



CWWA ANNUAL MEETING 2021

New & Emerging Issues Workshop - Legislative Wrap-Up

Thank you, Sponsors!

CWWA New & Emerging Issues
Workshop – June 22, 2021

ENVIRONMENTAL



PARTNERS



Tighe&Bond



2021 Legislative Session

Long Session – Convened January 6

Although other venues reopened during the year, the state Capitol remained closed throughout the session.

Zoom Meetings with key Legislators

Zoom Public Hearings

Lobbying by Text/Email/Phone

Adjourned June 9

Special Session – Budget Implementer



Safe Drinking Water Primacy Fee

Sunsets 6/30/21

- Governor Lamont's revenue package included provisions that would have:
 - Increased the Safe Drinking Water Primacy Fee by 44%
 - Eliminated the requirement that the fee be tied to DPH maintaining its EPA designated primacy over drinking water
 - Eliminated the sunset provision, making the fee permanent
 - Eliminated the requirement that DPH prepare an annual report that includes information on federal funding and DPH's efforts to reduce costs and improve regulatory efficiencies
 - Several CWWA members submitted testimony opposing the provisions
 - Finance Committee stripped the provisions out of the bill
 - Fee sunsets 6/30/21

Advanced Meter Installation Program

Failed

Legislation to clarify that water companies may use contractors rather than licensed plumbers and electricians to install/replace meters as part of an Advanced Meter Installation program failed.

A complaint filed against a water company undertaking a meter installation project prompted the Dept. of Consumer Protection to notify the water company that it would be in violation of the state's occupational licensing laws and subject to civil penalties.

Efforts to resolve the issue with DCP were not successful and DCP issued a notice stating that the water company must use a licensed plumber and electrician to perform the meter installations.

Efforts to address this issue in the budget implementer were not successful.

Alternative Sources during Water Supply Emergencies

HB-6666

Effective 10/1/21

Requires water companies & small systems to update their emergency plans (already required by law) to include information on providing their consumers an alternative drinking water source as an alternative drinking water source as a temporary measure when there is a water supply emergency.

Defines water supply emergency as an event lasting longer than 12 hours that causes a company's water supply to become noncompliant with DPH regulations relating to water quality or quantity.

Requires plans to identify alternative sources for possible use at various stages of an emergency, including bulk water, bottled water, fill station, interconnection or agreement with a nearby system, and other approved sources identified in the plan or approved by DPH.

Requires DPH in consultation with water companies to prepare materials and provide guidance to implement the bill's provision.

Tier 1 Notices

HB-6666
Effective
10/1/21

Requires water companies to 1) provide Tier 1 written communications to customers in the languages predominantly spoken in their service area; and 2) update their emergency response plans to include information on providing such multilingual communications

Tier 1 Notices must be provided to customers when a source exceeds the state's maximum contaminant levels for nitrites, e-coli, nitrates and lead.

The federal Safe Drinking Water Act includes a Public Notification Rule which requires water companies that serve a large proportion of non-English speakers to provide information in the appropriate language on the importance of the notice or on how to get assistance in translating the notice.

Templates available from EPA in various languages

Declared Emergencies – WebEOC

*HB-6666
Effective
10/1/21*

Requires community water systems that serve 25 or more customers to report their operational status to WebEOC within 8 hours after WebEOC reporting is made available following a declared public health or civil preparedness emergency

Requires such systems to update the WebEOC any time thereafter that they system's status significantly changes

WebEOC is the state's online emergency management information system

In response to concerns that WebEOC was not user-friendly, DPH has indicated that it would work with CWWA to improve the system.

Environmental Laboratories – Testing Notification

HB-6666
Effective
10/1/21

Requires an environmental laboratory that tests a water sample for a small community water system to notify such system requesting the test within 24 hours of obtaining a test result that indicates a violation of EPA national primary drinking water standards for e coli, lead, nitrates and nitrites.

Requires the small community water system to then notify DPH within 24 hours of receiving the test result from the environmental laboratory.

Applicable to small community water systems that do not have to file a water supply plan with DPH (serves < 1000 persons or 250 or more consumers)

Replacement Public Wells

HB-6666

Effective 10/1/21

Allows DPH to approve the location of a replacement well that does not meet the state's sanitary radius and minimum setback requirements for these water sources under certain conditions.

Replacement well may be approved if the well is 1) needed by the water company to maintain and provide safe and adequate water to customers; 2) located in an aquifer of adequate water quality, as determined by historical water quality data from the supply source it is replacing, and 3) in a more protected location than the supply source it is replacing.

Allows all local and district health directors, upon DPH's approval, to issue permits in their jurisdictions.

Notification of Certain Projects in Watersheds or Aquifer Protection Areas *Effective 10/1/21*

Requires project applicants to determine if a proposed project is within a water company's watershed by consulting the maps on DPH's website and then notify the water company and DPH of the proposed project. Under current law, this notification was only required if the water company filed a watershed map or map of the aquifer protection area with the municipality.

As under existing law, notice to the water company must be sent by certified mail, return receipt requested.

Water company and DPH continue to have the right to be heard at any hearing on the application.

Requires small community water systems, by January 1, 2025, to prepare a capacity implementation plan that demonstrates that the owner has the managerial, technical, and financial capacity to continue to own and operate the system.

Applicable to small systems that regularly serve between 25 and 1000 year-round residents.

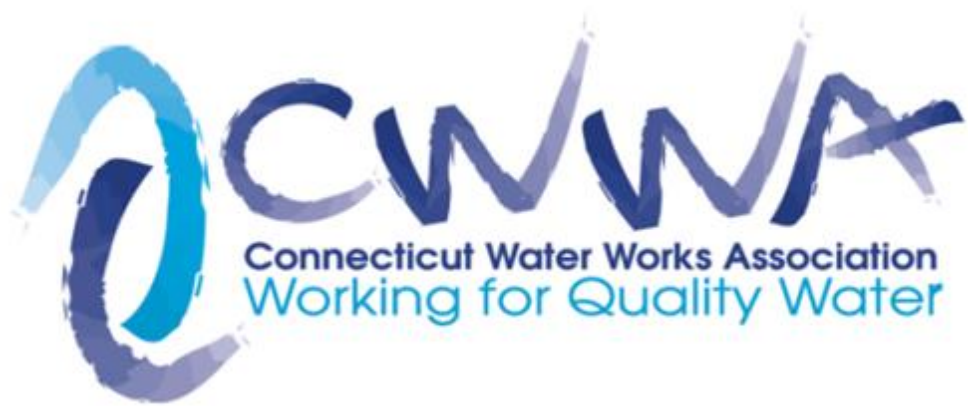
Requires a capital improvement program that includes improvements scheduled for a 5-year planning period and other improvements or major projects scheduled for a 10-year planning period.

Small Community Water Systems

Effective
10/1/21

PFAS PROPOSALS

- SB-837 - Phased in ban on PFAS-containing Firefighting Foam & establishes a Take Back Program
- SB-837 – Prohibits the Use of PFAS in Food Packaging
- HB-6666 – Requires water bottlers to annually collect water samples from each DPH approved source and test them for PFAS and other unregulated contaminants
- Funding – Budget & Bond Package (awaiting release of formal budget documents)



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