
OLR Bill Analysis

HB 6615

AN ACT CONCERNING SAFE DRINKING WATER.

SUMMARY

This bill makes various changes affecting public drinking water. Principally, it:

1. requires water companies to provide an alternative drinking water source to their customers when an event that affects drinking water quality or quantity (e.g., a water main break or loss of system pressure) lasts longer than eight hours (§ 1);
2. requires water companies to provide “tier 1” written communications to customers in the languages predominantly spoken in their service area (§ 2);
3. requires community water systems to promptly report their operational status to WebEOC (the state’s online emergency management information system) within eight hours after the governor declares a civil preparedness or public health emergency (§ 3);
4. requires small community water systems, by January 1, 2025, to prepare a capacity implementation plan regarding the system owner's managerial, technical, and financial capacity to own and operate the system (§ 4);
5. requires water bottlers, starting by January 1, 2022, to collect samples before any water treatment, annually test each approved water source for perfluoroalkyl substances (PFAS) and other unregulated contaminants, and report the test results to the departments of public health (DPH) and consumer protection (DCP) within nine calendar days (§§ 5 & 6);

6. requires environmental labs that test drinking water samples to notify the public water system that requested the test and DPH within 24 hours after completing it, if the results show a contaminant level that exceeds federal Environmental Protection Agency (EPA) standards (§ 7); and
7. requires health care institutions to obtain potable water from a licensed bulk water hauler or water bottler as a temporary measure to alleviate a water supply shortage (§ 8).

The bill also makes technical changes.

EFFECTIVE DATE: October 1, 2021

§1 — ALTERNATIVE DRINKING WATER SOURCES

The bill requires water companies to provide their consumers an alternative drinking water source as a temporary measure when there is an event lasting longer than eight hours that DPH determines may affect drinking water quality or quantity (e.g., a water main break or loss of system pressure).

Under the bill, alternative water sources include bulk water provided by a licensed bulk water hauler, bottled water, or a fill station.

The bill requires water companies to update their emergency response plans that they submit to DPH under existing law and regulation to include information on how they will comply with the bill's alternative water source requirement.

Under the bill, as under existing law, "water company" means any individual, municipality, or entity that owns, maintains, operates, manages, controls, or employs any pond, lake, reservoir, well, stream, or distributing plant or system that supplies water to two or more consumers or to 25 or more people on a regular basis.

§2 — TIER 1 NOTICES

The bill requires water companies to provide "tier 1" written

communications to customers in the languages predominantly spoken in their service area and update their emergency response plans that they submit to DPH under existing law and regulation to include information on providing these multilingual communications.

Under state regulation, water companies must send a “tier 1” notice to customers to communicate certain water quality or quantity issues or concerns with customers, such as when a water source exceeds the state’s maximum contaminant levels (Conn. Agencies Regs. § 19-13-B102).

§3 — COMMUNITY WATER SYSTEMS AND DECLARED EMERGENCIES

The bill requires community water systems that serve at least 25 residents to promptly report their operational status to WebEOC within eight hours after the governor declares a civil preparedness or public health emergency, and any time thereafter that the system’s status changes.

Under the bill, “WebEOC” is the state’s online emergency management information used to document routine and emergency events or incidents. It provides a real-time operating picture and resource request management tool for local and state emergency managers during exercises; drills; or local, regional, or statewide emergencies.

§4 — SMALL COMMUNITY WATER SYSTEMS

Starting by January 1, 2025, the bill requires each owner of a small community water system (i.e., those regularly serving between 25 and 1,000 year-round residents) to complete and implement a “capacity implementation plan” that demonstrates that the owner has the managerial, technical, and financial capacity to continue to own and operate the system. The plan must be updated annually and made available to DPH upon request.

Under the bill, the plan must include:

1. a description of the small community water system, including

the number of consumers and persons it serves, and its drinking water sources;

2. ownership and management information, including the system's type of ownership structure and the current contact information for the owners, certified operators, and emergency contact persons;
3. service area maps and facilities maps, including the location of and specific information on sources, storage and treatment facilities, pressure zones, booster pumps, hydrants, distribution lines, valves, and sampling points;
4. a description of the system's cross-connection control program and source water protection program;
5. a copy of the system's emergency response plan required under existing DPH regulations;
6. a capital improvement program, including the schedule that identifies all capital improvements scheduled for a five-year planning period and capital improvements or major projects scheduled for a 20-year planning period;
7. water production and consumption information; and
8. information on nearby public water systems, including their type and distance, based on the coordinated water system plan approved by DPH for the water utility coordinating committee where the small community water system is located.

The bill also requires the plan to include financial capacity information, including:

1. an evaluation of the small community water system's fiscal plan required under existing law;
2. a summary of the system's income and expenses for the five years preceding the date the plan is submitted;

3. a five-year balanced operation budget;
4. the system's water rate structure and fees charged, including information on how the rates and fees are updated and whether they are sufficient to maintain cash flow stability and fund the capital improvement plan and any emergency improvements; and
5. an evaluation that has considered the affordability of water rates.

The bill requires small community water systems, starting by July 1, 2025, to annually summarize its capacity plan in its consumer confidence report that is required under existing DPH regulations.

Exceptions

The bill's plan requirement does not apply to a small community water system that is (1) regulated by the Public Utilities Regulatory Authority (i.e., investor-owned water companies); (2) required to submit a water supply plan to DPH (e.g., generally, those serving 1,000 or more people or 250 or more customers); or (3) a state agency.

The bill deems the report requirement to relate to the purity and adequacy of water supplies for the purpose of imposing a penalty for violating statutory or regulatory requirements regarding public water supply purity, adequacy, or testing described further below.

Regulations

The bill authorizes DPH to adopt regulations to implement the bill's requirements for small community water systems.

§§ 5 & 6 — BOTTLED WATER TESTING

This bill requires water bottlers, by January 1, 2022, to annually collect water samples before any water treatment from each DPH-approved source and test them for PFAS and other unregulated contaminants. A DPH-registered environmental laboratory that has EPA-approved certification must test the samples to determine compliance with microbial standards established by DPH for public

drinking water.

Under the bill, water bottlers must report the test results to DPH and DCP within nine calendar days after receiving them. If the results exceed DPH standards for PFAS and other unregulated contaminants, the department may require the water bottler to stop using the approved source until it no longer poses an unacceptable health or safety risk to consumers. The bill requires DPH to notify DCP when it takes such action.

The bill defines an “unregulated contaminant” as a contaminant for which DPH has set a level at which it creates, or can be reasonably expected to create, an unacceptable risk of injury to the consumer’s health or safety.

Existing law requires water bottlers, among other things, to collect samples from each approved source at least once a year to test for regulated contaminants and at least one every three years for unregulated contaminants for which allowable levels have not been established.

§ 7 — PUBLIC WATER SYSTEM TESTING

The bill requires an environmental laboratory that tests a public water system sample to notify DPH and the requestor about the test within 24 hours after obtaining a test result that shows a contaminant at a level that violates EPA national primary drinking water standards. Under the bill, a contaminant means E. Coli, lead, nitrate, and nitrite.

Under existing law, if a public water system violates EPA national primary drinking water standards, DPH must notify the chief elected official in the municipality where the water system is located and any municipality the water system serves. The bill allows the commissioner’s designee, instead of only the commissioner, to make the notification. As under existing law, the commissioner’s designee must do this within five business days after receiving notice of the violation.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 33 Nay 0 (03/26/2021)