



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

TESTIMONY PRESENTED BEFORE THE PUBLIC HEALTH COMMITTEE March 6, 2009

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House Bill 6539 - An Act Concerning Environmental Health

The Department of Public Health **supports** House Bill 6539.

We thank the committee for raising this important bill.

Section 1: Removes deadline for development of Alternative Sewage Treatment System program that has not been funded

This section modifies the statute concerning small alternative treatment (A/T) sewage treatment systems by removing the December 31, 2008 deadline for DPH to establish and define categories of alternative treatment systems. The budget did not include any resources for DPH to implement a program for small A/T systems and DPH has not been able to develop regulations and minimum standards for these systems. As such, removal of the deadline, which has already passed is appropriate.

Section 2: Streamlines Certificate of Public Convenience and Necessity (CPCN) process

DPH has proposed this language due to inefficiencies in the current CPCN process concerning lack of complete applications, proper public water system design, and qualified applicants. Exclusive Service Area (ESA) providers are currently required to own and operate new community public water systems that are constructed within their service area. The ESA provider must be involved in the public water system development from initial design. The law currently allows for anyone to apply which makes the process much more lengthy, costly, and difficult to developers, town officials, local health departments, water companies, and state agencies. This amendment will allow for a faster, more streamlined review of CPCN projects. This section also contains a technical clarification on lines 49 to 52, which will provide consistent statutory language regarding the development of public water systems throughout the state.

Suggested Amendment for Section 2

In order for the department to maintain full EPA drinking water funding, DPH has been advised by our legal counsel that a technical correction should be made to this section at line 75 of the bill. The additional amendment should read as follows, "(6) the applicant has the financial, managerial and technical resources to operate the proposed water supply system in a reliable and efficient manner and to provide continuous adequate service to consumers served by the system." Public Act 07-244 modified CGS 16-262m to make a distinction between different classifications of public water systems in order for the process to be clearer with regard to these classifications. As part of that modification, language regarding a community water system's technical, managerial, and financial capacity was removed. It was thought at that time that the new language regarding the Exclusive Service Area providers would be

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sufficient, however, our legal counsel suggests that the above language be reinserted. This correction is required in order for DPH to maintain primacy over public water systems and ensure that our full allotment of EPA's Federal Safe Drinking Water Act funding is received. Without this language, the agency risks a withholding of 20% of the funds. Loss of this money could mean loss of jobs and reduced assistance to public water systems, both in the amount of monies available under the Drinking Water State Revolving Fund program and the technical assistance that would have been provided by staff.

Sections 3, 4: Remove regulatory mandates for radon in water that do not focus on airborne radon

In sections three and four of this bill statutory language regarding radon in water in schools and radon in water under Connecticut General Statutes (CGS) Sections 10-220(d), and 19a-14b is being repealed to reflect the Department's focus on reducing airborne radon - a greater lung cancer health risk to occupants in buildings and homes. As such, the Department recommends the repeal of language relating to radon in water in schools under CGS 10-220(d), and under CGS 19a-14b (c). Accordingly, CGS 19a-37b has been revised giving the Department authority to establish regulations for the evaluation and reduction (mitigation) of elevated radon levels in air in schools. With regard to radon exposure, the inclusion of new language under CGS 19a-37 is more protective of occupants in schools. The Department has established radon testing protocols for schools that are widely used by industry - they will serve as the basis for regulations.

Radon in water (even when found to be elevated) does not significantly increase airborne radon levels in schools. Also, elevated radon in water levels are typically found in only a small fraction of schools - those served by groundwater sources. Language pertaining to radon in water misses the mark. In terms of health risk, radon in air is the leading cause of lung cancer in non-smokers in the U.S.. Radiological and cellular damage caused by inhaling radon in the air increases the risk of lung cancer. The language proposed under 19a-37b will address elevated radon in air. Furthermore, the federal government has not established a standard for radon in water under the Safe Drinking Water Act, and radon is therefore not regulated by the Department of Public Health, Drinking Water Section.

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