
13 sewage to the groundwaters of the state from such systems. Said  
14 commissioner shall, pursuant to section 19a-36, and within available  
15 appropriations, establish minimum requirements for alternative on-  
16 site sewage treatment systems under said commissioner's jurisdiction,

17 including, but not limited to: (1) Requirements related to activities that  
18 may occur on the property; (2) changes that may occur to the property  
19 or to buildings on the property that may affect the installation or  
20 operation of such systems; and (3) procedures for the issuance of  
21 permits or approvals by said commissioner, a local director of health,  
22 or a sanitarian licensed pursuant to chapter 395. A permit or approval  
23 granted by said commissioner, such local director of health or such  
24 sanitarian for an alternative on-site sewage treatment system pursuant  
25 to this section shall: (A) Not be inconsistent with the requirements of  
26 the federal Water Pollution Control Act, 33 USC 1251 et seq., the  
27 federal Safe Drinking Water Act, 42 USC 300f et seq., and the  
28 standards of water quality adopted pursuant to section 22a-426, as  
29 such laws and standards may be amended from time to time, (B) not  
30 be construed or deemed to be an approval for any other purpose,  
31 including, but not limited to, any planning and zoning or municipal  
32 inland wetlands and watercourses requirement, and (C) be in lieu of a  
33 permit issued under section 22a-430 or 22a-430b. For purposes of this  
34 section, "alternative on-site sewage treatment system" means a sewage  
35 treatment system serving one or more buildings on a single parcel of  
36 property that utilizes a method of treatment other than a subsurface  
37 sewage disposal system and that involves a discharge of domestic  
38 sewage to the groundwaters of the state.

39 Sec. 2. Subsection (c) of section 16-262m of the general statutes is  
40 repealed and the following is substituted in lieu thereof (*Effective*  
41 *October 1, 2009*):

42 (c) For systems serving twenty-five or more residents that are not  
43 the subject of proceedings under subsection (c) of section 16-262n or  
44 section 16-262o, an application for a certificate of public convenience  
45 and necessity shall be on a form prescribed by the Department of  
46 Public Utility Control, in consultation with the Department of Public  
47 Health, and accompanied by a copy of the water company's  
48 construction or expansion plans, a fee of one hundred dollars and  
49 when [applicable] an exclusive service area provider has been

50 determined pursuant to section 25-33g, a copy of a signed agreement  
51 between the water company and [provider for] the exclusive service  
52 area provider [, as determined pursuant to section 25-33g,] detailing  
53 those terms and conditions under which the system will be constructed  
54 or expanded and for which the provider will assume service and  
55 ownership responsibilities. When an exclusive service area provider  
56 has been determined pursuant to section 25-33g, the applicant for a  
57 certificate of public convenience and necessity shall be the provider of  
58 the exclusive service area. The departments shall issue a certificate to  
59 an applicant upon determining, to their satisfaction, that (1) no  
60 interconnection is feasible with a water system owned by, or made  
61 available through arrangement with, the provider for the exclusive  
62 service area, as determined pursuant to section 25-33g or with another  
63 existing water system where no exclusive service area has been  
64 assigned, (2) the applicant will complete the construction or expansion  
65 in accordance with engineering standards established by regulation by  
66 the Department of Public Utility Control for water supply systems, (3)  
67 ownership of the system will be assigned to the provider for the  
68 exclusive service area, as determined pursuant to section 25-33g, (4)  
69 the proposed construction or expansion will not result in a duplication  
70 of water service in the applicable service area, and (5) the applicant  
71 meets all federal and state standards for water supply systems. Any  
72 construction or expansion with respect to which a certificate is  
73 required shall thereafter be built, maintained and operated in  
74 conformity with the certificate and any terms, limitations or conditions  
75 contained therein.

76 Sec. 3. Subsection (d) of section 10-220 of the general statutes is  
77 repealed and the following is substituted in lieu thereof (*Effective*  
78 *October 1, 2009*):

79 (d) Prior to January 1, 2008, and every five years thereafter, for  
80 every school building that is or has been constructed, extended,  
81 renovated or replaced on or after January 1, 2003, a local or regional  
82 board of education shall provide for a uniform inspection and

83 evaluation program of the indoor air quality within such buildings,  
84 such as the Environmental Protection Agency's Indoor Air Quality  
85 Tools for Schools Program. The inspection and evaluation program  
86 shall include, but not be limited to, a review, inspection or evaluation  
87 of the following: (1) The heating, ventilation and air conditioning  
88 systems; (2) radon levels in [the water and] the air; (3) potential for  
89 exposure to microbiological airborne particles, including, but not  
90 limited to, fungi, mold and bacteria; (4) chemical compounds of  
91 concern to indoor air quality including, but not limited to, volatile  
92 organic compounds; (5) the degree of pest infestation, including, but  
93 not limited to, insects and rodents; (6) the degree of pesticide usage; (7)  
94 the presence of and the plans for removal of any hazardous substances  
95 that are contained on the list prepared pursuant to Section 302 of the  
96 federal Emergency Planning and Community Right-to-Know Act, 42  
97 USC 9601 et seq.; (8) ventilation systems; (9) plumbing, including  
98 water distribution systems, drainage systems and fixtures; (10)  
99 moisture incursion; (11) the overall cleanliness of the facilities; (12)  
100 building structural elements, including, but not limited to, roofing,  
101 basements or slabs; (13) the use of space, particularly areas that were  
102 designed to be unoccupied; and (14) the provision of indoor air quality  
103 maintenance training for building staff. Local and regional boards of  
104 education conducting evaluations pursuant to this subsection shall  
105 make available for public inspection the results of the inspection and  
106 evaluation at a regularly scheduled board of education meeting.

107 Sec. 4. Section 19a-14b of the general statutes is repealed and the  
108 following is substituted in lieu thereof (*Effective October 1, 2009*):

109 (a) For the purposes of this section and sections 20-420 and 20-432,  
110 the following terms shall have the following meanings unless the  
111 context clearly denotes otherwise:

112 (1) "Radon diagnosis" means evaluating buildings found to have  
113 levels of radon gas that are higher than the guidelines promulgated by  
114 this state or the United States Environmental Protection Agency and

115 recommending appropriate remedies to eliminate radon.

116 (2) "Radon mitigation" means taking steps including, but not limited  
117 to, installing ventilation systems, sealing entry routes for radon gas  
118 and installing subslab depressurization systems to reduce radon levels  
119 in buildings.

120 (3) "Analytical measurement service providers" means companies or  
121 individuals that have their own analysis capability for radon  
122 measurement but may or may not offer measurement services directly  
123 to the public.

124 (4) "Residential measurement service providers" means individuals  
125 that offer services that include, but are not limited to, detector  
126 placement and home inspection and consultation but do not have their  
127 own analysis capability and utilize the services of an analytical  
128 measurement service provider for their detector analysis.

129 (5) "Residential mitigation service providers" means individuals that  
130 offer services that include, but are not limited to, radon diagnosis or  
131 radon mitigation.

132 (b) The Department of Public Health shall maintain a list of  
133 companies or individuals that are included in current lists of national  
134 radon proficiency programs that have been approved by the  
135 Commissioner of Public Health.

136 [(c) The Department of Public Health shall adopt regulations, in  
137 accordance with chapter 54, establishing safe levels of radon in potable  
138 water.]

139 Sec. 5. Section 19a-37b of the general statutes is repealed and the  
140 following is substituted in lieu thereof (*Effective October 1, 2009*):

141 [Not later than January 1, 1991, the] The Department of Public  
142 Health [shall] may adopt regulations pursuant to chapter 54 to  
143 establish [acceptable levels of radon in ambient air and drinking water

144 in schools] radon measurement requirements and procedures for  
 145 evaluating radon in indoor air and reducing elevated radon gas levels  
 146 when found in Connecticut public schools.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	19a-35a(a)
Sec. 2	<i>October 1, 2009</i>	16-262m(c)
Sec. 3	<i>October 1, 2009</i>	10-220(d)
Sec. 4	<i>October 1, 2009</i>	19a-14b
Sec. 5	<i>October 1, 2009</i>	19a-37b

**Statement of Purpose:**

To: (1) eliminate the December 31, 2008, deadline for the Commissioner of Public Health to establish and define categories of discharge that constitute alternative on-site sewage treatment systems with capacities of five thousand gallons or less per day; (2) add a requirement for the exclusive water service area provider to apply for and obtain a certificate of public convenience and necessity when a new community water company is proposed within the provider's area; (3) repeal a statutory requirement pertaining to the review, inspection or evaluation of radon levels in the water of school buildings constructed or renovated after 2003; (4) repeal the requirement for the Department of Public Health to adopt regulations concerning safe levels of radon in potable water; and (5) revise Department of Public Health regulations concerning radon in schools.

*[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.]*