



CWNA Legislative Committee Meeting

March 25, 2022; 9:30 a.m. – 11:00 a.m.

AGENDA

1. Welcome & Introductions
2. SB-325 – Fire Service Charges
3. HB-5482 - Legionella
4. SB-248 - Notification of Proposed Projects within an Aquifer Protection Area
5. SB-248 - Siting of Renewable Energy Projects on Watershed Land
6. HB-5404 Private Water Company Tax Issues (Sales Tax & Highway Use Tax)
7. Low Income Household Water Assistance Program/Energy Advisory Board
8. SB-473 – Municipal Contracting
9. Municipal Liens/Interest Rates – SB-128 and SB-180
10. SB-276 - PURA Approval – Government Financing/Rate Case Timelines
11. HB-5203 – Cost Sharing Mechanisms
12. Private Well Contamination Legislation
13. Emergency Response & Restoration Plans (PURA) Docket
14. Status Report of Pending Legislation
15. Other Issues

Join Zoom Meeting

<https://us02web.zoom.us/j/84124488264>

Meeting ID: 841 2448 8264

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General Assembly

February Session, 2022

Raised Bill No. 325

LCO No. 1944



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:
(PD)

***AN ACT PROHIBITING THE ASSESSMENT OF CERTAIN CHARGES
AND REQUIRING APPROVAL FOR THE INSTALLATION OF WATER
LINES AND HYDRANTS BY WATER COMPANIES.***

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

1 Section 1. (NEW) (*Effective July 1, 2022*) (a) Notwithstanding any
2 provision of the general statutes, no water company shall assess to a
3 municipality (1) a fire protection charge for a (A) water line that is not
4 connected to a hydrant, or (B) water line or hydrant that is not owned
5 and maintained by such company, or (2) a linear foot charge for a water
6 line located on private property.

7 (b) Notwithstanding any provision of the general statutes, no water
8 company shall install a water line or hydrant without first obtaining
9 approval for such installation from the chief administrative officer of the
10 municipality and local fire marshal of the municipality or jurisdiction in
11 which such line or hydrant is to be located.

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2022	New section
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Statement of Purpose:

To prohibit water companies from assessing certain charges to municipalities and require them to obtain approval prior to the installation of water lines and hydrants.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]



General Assembly

February Session, 2022

Raised Bill No. 5482

LCO No. 3345



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

***AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S
RECOMMENDATIONS REGARDING LEGIONELLA MITIGATION.***

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

1 Section 1. (NEW) (*Effective from passage*) Beginning on October 1, 2022,
2 and on the first day of each calendar quarter thereafter, each water
3 company, as defined in section 25-32a of the general statutes, that
4 supplies drinking water to one thousand or more persons and a hospital
5 licensed under chapter 368v of the general statutes or a nursing home,
6 as defined in section 19a-490 of the general statutes, shall sample such
7 company's water system for coliform, residual disinfectant, pH,
8 turbidity and temperature at sites in the company's water distribution
9 system that are representative of the water entering such hospital or
10 nursing home. The results of such sample shall be reported to the
11 Department of Public Health in accordance with the provisions of
12 section 19-13-B102 of the regulations of Connecticut state agencies.

13 Sec. 2. (NEW) (*Effective October 1, 2022*) A water company, as defined
14 in section 25-32a of the general statutes, that adds chlorine or chloramine
15 to its drinking water or purchases chlorinated drinking water, shall

16 maintain the residual disinfectant concentration in such water at a
17 minimum of 0.1 parts per million throughout such company's water
18 distribution system.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2022</i>	New section

Statement of Purpose:

To require (1) each water company that supplies drinking water to one thousand or more persons and a hospital or nursing home to sample its water system quality, and (2) each water company that adds chlorine or chloramine to its drinking water or purchases chlorinated drinking water to maintain the residual disinfectant concentration in such water at a minimum of 0.1 parts per million.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]



General Assembly

February Session, 2022

Raised Bill No. 248

LCO No. 2168



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

AN ACT CONCERNING THE CONNECTICUT DRINKING WATER SUPPLY.

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

1 Section 1. Subsection (a) of section 16-50k of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2022*):

4 (a) Except as provided in subsection (b) of section 16-50z, no person
5 shall exercise any right of eminent domain in contemplation of,
6 commence the preparation of the site for, commence the construction or
7 supplying of a facility, or commence any modification of a facility, that
8 may, as determined by the council, have a substantial adverse
9 environmental effect in the state without having first obtained a
10 certificate of environmental compatibility and public need, hereinafter
11 referred to as a "certificate", issued with respect to such facility or
12 modification by the council. Certificates shall not be required for (1) fuel
13 cells built within the state with a generating capacity of two hundred
14 fifty kilowatts or less, or (2) fuel cells built out of state with a generating
15 capacity of ten kilowatts or less. Any facility with respect to which a

16 certificate is required shall thereafter be built, maintained and operated
17 in conformity with such certificate and any terms, limitations or
18 conditions contained therein. Notwithstanding the provisions of this
19 chapter or title 16a, the council shall, in the exercise of its jurisdiction
20 over the siting of generating facilities, approve by declaratory ruling (A)
21 the construction of a facility solely for the purpose of generating
22 electricity, other than an electric generating facility that uses nuclear
23 materials or coal as fuel, at a site where an electric generating facility
24 operated prior to July 1, 2004, and (B) the construction or location of any
25 fuel cell, unless the council finds a substantial adverse environmental
26 effect, or of any customer-side distributed resources project or facility or
27 grid-side distributed resources project or facility with a capacity of not
28 more than sixty-five megawatts, as long as: (i) Such project meets air and
29 water quality standards of the Department of Energy and
30 Environmental Protection, (ii) the council does not find a substantial
31 adverse environmental effect, [and] (iii) for a solar photovoltaic facility
32 with a capacity of two or more megawatts, to be located on prime
33 farmland or forestland, excluding any such facility that was selected by
34 the Department of Energy and Environmental Protection in any
35 solicitation issued prior to July 1, 2017, pursuant to section 16a-3f, 16a-
36 3g or 16a-3j, the Department of Agriculture represents, in writing, to the
37 council that such project will not materially affect the status of such land
38 as prime farmland or the Department of Energy and Environmental
39 Protection represents, in writing, to the council that such project will not
40 materially affect the status of such land as core forest, and (iv) for a solar
41 photovoltaic facility disturbing more than one acre of forestland within
42 an aquifer protection area delineated pursuant to section 22a-354c or
43 public drinking water supply watershed, the Department of Public
44 Health represents, in writing, to the council that such project will not
45 have a significant adverse impact upon the purity and adequacy of the
46 public drinking water supply. In conducting an evaluation of a project
47 for purposes of subparagraph (B)(iii) of this subsection, the
48 Departments of Agriculture and Energy and Environmental Protection
49 may consult with the United States Department of Agriculture and soil
50 and water conservation districts. In conducting an evaluation of a

51 project for purposes of subparagraph (B)(iv) of subdivision (2) of this
52 subsection, the Department of Public Health shall consult with the
53 affected water company.

54 Sec. 2. Subsection (b) of section 8-3i of the 2022 supplement to the
55 general statutes is repealed and the following is substituted in lieu
56 thereof (*Effective October 1, 2022*):

57 (b) When an application, petition, request or plan is filed with the
58 zoning commission, planning and zoning commission or zoning board
59 of appeals of any municipality concerning any project on any site that is
60 within the aquifer protection area delineated pursuant to section 22a-
61 354c or the watershed of a water company, the applicant or the person
62 making the filing shall: (1) Provide written notice of the application,
63 petition, request or plan to the water company and the Department of
64 Public Health; and (2) determine if the project is within the watershed
65 of a water company by consulting the maps posted on the department's
66 Internet web site showing the boundaries of the watershed. Such
67 applicant shall send such notice to the water company by certified mail,
68 return receipt requested, or by electronic mail if the water company has
69 provided instructions for transmittal of such notice by electronic mail
70 on its Internet web site and to the department by electronic mail to the
71 electronic mail address designated on its Internet web site for receipt of
72 such notice. Such applicant shall mail such notice not later than seven
73 days after the date of the application. Such water company and the
74 Commissioner of Public Health may, through a representative, appear
75 and be heard at any hearing on any such application, petition, request
76 or plan.

77 Sec. 3. Section 22a-42f of the 2022 supplement to the general statutes
78 is repealed and the following is substituted in lieu thereof (*Effective*
79 *October 1, 2022*):

80 When an application is filed to conduct or cause to be conducted a
81 regulated activity upon an inland wetland or watercourse, any portion
82 of which is within the watershed of a water company as defined in

83 section 25-32a, the applicant shall: (1) Provide written notice of the
84 application to the water company and the Department of Public Health;
85 and (2) determine if the project is within the watershed of a water
86 company by consulting the maps posted on the department's Internet
87 web site showing the boundaries of the watershed. Such applicant shall
88 send such notice to the water company by certified mail, return receipt
89 requested, or by electronic mail if the water company has provided
90 instructions for transmittal of such notice by electronic mail on its
91 Internet web site and to the department by electronic mail to the
92 electronic mail address designated by the department on its Internet
93 web site for receipt of such notice. Such applicant shall mail such notice
94 not later than seven days after the date of the application. The water
95 company and the Commissioner of Public Health, through a
96 representative, may appear and be heard at any hearing on the
97 application.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2022</i>	16-50k(a)
Sec. 2	<i>October 1, 2022</i>	8-3i(b)
Sec. 3	<i>October 1, 2022</i>	22a-42f

Statement of Purpose:

To protect the quality and availability of public water supplies to meet the state's public health, safety and economic development needs.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

**Proposed Substitute
Bill No. 456**

LCO No. 3896

AN ACT CONCERNING CLEAN AND SAFE WELL WATER.

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

1 Section 1. Subdivision (1) of subsection (a) of section 22a-471 of the
2 general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2022*):

4 (a) (1) If the Commissioner of Energy and Environmental Protection
5 determines that pollution of the groundwaters has occurred or can
6 reasonably be expected to occur and the Commissioner of Public Health
7 determines that the extent of pollution creates or can reasonably be
8 expected to create an unacceptable risk of injury to the health or safety
9 of persons using such groundwaters as a public or private source of
10 water for drinking or other personal or domestic uses, the
11 Commissioner of Energy and Environmental Protection may issue an
12 order to the person or municipality responsible for such pollution
13 requiring that potable drinking water be provided to all persons affected
14 by such pollution, including, but not limited to, through the repair or
15 replacement of a private well contaminated by such pollution, as
16 deemed necessary by the commissioner. In determining if pollution
17 creates an unacceptable risk of injury, the Commissioner of Public
18 Health shall balance all relevant and substantive facts and inferences
19 and shall not be limited to a consideration of available statistical analysis
20 but shall consider all of the evidence presented and any factor related to
21 human health risks. If the Commissioner of Energy and Environmental
22 Protection finds that more than one person or municipality is

23 responsible for such pollution, the commissioner shall attempt to
24 apportion responsibility if the commissioner determines that
25 apportionment is appropriate. If the commissioner does not apportion
26 responsibility, all persons and municipalities responsible for the
27 pollution of the groundwaters shall be jointly and severally responsible
28 for the providing of potable drinking water to persons affected by such
29 pollution. If the commissioner determines that the state or an agency or
30 department of the state is responsible in whole or in part for the
31 pollution of the groundwaters, such agency or department shall prepare
32 or arrange for the preparation of an engineering report, [and shall]
33 provide or arrange for the provision of a long-term potable drinking
34 water supply. If the commissioner is unable to determine the person or
35 municipality responsible or if the commissioner determines that the
36 responsible persons have no assets other than land, buildings, business
37 machinery or livestock and are unable to secure a loan at a reasonable
38 rate of interest to provide potable drinking water, the commissioner
39 may prepare or arrange for the preparation of an engineering report and
40 provide or arrange for the provision of a long-term potable drinking
41 water supply or the commissioner may issue an order to the
42 municipality wherein groundwaters unusable for potable drinking
43 water are located requiring that short-term provision of potable
44 drinking water be made to those existing residential buildings and
45 elementary and secondary schools affected by such pollution and that
46 long-term provision of potable drinking water be made to all persons
47 affected by such pollution. For purposes of this section, "residential
48 building" means any house, apartment, trailer, mobile manufactured
49 home or other structure occupied by individuals as a dwelling, except a
50 non-owner-occupied hotel or motel or a correctional institution.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2022</i>	22a-471(a)(1)