

Legislative History for Connecticut Act

HB 6857 P.A. 329 1995

Senate 4566-4570, 4636-4638,
5895-5897 (10)

House 2114, 3259-3260, 4095-4099,
6572-6588 (24)

Public Health 1907-1908, 1911, 1926, 2016,
2099-2100, 2115-2121 (14)

Total-488

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate
and House of Representatives Proceedings

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GEN. ASSEMBLY
SENATE

PROCEEDINGS
1995

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areas. Those are areas that do not require an additional toll to be paid.

There was a situation that occurred in Meriden. This section of the file copy seeks to remedy that. It sets up a number of circumstances in which this petition could be considered.

The last thing, Madam President, is that there's a technical section which deals with eliminating obsolete language dealing with energy statutes. I would urge passage of the bill as amended.

THE CHAIR:

Thank you, Senator. The question is on passage of the bill as amended. Will you remark further? Will you remark? Senator Somma.

SEN. SOMMA:

Madam President, if there's no objection, I would move it to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

THE CLERK:

Page 9, Calendar 531, Substitute for HB6857, An Act Concerning Drinking Water, as amended by House Amendment Schedules "A" and "B". Favorable Report of the Committee on Public Health, Judiciary, Environment and Technology, Energy and Technology, and Environment.

File 560, 854.

THE CHAIR:

Senator Gunther.

SEN. GUNTHER:

Madam President, I move acceptance of the Joint Committee's Favorable Report and passage of the bill in conjunction with the House Amendment "A".

THE CHAIR:

The question is on passage in concurrence. Will you remark?

SEN. GUNTHER:

This bill, Madam President, is a bill that has been worked out between the Public Health Department and our water companies in the state. The bill itself gives instances of foreclosure of water companies by lenders without fully understanding the responsibilities that are associated in assuming ownership of such lands and resulted in the need of the Commissioner to be aware of such financial arrangements so the lenders can be informed of the responsibilities.

When a water company violates drinking water standards that impact the purity of the water, the Commissioner's only recourse is to seek a continuance, is to impose an order which if violated, results in a lengthy proceeding in civil court. This bill would

actually allow the Commissioner to impose civil fines in order to get compliance.

The bill also allows the Department to petition superior court for an order attaching the assets of the water company and placing them under the control of a receiver when needed to protect the public health. It's needed to address several small water companies that recently abandoned their systems, leaving the customers without adequate water supplies.

And finally, it clarifies Public Act 94-144 that only larger water companies need to disseminate conservation education material.

THE CHAIR:

The question is on passage of the bill. Will you remark?

THE CLERK:

Senator Gunther, I have an LCO by you, 7087.

SEN. GUNTHER:

Oh.

THE CHAIR:

Would you like that called.

SEN. GUNTHER:

Yes, will you call that?

THE CLERK:

Senate Amendment Schedule "A", LCO7087 introduced

by Senator Gunther.

THE CHAIR:

Senator Gunther, the amendment is in your possession.

SEN. GUNTHER:

Madam President, I move adoption of the amendment and waive the reading. I'll explain it.

THE CHAIR:

The question is on adoption of Senate "A". Please proceed.

SEN. GUNTHER:

This was just a very technical amendment that was necessary on the bill, actually in clarifying it, that it didn't have to be, the process, didn't have to come through a lease or other properties, they could be acquired from a water company through foreclosure.

THE CHAIR:

Question is on adoption of Senate "A". Will you remark? Will you remark? If not, all those in favor indicate by saying "aye".

ASSEMBLY:

Aye.

THE CHAIR:

Opposed, "nay". Ayes have it. Senate "A" is
adopted.

SEN. GUNTHER:

I've already explained the bill.

THE CHAIR:

Senator Gunther.

SEN. GUNTHER:

It's improved by the amendment and if there's no objection, may we, after your soliciting, we can move it to the Consent Calendar, if there's no objection.

THE CHAIR:

Without objection, so ordered.

THE CLERK:

Page 9, Calendar 532, HB6892, An Act Concerning Water Quality and Watershed Protection, as amended by House Amendment Schedule "A". Favorable Report of the Committee on Public Health, Appropriations and Environment, File 680, 852.

THE CHAIR:

Senator Gunther.

SEN. GUNTHER:

Madam President, I move adoption of the Joint Committee's Favorable Report and passage of the bill in conjunction with the House as amended by House Amendment "A".

THE CHAIR:

The question is on passage of the bill in

personal privilege or announcements. Senator Fleming.

SEN. FLEMING:

Madam President.

THE CHAIR:

Senator Fleming.

SEN. FLEMING:

Yes, Madam President, for purposes of an introduction. I'd like to introduce a gentleman that's no stranger to this Chamber, former State Senator from Eileen Daily's 33rd District, a Congressional candidate of some note, Senator Ed Munster who I had the privilege of serving with here in the circle.

(APPLAUSE)

THE CHAIR:

Thank you, Senator Fleming. Senator Munster, it's always a pleasure to see you.

At this time the Chair will entertain other points of personal privilege or announcements. Seeing none, would the Clerk continue with the Call of the Calendar.

At this time would the Clerk please call the Consent Calendar.

THE CLERK:

We're about to vote on the Consent Calendar in the

Senate. Will all Senators return to the Chamber.

We're about to vote on the Consent Calendar. Will all Senators please return to the Chamber.

Page 3, Calendar 346, SB1001.

Page 4, Calendar 384, HB6997.

Page 5, Calendar 455, SB77.

Page 7, Calendar 518, HB6906.

Page 7, Calendar 522, HB6970.

Page 8, Calendar 527, HB6132.

Page 8, Calendar 528, HB6694.

Page 8, Calendar 530, HB6914.

Page 9, Calendar 531, HB6857.

Page 9, Calendar 532, HB6892.

Page 9, Calendar 534, HB6737.

Page 10, Calendar 536, HB6695.

Page 10, Calendar 538, HB6600.

Page 10, Calendar 539, HB6788.

Page 10, Calendar 540, HB5046.

Page 14, Calendar 86, SB110.

Page 15, Calendar 151, SB996.

Page 15, Calendar 163, SB117.

Page 16, Calendar 322, SB892.

Page 17, Calendar 361, SB10.

THE CHAIR:

Senator Fleming.

SEN. FLEMING:

Yes, Madam President. I wish to remove two items from the Consent Calendar. Calendar 86, I'd like to mark that pass temporarily. Calendar 86.

THE CHAIR:

Without objection, so ordered.

SEN. FLEMING:

And Calendar 322, mark that pass retain.

THE CHAIR:

At this time the machine will be open. We will be voting on the Consent Calendar.

Have all members voted? Senator Gunther? Have all members voted? If all members have voted, the machine will be locked. Clerk please take a tally.

THE CLERK:

Total number voting, 35; necessary for passage, 18. Those voting "yea", 35; those voting "nay", 0.

THE CHAIR:

The Consent Calendar is adopted.

THE CLERK:

Page 19, Calendar 264, SB898, An Act Concerning State Purchasing, as amended by Senate Amendment Schedule "A" and House Amendments "A" and "B" and "C". Favorable Report of the Committee on GAE, file 459,

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VETO SESSION
5707-6083

Calendar:

THE CLERK:

Page 11, Calendar 531, Substitute for House Bill No. 6857, AN ACT CONCERNING DRINKING WATER, as amended by House Amendment "A", "B", "C" and Senate Amendment "A". Favorable report of the Committee on Public Health, Judiciary, Environment & Technology, Environment, File 560 and 854.

(Lieutenant Governor Rell in the Chair)

THE CHAIR:

Senator Fleming.

SENATOR FLEMING:

No, I just, I couldn't find the Chairman, so I threatened to pass retain bills if the Chairman were in the Chamber but.

THE CHAIR:

Senator Gunther.

SENATOR GUNTHER:

Madam President, that's what I get for doing yeoman's work here today.

THE CHAIR:

Senator Gunther.

SENATOR GUNTHER:

Madam Chairman, I'd like to move the adoption of the Joint Favorable Committee's report and passage of the bill in conjunction with the House and their Amendments.

THE CHAIR:

Question is on passage in concurrence. Will you remark?

SENATOR GUNTHER:

Madam President, this is pretty much the same bill as we went, we sent down there with the exception that there has been extensive language change, which is to conform with the recommendations of the Executive Department, and it expands the Class 1 and 3, the lands owned by the water companies by adding lands that are acquired from a water company through foreclosure.

It is quite an extensive regulation, Amendment, and I would suggest that it complements the bill, and I would move that we should pass it.

THE CHAIR:

Question is on passage of the bill. Will you remark, in concurrence with the House? Will you remark? Will you remark? If not, would the Clerk please announce a roll call vote. The machine will be open.

THE CLERK:

An immediate roll call has been ordered in the Senate. Will all Senators please return to the Chamber. An immediate roll call has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

Have all members voted?

THE CLERK:

An immediate roll call in the Senate. Will all Senators please return to the Chamber. Senator Kissel.

THE CHAIR:

If all members have voted, the machine will be locked. Clerk please take a tally.

THE CLERK:

Total Number Voting	35
Necessary for Passage	18
Those voting Yea	35
Those voting Nay	0

THE CHAIR:

The bill is passed.

THE CLERK:

Clerk has Senate Agenda #5.

THE CHAIR:

Senator Fleming.

SENATOR FLEMING:

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GEN. ASSEMBLY
HOUSE

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1853-2264

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House of Representatives

Wednesday, May 10, 1995

House Bill Number 6884, AN ACT CONCERNING FIREWORKS.

Favorable Report of the Committee on Judiciary.

DEPUTY SPEAKER HARTLEY:

Representative Godfrey.

REP. GODFREY: (110th)

Thank you, Madam Speaker. I move that Substitute for House Bill Number 6884 be referred to the Committee on Public Safety.

DEPUTY SPEAKER HARTLEY:

Without objection, so ordered.

CLERK:

On page 17, Calendar 377, Substitute for House Bill Number 6857, AN ACT CONCERNING DRINKING WATER.

Favorable Report of the Committee on Judiciary.

DEPUTY SPEAKER HARTLEY:

Representative Godfrey.

REP. GODFREY: (110th)

Thank you, Madam Speaker. I would move that Substitute for House Bill Number 6857 be referred to the Committee on Energy and Technology.

DEPUTY SPEAKER HARTLEY:

Without objection, so ordered.

CLERK:

On page 18, Calendar 378, Substitute for House Bill Number 6967, AN ACT CONCERNING MINOR REVISIONS TO

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prh

House of Representatives

Tuesday, May 23, 1995

the Environment.

DEPUTY SPEAKER HYSLOP:

So ordered.

CLERK:

On Page 37, Calendar 398, Substitute for HB 5331,
AN ACT AUTHORIZING MUNICIPALITIES TO PETITION FOR A
RECEIVER OF RENTS FOR THE COLLECTION OF DELINQUENT
PROPERTY TAXES AND CONCERNING THE DURATION OF WATER
LIENS, A STUDY OF UNCOLLECTED PAYMENTS FOR CERTAIN
UTILITY SERVICE AND DISQUALIFICATION OF CERTAIN PERSONS
FROM RECEIVING MUNICIPAL CONTRACTS. Favorable report
of the Committee on Energy and Technology.

DEPUTY SPEAKER HYSLOP:

Representative Godfrey.

REP. GODFREY: (110th)

Thank you, Mr. Speaker. I would move the
Substitute for HB 5331 be referred to the Committee on
Appropriations.

DEPUTY SPEAKER HYSLOP:

So ordered.

CLERK:

On Page 37, Calendar 411, Substitute for HB 6848,
AN ACT CONCERNING ALTERNATIVE FINANCING FOR
GUBERNATORIAL CAMPAIGNS. Favorable report of the
Committee on Appropriations.

prh

House of Representatives

Tuesday, May 23, 1995

Substitute for HB 6839 be referred to the Committee on the Environment.

DEPUTY SPEAKER HYSLOP:

So ordered.

CLERK:

On Page 34, Calendar 369, Substitute for HB 6513,
AN ACT CONCERNING CRIME PREVENTION. Favorable report
of the Committee on Appropriations.

DEPUTY SPEAKER HYSLOP:

Representative Godfrey.

REP. GODFREY: (110th)

Thank you, Mr. Speaker. I would move the
Substitute for HB 6513 be referred to the Committee on
Education.

DEPUTY SPEAKER HYSLOP:

So ordered.

CLERK:

On Page 35, Calendar 377, Substitute for HB 6857,
AN ACT CONCERNING DRINKING WATER. Favorable report of
the Committee on Energy and Technology.

DEPUTY SPEAKER HYSLOP:

Representative Godfrey.

REP. GODFREY: (110th)

Thank you, Mr. Speaker. I would move the
Substitute for HB 6857 be referred to the Committee on

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004095

House of Representatives

Tuesday, May 30, 1995

I would ask that this bill be passed temporarily.

SPEAKER RITTER:

Without any objections, this will be passed temporarily. The Clerk will please call Calendar 377.

CLERK:

On page 30, Calendar Number 377. Substitute for House Bill Number 6857, AN ACT CONCERNING DRINKING WATER. Favorable Report of the Committee on Environment.

SPEAKER RITTER:

The Honorable Representative from the 46th District, representative Ledyard, Representative McGrattan, you have the floor, Madam.

REP. MCGRATTAN: (46th)

Mr. Speaker, I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

SPEAKER RITTER:

The motion is on acceptance and passage. Please proceed, Madam.

REP. MCGRATTAN: (46th)

Thank you, Mr. Speaker. This bill would require the Commissioner of the Department of Public Health and Addiction Services to be notified of the foreclosures of water company property that the lenders -- in other words, the commissioner would have to be notified so

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House of Representatives

Tuesday, May 30, 1995

that the lenders would be made aware of their responsibilities and the limitations on such property. Two, it would allow DPHAS to impose civil penalties when a water company violates drinking water standards and the Attorney General would enforce the regulation.

It would allow DPHAS to petition the Superior Court for an order to attach the assets of a water company and place it under the control of a receiver when needed to protect the public health.

Several small water companies recently abandoned their systems leaving customers without adequate supplies. And also, it would clarify Public Act 94-144 that says only large companies need to disseminate conservation materials.

Mr. Speaker, I have an amendment and if the Clerk would call LCO Number 5678, I will summarize.

SPEAKER RITTER:

The Clerk has amendment LCO 5678. If he may call it and Representative McGrattan would like to summarize.

CLERK:

LCO Number 5678, House "A" offered by
Representative McDonald.

SPEAKER RITTER:

Representative McGrattan, you have the floor,

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Tuesday, May 30, 1995

Madam.

REP. MCGRATTAN: (42nd)

Okay. DPHAS would, if it finds a person that threatens the quality or adequacy of a public water supply, he may, without a prior hearing, issue an order in writing to discontinue or correct such a condition or activity. Upon receipt, the person is to alleviate or correct such conditions. The Commissioner shall, within ten days, hold a hearing and within ten days after the hearing, a new determination would be made. This is an agreement between the Connecticut Water Works Association, the Attorney General and the Department of Public Health and Addiction Services.

And I move passage of the amendment.

SPEAKER RITTER:

The question is on adoption. Will you remark further on the adoption of House "A"? Will you remark further? If not, I will try your minds. All in favor, signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER RITTER:

Those opposed, nay. House "A" is adopted. Will you remark further on this bill, as amended?

Representative McGrattan.

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House of Representatives

Tuesday, May 30, 1995

REP. MCGRATTAN: (42nd)

I have another amendment, Mr. Speaker. LCO Number 7999. If the Clerk would call, I will summarize.

SPEAKER RITTER:

The Clerk has amendment LCO 7999, which will be designated House "B". If the Clerk would call, Representative McGrattan would like to summarize.

CLERK:

LCO Number 7999, House "B" offered by Representative McDonald.

SPEAKER RITTER:

Representative McGrattan.

REP. MCGRATTAN: (42nd)

Okay. These adjust some technical changes to the file copy.

SPEAKER RITTER:

Move adoption, please.

REP. MCGRATTAN: (42nd)

I move adoption of the amendment.

SPEAKER RITTER:

The motion is on adoption of House "B". Will you remark further on the adoption of House "B"? If not, I will try your minds. All those in favor signify by saying aye.

REPRESENTATIVES:

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Aye.

SPEAKER RITTER:

Those opposed, nay. House "B" is adopted. Will you remark further on this bill, as amended? If not, staff and guests to the well of the House. The machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting by roll call. Members to the Chamber, please.

SPEAKER RITTER:

Have all members voted? Please check the roll call machine to make sure your vote is properly cast. The machine will be locked. Clerk, please take the tally.

Clerk, please announce the tally.

CLERK:

House Bill 6857, as amended by House "A" and "B"

Total Number Voting	146
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Necessary for Passage	74
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Those voting Yea	146
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Those voting Nay	0
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Those absent and not voting	5
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SPEAKER RITTER:

The bill, as amended passes. Clerk, please call

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House of Representatives

Tuesday, June 6, 1995

Necessary for Passage	72
Those voting Yea	143
Those voting Nay	0
Those absent and not voting	8

SPEAKER RITTER:

The bill, as amended passes. Clerk, please call Calendar 377.

CLERK:

On page 34, Calendar 377, Substitute for House Bill Number 6857, AN ACT CONCERNING DRINKING WATER, as amended by House Amendment Schedules "A" and "B" and Senate Amendment Schedule "A". Favorable Report of the Committee on Environment.

SPEAKER RITTER:

The Honorable Chair of the Public Health Committee, Representative McDonald. You have the floor, Madam.

REP. MCDONALD: (148th)

Good afternoon, Mr. Speaker. I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

SPEAKER RITTER:

The motion is on acceptance and passage. Please proceed, Madam.

REP. MCDONALD: (148th)

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The Clerk has LCO Number 7087. Would he please call and I be allowed to summarize?

SPEAKER RITTER:

The Clerk does have amendment LCO 7087. If he may call it and Representative McDonald would like to summarize.

CLERK:

LCO Number 7087, Senate "A" offered by Senator Gunther.

SPEAKER RITTER:

Representative McDonald.

REP. MCDONALD: (148th)

Yes, Mr. Speaker. This amendment essentially makes section 3b conform to the language in section 3a and 3c. And in that sense, it is quite technical.

SPEAKER RITTER:

Excuse me. Could we have all conversations with staff, please outside today, sir and madam?

REP. MCDONALD: (148th)

And I move its passage.

SPEAKER RITTER:

The question is on adoption of Senate "A". Will you remark further on the adoption of Senate "A"? If not, I will try your minds. All those in favor, signify by saying aye.

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REPRESENTATIVES:

Aye.

SPEAKER RITTER:

Opposed, no. Senate "A" is adopted. Will you
remark further on this bill, as amended?

REP. MCDONALD: (148th)

Yes, Mr. Speaker. At this time, I would like to
yield to Representative Stratton.

SPEAKER RITTER:

Representative Stratton, do you accept the yield,
Madam?

REP. STRATTON: (17th)

Yes, Mr. Speaker. I do. Thank you. Mr. Speaker,
the Clerk has an amendment, LCO 9302.

SPEAKER RITTER:

Excuse me. Representative Lawlor, seriously.
Let's have all conversations outside today. We are
really trying to move business and we try to set up
these rules at the beginning. If all conversations
with staff could be held outside.

Representative Stratton.

REP. STRATTON: (17th)

Thank you, Mr. Speaker. The Clerk has amendment,
LCO 9302. If he would call and I would be allowed to
summarize.

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SPEAKER RITTER:

The Clerk has amendment LCO 9302. If he may call and Representative Stratton would like to summarize.

CLERK:

LCO Number 9302, House "C" offered by
Representatives McDonald and Stratton.

SPEAKER RITTER:

Representative Stratton.

REP. STRATTON: (17th)

Thank you, Mr. Speaker. This very lengthy amendment is the file copy from House Bill 6317, file 744, if people want to look at that for an explanation. It basically is the language which enables two or more municipalities to create a Regional Water Pollution Control Authority as amended by this Chamber a couple of days ago by House "A" and "B" and I would urge its adoption.

SPEAKER RITTER:

Will you remark further on House "C"? If not, I will try your minds. Oh, I am sorry. Representative Belden.

REP. BELDEN: (113th)

Thank you, Mr. Speaker. Mr. Speaker, that was a very small summarization for a very big item.

SPEAKER RITTER:

gmh

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Sometimes it usually works.

REP. BELDEN: (113th)

I know, Mr. Speaker, but even though the spirit is tired, the will is there and I believe, Mr. Speaker, this is a significant legislation and through you to the lady, there are some sections in the back of this amendment that sets up certain types of enumeration from the State in terms of bonding and loans.

Through you, Mr. Speaker. Is there a carrot in that portion of the bill in terms of providing funding for regionalization? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Stratton.

REP. STRATTON: (17th)

Thank you, Mr. Speaker. Through you, first of all, let me say that because this Chamber had passed this identical legislation a couple of days ago, I did not spend the time to go back through the entire amendment before us. But, yes that are incentives, there is a possibility of awarding grants to such -- the language of the bill basically allows two or more municipalities to do what any individual water pollution control authority can currently do.

Through you, Mr. Speaker.

SPEAKER RITTER:

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Representative Belden.

REP. BELDEN: (113th)

Thank you. Through you, Mr. Speaker. What happened to the file we passed a couple of days ago?

SPEAKER RITTER:

Representative Stratton.

REP. STRATTON: (17th)

Through you, Mr. Speaker. It was amended with House "C" that dealt with the fees charged by water pollution control authorities and it is my understanding that that went to another committee and is not likely to make it back onto the Calendar.

Through you, Mr. Speaker.

SPEAKER RITTER:

We have the end of the session blues, I guess. Representative Belden, you have the floor, sir.

REP. BELDEN: (113th)

Thank you, Mr. Speaker. We certainly do need a traffic cop to figure out what is going where, what is happening to us.

I thank the lady for her input. I do think that the bonding in the back part, that there is a little extra bonding in there for the first project, if I am not mistaken. Through you, Mr. Speaker. There is a new section 30 here. I assume that maybe -- was that

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on the other file, as well? Through you, Mr. Speaker.

SPEAKER RITTER:

Representative Stratton.

REP. STRATTON: (17th)

Through you, Mr. Speaker. Yes, section 30 is in the other file, as amended by House "A".

REP. BELDEN: (113th)

Through you, Mr. Speaker. I won't raise the particular issue, but is there something different in this particular proposal than we considered the other day because we can't consider the same proposal twice? Through you, Mr. Speaker. I am not raising the issue, but I would just like to ask the lady if she has changed something in this package. Thank you.

SPEAKER RITTER:

Representative Stratton.

REP. STRATTON: (17th)

Through you, Mr. Speaker. I believe there are a couple of very minor technical changes. It also does not embrace the language with regard to differential fees charged by Water Pollution Control Authorities, hence it is indeed a different item than was adopted by this Chamber.

REP. BELDEN: (113th)

Thank you, Mr. Speaker.

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SPEAKER RITTER:

Representative Fusco.

REP. FUSCO: (81st)

Thank you, Mr. Speaker. I really don't see anything wrong with this particular file. I will wait to call the next amendment.

SPEAKER RITTER:

Anybody else on House "C"? If not, I will try your minds. All those in favor, signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER RITTER:

Opposed, no. House "C" is adopted. Will you remark further? Representative Fusco.

REP. FUSCO: (81st)

Thank you, Mr. Speaker. The Clerk has LCO 8742. Would the Clerk please call and read?

SPEAKER RITTER:

The Clerk has amendment LCO 8742. If the Clerk may call and Representative Fusco would like to summarize.

CLERK:

LCO Number 8742, House "D". After line 271, insert the following and renumber the remaining section accordingly. Section 10 New, "the Commissioner of

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Environmental Protection shall, by October 1, 1997, adopt regulations in accordance with Chapter 54 of the General Statutes concerning bio-remediation technology for ground water cleanup".

SPEAKER RITTER:

Representative Fusco.

REP. FUSCO: (81st)

Mr. Speaker, I move adoption.

SPEAKER RITTER:

The question is on adoption. Will you remark further?

REP. FUSCO: (81st)

Yes, Mr. Speaker. Mr. Speaker, this is an issue that we have been discussing on and off for several years now. The use of bio-remediation technology is flourishing in states like Texas where they have a lot of oil and gas spills. With the problem of the petroleum tanks and the gas tanks in Connecticut that have contaminated the aquifers, it is time that the DEP adopt regulations. I understand that this is being done on a case-by-case basis now with no real regulations ingrained in the process.

I would urge support.

SPEAKER RITTER:

Representative Stratton.

gmh

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REP. STRATTON: (17th)

Mr. Speaker, through you, a question to the proponent of the amendment.

SPEAKER RITTER:

I am sorry, Madam?

REP. STRATTON: (17th)

Mr. Speaker, through you, do you have a fiscal note from the Department as to what it would cost them to do these regulations?

SPEAKER RITTER:

Representative Fusco.

REP. FUSCO: (81st)

Yes, Mr. Speaker. Through you, the fiscal note indicates that there will be a minimal fiscal impact. Normal regulation process.

REP. STRATTON: (17th)

Through you, Mr. Speaker. Just a second question in that I share the proponent's enthusiasm for the technology in question here. It is my understanding that this technology is already being used extensively through the State. I know of several firms that are currently doing it without regulations and could he enlighten us why it is necessary to have regulations to do what is already being done to engage in remediation, at this point?

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SPEAKER RITTER:

Representative Fusco.

REP. FUSCO: (81st)

Thank you, Mr. Speaker. Through you. There are many, many organizations which would like to bring this technology to Connecticut. Without regulations, it makes it less competitive. This is being handled on a case-by-case basis and I think for Connecticut, when the State utilizes this itself and the different industries and the municipalities that need this for cleanups and the individuals who might like to partake in this on residential areas also, there needs to be established those regulations especially if we get into residential areas.

I would tell you that in Connecticut one of the biggest problems we have had over the last decade is aging home heating oil tanks. There are several nightmares developing around this state where these tanks leak. There also is a problem with the lines that carry this home heating oil to the house where they go through the concrete. If they are not sleeved that was not required thirty years ago, the lime in the concrete tends to eat the copper.

Well ladies and gentlemen, if we are going to allow homeowners to go through this substantial cost of

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cleanup, we ought to give them an option of using bio-remediation where it is just a small site in a neighborhood and in order to do that properly, we would need regulations.

SPEAKER RITTER:

Representative Stratton.

REP. STRATTON: (17th)

Mr. Speaker, again, I really don't disagree with the desire to use this technology, but I guess I would reiterate that the Department is in the process of adopting very extensive clean standards and it is the achievement of those standards which will actually regulate what type of remediation activity is utilized and that the process and the judgment by the Department will actually be the end result.

In addition, we have already passed legislation, House Bill 6681 that authorizes the Commissioner to develop general permits for generic types of remedial activities by which bio-remediation would certainly be one of those. Given the fact that those regulations are due to be adopted by the Department this summer, I guess I would really recommend that we not put this mandate on the Department that diverts their resources to writing specific regulations for something that people can already do and I think the concern of the

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proponent in terms of companies coming in and using this, will indeed be answered by a combination of the clean standards and the implementation regulations, which go along with those and I think it would well serve this Chamber for us to allow the Department to focus on those regulations and to get those in place. Therefore, I would urge rejection of the amendment rather than impede that process.

Thank you, Mr. Speaker.

SPEAKER RITTER:

Will you remark further, sir?

REP. FUSCO: (81st)

Yes, Mr. Speaker. Just a brief response. Ladies and gentlemen, the Department of Environmental Protection has been considering this technology over the last decade. There really hasn't been enough done in this area. Ladies and gentlemen, we have been hearing from the Department for ten years now that they are going to adopt some kind of regulations concerning the use of this technology.

We have a technology that is a scientific technology that is being used in Connecticut. I spoke with the Commissioner earlier in the year and he said he didn't have a problem with this concept of setting some regulations.

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So I don't understand what the concern is. I think we ought to get on with this. The Environment Committee, over the last three years, had plenty of opportunity to do this. I think it is just an oversight. Let's get on with it.

SPEAKER RITTER:

Thank you, sir. Representative Veltri.

REP. VELTRI: (9th)

Thank you, Mr. Speaker. A question to the proponent of the amendment.

SPEAKER RITTER:

Please proceed, sir.

REP. VELTRI: (9th)

Yes, I have to confess, I haven't kept enough with the technical literature, and I do understand, a lot of this is organic in nature where a little bug, so to speak, goes in and eats up the oil spills. I haven't followed up. What happens to the bugs? After they do their good job and they eat all the oil -- I know in the ocean -- I don't mind. They just drift away. But now we are going to put them in our aquifers in our own property.

SPEAKER RITTER:

Representative Fusco.

REP. FUSCO: (81st)

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Yes, Mr. Speaker. It is a good question. These micro-organisms are injected into the soil or into the ground water or both and their breeding process allows them to multiple in vast numbers and digest the oil or the petroleum spill, be it either oil or gasoline and the nice thing that the scientists have created is that when they are done eating all that contamination, they die. And their metabolism changes its state and they become a harmless byproduct.

Ladies and gentlemen, other states are way ahead of us on this. It is time for this.

SPEAKER RITTER:

Well you remark? Representative Veltri, you have the floor, sir.

REP. VELTRI: (9th)

Yes. As long as I know we can drink the dead bodies and not be harmed, I have no problem.

SPEAKER RITTER:

Thank you, sir. Will you remark further? If not, I will try your minds. Representative Miller.

REP. MILLER: (122nd)

Thank you, Mr. Speaker. I rise in support of the amendment. Representative Fusco is correct. This is a new technology that has taken hold in other parts of the country. They are saving millions of dollars in

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cleanup costs. It is a very proven method where you don't have to disturb a lot of property. Just gets these bugs down there where there is an oil spill. These guys do the job and when they are done, they are through. So I support the amendment.

SPEAKER RITTER:

Will you remark further? If not, I will try your minds. All those in favor, signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER RITTER:

Opposed, no. The no's have it. Will you remark further on this bill, as amended? If not, staff and guests to the well of the House. The machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting by roll call. Members to the Chamber, please.

SPEAKER RITTER:

Have all members voted? Please check the roll call machine to make sure your vote is properly cast. If it has, the machine will be locked. Clerk, please take the tally.

Clerk, please announce the tally.

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CLERK:

House Bill 6857, as amended by Senate "A" and
House Amendment Schedules "A", "B" and "C"

Total Number Voting	149
Necessary for Passage	75
Those voting Yea	144
Those voting Nay	5
Those absent and not voting	2

SPEAKER RITTER:

The bill, as amended passes. Once again, let me just please remind everybody. Have all staff conversations taken outside. And let me just say to our friends from the State agencies, you are here -- we are very happy to have you in here, but seriously, you are not to lobby at all while you are in here and please, if you want to talk to a legislator, that legislator should take that conversation outside. And it would be inappropriate for State agencies to be lobbying members during votes or during discussions.

Why don't we continue with the Call of the Calendar and the Clerk will continue Calendar 30 -- I am sorry, yes 30.

CLERK:

On page 32, Calendar 30, Substitute for House Bill Number 6125, AN ACT VALIDATING CERTAIN ACTIONS OF THE

JOINT
STANDING
COMMITTEE
HEARINGS

PUBLIC HEALTH
PART 6
1850-2250

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We also have some interest in HB6891 concerning local health. We have some concerns about the part that requires a municipality to jump through hurdles when it decides to leave a health district.

We also oppose increasing the terms of health directors up to four years. We don't see any sort of compelling need to increase the years.

We also support HB5846 concerning the confidentiality of complaints to health departments. We think these complaints being open to public scrutiny could cause a chilling effect to employers that may be turning in reports about health code violations to their, regarding their employer.

I'd be happy to answer any questions that you might have.

SEN. GUNTHER: Any questions? Thank you, Ron.

RONALD THOMAS: Thank you.

SEN. GUNTHER: Martin Burke, followed by Gregory Leonard.

MARTIN BURKE: Senator Gunther, Representative McDonald, members of the Committee. I'm Martin Burke. I represent the Connecticut Waterworks Association which is a trade association of investor owned regional and municipal water companies. I'm here to testify on five bills and I'll do it within three minutes, starting with SB475 just mentioned by CCM.

We would urge that rather the pilot project and my testimony sets it forth, that you continue to follow the established Connecticut plan that this Legislature passed in 1985 to coordinate service areas among other things.

Raised HB6857 and HB6894 are basically mirrors of each other. The Connecticut Waterworks Association supports the increased powers for the Commissioner where there isn't imminent threat to the water quality, but we disagree that those summary powers

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should apply to other violations such as reporting requirements. Our testimony goes into other sections that we want to call to your attention, but most importantly, Section 4 of both bills dealing with water company lands and extending it to leased lands and lands taken by foreclosure, we do have a problem with that. We feel that would impede the utilities' ability to acquire easements as well as would deter lenders in the foreclosure portion of it.

As to Raised HB6893 concerning a water quality monitoring system, appropriating money to the Health Center, we strongly support this research endeavor.

And finally, Raised HB6892 clarifies time periods for land sales and for acting upon applications for land sales. And with the caveat that you consider the language that I think Bridgeport Hydraulic is going to suggest to you, we would support that.

Lastly, I'm not going to testify on the water supply planning bills but I must tell you that they are the single most, it is the single most important topic to the water supply industry this year and we have suggested ways that this process can be improved. I've seen the Health Department testimony and it is to the effect that they can do what we propose in the bill through regulations and that's what we want you to do, spell out all the criteria must be in those regulations and subsequent speakers will address that more fully. If you have any questions?

SEN. GUNTHER: Thank you, Martin. Any questions? Thank you.

MARTIN BURKE: Thank you.

SEN. GUNTHER: Gregory Leonard, followed by Charles Scott.

GREGORY LEONARD: Good morning. Commenting on Proposed SB475. I'm Gregory Leonard, general manager of the Southeastern Connecticut Water Authority. We have offices, general offices in Gales Ferry,

HB6857, AN ACT CONCERNING DRINKING WATER;

HB6858, AN ACT CONCERNING LEAD POISONING PREVENTION.

Finally, the passage of HB6891, AN ACT CONCERNING LOCAL HEALTH is a major concern for the Council. The bill provides the first complete revision ever done of the two chapters of the General Statutes governing local health departments and public health districts. It's critical that state laws reflect current public health practice and give local health departments the legal tools they need to protect and promote the public's health and prevent disease and injury in the 1990s.

As pointed out earlier, this bill is the Department's number one legislative priority this session. We urge the Committee to act favorably on it. Thank you.

SEN. GUNTHER: Any questions? Thank you, Ray. Good timing, too. Kathy McCormack followed by Mary Jane Engle.

KATHERINE MCCORMACK: Good morning. My name is Katherine McCormack. I'm a registered nurse and the clinical manager of ambulatory services at St. Francis-Mt. Sinai Hospital system. This testimony is submitted on behalf of the Connecticut Nurses Association in opposition to SB546, AN ACT CONCERNING PART-TIME LOCAL HEALTH DIRECTORS and in support of HB6891, AN ACT CONCERNING LOCAL HEALTH.

A major public health policy concern of the Connecticut Nurses Association is the need to strengthen our local public health infrastructure in Connecticut and its ability to protect and promote the public's health and to prevent disease and injury. We oppose SB546 because it would represent a step backward for the state by allowing public health districts to employ part-time directors of health.

Our experience in Connecticut is that most part-time directors of health for single towns have not worked well. Therefore, this proposal to allow

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units.

Moving on, we support enactment of HB6838 which would authorize the Department of Public Health and Addiction Services and the attorney general, to supplement the powers of local health departments to enforce the lead poisoning laws.

We also recommend enactment of HB5974 to authorize the use of encapsulants approved by Massachusetts or complying with standards developed by national testing organizations. Encapsulants represent safe, effective, and least costly means of remedying the problems caused by lead paint.

We oppose enactment of HB5867, the legislation HB6857 dealing with lead safe procedures as we feel it is unnecessary. Connecticut law and regulations currently authorize property owners to use lead safe procedures to remedy lead paint hazards and I've identified some of the provisions of the law in my testimony.

Finally, we recommend that HB5846, the legislation dealing with the confidentiality with complaints to health departments not be enacted. We believe the exemption would run counter to the legitimate need of a tenant to know, for example, if an apartment contains lead paint. Parents need to know if an apartment is safe for their young children. The exemption proposed by the legislation could result in this important information being kept from parents and we urge the Committee to reject it. Thank you very much.

SEN. GUNTHER: Thank you, Attorney. Any questions? Thank you. Joanne Bisette, followed by Lou Bisette.

JOANNE BRISSETTE: Yes. My name is Joanne Brisette. I'm HB5967 here with the Regulatory Affairs Educators of Connecticut. I oppose all lead bills that are here with us today.

The lead bills that are presently before us are extremely harmful to all of us. To begin with, every one in this room was brought up in a home

STATEMENT OF TESTIMONY

Submitted to the Public Health Committee
of the State Legislature

By the Public Health Advisory Council
of the CT State Dept. of Public Health and Addiction Services

March 9, 1995

Good Morning. My name is Ray Andrews. I am a member of and am presenting testimony on behalf of The Public Health Advisory Council of the Connecticut State Department of Public Health and Addiction Services in support of a number of public health bills before you today. I am appearing for Polly Fitz, chairperson of the Council, who was not able to attend today's hearing.

The Public Health Advisory Council is a broad based committee of individuals who represent a wide range of agencies, institutions, and community services across the state. The Council advises the state health department on numerous public health issues and concerns.

I would like to make three points today.

Firstly, the Council opposes SB 546, AAC Part-time Local Health Directors. One of the standards for providing good local public health services is the employment of a full-time director of public health. Changing the law to allow a health district to employ a part-time director of health will be a major setback to regional public health services in the state. We urge the Public Health Committee not to vote this bill out of Committee.

Secondly, we urge this Committee to act favorably on the following bills, which are part of the 1995 Legislative Package of the Department of Public Health and Addiction Services and which are before you today:

SB 1063, AAC Revision of Licensure and Training Requirements for Persons engaged in Asbestos Abatement and Asbestos Consultation Services and Related Penalties

SB 1064, AAC Lead Agency Responsibility for Scientific Assessment of Risks Associated with Environmental Contamination

HB 6857, AAC Drinking Water

HB 6858, AAC Lead Poisoning Prevention

Finally, the passage of HB 6891, AAC Local Health, is a major concern for the Council. This bill provides the first complete revision ever done of the two chapters of the general statutes governing local health departments and public health districts. It is critical that state laws reflect current public health practice and give local health departments the legal tools they need to protect and promote the public's health and prevent disease and injury in the 1990's. This bill is the Department's number 1 legislative priority this Legislative Session. We urge the Committee to act favorably on it.

Thank you.

WATER UTILITIES**S.B. 475, "An Act Concerning A Pilot Water-Use Program"**

CCM supports S.B. 475, which would require DPHAS to establish a pilot program in southeastern Connecticut to assist the council of governments with water utility coordination.

R.B. 1055, "An Act Concerning Water Supply Plans"

CCM supports this bill.

R.B. 1055 would reduce the amount of costly state mandates to municipal water utility companies by amending the process by which the Department of Public Health and Addiction Services (DPHAS) establishes criteria for water supply plans, to require that such process be subject to the formal regulations review procedure.

A Connecticut Waterworks Association survey estimates that of 12 municipal water companies representing 250,000 customers, \$1.1 million has been spent trying to conform with DPHAS-ordered changes, with only 5 plans having been approved to date.

In addition, the Town of Manchester submitted a plan to DPHAS 6 years ago and its plan has yet to be approved! Officials are told to simply re-"do" the plan and resubmit it, due mostly to data being outdated (due to the length of time it takes to get a response from DPHAS). Clearly, something has to be done.

The rationale behind submitting a plan is a good one. However, a more simple process should be established, and that process should go through the normal regulatory process, which should include an appeals process for aggrieved water companies.

R.B. 6857, "An Act Concerning Drinking Water"**R.B. 6894, "An Act Concerning Enforcement of Safe Drinking Water Laws"**

CCM opposes these bills.

The bills would, among other things, remove the "imminent and substantial" threat language which dictates when the Commissioner of DPHAS can issue cease and desist orders regarding water quality before holding a hearing. The change would give the Commissioner too much authority to determine when orders can be made without regard to due process.

This intrusion is not necessary for the protection of the public's health, since, of there is an emergency, the current "imminent and substantial" clause allows the Commissioner to take

swift action without a hearing.

OTHER

S.B. 595, "An Act Concerning Mosquito Control"

CCM supports S.B. 595, which would allocate funds to the Department of Public Health and Addiction Services for a permanent mosquito control program.

S.B. 1003, "An Act Eliminating Payment for Transportation for Alcohol-Dependent Persons"

CCM opposes this bill.

S.B. 1003 is a proposal by the Governor, would eliminate the requirement that the Department of Public Health and Addition Services pay for the transportation expenses of destitute alcohol-dependent persons admitted to treatment facilities.

Transportation costs would be transferred to cities and towns, since local police would be left responsible for transporting such persons. Our distressed municipalities would be effected most.

Thank you.

THE CONNECTICUT WATER WORKS ASSOCIATION, INC.
90 SARGENT DRIVE
NEW HAVEN, CONNECTICUT 06511

STATEMENT OF THE CONNECTICUT WATER WORKS
ASSOCIATION, INC.

BY

MARTIN B. BURKE

PUBLIC HEALTH COMMITTEE

MARCH 9, 1995

RE: R.B. 6857, AN ACT CONCERNING DRINKING WATER
R.B. 6894, AN ACT CONCERNING ENFORCEMENT OF SAFE
DRINKING WATER LAWS

The Connecticut Water Works Association, Inc. (CWWA) is an association of water supply utilities serving Connecticut. Membership in the Association is open to all Connecticut water utilities, investor-owned, municipal and regional authorities. There are currently 21 publicly-owned and 19 investor-owned water utilities in the Association. Combined, these water systems serve more than 500,000 customers or a population of approximately 2 1/2 million people located throughout the state.

As purveyors of public drinking water, members of the Association have an obligation to provide sufficient quantities of high quality water at reasonable cost to the consumers of the community served. As such an association, CWWA and its members are keenly interested in the meaningful and effective regulation of water supply utilities.

CWWA addresses its comments to these bills jointly as they essentially mirror each other in their provisions. Section 1-3 of both bills generally increase the enforcement powers of the Commissioner.

CWWA supports the increased powers when there is an **imminent threat to water quality** but is concerned about the same authority being used for other violations that may not have the same magnitude or public health implications, such as reporting requirements.

CWWA is opposed to section 2 of R.B. 6857, AN ACT CONCERNING DRINKING WATER, which revises section 25-32g of the General Statutes by removing the requirement that the Commissioner before issuing an order without a hearing find **imminent and substantial**

damage to a public water supply. This revision would permit the Commissioner to issue emergency orders for any violation of section 19a-36 through 19a-39 or section 25-32 through 25-54 and to issue an uncontested order requiring utilities or others not only to discontinue, abate and alleviate conditions but to actually **correct** and take positive specific actions, all without the opportunity for a hearing.

CWWA does not oppose the Commissioner having this authority when "imminent and substantial" danger to a public water supply exists. It does not believe the Commissioner should have this authority for all provisions of these sections of the Statutes, some of which address requirements such as reporting, record keeping, and routine operation, which do not require immediate action, and should permit the ordered party a hearing to contest the validity of the order of the Commissioner.

Section 7 of **R.B. 6857, AN ACT CONCERNING DRINKING WATER**, which currently allows the imposition of a civil penalty not to exceed \$5,000.00 for violation of section 25-32d, broadens the language to include a vague and ill defined term to the purity of water supplies. Section 7 gives additional vague and easily misinterpreted language to the Statute to permit the Commissioner to assess \$5,000.00 in civil penalties. This language should be revised to be more specific.

Section 9 of **R.B. 6857, AN ACT CONCERNING DRINKING WATER**, as drafted, modifies section 16-2621 of the General Statutes by substituting the power of the Commissioner of Public Health and Addiction Services for the Department of Public Utility Control with respect to placing a water company (investor owned only) into involuntary receivership. Not only does it shift the jurisdiction from the Department of Public Utility Control to the Department of Health and Addiction Services, but also allows the addition of "quantity of water" deficits under section 25-32 to be added as a reason for establishing the involuntary receivership.

Involuntary receivership of an investor owned company regulated by the DPUC should not be permitted to be instituted by the Department of Public Health and Addiction Services.

We are also concerned about the proposed language in Section 4 of both **R.B. 6857, AN ACT CONCERNING DRINKING WATER**, and **R. B. 6894, AN ACT CONCERNING ENFORCEMENT OF SAFE DRINKING WATER LAWS** that imposes the provisions of section 25-37c for water company lands on lands controlled a water company through a lease of other property use agreement or acquired from a water company through a foreclosure or other involuntary transfer of ownership or control.

The water industry recognizes the value of appropriate land use restrictions on water company lands that impact our sources of supply. However, we are concerned that extending the provisions of the water company lands statutes to property

leased or otherwise controlled by a water company may impede our ability to get easements or use agreements for important properties. Property owners may be reluctant to grant easements or use agreements for fear of the limitations imposed by the water company lands statutes. It may become more difficult and costly for water companies to obtain or even renew existing use agreements for properties important for access, facilities or source protection for water system operation.

The provision extending the water company lands statutes to land acquired through foreclosure or other involuntary transfer may result in banks or other lenders receiving property through foreclosure proceedings with significant restrictions imposed by the water company lands statutes that severely limit the value of the property. This could deter banks and lenders from offering mortgages for these properties because of the potential loss of market value.

STATEMENT OF TESTIMONY

MARCH 9, 1995

PROPOSED BILL NO. 6857, AN ACT CONCERNING DRINKING WATER

TESTIMONY OF COMMISSIONER SUSAN S. ADISS, DEPARTMENT OF PUBLIC HEALTH AND ADDICTION SERVICES (DPHAS)

The DPHAS supports proposed Bill No. 6857 for the following reasons:

Sections 1 through 3 contain additions and changes to the existing statutes that would allow the Department to issue orders to correct violations that threaten the quality and quantity of public water supplies, and that would provide the attorney general the authority to enforce those orders. This bill clarifies the Department's role in enforcing violations of the cited statutes and replaces unclear language that brings into question phrases such as "imminent and substantial damage" which can be challenged as subjective terms.

Sections 4 through 6 are necessary to clarify that Class I, II and III water company owned land that is leased or acquired through foreclosure or other involuntary transfer of ownership or control remains as Class I, II or III land, respectively, and shall be regulated as such. Section 6 further requires that when a water company mortgages its land or uses such land as a security interest that the Department is notified in order to allow the Department the opportunity to record such actions and to track activities that may lead to an involuntary transfer of land.

Section 7 is intended to include the authority to assess civil penalties for violations of water quality standards. Currently the Department may only assess civil penalties for monitoring and reporting violations. That authority has been very effective in achieving better compliance with monitoring and reporting requirements. We would like to achieve similar impacts when dealing with violations of drinking water quality standards and believe this enforcement tool would help us do that.

Section 8 is merely intended to correct a technical error that occurred last year when changes were made to the residential water conservation retrofit law. That law had only applied to the larger water utilities; however, the change last year that converted the program to an educational program inadvertently excluded a phrase which resulted in the law being applied to all water companies. We do not believe this was intended and places an undue burden on many very small systems.

Section 9 of this bill would allow the Department to petition the court for an order placing a water company under the control and responsibility of a receiver if the company has violated standards for quantity or quality or public drinking water. Please note that line 212 should read quantity OR quality. Several small water system owners have recently threatened to abandon their systems and leave their customers without a source of drinking water. Although current law allows the Department of Public Utility Control (DPUC) and the municipality served to petition for such an order, circumstances have resulted in the DPHAS also being an appropriate agency to seek such action. Please note that line 202, erroneously omitted inclusion of the DPUC. The DPUC is currently included in Sec. 16-2621.(c) and should remain as an appropriate party.

I believe that the provisions in this bill are necessary to ensure a safe and adequate supply of drinking water to the citizens of Connecticut that rely on public water supplies.

8778D



STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC UTILITY CONTROL

REGINALD J. SMITH
CHAIRPERSON

March 8, 1995

Honorable George L. "Doc" Gunther
Honorable Anne McDonald
Members of the Committee
Public Health Committee
Connecticut General Assembly

Dear Senator Gunther, Representative McDonald, and Members of the Committee:

The Department wishes to call your attention to a problem with Raised Bill 6857, AAC DRINKING WATER (attached). Section 9 (line 198) of the bill repeals §16-262i (c) of the General Statutes. Under present law this section allows the Department Of Public Utility Control (DPUC) to petition superior court for an order attaching the assets of a water company and placing it under a receiver under conditions specified. RB6857 transfers that authority to the Department Of Public Health And Addiction Services (DPHAS).

Conversations with DPHAS have established that it was not their intent to remove the DPUC from the process but only to add DPHAS to the process. DPHAS stated that they would be offering amended language to correct the proposal when they testify at the public hearing scheduled for Thursday, March 9, 1995. The DPUC would not have objections to the bill if that amended language is adopted. We do object to removing the DPUC from §16-262i (c).

Should you have any questions, please contact me at 827-2627 or Chet Morgan, the Department's Legislative Liaison, at 827-2865.

Sincerely,

A handwritten signature in cursive script that reads 'Reg Smith'.

Reginald J. Smith

attachments

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and the character and degree of injury or impairment to or 175
interference with or threat thereof to: (1) The purity of 176
drinking water supplies; (2) the adequacy of drinking water 177
supplies and (3) the public health, safety or welfare. No civil 178
penalty may be imposed until the regulations required by this 179
subsection have been adopted. 180

Sec. 8. Section 25-32k of the general statutes is repealed 181
and the following is substituted in lieu thereof: 182

(a) Each water company, as defined in section 25-32a, SERVING 183
ONE THOUSAND OR MORE PERSONS OR TWO HUNDRED FIFTY OR MORE 184
CONSUMERS, shall annually provide to residential customers, 185
without charge, educational materials or information on water 186
conservation. Every year each public water company shall provide 187
a copy of these educational materials to the commissioner of 188
public health and addiction services. 189

(b) The commissioner of public health and addiction services 190
may impose a civil penalty on any water company that violates the 191
provisions of this section. In imposing such civil penalty, the 192
commissioner shall comply with the procedures set forth in 193
section 25-32e, except that the amount shall not exceed five 194
thousand dollars per violation. Each year the company fails to 195
offer educational materials or information on water conservation 196
shall be deemed to be a separate violation. 197

→ Sec. 9. Subsection (c) of section 16-2621 of the general 198
statutes is repealed and the following is substituted in lieu 199
thereof: 200

(c) Notwithstanding the provisions of subsection (b) of this 201
section, the department ~~OF PUBLIC HEALTH AND ADDICTION SERVICES,~~ **AND THE DEPARTMENT** 202
the municipality served by a water company or an organization 203
representing twenty per cent of the consumers of the company may, 204
upon notice to the company, petition the superior court for an 205
order attaching the assets of the water company and placing it 206
under the sole control and responsibility of a receiver, if (1) 207
the company has failed to supply water to consumers for at least 208
five days during the preceding three months, (2) the department 209

of public health and addiction services determines that the 210
 company has not met the standards adopted under section 25-32 for 211
 the QUANTITY AND quality of public drinking water or (3) the 212
 petitioner has reasonable cause to believe the consumers of the 213
 company have not received and are unlikely to receive adequate 214
 service due to gross mismanagement of the company. Upon the 215
 filing of such a petition, the court shall order the company to 216
 show cause why such an order of attachment and receivership 217
 should not issue ten days from the date of service of the order 218
 to show cause upon the company at its last known address. 219

Sec. 10. This act shall take effect July 1, 1995. 220

STATEMENT OF PURPOSE: (1) To allow the department of public 223
 health and addiction services to issue orders to correct 224
 violations that threaten water quality and to provide the 225
 attorney general with authority to enforce the orders; (2) to 226
 extend the definition of land protected by water supply laws to 227
 land leased to a water company or the subject of an involuntary 228
 transfer and to require water companies to notify the 229
 commissioner when assets are used to secure mortgages; (3) to 230
 allow the commissioner to impose civil penalties for violations 231
 of regulations; (4) to allow the department to petition superior 232
 court for an order attaching the assets of a water company and 233
 placing it under a receiver when necessary to protect public 234
 health and (5) to make technical changes to PA 94-144 to limit 235
 the dissemination of water conservation education materials to 236
 larger water companies. 237

[Proposed deletions are enclosed in brackets. Proposed 239
 additions are all capitalized or underlined where appropriate, 240
 except that when the entire text of a bill or resolution or a 241
 section thereof is new, it is not capitalized or underlined.] 242

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