

Connecticut Department of Public Health

Regulations regarding:

Public Drinking Water Quality Standards

Section 1 – Commissioner’s Letter and additional correspondence

Section 2 – Regulation and statement of purpose

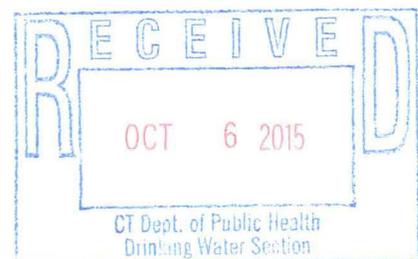
Section 3 – Certification page

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Section 1

Commissioner's letter

Any further correspondence

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH



Jewel Mullen, M.D., M.P.H., M.P.A.
Commissioner

Dannel P. Malloy
Governor
Nancy Wyman
Lt. Governor

July 23, 2015

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

Regulations Concerning: *Public Drinking Water Quality Standards*

Dear Ms. Breiner:

Enclosed for the Committee's consideration is the proposed above-captioned regulation and all corresponding documentation mandated by chapter 54 of the Connecticut General Statutes.

The purpose of the regulation is (A) The purpose of this amendment to section 19-13-B102 of the Regulations of Connecticut State Agencies is to ensure that every community water system is supported by an emergency generator or a department-approved alternative source of backup power. The amendment will also ensure that community water systems have emergency contingency and response plans to guide community water systems prior to, during and after power outages. Both the requirements for generators or department-approved sources of back-up power and the plans will help systems to prevent loss of water pressure or water outages, thereby protecting the system from exposure to bacterial contamination and associated waterborne diseases. (B) The amendment to section 19-13-B102 of the Regulations of Connecticut State Agencies requires community water systems to have emergency generators or department-approved sources of backup power and emergency contingency and response plans. (C) Amendments were made to section 19-13-B102 of the Regulations of Connecticut State Agencies.

I am available to answer any questions you may have. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Jill Kentfield".

Jill Kentfield, Legislative Liaison
Office of Government Relations



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STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH



Jewel Mullen, M.D., M.P.H., M.P.A.
Commissioner

Dannel P. Malloy
Governor
Nancy Wyman
Lt. Governor

I, Jewel Mullen MD. MPH, MPA, Commissioner of the Department of Public Health, an Agency of the State of Connecticut, hereby certify that:

- (1) On May 4, 2015, the Agency gave electronic notice to each joint standing committee of the general assembly having cognizance of the subject matter of the proposed regulations.
- (2) On April 4, 2014, the Agency gave notice on the Regulations of Connecticut State Agencies website of its intention to amend regulations concerning **Public Drinking Water Quality Standards**. A true copy of the notice is attached in section 6. On May 9, 2014 the Agency gave notice on the Regulations of Connecticut State Agencies website of its intention to hold a public hearing on May 20, 2014 regarding regulations concerning **Public Drinking Water Quality Standards**. A true copy of the notice is attached in section 6.
- (3) On May 20, 2014 the Agency had a public hearing concerning **Public Drinking Water Quality Standards**
- (4) The Agency gave notice by mail to those persons who requested advance notice of regulation-making proceedings.
- (5) The Agency provided a copy of the proposed regulations to those persons requesting it.
- (6) Following publication of the notice on the Regulations of Connecticut State Agencies website, the Agency prepared a fiscal note, including an estimate of the cost or of the revenue impact on the state or any municipality of the state and on small businesses in the state as required by 4-168(a) of the General Statutes. A true copy of the fiscal note is attached in sections 4 and 5.
- (7) All interested persons were given until 4:30 p.m., June 9, 2014 to submit data, views or arguments concerning the proposed regulations and to inspect and copy the small business impact statement and fiscal note referred to in paragraph 6.
- (8) The Agency has considered fully all written and oral submissions regarding the proposed regulations and determined that no revision of the small business impact statement and fiscal note is needed.
- (8) On May 6, 2015, the Agency posted on the Regulations of Connecticut State Agencies and the Department's website a Notice of Decision to take action on regulations concerning **Public Drinking Water Quality Standards** along with the final version of the proposed regulations, and the statement of comments pursuant to section 4-168(e) of the general statutes.
- (9) The Agency mailed to all persons who submitted data, views or arguments in writing, and to all persons who made statements or oral argument at the hearing held and who requested notification, notice that the Agency has decided to take action on the proposed regulation, and that it has made available for copying and inspection: (a) the final wording of the proposed regulation; (b) a statement of the principal reasons in support of its intended



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action; and, (c) a statement of the principal considerations in opposition to its intended action as urged in written or oral comments on the proposed regulation and its reasons for rejecting such considerations.

7/14/2015

Date: 7/14/2015



Jewel Mullen, MD, MPH, MPA
Commissioner

Rejected 9/22/2015

REGS-1 Rev. 09/2013
(Title page)

For permanent regulations
First NOTICED ON AND AFTER JULY 1, 2013

IMPORTANT: Use this form (REGS-1) to submit permanent regulations to the Legislative Regulation Review Committee.
For *emergency regulations*, use form REGS-1-E instead.
For *non-substantive technical amendments and repeals* proposed without prior notice or hearing as permitted by subsection (g) of CGS 4-168, as amended by PA 13-247 and PA 13-274, use form REGS-1-T instead.

Please read the additional instructions on the back of the last page (Certification Page) before completing this form. Failure to comply with the instructions may cause disapproval of proposed regulations.

State of Connecticut
REGULATION
of the

NAME OF AGENCY:
DEPARTMENT OF PUBLIC HEALTH

Concerning
SUBJECT MATTER OF REGULATION:
PUBLIC DRINKING WATER QUALITY STANDARDS

Section 1. Section 19-13-B102 of the Regulation of Connecticut State Agencies is amended by adding subsection (w) as follows:

(NEW) (w) Generator and emergency contingency and response plan requirements.

(1)(A)(i) Each CWS shall have installed and maintained in accordance with the schedule in Table 1-W1 of this clause based on the CWS's type a standby stationary on-site generator capable of providing sufficient power to supply the power demands of the CWS at each of the CWS's facility locations. At a minimum, the generator shall be equipped with an automatic transfer switch system, fueled by either propane or natural gas, and in compliance with all applicable federal, state and local requirements, including all requirements applicable to generators and the installation thereof. For purposes of this subsection, "facility location" means, and shall include, but is not limited to, sources, pumping stations, treatment plants, and storage tanks at which electric power is required to maintain a continuous supply of potable water at adequate volume and pressures.

TABLE 1-W1. COMPLIANCE DATES

| If the CWS is this type of CWS | The CWS shall comply with subparagraph (A) within: |
|--|--|
| (1) CWS serving $\geq 100,000$ people | 1 year of the effective date of this subsection |
| (2) CWS serving 10,000 – 99,999 people | 2 years of the effective date of this subsection |
| (3) CWS serving $< 10,000$ people | 3 years of the effective date of this subsection |

(ii) If extenuating circumstances prevent a CWS from complying with the schedule in Table 1-W1 of clause (i) of this subparagraph, a CWS may submit an application to the department requesting an extension by which to comply with the requirements of clause (i) of this subparagraph. Such application shall include the extenuating circumstances that prevent the CWS from complying with the requirements of clause (i) of this subparagraph, and shall

be submitted in accordance with subsection (t) of this section prior to the CWS's date of compliance in Table 1-WI of clause (i) of this subparagraph.

(B) A CWS may use a portable generator to meet the requirements of subparagraph (A) of this subdivision if the CWS meets the following requirements, in addition to all federal, state and local requirements applicable to generators and the installation thereof:

(i) The portable generator is capable of providing sufficient power to supply the power demands of the CWS at each of the facility locations at which the portable generator will be used;

(ii) The CWS shall have installed at each of the facility locations at which a portable generator will be used a manual or automatic transfer switch system to facilitate transition to generator power; and

(iii) The CWS shall have installed at each of the facility locations at which a portable generator will be used suitable controls and connections by which to connect the portable generator.

(C) A CWS may use an alternative source of backup power to meet the requirements of subparagraph (A) of this subdivision if the alternative source of backup power is an effective source of backup power and it meets the requirements in clauses (i) through (iv), inclusive, of this subparagraph. The CWS shall file with the department prior to the CWS's date of compliance in Table 1-WI of subparagraph (A)(i) of this subdivision a statement stating the alternative source of backup power the CWS is using to meet the requirements of subparagraph (A) of this subdivision, that such alternative source of backup power is an effective source of backup power and that such alternative source of backup power meets the requirements in clauses (i) through (iv), inclusive, of this subparagraph. Such statement shall be signed under oath by the owner, or the person who is authorized to bind and act on behalf of the owner, of the CWS and shall contain a notice that false statements made therein are punishable in accordance with section 53a-157b of the Connecticut General Statutes.

(i) The alternative source of backup power is capable of providing sufficient power to supply the power demands of the CWS at the facility location at which the alternative source of backup power will be used;

(ii) The CWS shall have installed at the facility location at which the alternative source of backup power will be used a manual or automatic transfer switch system to facilitate transition to the alternative source of backup power;

(iii) The alternative source of backup power shall, when in use, be connected to a location that meets all applicable federal, state and local requirements; and,

(iv) The CWS shall have installed at the facility location at which the alternative source of backup power will be used suitable controls and connections by which to connect the alternative source of backup power, if applicable.

(D)(i) A standby stationary on-site generator installed by the CWS or a portable generator available for use by the CWS prior to the effective date of this subsection, and any replacement

thereto, may be fueled by liquid fuel, instead of propane or natural gas, and does not have to meet the conditions in subclauses (I) and (II) of this clause. A standby stationary on-site generator installed or a portable generator to be used by the CWS on or after the effective date of this subsection may be fueled by liquid fuel only if the CWS meets the conditions in subclauses (I) and (II) of this clause. For purposes of this section, "liquid fuel" means a liquid fueling agent including, but not limited to, diesel, gasoline, oil, or kerosene.

(I) The liquid fuel used for fueling the standby stationary on-site or portable generator is stored in an above-ground tank with a containment area capable of holding at least 110 percent of the full volume of the tank storing the liquid fuel; and

(II) The above-ground tank in which the liquid fuel is stored, liquid-fuel supply line and liquid-fueled generator are located more than 200 feet away from the CWS's source or sources of supply.

(ii) If extenuating circumstances prevent a CWS from complying with the conditions in clauses (i)(I) and (II) of this subparagraph, a CWS may submit an application to the department requesting a waiver from such conditions. Such application shall include the extenuating circumstances that prevent the CWS from complying with the conditions in clauses (i)(I) and (II) of this subparagraph, and shall be submitted in accordance with subsection (t) of this section.

(E) Each CWS that has a standby stationary on-site generator installed or a portable generator that was available for use prior to the effective date of this subsection shall file with the department a statement stating the make and model of such generator within 8 months of the effective date of this subsection. If a CWS fails to file such information with the department within 8 months of the effective date of this subsection, the department will not recognize the CWS's stationary on-site generator or a portable generator as a generator installed or available for use, respectively, prior to the effective date of this subsection for purposes of this subparagraph and therefore the CWS is required to comply with the requirements of subparagraph (D) of this subdivision. If extenuating circumstances prevented a CWS from providing such information to the department within 8 months of the effective date of this subsection, a CWS may submit an application to the department requesting an extension by which to provide such information to the department. Such application shall include the extenuating circumstances that prevented the CWS from providing such information to the department within 8 months of the effective date of this subsection, and shall be submitted in accordance with subsection (t) of this section. Extenuating circumstances include, but are not limited to, a CWS's acquisition of another CWS pursuant to sections 16-262n and 16-262o of the Connecticut General Statutes and the acquired CWS did not submit the required information timely.

(2) Subdivision (1) of this subsection does not apply to those CWSs subject to sections 16-11-99 through 16-11-99d, inclusive, of the Regulations of Connecticut State Agencies.

(3)(A) Each CWS that is not subject to the requirements in section 25-32d of the Connecticut General Statutes shall prepare within 8 months of the effective date of this subsection, an emergency contingency and response plan. The plan shall contain the CWS's preparations for and proposed responses to any disruption of the CWS's supply of water to the CWS's consumers due to a loss of power of the CWS's water supply, including, but not be limited to, the following information:

(i) The CWS's plan for restoring service to the CWS's consumers in the event of a disruption of the CWS's supply of water to the CWS's consumers due to a loss of power of the CWS's water supply;

(ii) The CWS's plan for maintaining an adequate and safe supply of water to the CWS's consumers during a disruption of the CWS's supply of water to the CWS's consumers due to a loss of power of the CWS's water supply; and,

(iii) The CWS's plan for notifying the CWS's consumers and local emergency management officials, including the department and the chief elected official of any municipality and any local health department or district health department in which the CWS is located, in accordance with section 19-13-B46 of the Regulations of Connecticut State Agencies, of the status of the CWS prior to, during, and following an event during which there is a disruption of the CWS's supply of water to the CWS's consumers due to a loss of power of the CWS's water supply.

(B) The plan shall be kept up to date and on file at the CWS. The CWS shall make the plan available to the department for review upon the request of the department and at the time of a sanitary survey.

(4) Each CWS subject to this subsection shall submit to the department in writing in its annual submission required under the provisions of section 25-33 of the Connecticut General Statutes a verification that the CWS has complied with the requirements of this subsection and that the CWS's generator or generators will perform in accordance with the manufacturer's specifications to ensure that the generator is capable of providing sufficient power to supply the power demands of the CWS at each of the CWS's facility locations.

(5) Failure to comply with the provisions of this subsection may result in the imposition of a civil penalty under the provisions of section 25-32e of the Connecticut General Statutes.

Statement of Purpose

Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation." Enter the statement here.

(A) The purpose of this amendment to section 19-13-B102 of the Regulations of Connecticut State Agencies is to ensure that every community water system is supported by an emergency generator or an alternative source of backup power. The amendment will also ensure that community water systems have emergency contingency and response plans to guide community water systems prior to, during and after power outages. Both the requirements for generators or alternative sources of backup power and the plans will help systems to prevent loss of water pressure or water outages, thereby protecting the system from exposure to bacterial contamination and associated waterborne diseases.

(B) The amendment to section 19-13-B102 of the Regulations of Connecticut State Agencies requires community water systems to have emergency generators or alternative sources of backup power and emergency contingency and response plans. (C) Amendments were made to section 19-13-B102 of the Regulations of Connecticut State Agencies.

CERTIFICATION

This certification statement must be completed in full.

I hereby certify that the above Regulation(s)

1) is/are (check all that apply) adopted amended repealed by this agency pursuant to the following authority(ies): (complete all that apply)

a. Connecticut General Statutes section(s) §§ 19a-36 and 25-32.

b. Public Act Number(s) _____.
(Provide public act number(s) if the authorizing act has not yet been codified in the Connecticut General Statutes.)

And I further certify

2) that Notice of Intent to adopt, amend or repeal said regulation(s) was electronically submitted to the Secretary of the State on 04/01/2014, and posted to the Secretary's regulations website on 04/04/2014; (Insert dates notice was (a) emailed to the Secretary of the State and (b) posted on the Secretary's website, if notice and posting were required by CGS 4-168, as amended by PA 13-247 and PA 13-274.)

3) and that a public hearing regarding the proposed regulation(s) was held on 05/20/2014 or that no public hearing was held; (Insert date(s) of mandatory public hearing(s) held pursuant to CGS 4-168(a), as amended, or other applicable statute, and/or voluntary hearing, or if no hearing was held, check the box for that statement.)

4) and that notice of Decision to Take Action on said regulations was electronically submitted to the Secretary of the State on 05/05/2015, and posted to the Secretary's regulations website on 05/06/2015; (Insert dates notice was (a) emailed to the Secretary of the State and (b) posted on the Secretary's website, if notice and posting were required by CGS 4-168, as amended by PA 13-247 and PA 13-274.)

5) and that said regulation(s) is/are **EFFECTIVE** (check one, and complete as applicable)

When posted online by the Secretary of the State.

OR on (insert date) _____.

| | | |
|---|--|------------------------|
| 6) SIGNED (Head of Board, Agency or Commission) <i>[Signature]</i> | OFFICIAL TITLE, DULY AUTHORIZED <i>Commissioner</i> | DATE <i>6/15/15</i> |
|---|--|------------------------|

APPROVED by the Attorney General as to legal sufficiency in accordance with CGS Section 4-169, as amended.

| | | |
|------------------------|---|--|
| DATE <i>7/15/15</i> | SIGNED (Attorney General or AG's designated representative) <i>[Signature]</i> Joseph Rubin | OFFICIAL TITLE, DULY AUTHORIZED ATTY. GENERAL |
|------------------------|---|--|

Proposed regulations are **DEEMED APPROVED** by the Attorney General in accordance with CGS Section 4-169, as amended, if the Attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.

(For Regulation Review Committee Use ONLY)

APPROVED in WHOLE or WITH technical corrections deletions substitute pages

DEEMED APPROVED, pursuant CGS 4-170(c), as amended.

Rejected without Prejudice Disapproved, pursuant to CGS 4-170(c), as amended.

| | | |
|---|------|---|
| By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended | DATE | SIGNED (Administrator, Legislative Regulation Review Committee) |
|---|------|---|

In accordance with CGS Section 4-172, as amended by PA 13-247 and PA 13-274, one certified paper copy and one electronic copy with agency head certification statement received on the date(s) specified below.

| | | |
|------|---------------------------------|----|
| DATE | SIGNED (Secretary of the State) | BY |
|------|---------------------------------|----|

(For Secretary of the State Use ONLY)

Date Posted to SOTS Regulations Website:

Date Electronic Copy Forwarded to the Commission on Official Legal Publications:

SOTS file stamp:

The Connecticut General Assembly

Legislative Commissioners' Office

Edwin J. Maley, Jr.
Commissioner
William A. Hamzy
Commissioner

Larry G. J. Shapiro
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Memorandum

To: Legislative Regulation Review Committee
From: Legislative Commissioners' Office
Committee Meeting Date: September 22, 2015

| | |
|--|---|
| Regulation No: | 2015-21 |
| Agency: | Department of Public Health |
| Subject Matter: | Public Drinking Water Quality Standards |
| Statutory Authority: (copy attached) | 19a-2a, 19a-36, and 25-32 |

| | Yes or No |
|----------------------------|-----------|
| Mandatory | Y |
| Federal Requirement | N |
| Permissive | N |

For the Committee's Information:

Substantive Concerns:

1. 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

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 (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.
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.
14. On page 3, in section 19-13-B102(w)(2), "does not apply" should be "shall not apply" for proper form.
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.
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.
17. On page 4, in section 19-13-B102(w)(3)(B), "The plan" should be "The emergency contingency and response plan" for clarity.
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.

Sec. 19a-2a. Powers and duties. The Commissioner of Public Health shall employ the most efficient and practical means for the prevention and suppression of disease and shall administer all laws under the jurisdiction of the Department of Public Health and the Public Health Code. The commissioner shall have responsibility for the overall operation and administration of the Department of Public Health. The commissioner shall have the power and duty to: (1) Administer, coordinate and direct the operation of the department; (2) adopt and enforce regulations, in accordance with chapter 54, as are necessary to carry out the purposes of the department as established by statute; (3) establish rules for the internal operation and administration of the department; (4) establish and develop programs and administer services to achieve the purposes of the department as established by statute; (5) enter into a contract, including, but not limited to, a contract with another state, for facilities, services and programs to implement the purposes of the department as established by statute; (6) designate a deputy commissioner or other employee of the department to sign any license, certificate or permit issued by said department; (7) conduct a hearing, issue subpoenas, administer oaths, compel testimony and render a final decision in any case when a hearing is required or authorized under the provisions of any statute dealing with the Department of Public Health; (8) with the health authorities of this and other states, secure information and data concerning the prevention and control of epidemics and conditions affecting or endangering the public health, and compile such information and statistics and shall disseminate among health authorities and the people of the state such information as may be of value to them; (9) annually issue a list of reportable diseases, emergency illnesses and health conditions and a list of reportable laboratory findings and amend such lists as the commissioner deems necessary and distribute such lists as well as any necessary forms to each licensed physician and clinical laboratory in this state. The commissioner shall prepare printed forms for reports and returns, with such instructions as may be necessary, for the use of directors of health, boards of health and registrars of vital statistics; and (10) specify uniform methods of keeping statistical information by public and private agencies, organizations and individuals, including a client identifier system, and collect and make available relevant statistical information, including the number of persons treated, frequency of admission and readmission, and frequency and duration of treatment. The client identifier system shall be subject to the confidentiality requirements set forth in section 17a-688 and regulations adopted thereunder. The

Sec. 19a-36. (Formerly Sec. 19-13). Public Health Code. Fees. Swimming pools. Wells: Use, replacement and mitigation. (a) The Commissioner of Public Health shall establish a Public Health Code and, from time to time, amend the same. The Public Health Code may provide for the preservation and improvement of the public health.

(1) Said code may include regulations pertaining to retail food establishments, including, but not limited to, food service establishments, catering food service establishments and itinerant food vending establishments and the required permitting from local health departments or districts to operate such establishments.

(2) Drainage and toilet systems to be installed in any house or building arranged or designed for human habitation, or field sanitation provided for agricultural workers or migratory farm laborers, shall conform to minimum requirements prescribed in said code.

(3) Said code may include regulations requiring toilets and handwashing facilities in large stores, as defined in such regulations, in shopping centers and in places dispensing food or drink for consumption on the premises, for the use of patrons of such establishments, except that the provisions of such regulations shall not apply to such establishments constructed or altered pursuant to plans and specifications approved or building permits issued prior to October 1, 1977.

(4) The provisions of such regulations (A) with respect to the requirement of employing a qualified food operator and any reporting requirements relative to such operator, shall not apply to an owner or operator of a soup kitchen who relies exclusively on services provided by volunteers, and (B) shall not prohibit the sale or distribution of food at a noncommercial function such as an educational, religious, political or charitable organization's bake sale or potluck supper provided the seller or person distributing such food maintains such food under the temperature, pH level and water activity level conditions that will inhibit the rapid and progressive growth of infectious or toxigenic microorganisms. For the purposes of this section, a "noncommercial function" means a function where food is sold or distributed by a person not regularly engaged in the for profit business of selling such food.

(5) The provisions of such regulations with respect to qualified food operators

the replacement well meets the water quality standards for private wells established in the Public Health Code, and provided there is no service to the premises by a public water supply, or (2) a premises served by a public water supply may utilize or replace an existing well or install a new well solely for irrigation purposes or other outdoor water uses provided such well is permanently and physically separated from the internal plumbing system of the premises and a reduced pressure device is installed to protect against a cross connection with the public water supply. Upon a determination by the local director of health that an irrigation well creates an unacceptable risk of injury to the health or safety of persons using the water, to the general public, or to any public water supply, the local director of health may issue an order requiring the immediate implementation of mitigation measures, up to and including permanent abandonment of the well, in accordance with the provisions of the Connecticut Well Drilling Code adopted pursuant to section 25-128. In the event a cross connection with the public water system is found, the owner of the system may terminate service to the premises. [WO2]

development of any such land; and (7) any other significant potential source of contamination of the public drinking water supply. The commissioner may grant a permit for the sale, lease or assignment of class II land to another water company, municipality or nonprofit land conservation organization provided, as a condition of approval, a permanent conservation easement on the land is entered into to preserve the land in perpetuity predominantly in its natural scenic and open condition for the protection of natural resources and public water supplies while allowing for recreation consistent with such protection and improvements necessary for the protection or provision of safe and adequate potable water. Preservation in perpetuity shall not include permission for the land to be developed for any commercial, residential or industrial uses, nor shall it include permission for recreational purposes requiring intense development, including, but not limited to, golf courses, driving ranges, tennis courts, ballfields, swimming pools and uses by motorized vehicles other than vehicles needed by water companies to carry out their purposes, provided trails or pathways for pedestrians, motorized wheelchairs or nonmotorized vehicles shall not be considered intense development. The commissioner may reclassify class II land only upon determination that such land no longer meets the criteria established by subsection (b) of section 25-37c because of abandonment of a water supply source or a physical change in the watershed boundary.

(d) The commissioner may grant a permit for (1) the sale of class I or II land to another water company, to a state agency or to a municipality, (2) the sale of class II land or the sale or assignment of a conservation restriction or a public access easement on class I or class II land to a private, nonprofit land-holding conservation organization, or (3) the sale of class I land to a private nonprofit land-holding conservation organization if the water company is denied a permit to abandon a source not in current use or needed by the water company pursuant to subsection (c) of section 25-33k, if the purchasing entity agrees to maintain the land subject to the provisions of this section, any regulations adopted pursuant to this section and the terms of any permit issued pursuant to this section. Such purchasing entity or assignee may not sell, lease or assign any such land or conservation restriction or public access easement or sell, lease, assign or change the use of such land without obtaining a permit pursuant to this section.

(e) The commissioner shall not grant a permit for the sale, lease, assignment or change in use of any land in class II unless (1) use restrictions applicable to such

streams, watercourses, brooks, rivers, lakes, ponds, wells or underground waters from which water is taken, and all springs, streams, watercourses, brooks, rivers, lakes, ponds, wells or aquifer protection areas, as defined in section 22a-354h, thereto and all lands drained thereby; and (2) "watershed land" means land from which water drains into a public drinking water supply.

(h) The commissioner shall adopt and from time to time may amend the following: (1) Physical, chemical, radiological and microbiological standards for the quality of public drinking water; (2) minimum treatment methods, taking into account the costs of such methods, required for all sources of drinking water, including guidelines for the design and operation of treatment works and water sources, which guidelines shall serve as the basis for approval of local water supply plans by the commissioner; (3) minimum standards to assure the long-term purity and adequacy of the public drinking water supply to all residents of this state; and (4) classifications of water treatment plants and water distribution systems which treat or supply water used or intended for use by the public. On or after October 1, 1975, any water company which requests approval of any drinking water source shall provide for such treatment methods as specified by the commissioner, provided any water company in operation prior to October 1, 1975, and having such source shall comply with regulations adopted by the commissioner, in accordance with chapter 54, in conformance with The Safe Drinking Water Act, Public Law 93-523, and shall submit on or before February 1, 1976, a statement of intent to provide for treatment methods as specified by the commissioner, to the commissioner for approval. The commissioner shall adopt regulations, in accordance with chapter 54, requiring water companies to report elevated levels of copper in public drinking water.

(i) The department may perform the collection and testing of water samples required by regulations adopted by the commissioner pursuant to this section, in accordance with chapter 54, when requested to do so by a water company. The department shall collect a fee equal to the cost of such collection and testing. Water companies serving one thousand or more persons shall not request routine bacteriological or physical tests under this subsection.

(j) The condemnation by a state department, institution or agency of any land owned by a water company shall be subject to the provisions of this section.

(k) The commissioner may issue an order declaring a moratorium on the

issued under this subsection for any of the following reasons: (A) Fraud or material deception in procuring a certificate, the renewal of a certificate or the reinstatement of a certificate; (B) fraud or material deception in the performance of the certified operator's professional activities; (C) incompetent, negligent or illegal performance of the certified operator's professional activities; (D) conviction of the certified operator for a felony; or (E) failure of the certified operator to complete the training required under subdivision (1) of this subsection.

(3) The commissioner may issue an initial certificate to perform a function set forth in subdivision (1) of this subsection upon receipt of a completed application, in a form prescribed by the commissioner, together with an application fee as follows: (A) For a water treatment plant, water distribution system or small water system operator certificate, two hundred twenty-four dollars, except there shall be no such application fee required for a student enrolled in an accredited high school small water system operator certification course; (B) for a backflow prevention device tester certificate, one hundred fifty-four dollars; and (C) for a cross-connection survey inspector certificate, one hundred fifty-four dollars. A certificate issued pursuant to this subdivision shall expire three years from the date of issuance unless renewed by the certificate holder prior to such expiration date. The commissioner may renew a certificate for an additional three years upon receipt of a completed renewal application, in a form prescribed by the commissioner, together with a renewal application fee as follows: (i) For a water treatment plant, water distribution system or small water system operator certificate, ninety-eight dollars; (ii) for a backflow prevention device tester certificate, sixty-nine dollars; and (iii) for a cross-connection survey inspector certificate, sixty-nine dollars.

(o) The commissioner may adopt regulations, in accordance with the provisions of chapter 54, that incorporate by reference the provisions of the federal National Primary Drinking Water Regulations in 40 C.F.R. Parts 141 and 142, promulgated by the United States Environmental Protection Agency, provided such regulations (1) are consistent with other regulations adopted pursuant to this section, and (2) explicitly incorporate any future amendments to said federal regulations.

(p) The commissioner may grant a permit for the lease of class I land associated with a groundwater source for use for public drinking water purposes to another water company that serves one thousand or more persons or two hundred fifty or more customers and maintains an approved water supply plan pursuant to