Testimony
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Public Health Committee
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The Connecticut Water Works Association (CWWA), which represents municipal, private and regional water companies from throughout Connecticut, opposes Sections 1, 2 and 5 of HB-5186, AN ACT CONCERNING SAFE DRINKING WATER, as drafted.

Section 1 - Water Main Break/Provision of Water

CWWA opposes Section 1 of HB-5186 which imposes a costly, unnecessary burden on Connecticut’s public water systems and their customers which will undermine efforts to address water supply disruptions occurring due to water main breaks or other events.

Connecticut’s public water systems are committed to providing reliable, high quality water to customers at a reasonable cost. This is a responsibility treatment, distribution, and system operators and managers take very seriously. Although water companies invest millions of dollars each year to maintain and upgrade water system infrastructure, given the age of pipes and other system components, water main breaks occur fairly regularly, particularly during winter months.

Public water systems ensure that crews are available to respond to unplanned service interruptions 24 hours a day, seven days a week. Crews must isolate the area, minimize the impacts of the incident, and restore service as soon as possible.

Most public water systems already provide as much notice as possible to customers prior to, during, and upon restoration of service interruptions. In significant service disruption events, public water systems evaluate the need to provide temporary water supplies to affected customers. However, given that service disruptions may occur on any day at any time of the day or night at any time of the year, the need to provide temporary water supplies is very much dependent on the specific circumstances associated with that disruption.

As drafted, the language triggering the requirement to provide alternative water supplies is overly broad and could apply to hundreds of situations, at considerable cost to the public water system and its customers. In order to comply with this requirement, water companies will have to prepare to provide an alternative water source with every single unplanned outage and some planned outages because unanticipated issues can
spring up late in the break fix – i.e. four or more hours into the job - that will push the repair time past 8 hours. This includes situations where there is no public health or safety concern arising from the water supply disruption and where customers have been notified in advance of the disruption.

Setting timelines and trigger language into the law conflicts with the best practices response procedures followed by public water companies. It may also require shifting of critical staff focus or the need to bring on additional staff at additional cost to provide for services that may not be necessary.

CWWA urges lawmakers to oppose this language, which casts a wide net that could wind up costing water companies and their customers considerable additional expense and may even delay the ability of the water company to return to normal service.

**Small Community Water Systems – Section 2**

CWWA opposes Section 2 of the bill which requires small community water systems to prepare a comprehensive “system capacity implementation plan”. CWWA recognizes that addressing concerns regarding the financial, managerial and technical capacity of small community water systems is an important issue. However, the bill imposes a comprehensive reporting requirement on such systems rather than relying on existing tools to address these issues.

Small community water systems include homeowner’s associations, condo associations, senior housing complexes, mobile homes and other developments where providing water is not the primary function but are incidental activities of the owner(s). Not surprisingly, in Connecticut and other states throughout the United States, these 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 public health and environmental laws.

Recognizing this, the legislature adopted Public Act 18-168 which requires Small Community Water Systems serving between 25 and 1,000 residents to prepare a Fiscal and Asset Management Plan for all capital assets by January 1, 2021. This plan must include a prioritized fiscal and asset assessment of any hydropneumatic storage tanks.

In addition, the department has developed a scorecard to indicate whether systems have sufficient managerial, technical and financial capacity to operate the system. This is used to assist the department in focusing their limited staff and resources on addressing Small Community Water Systems that have operational or other serious issues.
In addition, all water companies, including small community water systems, are subject to Sanitary Surveys which are conducted by DPH Drinking Water Section engineers once every 3 years for Community Public Water Systems and once every 5 years for Non-Community Public Water Systems. If water quality issues or system issues arise, the department can conduct a Sanitary Survey more frequently. A Sanitary Survey as defined by the Regulations of Connecticut State Agencies (RCSA) Section 19-13-B102(a) means an on-site inspection of the water source(s), treatment, distribution system, finished water storage, pumping facilities and controls, monitoring and reporting data, system management and operation, and operator compliance with department requirements.

Finally, there are extensive existing statutory provisions, through joint proceedings of DPH and PURA, to require the takeover of water systems that are not providing adequate water quality or service. Among those are Section 16-20 of the CGS and Sections 16-262l through 16-262o which can require review of rates and service, receivership of failing systems or transfer of ownership for a utility that is not viable. These powers are rarely used and should be leveraged first to resolve issues before requiring plans of all small water systems which place additional burdens on the water companies and the Department. Any additional requirements, if imposed, should be limited to those where there are known issues as identified through the many tools already available to the department and not applied to all small water systems.

Given the limited staff and resources of the DPH Drinking Water Section, these existing mechanisms should be better utilized to address issues pertaining to Small Community Public Water Systems before incurring unnecessary expenses associated with regulating the submission of a system capacity implementation plan.

**Environmental Laboratory – Section 5**

Section 5 of the bill requires that an environmental laboratory notify the person(s) who requested the test and DPH within 24 hours of any test result that “indicates a violation of the federal Environmental Protection Agency national primary drinking water standards”. CWWA supports efforts to ensure that water companies and others requesting tests are notified regarding exceedance levels in a timely manner.

However, we believe the language should be clarified to ensure that it does not have unintended consequences. There are situations where a single sample is not used to determine compliance with, or a violation of, an EPA national primary drinking water standard. For example, for disinfection byproducts, quarterly samples are obtained and used to determine compliance based on the Location Running Annual Average (LRAA). The formula used to determine compliance is a simple average of the most recent four quarterly results for that specific sampling location. As drafted, in order to comply with
the requirement, the laboratory would have to maintain these past records and use them to perform the annualized average on a quarterly basis.

In addition, under the Lead and Copper Rule, which defines compliance as meeting the 90th percentile, to comply with Section 5, as drafted, the laboratory would have to know the number of samples being obtained to report the 90th percentile based on the final number of samples submitted.

To address these concerns, CWWA recommends that the language be revised to provide that notification is triggered when test results indicate “a contaminant at a level that exceeds a Maximum Contaminant Level established under the federal EPA National Primary Drinking Water Standards”.

CWWA also recommends narrowing the language in line 157 of the bill to provide “after obtaining a test result on a sample collected for purposes of determining compliance with drinking water standards...” This will ensure that a test result from a sample that was collected for purposes such as research, treatment process control, or study does not trigger notification.

CWWA will work with DPH to discuss these issues more fully.