



General Assembly

February Session, 2016

Raised Bill No. 288

LCO No. 2129



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

***AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S
RECOMMENDATIONS ON THE EXPANSION AND CONSTRUCTION
OF WATER SYSTEMS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 16-262m of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 (a) As used in this section, except as otherwise specified, and section
4 8-25a, "water company" means a corporation, company, association,
5 joint stock association, partnership, municipality, state agency, other
6 entity or person, or lessee thereof, owning, leasing, maintaining,
7 operating, managing or controlling any pond, lake, reservoir, stream,
8 well or distributing plant or system employed for the purpose of
9 supplying water to fifteen or more service connections or twenty-five
10 or more persons for at least sixty days in any one year.

11 (b) [No] On and after October 1, 2016, no person or entity, including,
12 but not limited to, a water company may begin the construction of a
13 water supply system for the purpose of supplying water to fifteen or

14 more service connections or twenty-five or more persons for at least
15 sixty days in any one year, and no such person or entity, except a
16 water company supplying more than two hundred fifty service
17 connections or one thousand persons, may begin expansion of [such] a
18 water supply system[,] without having first obtained a certificate of
19 public convenience and necessity from the Department of Public
20 Health.

21 (c) For systems serving twenty-five or more residents that are not
22 the subject of proceedings under subsection (c) of section 16-262n or
23 section 16-262o, an application for a certificate of public convenience
24 and necessity shall be on a form prescribed by [the Public Utilities
25 Regulatory Authority, in consultation with] the Department of Public
26 Health, and accompanied by a copy of the applicant's construction or
27 expansion plans, a fee of one hundred dollars, except no state agency
28 shall be required to pay such fee, and when an exclusive service area
29 provider has been determined pursuant to section 25-33g, a copy of a
30 signed ownership agreement between the applicant and provider for
31 the exclusive service area, as determined pursuant to section 25-33g,
32 detailing those terms and conditions under which the system will be
33 constructed or expanded and for which the provider will assume
34 service and ownership responsibilities. When an exclusive service area
35 provider has been determined pursuant to section 25-33g, the
36 application shall also be accompanied by a written confirmation from
37 the exclusive service area provider, as the person that will own the
38 water supply system, that such exclusive service area provider has
39 received the application and is prepared to assume responsibility for
40 the water supply system subject to the terms and conditions of the
41 ownership agreement. Written confirmation from the exclusive service
42 area provider shall be on a form prescribed by [said authority and]
43 said department. Said [authority and] department shall issue a
44 certificate to an applicant upon determining, to [their] said
45 department's satisfaction, that (1) no interconnection is feasible with a
46 water system owned by, or made available through arrangement with,

47 the provider for the exclusive service area, as determined pursuant to
48 section 25-33g or with another existing water system where no
49 exclusive service area has been assigned, (2) the applicant will
50 complete the construction or expansion in accordance with
51 engineering standards established by regulation by [the Public Utilities
52 Regulatory Authority] said department for water supply systems, (3)
53 ownership of the system will be assigned to the provider for the
54 exclusive service area, when an exclusive service area provider has
55 been determined pursuant to section 25-33g, (4) the proposed
56 construction or expansion will not result in a duplication of water
57 service in the applicable service area, (5) the applicant meets all federal
58 and state standards for water supply systems, (6) except as provided in
59 subsection (d) of this section, the person that will own the water
60 supply system has the financial, managerial and technical resources to
61 (A) operate the proposed water supply system in a reliable and
62 efficient manner, and (B) provide continuous adequate service to
63 [consumers] persons served by the water supply system, (7) the
64 proposed water supply system will not adversely affect the adequacy
65 of nearby water supply systems, and (8) any existing or potential
66 threat of pollution that [the Department of Public Health] said
67 department deems to be adverse to public health will not affect any
68 new source of water supply. Any construction or expansion with
69 respect to which a certificate is required shall thereafter be built,
70 maintained and operated in conformity with the certificate and any
71 terms, limitations or conditions contained therein.

72 (d) [The Public Utilities Regulatory Authority and the Department
73 of Public Health shall each adopt regulations, in accordance with the
74 provisions of chapter 54, to carry out the purposes of subsections (a) to
75 (c), inclusive, of this section.] For the purpose of the Department of
76 Public Health's issuance of a certificate pursuant to subsection (c) of
77 this section, when the person that will own the water supply system is
78 a water company, as defined in section 16-1, or is not the exclusive
79 service area provider because an exclusive service area provider has

80 not been determined pursuant to section 25-33g, the Public Utilities
81 Regulatory Authority shall determine whether such person has the
82 financial resources to (1) operate the proposed water supply system in
83 a reliable and efficient manner, and (2) provide continuous adequate
84 service to persons served by the water supply system.

85 (e) [(1)] For systems serving twenty-five or more persons, but not
86 twenty-five or more residents, at least sixty days in any one year an
87 application for a certificate of public convenience and necessity shall
88 be on a form prescribed by the Department of Public Health and
89 accompanied by a copy of the construction or expansion plans. [The
90 Department of Public Health] Said department shall issue a certificate
91 to an applicant upon determining, to its satisfaction, that: [(A) no] (1)
92 No interconnection is feasible with a water system owned by, or made
93 available through arrangement with, the provider for the exclusive
94 service area, as determined pursuant to section 25-33g or with another
95 existing water system where no existing exclusive service area has
96 been assigned; [, (B)] (2) the applicant will complete the construction or
97 expansion in accordance with engineering standards established by
98 [regulation] said department's regulations for water supply systems; [, (C)] (3)
99 ownership of the system will be assigned to the provider for
100 the exclusive service area, as determined pursuant to section 25-33g, if
101 agreeable to the exclusive service area provider and [the Department
102 of Public Health] said department, or may remain with the applicant, if
103 agreeable to [the Department of Public Health] said department, until
104 such time as the water system for the exclusive service area, as
105 determined by section 25-33g, has made an extension of the water
106 main, after which the applicant shall obtain service from the provider
107 for the exclusive service area; [, (D)] (4) the proposed construction or
108 expansion will not result in a duplication of water service in the
109 applicable service area; [, (E)] (5) the applicant meets all federal and
110 state standards for water supply systems; [, (F)] (6) the person that will
111 own the water supply system has the financial, managerial and
112 technical resources to [(i)] (A) operate the proposed water supply

113 system in a reliable and efficient manner, and [(ii)] (B) provide
114 continuous adequate service to consumers served by the water supply
115 system; [, (G)] (7) the proposed water supply system will not adversely
116 affect the adequacy of nearby water supply systems; [, and (H)] and (8)
117 any existing or potential threat of pollution that [the Department of
118 Public Health] said department deems to be adverse to public health
119 will not affect any new source of water supply. Any construction or
120 expansion with respect to which a certificate is required shall
121 thereafter be built, maintained and operated in conformity with the
122 certificate and any terms, limitation or conditions contained therein.

123 (f) Properties held by the Department of Energy and Environmental
124 Protection and used for, or in support of, fish culture, natural resource
125 conservation or outdoor recreational purposes shall be exempt from
126 the requirements of subdivisions (1), (3) and (4) of [subsection (c) of
127 this section and subparagraphs (A), (C) and (D) of subdivision (1) of
128 subsection] subsections (c) and (e) of this section.

129 [(2)] (g) The Department of Public Health [shall] may adopt
130 regulations, in accordance with the provisions of chapter 54, to carry
131 out the purposes of this [subsection] section. Such regulations may
132 include measures that encourage water conservation and proper
133 maintenance.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	16-262m

Statement of Purpose:

To implement the Department of Public Health's recommendations concerning the issues of certificates of public convenience and necessity for the expansion and construction of public water systems.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]