



General Assembly

Substitute Bill No. 6539

January Session, 2009

* HB06539PH 032709 *

AN ACT CONCERNING ENVIRONMENTAL HEALTH.

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 Section 16-262m of the general statutes is repealed and the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, 2009*):

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 for at least
10 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 person or entity, except a water company
15 supplying more than two hundred fifty service connections or one
16 thousand persons, may begin expansion of such a water supply
17 system, without having first obtained a certificate of public
18 convenience and necessity.

19 (c) For systems serving twenty-five or more residents that are not

20 the subject of proceedings under subsection (c) of section 16-262n or
21 section 16-262o, an application for a certificate of public convenience
22 and necessity shall be on a form prescribed by the Department of
23 Public Utility Control, in consultation with the Department of Public
24 Health, and accompanied by a copy of the [water company's]
25 applicant's construction or expansion plans, a fee of one hundred
26 dollars and when [applicable] an exclusive service area provider has
27 been determined pursuant to section 25-33g, a copy of a signed
28 ownership agreement between the [water company] applicant and
29 provider for the exclusive service area, as determined pursuant to
30 section 25-33g, detailing those terms and conditions under which the
31 system will be constructed or expanded and for which the provider
32 will assume service and ownership responsibilities. [The] When an
33 exclusive service area provider has been determined pursuant to
34 section 25-33g, the application shall also be accompanied by a written
35 certification from the exclusive service area provider, as the entity that
36 will own the water supply system, that such provider has reviewed
37 and concurs with the information provided by the applicant in the
38 application. Written certification from the exclusive service area
39 provider shall be on a form prescribed by said departments. Said
40 departments shall issue a certificate to an applicant upon determining,
41 to their satisfaction, that (1) no interconnection is feasible with a water
42 system owned by, or made available through arrangement with, the
43 provider for the exclusive service area, as determined pursuant to
44 section 25-33g or with another existing water system where no
45 exclusive service area has been assigned, (2) the applicant will
46 complete the construction or expansion in accordance with
47 engineering standards established by regulation by the Department of
48 Public Utility Control for water supply systems, (3) ownership of the
49 system will be assigned to the provider for the exclusive service area,
50 [as] when an exclusive service area provider has been determined
51 pursuant to section 25-33g, (4) the proposed construction or expansion
52 will not result in a duplication of water service in the applicable
53 service area, [and] (5) the applicant meets all federal and state
54 standards for water supply systems, and (6) the entity that will own

55 the water supply system has the financial, managerial and technical
56 resources to (A) operate the proposed water supply system in a
57 reliable and efficient manner, and (B) provide continuous adequate
58 service to consumers served by the water supply system. Any
59 construction or expansion with respect to which a certificate is
60 required shall thereafter be built, maintained and operated in
61 conformity with the certificate and any terms, limitations or conditions
62 contained therein.

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

67 (e) (1) For systems serving twenty-five or more persons, but not
68 twenty-five or more residents, at least sixty days in any one year an
69 application for a certificate of public convenience and necessity shall
70 be on a form prescribed by the Department of Public Health and
71 accompanied by a copy of the construction or expansion plans. The
72 Department of Public Health shall issue a certificate to an applicant
73 upon determining, to its satisfaction, that (A) no interconnection is
74 feasible with a water system owned by, or made available through
75 arrangement with, the provider for the exclusive service area, as
76 determined pursuant to section 25-33g or with another existing water
77 system where no existing exclusive service area has been assigned, (B)
78 the applicant will complete the construction or expansion in
79 accordance with engineering standards established by regulation for
80 water supply systems, (C) ownership of the system will be assigned to
81 the provider for the exclusive service area, as determined pursuant to
82 section 25-33g, if agreeable to the exclusive service area provider and
83 the Department of Public Health, or may remain with the applicant, if
84 agreeable to the Department of Public Health, [provided the applicant
85 has the financial, managerial and technical resources to (i) operate the
86 proposed water supply system in a reliable and efficient manner, and
87 (ii) provide continuous adequate service to consumers served by the
88 system,] until such time as the water system for the exclusive service

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

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

112 Sec. 2. Subsections (a) and (b) of section 25-32d of the general
113 statutes are repealed and the following is substituted in lieu thereof
114 (*Effective October 1, 2009*):

115 (a) Each water company, as defined in section 25-32a, and supplying
116 water to one thousand or more persons or two hundred fifty or more
117 consumers and any other water company as defined in said section
118 requested by the Commissioner of Public Health shall submit a water
119 supply plan to the Commissioner of Public Health for approval with
120 the concurrence of the Commissioner of Environmental Protection. The
121 concurrence of the Public Utilities Control Authority shall be required

122 for approval of a plan submitted by a water company regulated by the
123 authority. The Commissioner of Public Health shall consider the
124 comments of the Public Utilities Control Authority on any plan which
125 may impact any water company regulated by the authority. The
126 Commissioner of Public Health shall distribute a copy of the plan to
127 the Commissioner of Environmental Protection and the Public Utilities
128 Control Authority. A copy of the plan shall be sent to the Secretary of
129 the Office of Policy and Management for information and comment. A
130 previously approved plan shall be revised only to the extent necessary
131 to provide an update of those plan elements identified in subsection
132 (b) of this section, at such time as the water company filing the plan or
133 the Commissioner of Public Health determines, [or] provided any such
134 revisions are filed, except as otherwise provided in this subsection, at
135 intervals of not [less than three years nor] more than [five] nine years
136 after the date of [initial] the last plan approval. When any company
137 required to file a plan has failed to maintain an adequate margin of
138 safety, is under an order entered by either the Commissioner of Public
139 Health or the Commissioner of Environmental Protection, or has
140 otherwise failed to meet public water supply obligations as prescribed
141 in state law or regulation, the Commissioner of Public Health may
142 require that plan revisions be filed six years after the date of the last
143 plan approval.

144 (b) Any water supply plan submitted pursuant to this section shall
145 evaluate the water supply needs in the service area of the water
146 company submitting the plan and propose a strategy to meet such
147 needs. The plan shall include: (1) A description of existing water
148 supply systems; (2) an analysis of future water supply demands; (3) an
149 assessment of alternative water supply sources which may include
150 sources receiving sewage and sources located on state land; (4)
151 contingency procedures for public drinking water supply emergencies,
152 including emergencies concerning the contamination of water, the
153 failure of a water supply system or the shortage of water; (5) a
154 recommendation for new water system development; (6) a forecast of
155 any future land sales, an identification which includes the acreage and

156 location of any land proposed to be sold, sources of public water
157 supply to be abandoned and any land owned by the company which it
158 has designated, or plans to designate, as class III land; (7) provisions
159 for strategic groundwater monitoring; (8) an analysis of the impact of
160 water conservation practices and a strategy for implementing supply
161 and demand management measures; [and] (9) on and after January 1,
162 2004, an evaluation of source water protection measures for all sources
163 of the water supply, based on the identification of critical lands to be
164 protected and incompatible land use activities with the potential to
165 contaminate a public drinking water source; and (10) a brief summary
166 of the water company's underground infrastructure replacement
167 practices, which may include current and future infrastructure needs,
168 methods by which projects are identified and prioritized for
169 rehabilitation and replacement and funding needs.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	16-262m
Sec. 2	<i>October 1, 2009</i>	25-32d(a) and (b)

PH *Joint Favorable Subst.*