



House of Representatives

General Assembly

File No. 439

January Session, 2021

Substitute House Bill No. 6615

House of Representatives, April 14, 2021

The Committee on Public Health reported through REP. STEINBERG of the 136th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING SAFE DRINKING WATER.

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

1 Section 1. (NEW) (*Effective October 1, 2021*) (a) As used in this section:

2 (1) "Bottled water" has the same meaning as defined in section 21a-
3 150 of the general statutes;

4 (2) "Drinking water" means water, treated or untreated, intended for
5 human use and consumption, including, but not limited to, drinking,
6 bathing, showering, cooking, dishwashing and maintaining oral
7 hygiene;

8 (3) "Fill station" means a location at which customers of a water
9 company may obtain drinking water from a water company that is not
10 affected by an event impacting the quality or quantity of drinking water
11 being provided to consumers;

12 (4) "Consumer" has the same meaning as provided in section 25a-32a
13 of the general statutes; and

14 (5) "Water company" has the same meaning as provided in section 25-
15 32a of the general statutes.

16 (b) A water company shall provide to its consumers an alternative
17 source of drinking water as a temporary measure when there is a water
18 main break, loss of system pressure or other event that the water
19 company determines may last more than eight consecutive hours and
20 that the Department of Public Health determines may affect the quality
21 or quantity of water being provided to such consumers. Alternative
22 sources of water include bulk water provided by a bulk water hauler
23 licensed pursuant to section 20-278h of the general statutes, bottled
24 water or a fill station. A water company shall update its emergency
25 response plan prepared pursuant to section 25-32d of the general
26 statutes or pursuant to section 19-13-B102 of the regulations of
27 Connecticut state agencies, as applicable, to include information
28 regarding how such water company will comply with this section.

29 Sec. 2. (NEW) (*Effective October 1, 2021*) A water company shall
30 provide tier 1 notices to its consumers in the languages predominantly
31 spoken by the consumers in the water company's service area. A water
32 company shall update its emergency response plan prepared pursuant
33 to section 25-32d of the general statutes or pursuant to section 19-13-
34 B102 of the regulations of Connecticut state agencies to include
35 information regarding the provision of such multilingual
36 communications. For purposes of this section, "water company" has the
37 same meaning as provided in section 25-32a of the general statutes and
38 "tier 1 notices" has the same meaning as provided in section 19-13-B102
39 of the regulations of Connecticut state agencies.

40 Sec. 3. (NEW) (*Effective October 1, 2021*) If the Governor proclaims that
41 a state of civil preparedness emergency, pursuant to section 28-9 of the
42 general statutes, or a public health emergency, pursuant to section 19a-
43 131 of the general statutes, exists, each community water system shall
44 report the community water system's operational status to WebEOC as
45 soon as practicable, but not later than eight hours after the time of such
46 proclamation, and at any time thereafter that the status of such system

47 changes. For purposes of this section, "community water system" means
48 a public water system that serves at least twenty-five residents, and
49 "WebEOC" means a web-based emergency management information
50 system used by the state to document routine and emergency events or
51 incidents and provide a real-time common operating picture and
52 resource request management tool for emergency managers at the local
53 and state levels during exercises, drills, local or regional emergencies or
54 state-wide emergencies.

55 Sec. 4. (NEW) (*Effective October 1, 2021*) (a) As used in this section:

56 (1) "Consumer" has the same meaning as provided in section 25-32a
57 of the general statutes;

58 (2) "Owner" means the person or entity that owns or controls the
59 small community water system; and

60 (3) "Small community water system" has the same meaning as
61 provided in section 19a-37e of the general statutes.

62 (b) Not later than January 1, 2025, each owner of a small community
63 water system shall complete a small community water system capacity
64 implementation plan on a form prescribed by the Department of Public
65 Health demonstrating that such owner has the managerial, technical
66 and financial capacity to continue to own and operate such system and
67 shall implement such plan. Following the completion of the initial small
68 community water system capacity implementation plan, each small
69 community water system shall update such small community water
70 system capacity implementation plan annually and make such small
71 community water system capacity implementation plan available to the
72 department upon request. Such plan shall include:

73 (1) A description of the small community water system, including the
74 number of consumers and persons served, and sources of drinking
75 water;

76 (2) Ownership and management information, including the type of
77 ownership structure and the current names, addresses and telephone

78 numbers of the owners, certified operators and emergency contact
79 persons for the small community water system;

80 (3) Service area maps;

81 (4) Facilities maps, including the location of and specific information
82 regarding sources, storage facilities, treatment facilities, pressure zones,
83 booster pumps, hydrants, distribution lines, valves and sampling
84 points;

85 (5) A description of such system's cross-connection control program;

86 (6) A description of such system's source water protection program;

87 (7) A copy of such system's emergency response plan required
88 pursuant to section 19-13-B102 of the regulations of Connecticut state
89 agencies;

90 (8) A capital improvement program, including the schedule that
91 identifies all capital improvements scheduled for a five-year planning
92 period and capital improvements or major projects scheduled for a
93 twenty-year planning period;

94 (9) Water production and consumption information;

95 (10) Information regarding public water systems that are nearby,
96 including the distance from the small community water system and type
97 of public water system, if any. Such information shall be based on the
98 coordinated water system plan approved by the Commissioner of
99 Public Health pursuant to section 25-33h of the general statutes for the
100 water utility coordinating committee in which such small community
101 water system is located; and

102 (11) Financial capacity information, including:

103 (A) An evaluation of the small community water system's fiscal and
104 assessment management plan prepared pursuant to section 19a-37e of
105 the general statutes;

106 (B) A summary of the income and expenses for the five years
107 preceding the date of submission of the plan;

108 (C) A five-year balanced operation budget;

109 (D) Water rate structure and fees charged, including information
110 regarding how such rates and fees are updated and whether such rates
111 and fees are sufficient to maintain cash flow stability and to fund the
112 capital improvement program, as well as any emergency
113 improvements; and

114 (E) An evaluation that has considered the affordability of water rates.

115 (c) On or before July 1, 2025, and annually thereafter, the small
116 community water system shall provide a summary of its small
117 community water system capacity plan in the small community water
118 system's consumer confidence report required by section 19-13-B102 of
119 the regulations of Connecticut state agencies.

120 (d) The provisions of this section shall not apply to a small
121 community water system that is (1) regulated by the Public Utilities
122 Regulatory Authority, (2) subject to the requirements set forth in section
123 25-32d of the general statutes, or (3) a state agency.

124 (e) The provisions of this section shall be deemed to relate to the
125 purity and adequacy of water supplies for the purposes of the
126 imposition of a penalty under section 25-32e of the general statutes.

127 (f) The commissioner may adopt regulations, in accordance with the
128 provisions of chapter 54 of the general statutes, to carry out the
129 provisions of this section.

130 Sec. 5. Section 21a-150b of the general statutes is repealed and the
131 following is substituted in lieu thereof (*Effective October 1, 2021*):

132 (a) Qualified employees of a bottler shall collect samples of water
133 from each approved source used by such bottler not less than once
134 annually to test for contaminants for which allowable levels have been

135 established in accordance with 21 CFR 165.110 and regulations adopted
136 pursuant to sections 21a-150 to 21a-150j, inclusive, as amended by this
137 act, and not less than once every three years to test for contaminants for
138 which monitoring is required pursuant to sections 21a-150 to 21a-150j,
139 inclusive, as amended by this act, but for which no allowable level has
140 been established. Qualified employees of an approved laboratory shall
141 analyze such samples to determine whether such source complies with
142 the provisions of sections 21a-150 to 21a-150j, inclusive, as amended by
143 this act, any regulation adopted pursuant to said sections and any
144 allowable contaminant level set forth in 21 CFR 165.110. Microbiological
145 analysis shall be conducted not less than once each calendar quarter if
146 the source of such water is other than a public water supply and shall
147 be in addition to any sampling and analysis conducted by any
148 government agency or laboratory.

149 (b) Qualified employees of a bottler shall collect samples of water
150 from any source used by such bottler when such bottler knows or has
151 reason to believe that water obtained from such source contains an
152 unregulated contaminant in an amount which may adversely affect the
153 health or welfare of the public. Qualified employees of an approved
154 laboratory shall analyze such samples periodically to determine
155 whether water obtained from any such source is safe for public
156 consumption or use.

157 (c) On or before January 1, 2022, and annually thereafter, qualified
158 employees of a bottler shall (1) collect samples of water from each
159 approved source that is located in the state, that has been inspected and
160 approved by the Department of Public Health pursuant to subdivision
161 (2) of subsection (a) of section 21a-150a and is used by such bottler, prior
162 to any treatment, to test for perfluoroalkyl substances and other
163 unregulated contaminants, and (2) have such samples analyzed by an
164 environmental laboratory registered by the Department of Public
165 Health pursuant to section 19a-29a that has the Environmental
166 Protection Agency approved certification to conduct such analysis. For
167 purposes of this subsection, "unregulated contaminant" means a
168 contaminant for which the Commissioner of Public Health, pursuant to

169 section 22a-471, has set a level at which such contaminant creates or can
170 reasonably be expected to create an unacceptable risk of injury to the
171 health or safety of persons drinking such source of water.

172 Sec. 6. Section 21a-150d of the general statutes is repealed and the
173 following is substituted in lieu thereof (*Effective October 1, 2021*):

174 (a) A laboratory which analyzes any water sample in accordance with
175 any provision of sections 21a-150 to 21a-150j, inclusive, as amended by
176 this act, shall report the results of such analysis to the bottler of such
177 water.

178 (b) Such results shall be available for inspection by the Department
179 of Consumer Protection.

180 (c) A bottler shall report any result which indicates that a water
181 sample contains contaminants in an amount exceeding any applicable
182 standard to the Department of Consumer Protection not later than
183 twenty-four hours after learning of such result.

184 (d) A bottler shall report the results of the analysis conducted
185 pursuant to subsection (c) of section 21a-150b, as amended by this act,
186 to the Department of Public Health and the Department of Consumer
187 Protection not later than nine calendar days after receipt of the results
188 from the environmental laboratory. If such results exceed the level set
189 by the Commissioner of Public Health pursuant to section 22a-471 for
190 such perfluoroalkyl substances and other unregulated contaminants,
191 the Department of Public Health may require such bottler to discontinue
192 use of its approved source until such source no longer creates an
193 unacceptable risk of injury to the health or safety of persons drinking
194 the bottled water that comes from such source. The Department of
195 Public Health shall notify the Department of Consumer Protection of
196 any source for which the Department of Public Health has discontinued
197 use until such source no longer creates an unacceptable risk of injury to
198 the health or safety of the persons drinking the bottled water that comes
199 from such source. For purposes of this section, "unregulated
200 contaminant" means a contaminant for which the Commissioner of

201 Public Health, pursuant to section 22a-471, has set a level at which such
202 contaminant creates or can reasonably be expected to create an
203 unacceptable risk of injury to the health or safety of the persons drinking
204 such source of water.

205 [(d)] (e) All records of any sampling or analysis conducted in
206 accordance with the provisions of sections 21a-150 to 21a-150j, inclusive,
207 as amended by this act, shall be maintained on the premises of the
208 bottler for not less than five years.

209 Sec. 7. Section 25-40a of the general statutes is repealed and the
210 following is substituted in lieu thereof (*Effective October 1, 2021*):

211 (a) Not later than twenty-four hours after obtaining a public water
212 system test result that shows a contaminant at a level that is in violation
213 of the federal Environmental Protection Agency national primary
214 drinking water standards, the environmental laboratory that performed
215 the test shall notify any persons who requested such test and the
216 Department of Public Health, in a form and manner prescribed by the
217 Commissioner of Public Health, of such test result. For purposes of this
218 subsection, "contaminant" means e. coli, lead, nitrate and nitrite.

219 (b) Not later than five business days after receiving notice that a
220 public water system is in violation of the federal Environmental
221 Protection Agency national primary drinking water standards, the
222 Commissioner of Public Health, or the commissioner's designee, shall
223 give written or electronic notification of such violation to the chief
224 elected official of the municipality where such public water system is
225 located and of any municipality that is served by such public water
226 system.

227 Sec. 8. (NEW) (*Effective October 1, 2021*) Each health care institution,
228 as defined in section 19a-490 of the general statutes, required to obtain
229 potable water as a temporary measure to alleviate a water supply
230 shortage shall obtain such potable water from (1) a bulk water hauler,
231 licensed pursuant to section 20-278h of the general statutes, or (2) a
232 bottler, as defined in section 21a-150 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	New section
Sec. 2	<i>October 1, 2021</i>	New section
Sec. 3	<i>October 1, 2021</i>	New section
Sec. 4	<i>October 1, 2021</i>	New section
Sec. 5	<i>October 1, 2021</i>	21a-150b
Sec. 6	<i>October 1, 2021</i>	21a-150d
Sec. 7	<i>October 1, 2021</i>	25-40a
Sec. 8	<i>October 1, 2021</i>	New section

Statement of Legislative Commissioners:

In Section 4(b)(11)(A), "fiscal plan" was changed to "fiscal and asset management plan" for accuracy.

PH *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

This bill requires water companies to provide an alternative drinking water source to their customers if there is a break in service or pressure lasting longer than eight hours. The bill makes numerous other changes affecting public drinking water that has no fiscal impact on the state or municipalities.

The Out Years

State Impact: None

Municipal Impact: None

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)