



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

October 7, 2015

Kirstin L. Breiner, Committee Administrator
Legislative Regulation Review Committee
State Capitol, Room 011
Hartford, CT 06106

Re: Regulations Concerning: *Public Drinking Water Quality Standards*

Dear Ms. Breiner:

Enclosed for the Committee's consideration is the proposed amendment of the above-captioned regulation.

These regulations were **Rejected without Prejudice** by the Legislative Regulations Review Committee on September 22, 2015. The Department has attached a summary of the changes made in an effort to comply with the comments made by the Legislative Commissioner's Office, and we hope the proposed regulations are now satisfactory.

I am available to answer any questions you may have and can be reached at (860) 509-7246 or via e-mail at DeVaughn.ward@ct.gov. Thank you for your consideration.

Sincerely,

DeVaughn Ward

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Summary of Revisions

Public Drinking Water Quality Standards

Section 19-13-B102 of the Regulations of Connecticut State Agencies

SUBJECT: Proposed Amendments to the Public Drinking Water Quality Standards

COMMENTERS: Legislative Commissioners' Office 2015-21

NUMBER	COMMENT	RESPONSE
	Substantive Concerns	
1	<p>On pages 1, 2 and 3, sections 19-13-B102(w)(1)(A)(ii) and (w)(1)(D)(ii) permit a community water system to apply for an extension or waiver of the requirement for a standby stationary on-site generator if extenuating circumstances exist, but do not define the term "extenuating circumstances" or include examples of the types of circumstances the department may deem extenuating and accept as grounds to grant the application. Further clarification is required.</p>	<p>Examples of the types of circumstances the department may deem extenuating have been added to sections 19-13-B102(w)(1)(A)(ii) and (w)(1)(D)(ii).</p>
2	<p>On page 2, in the second and third lines of section 19-13-B102(w)(1)(C), the meaning of "an effective source of backup power" is not clear. If the alternative source would qualify as an effective source of backup power solely by meeting the conditions set forth in clauses (i) to (iv), inclusive, of section 19-13-B102(w)(1)(C), then on page 2, in the third line of (w)(1)(C), "and it meets" should be "that meets" for clarity and, in the seventh and eighth lines, "and that such alternative source of backup power" should be "because it" for clarity. If requirements in addition to those set forth in clauses (i) to (iv), inclusive, must be met in order for the alternative source to qualify as an effective source of backup power, then those additional requirements should be delineated for clarity.</p>	<p>Section 19-13-B102(w)(1)(C) has been revised to clarify the meaning of "an effective source of backup power". Specifically, on page 2, in the third line of section 19-13-B102(w)(1)(C), "and it meets" was changed to "that meets" and, in the seventh and eighth lines, "and that such alternative source of backup power" was changed to "because it".</p>

	Technical Corrections	
1	On page 1, in section 19-13-B102(w), the catchline at the beginning of the subsection should be bolded for consistency with the existing language of the regulations.	Changes have been made accordingly.
2	On page 1, in the sixth line of section 19-13-B102(w)(1)(A)(i), "thereof" should be "of such generators" for clarity and, in the seventh line, "means, and shall include, but is not limited to," should be "includes, but is not limited to," for proper form.	Changes have been made accordingly.
3	On page 1, in Table 1-W1 in section 19-13-B102(w)(1)(A)(i), " within " should be " not later than " and "of the effective date" should be "after the effective date" for clarity and proper form.	Changes have been made accordingly.
4	On page 1, in section 19-13-B102(w)(1)(A)(ii), "complying with the schedule" should be "complying on or before the date of compliance" for clarity and consistency.	Changes have been made accordingly.
5	On page 2, in section 19-13-B102(w)(1)(B), "thereof" should be "of such generators" for clarity and proper form.	Changes have been made accordingly.
6	On page 2, in sections 19-13-B102(w)(1)(B)(i) and (w)(1)(C)(i), "is capable" should be "shall be capable" for clarity and proper form.	Changes have been made accordingly.
7	On page 2, in section 19-13-B102(w)(1)(C)(iii), the comma at the end of the clause should be deleted for consistency and proper form.	Changes have been made accordingly.
8	On page 3, in the third line of section 19-13-B102(w)(1)(D)(i), "thereto" should be "to such generator" for clarity and proper form and "does not have to meet" should be "shall not be required to meet" for proper form.	Changes have been made accordingly.
9	On page 3, in section 19-13-B102(w)(1)(D)(i)(I), "is stored" should be "shall be stored" for proper form.	Changes have been made accordingly.
10	On page 3, in section 19-13-B102(w)(1)(D)(i)(II), "are located" should be "shall be located" for proper form.	Changes have been made accordingly.
11	On page 3, in the second and fifth lines of section 19-13-B102(w)(1)(D)(ii), "clauses (i)(I) and (II)" should be "clauses	Changes have been made accordingly.

	(i)(I) and (i)(II)" for proper form.	
12	On page 3, throughout section 19-13-B102(w)(1)(E), "within 8 months of the effective date" should be "not later than 8 months after the effective date" for proper form.	Changes have been made accordingly.
13	On page 3, in the fifth line of section 19-13-B102(w)(1)(E), "department will not recognize" should be "department shall not recognize" for proper form, in the eighth line, "therefore the CWS is required to comply" should be "the CWS shall comply" for proper form and in the ninth line, "circumstances prevented" should be "circumstances prevent" for consistency and proper form.	Changes have been made accordingly. Please note that "circumstances prevented" was changed to "circumstances prevent or have prevented" to address circumstances that prevent, and circumstances that occurred in the past that have prevented, a CWS from providing the information timely.
14	On page 3, in section 19-13-B102(w)(2), "does not apply" should be "shall not apply" for proper form.	Changes have been made accordingly.
15	On page 3, in section 19-13-B102(w)(3)(A), "within 8 months of the effective date" should be "not later than 8 months after the effective date" for proper form.	Changes have been made accordingly.
16	On page 4, in section 19-13-B102(w)(3)(A)(ii), the comma at the end of the clause should be deleted for consistency and proper form.	Changes have been made accordingly.
17	On page 4, in section 19-13-B102(w)(3)(B), "The plan" should be "The emergency contingency and response plan" for clarity.	Changes have been made accordingly.
18	On page 4, in section 19-13-B102(w)(4), "generator or generators will perform" should be "generator or generators perform" and "the generator is capable" should be "the generator or generators are capable" for consistency and accuracy.	Changes have been made accordingly.