



# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

**TESTIMONY PRESENTED BEFORE THE PUBLIC HEALTH COMMITTEE**  
**March 23, 2011**

*Ellen Blaschinski, Chief, Regulatory Services Branch 509-8171*

## **Senate Bill 1203 - An Act Concerning Water Protection**

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The Department of Public Health supports Senate Bill 1203.

**Sections 1 and 2: Highlight the Identification and Public Health Protection of Public Water For Human Consumption:** The intent of the language in this section will help to ensure the preservation and protection of the highest quality sources of water for human consumption, and in doing so, will help to preserve a natural resource that is vital for the health and well being of the people of the State of Connecticut. This proposal will help to ensure that water utilities are better able to meet the future potable water needs of Connecticut by requiring future revisions to the state Plan of Conservation and Development to take into consideration state water supply and resource policy and potential water supply sources.

**Sections 3-8: Streamline Bottled Water Source Reviews:** These sections of this bill propose to eliminate DPH's approval of sources of supply for bottled water. Current language requires DPH approval of sources of supply. Regulating these sources and systems through the DPH would be a significant challenge considering that sources used for bottled water sold in Connecticut include sources that are located in other states and other countries. The DPH directly regulates public water systems and their sources and assures the purity and adequacy of the state's 2,600 public water systems and 4,400 public drinking water sources pursuant to CGS Section 25-32. DPH has no direct regulatory oversight of bottled water sources that are not public drinking water supplies. Only two in-state bottled water sources are also considered public drinking water sources since in these two cases the source and system meet the current definition of a public water system. These two systems would continue to be regulated by the DPH since they are considered a public water system and are subject to DPH laws that govern public systems.

Further, DPH has an inadequate level of staffing resources to properly review, approve, and monitor bottled water sources that are not public drinking water sources. The application process would be streamlined by eliminating DPH from the review process for bottled water applications and relying on the approval process currently employed by DCP for the other non-alcoholic beverage applications. Eliminating DPH from the review and approval process will have no impact on the bottling process or public health. DPH commits to work with the Department of Consumer Protection to ensure the language in this section meets their needs and recognizes the current draft will need modification.

*Phone: (860) 509-7269, Fax: (860) 509-7100  
Telephone Device for the Deaf (860) 509-7191  
410 Capitol Avenue - MS # 13GRE  
P.O. Box 340308 Hartford, CT 06134  
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**Section 9: Clarify Approval Process for New Sources of Public Drinking Water:** This section provides DPH with the authority to deny a proposal to use a new water source as a public water supply if it is determined that withdrawals from the source negatively affect the adequacy of nearby water supply systems, if the water company does not establish ownership or control of the sanitary radius around the source, or if it is determined that the proposed source is polluted or threatened by pollution. The Council for Environmental Quality has identified DPH's current difficulty in denying proposed public supply wells based on the above to be a "systemic problem" and recommended that the DPH Commissioner change statutes, "that would remove some of the hindrances to effective agency action regarding remedial action and safe drinking water." This proposal will protect public health by not allowing contaminated wells to be approved for use as public water supplies.

**Section 10: Strengthen Private Well Water Sample Collection and Well Permit Exceptions:** One of the requirements of PA 08-184 required the Department of Public Health to make recommendations to ensure the purity of water supply for new private wells. Current statutory language limits the department's authority to develop regulations that are more protective of public health and allows contractors and owners of residential property to collect water samples. The proposed changes in this section would limit who can collect water samples from private wells and provides greater flexibility for local health directors to require the testing of private wells when ground water contamination is suspected. This section also adds a clause to ensure that DPH has the authority to issue well permits exceptions to individuals with property within the distance threshold that requires they connect to a public water system.

**Section 11: Strengthen and Streamline Public Water Source Abandonment Application Process:** This section makes two changes to DPH's procedures for permitting the abandonment of a source up public water supply. The first change requires that the local health department be notified of the source abandonment application and be given the opportunity to comment. Currently, the only individual on the local level that is required to be given notice is the chief elected official. The local health department is the local entity with the technical knowledge to provide informed comments on the potential effects of abandoning a public water supply source.

The second change made in this section allows DPH to issue a source abandonment permit without first consulting with the other state agencies involved in drinking water if the source is a ground water source that is approved to supply less than ten gallons per minute and has poor water quality. Such small sources of supply do not provide a potential solution to regional water supply issues and should be abandoned if an alternative source of supply is available.

**Section 12: Collection of Fees to Support Public Drinking Water Operator Certification Program:** The proposed language of this section will give the DPH authority to collect fees from water operator certification applicants, which will support the two positions that administer this state regulatory program. Collection of fees is necessary to support the Operator Certification Program (OCP) positions which will ensure the OCP continues beyond March 2012. These positions are necessary to implement a program that meets the EPA's Final Guidelines for the Certification and Recertification of Operators of Community and Non-Transient Non-Community Public Water Systems and regulations incorporated within the public health code. If DPH fails to implement a program that meets these guidelines the EPA must withhold 20% of the Drinking Water State Revolving Fund grant, which is approximately \$1.6 million annually. Additionally, the 2007 Association of Boards of Certification: "Operator Certification Program Standards" recommends 1 staff person (1 FTE) per 1,000 certifications. There are over 900 certificate applications processed annually and there are currently 2,215 active CT DPH water operator certifications. Currently, the OCP is administered by two FTE's, which are supported by a federal Environmental Protection Agency (EPA) Expense Reimbursement Grant (ERG). This Grant is projected to end in March 2012. Once the Grant funds are spent, 2 FTE's will require state funding to administer the OCP. Prior to the ERG federal grant, state funded positions supported the OCP.

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

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