

# Public Health Committee JOINT FAVORABLE REPORT

**Bill No.:** HB-5151

AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S  
RECOMMENDATIONS REGARDING CONNECTICUT'S SAFE DRINKING

**Title:** WATER.

**Vote Date:** 3/26/2018

**Vote Action:** Joint Favorable Substitute

**PH Date:** 3/20/2018

**File No.:** 427

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## **SPONSORS OF BILL:**

Public Health Committee

## **REASONS FOR BILL:**

To implement the Department of Public Health's recommendations regarding Connecticut's safe drinking water.

This bill makes various revisions to the statutes regarding safe drinking water. Among other things, the bill:

1. requires, by January 2, 2021, certain water companies to submit to DPH a fiscal and asset management plan for all capital assets of each of the company's small community water systems (i.e., those regularly serving between 25 and 1,000 year-round residents) and
2. (a) requires DPH to publish on its website civil penalties imposed under the safe drinking water statutes, rather than adopting them in regulations; (b) notwithstanding the Uniform Administrative Procedures Act, does not require the commissioner to adopt or revise regulations for imposing these penalties as is required under current law; and (c) requires the commissioner to notify the public at least six months before publishing the civil penalties and hold a public hearing within 30 days after such notification.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

**Commissioner Raul Pino, Connecticut Department of Public Health:** Regarding Section 1 of the bill, DPH is proposing that certain water systems produce these plans because many of these water systems are aging and in need of a systematic review to determine if they should be replaced. The fiscal and asset management plan would include, at a minimum: A list of all of the capital assets of the community public water system; the useful life of such capital assets; and the water company's plan for the reconditioning, refurbishment, or replacement of such capital assets. Both DPH and the U.S. Environmental Protection Agency (EPA) consider fiscal and asset management planning to be critical to ensuring public water systems are managed properly and are in compliance with federal and state laws and regulations regarding public drinking water. A water company's use of aging infrastructure can result in water system failure, purity and adequacy concerns, and costly repairs. Receipt of the fiscal and asset management plan, which would be updated annually by the water company, would enable DPH to evaluate both the financial and physical needs of community public water systems.

Additionally, HB 5151 will require small water companies, serving 1,000 or fewer residents, to assess the condition of its hydropneumatic pressure tanks and provide the results of the assessment to DPH. The assessment would identify aging infrastructure and enhance the safety of employees working at the public water system by minimizing the risk of an explosion of a hydropneumatic pressure tank.

Section 2, of the bill, would revise DPH's civil penalties statutes to require the Commissioner of Public Health to publish, on the DPH website, civil penalties that may be imposed under section 25-32e of the General Statutes, rather than adopting regulations each time the EPA promulgates a new federal rule pertinent to this issue. Prior to publishing the civil penalties, DPH would be required to publish notice in the Connecticut Law Journal of DPH's intention to post the civil penalties on the DPH website as well as the date on which a public hearing regarding such civil penalties will be held. When establishing the civil penalties, the Commissioner of DPH shall take into consideration the size or number of persons served by a water company, the level of assessment necessary to insure immediate and continued compliance with such provision, and the character and degree of injury or impairment to, or interference with, or threat thereof to the purity and drinking water supplies.

#### **NATURE AND SOURCES OF SUPPORT:**

**Elizabeth Gara, Executive Director, Connecticut Water Works Association (CWWA):**

CWWA supports DPH efforts to move forward with language to help address concerns regarding the financial capacity and viability of small community water systems. Small water systems often lack the financial, technical, and managerial capacity to adequately maintain systems, make necessary system improvements, and comply with rigorous state and federal regulations.

CWWA requested extensive revisions to HB 5149; please see their testimony for specific language.

#### **NATURE AND SOURCES OF OPPOSITION:**

None

**Reported by: Anne Gallagher**

**04/13/2018**