



Connecticut Department of Public Health

**Testimony Presented Before the Planning
and Development Committee**

March 11, 2016

**Commissioner Raul Pino, M.D., M.P.H.
860-509-7101**

**Senate Bill #422 - An Act Concerning Residential Water Rates, Public Drinking Water Supply
Emergencies and Sellers of Bottled Water**

The Department of Public Health (DPH) is opposed to Senate Bill #422.

Section 1 would mandate the Commissioner of Public Health to order that the sale of water to residential consumers be prioritized over the sale of water to commercial consumers when implementation of water use restrictions is ordered during a declared public drinking water supply emergency. Under section 25-32b of the General Statutes, the Commissioner has broad authority to respond to a public drinking water supply emergency, including the authority to order the implementation of water conservation practices.

Requiring the Commissioner to order the prioritization of the sale of water to residential consumers over commercial consumers is not prudent. DPH is responsible for ensuring the protection of public health and safety, which includes ensuring that hospitals, nursing homes, fire suppression, and other essential public health and safety organizations, which are not residential consumers, receive the water they need.

In the event of an emergency the Department has to take into consideration different levels of need depending on the situation. For example, the DPH's water supply plan regulations require a public water system to prepare drought response plans. These plans take into consideration the differences in public water systems, including whether a system has ground water or surface water sources, or both; the identification of the system's trigger levels that will initiate each of the four stages of response during a drought, including information regarding the system's safe yield and capacity; and the actions the system will take during each of the four stages of response, including coordination with local officials for the provision of emergency services for bathing and obtaining drinking water for the system's highest priority users. Forcing the Commissioner to prioritize one type of sale during a public drinking water supply emergency would undermine the Commissioner's judgement and authority to respond accordingly to varying situations and levels of need.

*Phone: (860) 509-7269,
410 Capitol Avenue - MS # 13GRE, P.O. Box 340308 Hartford, CT 06134
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In addition, the language does not provide for guidance on the protocols by which the Department would issue and enforce such orders. For example, would the Commissioner have to issue orders to every public water system, or just selected systems? Who would be responsible for ensuring that a public water system subject to such an order is in fact prioritizing the sale of water to residential consumers? When non-compliance is identified, what is the penalty? Finally, if the Commissioner is to be considered responsible for these activities, a significant fiscal impact would result to DPH.

It should be noted that the provisions of sections 2 and 3 fall under the purview of the Department of Consumer Protection. DPH has no authority over, nor involvement in, the process by which the rates charged by public water or sewer systems are determined. If any enforcement duties related to these provisions were to be conducted by DPH, it would result in a fiscal impact that cannot be accommodated within the Department's available appropriations. While we have these expressed concerns, we understand the issues presented by the proponents of the bill and will be willing to continue conversations with the committee and the proponents on this bill

Thank you for your consideration of the Department's view of this proposal.