



General Assembly

Amendment

January Session, 2011

LCO No. 6974

SB0120306974SD0

Offered by:

SEN. GERRATANA, 6th Dist.

REP. RITTER E., 38th Dist.

To: Subst. Senate Bill No. 1203

File No. 527

Cal. No. 324

"AN ACT CONCERNING WATER PROTECTION."

1 Strike lines 76 to 227, inclusive, in their entirety, insert the following
2 in lieu thereof, and renumber the remaining sections and internal
3 references accordingly:

4 "Sec. 3. Section 21a-137 of the general statutes is repealed and the
5 following is substituted in lieu thereof (*Effective October 1, 2011*):

6 A fee of one hundred fifty dollars shall accompany each application
7 for the license provided for in section 21a-136. Each such license shall
8 expire annually. Such license shall be in such form as the
9 [commissioner] Commissioner of Consumer Protection determines and
10 shall be kept exposed to view in a conspicuous place upon the
11 premises where such business is conducted or carried on. All fees
12 received for such licenses shall be paid by the commissioner to the
13 State Treasurer. No person, firm, [or] corporation or distributor shall
14 sell, [or] offer for sale or distribute within the state any beverages
15 manufactured or bottled beyond the boundaries of the state unless

16 such person, firm, [or] corporation or distributor has made application
17 for and secured a license from said commissioner upon the payment of
18 one hundred fifty dollars, and no such license shall be issued by said
19 commissioner until such establishment has been inspected by him or
20 his agent or until such establishment has furnished said commissioner
21 a certificate from the commission having the enforcement of the
22 beverage law in the state where such establishment is located that such
23 establishment complies in every respect with the requirements of the
24 Connecticut beverage law. The provisions of this section shall not
25 apply to out-of-state manufacturers, bottlers or distributors of malt
26 and cereal drinks, grape juice, lime juice, fruit-flavored syrups,
27 powders or mixtures, concentrated fruit juices or fruit and vegetable
28 juices.

29 Sec. 4. Section 21a-138 of the general statutes is repealed and the
30 following is substituted in lieu thereof (*Effective October 1, 2011*):

31 The [commissioner] Commissioner of Consumer Protection, after
32 hearing, of the time and place of which reasonable notice shall have
33 been given, may suspend or revoke any such license for any of the
34 following causes: The use of any polluted water; for bottled water
35 obtained from a source located in the state, the failure to [use a source
36 approved by] obtain approval for the use of such source from the
37 Department of Public Health; for bottled water obtained from a source
38 located out-of-state, the failure to obtain approval for the use of such
39 source from the government entities having jurisdiction to regulate the
40 use of such source; failure to conduct such business in a sanitary place
41 and under sanitary conditions; the use of any ingredient impure or
42 injurious to health; a conviction for a violation of the federal law in
43 relation to intoxicating liquors or any state liquor control act; failure to
44 comply with the provisions of this part, as amended by this act, part III
45 of this chapter, as amended by this act, and chapters 416, 417 and 430,
46 relating to the manufacture of pure foods, so far as the same may
47 apply to the provisions of this part, or failure to comply with any order
48 of the commissioner under the provisions of this part. No person,
49 during any period when his license is suspended or revoked, shall

50 manufacture any beverage or sell or offer for sale any beverage
51 previously manufactured by him. No person shall sell any beverage
52 from open containers.

53 Sec. 5. Section 21a-150 of the general statutes is repealed and the
54 following is substituted in lieu thereof (*Effective October 1, 2011*):

55 For the purposes of this section and sections 21a-150a to 21a-150j,
56 inclusive, as amended by this act:

57 (1) "Approved laboratory" means a laboratory registered by the
58 Department of Public Health pursuant to section 19a-29a or certified
59 by the United States Environmental Protection Agency to analyze
60 drinking water;

61 [(1)] (2) "Approved source" means the source of any bottled water,
62 including, but not limited to, a spring, artesian well, drilled well or
63 public water supply, [which] that, for a source located in the state, has
64 been inspected and approved by the Department of Public Health, or
65 for a source located out-of-state, has been inspected and approved by
66 the government entities having jurisdiction to regulate the use of such
67 out-of-state source;

68 [(2)] (3) "Artesian well water" means bottled natural water obtained
69 from a well tapping an aquifer in which the level of the water is above
70 the bottom of the confining bed of the aquifer and in which the
71 hydraulic pressure of the water in the aquifer is greater than the
72 atmospheric pressure;

73 [(3)] (4) "Bottled water", or any term of similar import, means water
74 obtained from an approved source [which] that is packaged for sale or
75 distribution. "Bottled water" shall not include any soda or seltzer
76 [which] that is packaged for sale or distribution;

77 [(4)] (5) "Bottler" means any person, firm or corporation engaging in
78 the business of bottling or distributing water for sale or distribution;

79 [(5)] (6) "Distilled water" means purified water [which] that has been

80 produced by a process of distillation;

81 [(6)] (7) "Drinking water" means bottled water [which] that has been
82 distilled, fluoridated or purified or [which] that has been disinfected
83 by a process of ozonation and filtration or any substantially similar
84 disinfection process;

85 [(7)] (8) "Fluoridated water" means bottled water [which] that
86 contains fluoride ions in an amount not less than eight-tenths of one
87 milligram per liter and not more than one and two-tenths milligrams
88 per liter or such alternative concentration limit as the Commissioner of
89 Consumer Protection, with the advice and assistance of the
90 Commissioner of Public Health, may determine by regulations
91 adopted in accordance with the provisions of chapter 54 and [which]
92 that otherwise complies with the provisions of [Subdivision 2 of
93 Subsection (d) of 21 Code of Federal Regulations 103.35] Subsections
94 (b), (c) and (d) of 21 CFR 165.110;

95 [(8)] (9) "Mineral water" means natural water [which] that contains
96 not less than five hundred parts per million total dissolved solids;

97 [(9)] (10) "Natural water" means bottled spring water, artesian well
98 water or well water, [which] that has been obtained from any
99 approved source other than a public water supply and [which] that has
100 not been modified by blending with water from any other source or by
101 the addition or deletion of any mineral other than any addition or
102 deletion [which] that may occur as a result of ozonation, filtration or
103 any other substantially similar disinfection process;

104 [(10)] (11) "Principal display panel" means the portion of a label on
105 any container or package [which] that is most likely to be displayed,
106 presented or examined under normal and customary conditions of
107 display and purchase of bottled water;

108 [(11)] (12) "Public water supply" means any individual, partnership,
109 association, corporation, municipality or other entity, or the lessee
110 thereof, [which] that owns, maintains, operates, manages, controls or

111 employs any pond, lake, reservoir, well, stream or distributing plant or
112 system for the purpose of supplying water by service connections or
113 pipe distribution systems to two or more hotels, motels,
114 boardinghouses, apartments, stores, office buildings, institutions,
115 mechanical or manufacturing establishments or other places of
116 business or industry to which water is supplied by a water company or
117 to twenty-five or more persons on a regular basis;

118 [(12)] (13) "Purified water" means bottled water [which] that is
119 produced by distillation, deionization, reverse osmosis or any other
120 suitable process and [which] that meets standards established for
121 purified water in the twentieth edition of the United States
122 Pharmacopoeia;

123 [(13)] (14) "Spring water" means natural water obtained from an
124 underground formation from which water flows naturally to the
125 surface of the earth; and

126 [(14)] (15) "Well water" means natural water obtained from a hole
127 bored, drilled or otherwise constructed in the ground, [which] that
128 taps the water of an aquifer.

129 Sec. 6. Section 21a-150a of the general statutes is repealed and the
130 following is substituted in lieu thereof (*Effective October 1, 2011*):

131 (a) [Water bottled for sale or distribution shall be obtained from a
132 source approved by the Department of Public Health] (1) Bottled water
133 sold or distributed in the state shall be obtained from an approved
134 source.

135 (2) A bottler selling or distributing bottled water obtained from a
136 source located in the state shall obtain approval for the use of such
137 source from the Department of Public Health. The Department of
138 Public Health shall inspect each bottled water source located in the
139 state and, if such source meets quality and safety requirements, issue
140 an approval for such source. An approval issued by the Department of
141 Public Health pursuant to this subsection shall expire three years from

142 the date of issue.

143 (3) A bottler selling or distributing bottled water obtained from a
144 source located out-of-state shall submit to the Commissioner of
145 Consumer Protection a copy of a current license or approval for the
146 use of such source from each government entity having jurisdiction to
147 regulate the use of the source (A) when applying or reapplying for a
148 license issued pursuant to section 21a-136, (B) upon substantial
149 modification of the source or source treatment, or (C) upon the
150 addition of a new source.

151 (b) No bottled water shall be sold or distributed which does not
152 comply with [regulations adopted by the Department of Public Health
153 pursuant to section 19a-36 establishing maximum contaminant levels,
154 action levels and monitoring procedures for public drinking water,
155 except that mineral water may be sold or distributed which contains
156 total dissolved solids in excess of the standard set forth in any such
157 regulations] the quality standards set forth in 21 CFR 165.110 and 21
158 USC 342.

159 (c) A bottler shall be subject to the provisions of sections 21a-135 to
160 21a-145, inclusive, as amended by this act.

161 Sec. 7. Section 21a-150b of the general statutes is repealed and the
162 following is substituted in lieu thereof (*Effective October 1, 2011*):

163 (a) Qualified employees of a bottler shall collect samples of water
164 from each approved source used by such bottler not less than once
165 annually to test for contaminants for which [maximum] allowable
166 levels have been established in accordance with [regulations adopted
167 pursuant to section 19a-36, concerning public drinking water,] 21 CFR
168 165.110 and regulations adopted pursuant to sections 21a-150 to 21a-
169 150j, inclusive, as amended by this act, and not less than once every
170 three years to test for contaminants for which monitoring is required
171 pursuant to sections 21a-150 to 21a-150j, inclusive, as amended by this
172 act, but for which no [maximum] allowable level has been established.
173 Qualified employees of [a] an approved laboratory [approved by the

174 Department of Public Health] shall analyze such samples to determine
175 whether such source complies with the provisions of sections 21a-150
176 to 21a-150j, inclusive, as amended by this act, any regulation adopted
177 pursuant to said sections and any [maximum] allowable contaminant
178 level set forth in [regulations adopted pursuant to said section 19a-36,
179 concerning public drinking water] 21 CFR 165.110. Microbiological
180 analysis shall be conducted not less than once each calendar quarter if
181 the source of such water is other than a public water supply and shall
182 be in addition to any sampling and analysis conducted by any
183 government agency or laboratory.

184 (b) Qualified employees of a bottler shall collect samples of water
185 from any source used by such bottler when such bottler knows or has
186 reason to believe that water obtained from such source contains an
187 unregulated contaminant in an amount which may adversely affect the
188 health or welfare of the public. Qualified employees of [a] an approved
189 laboratory [approved by the Department of Public Health] shall
190 analyze such samples periodically to determine whether water
191 obtained from any such source is safe for public consumption or use.

192 Sec. 8. Section 21a-150c of the general statutes is repealed and the
193 following is substituted in lieu thereof (*Effective October 1, 2011*):

194 (a) Each bottler shall:

195 (1) Collect, on a weekly basis, a representative sample from a batch
196 or segment of a continuous production of each type of water sold by
197 such bottler in this state, and have such sample analyzed by [a] an
198 approved laboratory [approved by the Department of Public Health]
199 to determine whether such sample complies with the microbiological
200 standards set forth in [regulations adopted by the Department of
201 Public Health pursuant to section 19a-36 concerning public drinking
202 water] 21 CFR 165.110; and

203 (2) Collect, not less than once annually, a representative sample
204 from a batch or segment of a continuous production of each type of
205 bottled water sold by such bottler in this state, and have such sample

206 analyzed by [a] an approved laboratory [approved by the Department
207 of Public Health] to determine whether such sample complies with the
208 chemical, inorganic, organic, physical and radiological standards set
209 forth in regulations adopted by the Department of Public Health
210 pursuant to [said] section 19a-36 concerning public drinking water.
211 Each bottler that uses water obtained from an out-of-state source may
212 meet the requirements of this subdivision by demonstrating
213 compliance with substantially similar standards established by the
214 government entity having jurisdiction to regulate the use of such
215 source.

216 (b) Each sample collected in accordance with the provisions of
217 subsection (a) of this section shall be obtained from the bottled
218 product.

219 Sec. 9. Section 21a-150d of the general statutes is repealed and the
220 following is substituted in lieu thereof (*Effective October 1, 2011*):

221 (a) A laboratory which analyzes any water sample in accordance
222 with any provision of sections 21a-150 to 21a-150j, inclusive, as
223 amended by this act, shall report the results of such analysis to the
224 bottler of such water.

225 (b) Such results shall be available for inspection by the Department
226 of Consumer Protection. [and the Department of Public Health, upon
227 request.]

228 (c) A bottler shall report any result which indicates that a water
229 sample contains contaminants in an amount exceeding any applicable
230 standard [set forth in any regulation adopted pursuant to sections 21a-
231 150 to 21a-150j, inclusive, or in any regulation adopted pursuant to
232 section 19a-36 concerning public drinking water,] to the Department of
233 Consumer Protection [and the Department of Public Health, within]
234 not later than twenty-four hours [of] after learning of such result.

235 (d) All records of any sampling or analysis conducted in accordance
236 with the provisions of sections 21a-150 to 21a-150j, inclusive, as

237 amended by this act, shall be maintained on the premises of the bottler
238 for not less than five years.

239 Sec. 10. Section 21a-150f of the general statutes is repealed and the
240 following is substituted in lieu thereof (*Effective October 1, 2011*):

241 (a) A bottler shall process and package any water bottled for sale, in
242 accordance with [the provisions of 21 Code of Federal Regulations
243 Parts] 21 CFR 110, [and] 21 CFR 129 and any regulation adopted in
244 accordance with the provisions of sections 21a-150 to 21a-150j,
245 inclusive, as amended by this act.

246 (b) No bottler shall process or bottle water using any line or
247 equipment through which anything other than water from an
248 approved [by the state] source is passed, except that a bottler who
249 bottles or processes water by using any such line or equipment, as of
250 October 1, 1986, may continue to bottle water in such manner provided
251 such bottled water complies with [regulations adopted by the
252 Department of Public Health pursuant to section 19a-36 concerning
253 public drinking water] the bottled water quality standards set forth in
254 21 CFR 165.110 and 21 USC 342 and provided, in the event such bottler
255 renovates [his] a bottling production process or expands [his]
256 operations, such bottler shall establish a dedicated line for the
257 processing of bottled water only."

258 After the last section, add the following and renumber sections and
259 internal references accordingly:

260 "Sec. 501. Section 19a-37 of the general statutes is repealed and the
261 following is substituted in lieu thereof (*Effective October 1, 2011*):

262 (a) The Commissioner of Public Health may adopt regulations in the
263 Public Health Code for the preservation of the public health pertaining
264 to (1) protection and location of new water supply wells or springs for
265 residential construction or for public or semipublic use, and (2)
266 inspection for compliance with the provisions of municipal regulations
267 adopted pursuant to section 22a-354p.

268 (b) The Commissioner of Public Health shall adopt regulations, in
269 accordance with chapter 54, for the testing of water quality in private
270 residential wells. Any laboratory or firm which conducts a water
271 quality test on a private well serving a residential property shall,
272 [within] not later than thirty days [of] after the completion of such test,
273 [shall] report the results of such test to (1) the public health authority
274 of the municipality where the property is located, and (2) the
275 Department of Public Health in a format specified by the department,
276 provided such report shall not be required if the party for whom the
277 laboratory or firm conducted such test informs the laboratory or firm
278 that the test was not conducted within six months of the sale of such
279 property. No regulation may require such a test to be conducted as a
280 consequence or a condition of the sale, exchange, transfer, purchase or
281 rental of the real property on which the private residential well is
282 located. For purposes of this section, "laboratory or firm" means an
283 environmental laboratory registered by the Department of Public
284 Health pursuant to section 19a-29a.

285 (c) Prior to the sale, exchange, purchase, transfer or rental of real
286 property on which a residential well is located, the owner shall
287 provide the buyer or tenant notice that educational material
288 concerning private well testing is available on the Department of
289 Public Health web site. Failure to provide such notice shall not
290 invalidate any sale, exchange, purchase, transfer or rental of real
291 property. If the seller or landlord provides such notice in writing, the
292 seller or landlord and any real estate licensee shall be deemed to have
293 fully satisfied any duty to notify the buyer or tenant that the subject
294 real property is located in an area for which there are reasonable
295 grounds for testing under subsection (f) or (i) of this section.

296 ~~[(c)]~~ (d) The Commissioner of Public Health shall adopt regulations,
297 in accordance with chapter 54, to clarify the criteria under which the
298 commissioner may issue a well permit exception [may be granted] and
299 to describe the terms and conditions that shall be imposed when a well
300 is allowed at a premises (1) that is connected to a public water supply
301 system, or (2) whose boundary is located within two hundred feet of

302 an approved community water supply system, measured along a
303 street, alley or easement. Such regulations shall (A) provide for
304 notification of the permit to the public water supplier, (B) address the
305 quality of the water supplied from the well, the means and extent to
306 which the well shall not be interconnected with the public water
307 supply, the need for a physical separation, and the installation of a
308 reduced pressure device for backflow prevention, the inspection and
309 testing requirements of any such reduced pressure device, and (C)
310 identify the extent and frequency of water quality testing required for
311 the well supply.

312 [(d)] (e) No regulation may require that a certificate of occupancy
313 for a dwelling unit on such residential property be withheld or
314 revoked on the basis of a water quality test performed on a private
315 residential well pursuant to this section, unless such test results
316 indicate that any maximum contaminant level applicable to public
317 water supply systems for any contaminant listed in the public health
318 code has been exceeded. No administrative agency, health district or
319 municipal health officer may withhold or cause to be withheld such a
320 certificate of occupancy except as provided in this section.

321 [(e) No regulation may require the water in private residential wells
322 to be tested for alachlor, atrazine, dicamba, ethylene dibromide (EDB),
323 metolachlor, simazine or 2,4-D or any other herbicide or insecticide
324 unless (1) results from a prior water test indicate a nitrate
325 concentration at or greater than ten milligrams per liter and (2) the
326 local director of health has reasonable grounds to suspect such
327 chemical or chemicals are present in said residential well. For the
328 purposes of this subsection, "reasonable grounds" includes, but is not
329 limited to, the proximity of the particular water supply system to past
330 or present agricultural uses of land.]

331 (f) The local director of health may require a private residential well
332 to be tested for radionuclides when there are reasonable grounds to
333 suspect that such contaminants are present in the groundwater. For
334 purposes of this subsection, "reasonable grounds" means (1) the

335 existence of a geological area known to have naturally occurring
336 radionuclide deposits in the bedrock; or (2) the well is located in an
337 area in which it is known that radionuclides are present in the
338 groundwater.

339 (g) Except as provided in subsection (h) of this section, the collection
340 of samples for determining the water quality of private residential
341 wells may be made only by (1) employees of a laboratory or firm
342 certified or approved by the Department of Public Health to test
343 drinking water, if such employees have been trained in sample
344 collection techniques, (2) certified water operators, (3) local health
345 departments and state employees trained in sample collection
346 techniques, or (4) individuals with training and experience that the
347 Department of Public Health deems sufficient.

348 [(f)] (h) Any owner of a residential construction, including, but not
349 limited to, a homeowner, on which a private residential well is located
350 or any general contractor of a new residential construction on which a
351 private residential well is located may collect samples of well water for
352 submission to a laboratory or firm for the purposes of testing water
353 quality pursuant to this section, provided (1) such laboratory or firm
354 [finds] has provided instructions to said owner or general contractor
355 [to be qualified] on how to collect such [sample] samples, and (2) such
356 owner or general contractor is identified to the subsequent owner on a
357 form to be prescribed by the Department of Public Health. No
358 regulation may prohibit or impede such collection or analysis.

359 [(g) No regulation may require the water in private residential wells
360 to be tested for organic chemicals unless the local director of health has
361 reasonable grounds to suspect such organic chemicals are present in
362 said residential well. For purposes of this subsection, "reasonable
363 grounds" means any indication, derived from a phase I environmental
364 site assessment or otherwise, that the particular water supply system
365 that is to be tested exists on land or in proximity to land associated
366 with the past or present production, storage, use or disposal of organic
367 chemicals.

368 (h) The amendments to sections 19-13-B51l and 19-13-B101 of the
369 regulations of Connecticut state agencies that became effective
370 December 30, 1996, shall be waived for those residential wells which
371 were not tested in accordance with said amendments between
372 December 30, 1996, and July 8, 1997.]

373 (i) The local director of health may require private residential wells
374 to be tested for pesticides, herbicides or organic chemicals when there
375 are reasonable grounds to suspect that any such contaminants might
376 be present in the groundwater. For purposes of this subsection,
377 "reasonable grounds" means (1) the presence of nitrate-nitrogen in the
378 groundwater at a concentration greater than ten milligrams per liter, or
379 (2) that the private residential well is located on land, or in proximity
380 to land, associated with the past or present production, storage, use or
381 disposal of organic chemicals as identified in any public record."