

Act Number: 09-220

Bill Number: 6539

Senate Pages: 6089, 6100-6102

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House Pages: 4266-4276

11

Committee: Public Health: 1515, 1516-
1517, (1520-1522), 1564-
1568, 1582-1586, 1745, 1746-
1747, 1856-1861, 1870, 1929,
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GENERAL ASSEMBLY
SENATE**

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on the Consent Calendar. Seeing no objection, so
ordered.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, moving
to Calendar page 10, Calendar 639, House bill 6684,
move to place the item on the Consent Calendar.

THE CHAIR:

Motion on the floor to place Calendar number 639
on the Consent Calendar. Seeing no objection, so
ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Moving to Calendar page
12, Calendar 667, House bill 6539, move to place the
item on the Consent Calendar.

THE CHAIR:

There is a motion on the floor to place Calendar
number 667 on the Consent Calendar. Seeing no
objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Moving to Calendar page
13, Calendar 678, House bill 6306, move to place the
item on the Consent Calendar.

THE CHAIR:

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Back on Calendar page 18, Calendar 719, House Bill 6676 is marked go and Calendar page 33, Calendar 354, Senate bill 499 is marked go.

Yes, Mr. President, thank you. At this point if the Clerk might call the items on the Consent Calendar.

THE CHAIR:

Mr. Clerk, please call the Consent Calendar.

THE CLERK:

Immediate Roll Call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber. Immediate Roll Call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

Mr. President, the items placed on the first Consent Calendar begin on Senate Agenda number one, Substitute for House bill 5211, Substitute for House bill 6672 and Senate bill 880.

From Senate Agenda number two, Substitute for House bill 6481 and Senate bill 1128.

Going to Senate Calendar, calendar page 229, Substitute for Senate bill 549. Calendar 229, substitute for Senate bill 547. Calendar page 7,

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Calendar 602, substitute for House bill 6584.

Calendar page 10, Calendar 639, House bill 6684.

Calendar page 12, Calendar 667, substitute for House bill 6539. Calendar page 13, Calendar 678, substitute for House bill 6306. Calendar 679, substitute for House bill 6279 and Calendar 682, substitute for House bill 6041. Calendar page 14, Calendar 692, House bill 6248. Calendar page 15, Calendar 700, substitute for House bill 6693. Calendar 701, substitute for House bill 6642. Calendar page 17, Calendar 714, substitute for House bill 6280. Calendar page 21, Calendar 735, House bill 6523. Calendar page 26, Calendar 337, Senate bill 1047.

THE CHAIR:

Sir, I believe that was 377.

THE CLERK:

Yes, Mr. President, Calendar 377, Senate bill 1047. And Calendar page 33, Calendar 378, substitute for Senate bill 1048. Mr. President, that completes the items placed on the first Consent Calendar.

THE CHAIR:

Please call for Roll Call vote.

Please call for a Roll Call vote on Consent number

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one, the machine will be open.

THE CLERK:

The Senate is now voting by Roll Call on the Consent Calendar. Will all Senators please return to the Chamber? The Senate is now voting by Roll Call. Will all Senators please return to the Chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote, the machine will be locked, the Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar Number One.

Total number voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar Number One passes.

Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Mr. President, would move for immediate transmittal to the House of Representatives

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DEPUTY SPEAKER ALTOBELLO:

Have all members voted? Have all members voted?
If so, please check the board to make sure your vote
is properly cast. If all members have voted, the
machine will be locked.

Can the Clerk please take a tally -- and would
the Clerk please announce the tally.

THE CLERK:

House Bill 6536 as amended by House A.

Total Number Voting	141
Necessary for Passage	71
Those Voting Yea	141
Those Voting Nay	0
Those Absent/Not Voting	10

DEPUTY SPEAKER ALTOBELLO:

The bill as amended passes.

Will the Clerk please call Calendar 402.

THE CLERK:

On page 41, Calendar 402, Substitute for House
Bill Number 6539, An Act Concerning Environmental
Health, favorable report of the Committee on Energy
and Technology.

DEPUTY SPEAKER ALTOBELLO:

And Representative Ritter of the 38th --

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REP. RITTER (38th):

Yes?

DEPUTY SPEAKER ALTOBELLO:

-- District. You have the floor, madam, if you
so desire.

REP. RITTER (38th):

Thank you, Mr. Speaker. And Mr. Speaker, I
believe that that favorable report came from the
Committee on Public Health, not Environment --

DEPUTY SPEAKER ALTOBELLO:

Thank you, ma'am --

REP. RITTER (38th):

-- as stated.

DEPUTY SPEAKER ALTOBELLO:

-- and we will --

REP. RITTER (38th):

And I also would move for acceptance of that
Joint Committee's favorable report and passage of the
bill.

DEPUTY SPEAKER ALTOBELLO:

Thank you, madam.

The Clerk informs me that the bill was returned
to us from the Energy and Technology, that being its
last stop.

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, the Clerk is in possession of an amendment, LCO 7058. I would ask the Clerk to please call the amendment and I'd be granted leave of the chamber to summarize.

DEPUTY SPEAKER ALTOBELLO:

Prior to that, madam --

REP. RITTER (38th):

I'm so sorry, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

With the back and forth -- did you move the bill and --

REP. RITTER (38th):

I would also urge passage of the bill.

DEPUTY SPEAKER ALTOBELLO:

Did you move a passage?

REP. RITTER (38th):

I move passage of the bill.

DEPUTY SPEAKER ALTOBELLO:

Very good. Very good.

Question is on passage of the bill.

Would you remark further, perhaps bring out an amendment or something or other?

REP. RITTER (38th):

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Mr. Speaker, the Clerk is in possession of an amendment, LCO 7058. I would ask the Clerk to please call the amendment and that I be granted leave of the chamber to summarize.

DEPUTY SPEAKER ALTOBELLO:

Would the Clerk please call LCO 7058, which shall be designated House Amendment Schedule A.

THE CLERK:

LCO Number 7058 House A, offered by
Representative Ritter and Senator Harris.

DEPUTY SPEAKER ALTOBELLO:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, this amendment reflects an agreement between the water industry, the Department of Environmental Protection, and the Department of Public Health. It makes two changes to the underlying bill, it changes the requirements for filling water supply plans from the current requirement of between three and five years, to a requirement of between six and nine years. And it adds a requirement that water supply plans include a brief summary of the companies' infrastructure replacement practices. In addition, the amendment

updates the date the DPH is required to establish alternative on-site sewage treatment systems categories. Finally, it clarifies the current requirement that DPH adopt regulations in accordance with federal regulations concerning radon in drinking water. I urge adoption.

DEPUTY SPEAKER ALTOBELLO:

Question before the chamber is adoption of House A.

Would you remark further on House A?

If not, I'll try your minds. All those in favor please signify by saying, aye.

VOICES:

Aye.

DEPUTY SPEAKER ALTOBELLO:

Opposed --

The ayes have it, amendment is adopted.

Further on the bill as amended?

Representative Berger of the 73rd, you have the floor, sir.

REP. BERGER (73rd):

Thank you, Mr. Speaker, and certainly a very good bill that we're going to vote on here today -- and when we talk about environmental health. But Mr.

Speaker, when we talk about environmental health, I believe that we should also talk about cleaning up brownfield contamination that is rampant throughout the state of Connecticut and all of the municipalities located within the state of Connecticut, and beyond even the bigger cities of 100,000 or greater.

Now Mr. Speaker, when we talk about cleaning up brownfields, we should also talk about the fact that to clean up brownfields, the state of Connecticut needs money to do that, and the money has come very, very slowly over the last several years through the Bonding Commission. It has come and we're very thankful for those that are proponents of brownfields clean-up, because when we look at brownfields clean-up, Mr. Speaker, we look at it from the point of jobs, we look at it from the point of economic development, we look at it from the point of creating revenue for our municipalities and the state of Connecticut, and Mr. Speaker, we also look at it from the point of preserving our farmland and preserving open space.

And when we look at preserving open space and farmland there's a dedicated stream of funding there, close to \$12 million a year in addition to a funding

stream from filing fees in our town clerks' offices in each one of our municipalities. So in having that steady funds flowing into the program to buy open space, we're able to preserve the pristine environment of the state of Connecticut that we all enjoy and cherish. But Mr. Speaker, when we look at that and we understand that, we cannot preserve our open space and farmland without first then, also cleaning up our brownfield contaminated sites that are rampant throughout our state.

Mr. Speaker, I have an amendment, but I'm not going to call that amendment. But the message clearly needs to be told and I'm hopeful in negotiations on a final two-year budget that we look at the funding source and we can have a plan for that, Mr. Speaker. We can fund that through filing fees, by increasing the cost of filing fees at our town clerk's office everyone could win, because filing fees go to the benefit of all of our town clerks, all of our municipalities, our open space, our farmland preservation, and several other entities: Connecticut Farm Link Program, Grow Connecticut, retailers, institutions, business, agricultural entities, the Department of Agriculture, Department of Environmental

Protection, Connecticut Housing Finance Authority, Connecticut Commission on Tourism, these are all entities that receive funds through filing fees.

So there's an amendment out there, Mr. Speaker and members of the chamber, that would elevate that filing fee to help fund brownfields. If that amendment were to go on this bill, that might endanger this bill from moving forward as this amendment is on other bills. And we're not going to do that, but we want to get the message out clear that if we want to preserve Connecticut and we want to preserve its open space and farmland, we must, Mr. Speaker, we must dedicate funds to brownfield clean up, as we do all of the other entities that I just spoke of.

When we drive in the countryside of Connecticut and we look at our open space, why should we have to drive through our municipalities, our large towns, our small towns, and see boarded up old factories, contaminated, off of the tax rolls, no jobs, no money coming in. Why should we have to drive through those municipalities and see that, Mr. Speaker? While we can drive through the countryside and see beautiful land? Because at the end of the day, if we do not look at brownfields funding, a dedicated stream of

that funding, those beautiful pristine lands that we all appreciate and love will be gone to development.

I thank your indulgence, Mr. Speaker. I thank the chamber's indulgence. This may not be the last time you hear this topic in this session, but it's important. It's important for us to understand and realize and I know we all understand and realize that in this chamber.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Berger.

Representative Giegler of the 138th, you have the floor, madam.

REP. GIEGLER (138th):

Thank you, Mr. Speaker. I rise in support of this bill that passed unanimously out of both the Public Health Committee and the Energy and Technology Committee, and I want to thank the Chairs for making the changes that were discussed within the committee. This bill will significantly reduce the cost for our towns that are served by municipal water departments and it will save our water companies, both time and money, and I urge my colleagues support. Thank you.

DEPUTY SPEAKER ALTOBELLO:

Thank you, madam.

Further on the bill as amended? Further on the
bill as amended?

If not, staff and guests please retire to well of
the House.

Members take your seats, the machine will be
open.

THE 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.

DEPUTY SPEAKER ALTOBELLO:

Have all members voted? Have all members voted?
Please check the board to make to make sure your vote
is properly cast. If all members have voted, the
machine be locked.

Would the Clerk please take a tally. And would
the Clerk announce the tally.

THE CLERK:

House Bill 6539 as amended by House A.

Total Number Voting	141
Necessary for Passage	71
Those Voting Yea	141
Those Voting Nay	0
Those Absent/Not Voting	10

DEPUTY SPEAKER ALTOBELLO:

The bill as amended by House A passes.

Would the Clerk please call Calendar 544.

THE CLERK:

On page 18, Calendar 544, Senate Bill Number 854,
An Act Concerning The Office of Protection and
Advocacy for Persons With Disabilities, favorable
report of the Committee on Human Services.

DEPUTY SPEAKER ALTOBELLO:

Representative Butler of the 72nd District, you
have the floor, sir.

REP. BUTLER (72nd):

Thank you, Mr. Speaker. I move for acceptance of
Joint Committee's favorable report and passage of the
bill.

DEPUTY SPEAKER ALTOBELLO:

Question before the chamber is acceptance of the
Joint Committee's favorable report and passage of the
bill.

Please proceed, sir.

REP. BUTLER (72nd):

Thank you, Mr. Speaker. Today's a new day, the
purpose of this bill is to protect the rights of
persons with disabilities. The Office of Protection

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WAYNE CARVER: But if paternity is not proven, then the petitioner who represents the baby -- but the baby's not the child of the dead person, then that person has no more -- the baby has no more rights to it either.

REP. ESTY: Correct.

And that would be my point, that they shouldn't. But if they release -- if all of that is done at once and you've got a bundle of information, the way it's written now, I would read that that information can be released to the person who petitions if they pay costs, and that would be my --

WAYNE CARVER: I would -- I would have no qualms about it being tightened up.

REP. ESTY: Thank you.

REP. RITTER: Are there further questions from the committee?

Thank you very much for your testimony, and we'll be apparently taking another look at this or looking further at it.

Our next speaker is Dr. Galvin, and he's followed by Commissioner Thomas Kirk, followed by Gary Richter.

J. ROBERT GALVIN: Good morning, Senator Harris, Representative Ritter, distinguished committee members. I'm Bob Galvin. I'm the Commissioner of Public Health.

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SB845
SB847

And we have four acts that I would like to briefly go over with you. I will read some testimony on the two Senate bills, House Bill 6391, An Act Concerning Revision to the HIV Testing Consent Law. This is an effort to

moving screening for HIV into the realm of routine testing on office exams and exams in other medical facilities.

Of course an individual would be aware that the test is run and has the right to refuse. Nationally it's known that about 25 percent of HIV cases are missed. We're not picking them up. We're not picking them up early.

Many of our diagnoses are within -- about 40 percent of the times we pick up an HIV case, it's within six months of the first testing, which translates into the fact that we're not catching people until later on.

We want to make sure that we can properly identify everybody who has this illness, and it's of particular concern because the number of people who are HIV positive is trans -- translates into the prevalence of the disease in our population, and that's the basis for a lot of the funding.

So we simply want to expand this and make sure we're not missing people because they're over 40 or they're from places where we don't think they could possibly have the illness.

House Bill Number 6539, An Act Concerning Environmental Health, involves technical adjustments to our water program. We have an excellent drinking water program in Connecticut. This makes it a bit easier to deal with our drinking water revolving funds and other things that we do. We can improve the quality of water.

We're one of two states, ourselves and Rhode Island, that do not use recycled water in the United States, and we think this act will make it an even stronger part of our program.

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Internationally, water is becoming very precious, and people are doing all kinds of things to safeguard water and the water supply. We're leaders in that. We want to continue to lead.

I'm going to read some testimony about Senate Bill 845, An Act Concerning Oversight of Nursing Homes.

As we all know, Connecticut has an increasingly aging population that in time will require a greater number of health services, including access to long-term care facilities.

This bill helps to ensure that the access is not restricted because of financial concerns on the part of nursing home operators.

As explained in the written testimony provided to you, this bill increases the regulatory tools available to the Department of Public Health for enforcement, expands the information to the department for review of various nursing home transactions, and establishes benchmarks for review of financial solvency within the nursing home setting.

We currently have 30 nursing homes that are insolvent one way or the other.

The language contained in Senate Bill 845 has been several years in the making and represents agreements reached between my agency, the Department of Social Services, the Office of Policy and Management, the Attorney General's Office, and our legislative partners.

My staff has been involved in further meetings

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shortage of healthcare educators in the state.

And I'm also pleased to say that Western Connecticut State University has established -- Western and Southern have established a doctoral program for nursing education.

REP. RITTER: Thank you, Commissioner.

Are there questions from the committee?
Senator Prague.

SENATOR PRAGUE: Thank you, Madam Chairman. Nice to see you, Dr. Galvin.

You testified on the bill concerning -- 6617,
An Act Concerning Water Supply Plans.

(HB6539)

Like you, I'm very concerned about water and enough water for people in the future. I'm sure that agencies talk to each other, but something happened this past week that I would like to call to your attention, and I don't know if you can do anything about it.

There is a wood-burning power plant that was just approved for Plainfield. It burns demolition wood. It's my understanding that they will take wood in from other states, and it's right on the bank of the Quinebaug River.

The people out in the area, and particularly the environmentalists, are very concerned about the thousands and thousands and thousands of gallons of water that that plant is going to draw from the Quinebaug River.

I would ask you if you could communicate with Gina McCarthy, who you know is the commissioner of DEP, and see if there's anything we can do about this to force that power plant to divide another system rather

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than use the water from the Quinebaug River for cooling.

It's a major, major concern, and I was aghast that they got the permit to go ahead with that plant as is planned.

J. ROBERT GALVIN: I think, Senator, that there's some additional information on that, and in terms of -- is there a pending court case on that?

Mrs. Blaschinski is my water maven.

ELLEN BLASCHINSKI: Good morning. I'm Ellen Blaschinski. I'm the branch chief for regulatory services at DPH.

I think that Dr. Galvin actually did send some correspondence about that ash plant. And also, we reviewed the water supply plans for that area.

That source of supply is not identified currently in their water supply plan as a future source of drinking water, but we encourage them to work with the Water Utility Coordinating Committee in that area, because just because you're not a source of supply now, you could be in the future.

And his correspondence did include some recommendations for best management practices to try to ensure as best as humanly possible that those resources are protected.

I cannot off the top of my head recall if we copied Commissioner McCarthy, but we certainly can do that:

J. ROBERT GALVIN: I will be meeting with Commissioner McCarthy on another matter within

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the week, Senator Prague, and I will discuss it with her.

SENATOR PRAGUE: Thank you very much.

J. ROBERT GALVIN: You're welcome.

REP. RITTER: Thank you.

ELLEN BLASCHINSKI: And I can get you a copy of that letter as well.

REP. RITTER: That would be great. Thank you.

J. ROBERT GALVIN: And if I just beg your indulgence, Mr. Chairman, for a moment.

Alan and Deputy Commissioner Norma Gyle have Done an absolutely superb job with the water -- they fight you to the death over every drop of water, and we're very serious about it, and we're looking at it as a nationwide and a worldwide thing.

We've got a lot of water, but we want to make sure that it's good water, and we work very hard and I take great pride in the fact that we guarantee everybody clean drinking water. Very careful with that.

SENATOR PRAGUE: Thank you, Madam Chairman.

I just wanted to remind Dr. Galvin what Governor Ribicoff said. When you want a job done right, you get a woman to do it.

(Laughter.)

J. ROBERT GALVIN: Yes.

REP. RITTER: Thank you so much, Senator Prague. Appreciate your sentiment.

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much as possible keep groups intact, groups of patients with the staff who have been serving them.

I've heard from both patients and family and staff of their high desire to make that happen. I know there may be some collective bargaining issues that I think in terms of patient -- you know, delivering best patient care that it is incumbent upon us to try to keep them together as much as possible, and that would appear to be the desire of everyone who is currently at Cedarcrest, to try to keep those groups intact as much as we possibly can, so I want to urge you to try and do that.

THOMAS KIRK: And we are committed to doing that.

REP. ESTY: Thank you.

REP. RITTER: Further questions? Commissioner, thank you very much for your time.

THOMAS KIRK: Pleasure.

REP. RITTER: We have gone way over our first hour allocated for time from agencies, and so we are going to begin to alternate with members of the public.

The first member of the public that we'll be hearing from is Chris Phelps. And then he will be followed by Gary Richter.

CHRISTOPHER PHELPS: Good morning, Representative Ritter, Senator Harris and members of the committee.

I'm Christopher Phelps, director of Environment Connecticut. We're a member-supported environmental advocacy organization with offices in West Hartford as

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well as Washington, DC.

I submitted comments for the committee on House Bill 6539, An Act Concerning Environmental Health. Our comments specifically speak to Sections 3, 4 and 5 of that bill.

Section 3, Section 4 and Section 5 would repeal existing statutory language regarding inspection of, testing for and regulations concerning safe levels of radon in schools, both in the air and water, as well as in potable drinking water supplies.

As the committee members may well know, exposure to airborne radon is considered the second leading cause of lung cancer. Drinking water that contains high radon levels can actually serve to increase indoor radon levels in homes, for example, when that water is used for things such as showering, washing dishes, washing laundry. The radon is released into the home and contributes to indoor radon levels.

It also is linked with potential increase in the risk of stomach cancer, although that is a lesser risk than the risk of lung cancer from radon exposure.

The statutes that are on the books right now that this bill addresses are intended to move Connecticut towards putting policies in place to reduce exposure to radon, reduce the health impacts of exposure to radon among our families in the state. And we're concerned that the repeal of these provisions moves us backwards in dealing with this health problem in our communities. I'd just like to note two points that I do touch on on page 2 of my testimony.

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First is yesterday I received a communication from a member of our organization who is a resident of the Town of Columbia whose community neighborhood is served by residential -- by well water operated by a private water company, and they've discovered that the radon levels in their water are as high as 20,000 pCi/L.

I noted the Department of Public Health website recommends that if radon in water level of a homeowner is 5,000 pCi/L, it should be mitigated. It also notes that there is no law currently requiring that to happen, although I would note this bill appears to be repealing a lawsuit that was supposed to result in regulations dealing with that problem.

I note that the time is up. Let me just note the last point in my testimony is that I'm also the -- while not testifying in that capacity today, I also am the chairman of the Board of Education in the Town of Portland. And to the effect that this legislation potentially rolls back in part provisions addressing the need to reduce radon exposure in schools, I would personally as a member of the Board of Education oppose that.

I believe ensuring the health and safety of every student and staff member in our schools is absolutely imperative and something that we should take very seriously in all aspects.

With that, I'd be happy to take any questions the committee may have.

REP. RITTER: Thank you. Questions from the committee?

Senator Harris.

SENATOR HARRIS: Good morning, Chris, how are you?

CHRISTOPHER PHELPS: Pretty good. Thank you,
Senator.

SENATOR HARRIS: Is there any other agency that has
jurisdiction over radon?

CHRISTOPHER PHELPS: In Connecticut, I believe at
this point in terms of these provisions and
these -- since the Department of Public Health
is the primary agency, I would assume that DEP
could or possibly should be involved in these
issues, as well as the federal EPA has not, at
this time, as I understand it, established
specific regulations governing radon in water
supplies or indoor air, and that the entire
nation has been waiting for EPA to do that for
many years.

So at this time, I believe DPH is the primary
entity where you would go as, say, a homeowner
for information about assistance in addressing
radon problems.

SENATOR HARRIS: And it sounds like, to your
knowledge, DEP is not, you know, picking up
the slack elsewhere?

CHRISTOPHER PHELPS: Not to my knowledge.

SENATOR HARRIS: Okay. Thank you very much.

CHRISTOPHER PHELPS: Thank you.

REP. RITTER: Thank you. I have a follow-up
question to Senator Harris' -- or your
response to his question.

So I'm correct that you don't believe that DEP

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in any way regulates this?

CHRISTOPHER PHELPS: I'm not aware that they do,
but the flipside is I'm not 100 percent aware
that they don't either.

REP. RITTER: Okay. Thank you.

CHRISTOPHER PHELPS: My understanding is DPH is the
primary agency [inaudible].

REP. RITTER: Okay. Thank you. That helps me.

I don't know the answer to that either, but I
do agree that wherever this regulation
occurs -- and it should be considered
somewhere -- there needs to be a mechanism for
clear and easy notification, particularly to
any homeowners, as you made your point so
well,
So I thank you for that.

CHRISTOPHER PHELPS: Thank you.

REP. RITTER: Are there any other questions or
comments from the committee?

Hearing none, thank you.

CHRISTOPHER PHELPS: Thank you.

REP. RITTER: And our next speaker will be Gary
Richter.

GARY RICHTER: Good morning, Senator Harris,
Representative Ritter, members of the Public
Health Committee.

SB845 HB6400

My name is Gary Richter, and I'm director of
Certificate of Need and Rate Setting at the
Department of Social Services. I'm here on
behalf of Commissioner Starkowski who is

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Or, you know, doors being chained shut because security systems are broken and not repaired, those kinds of things.

So I appreciate you -- they do an incredible job daily. Thank you.

SENATOR HARRIS: I forgot to follow up with Mr. Richter on this, and you might not know, but he threw out a statistic about us being among the highest rates in the country.

Do you know anything about that or is that, again, beyond --

NANCY SHAFFER: I don't know -- that's a little beyond. I don't know that we have one of the highest rates in the country.

SENATOR HARRIS: Do you know if that takes into account the higher cost of doing business in this state, heating, et cetera?

NANCY SHAFFER: I would imagine so.

SENATOR HARRIS: Okay. That's what I meant to follow up with him, but -- okay. Nancy, thank you very much.

NANCY SHAFFER: Thank you, Senator.

SENATOR HARRIS: Good having you here.

Next we have David Radka, followed by First Selectman Fritz.

DAVID RADKA: Good morning, Senator Harris, members of the committee. My name is David Radka, I'm the president of Connecticut Waterworks Association, and I appreciate your indulgence allowing me to speak on 6539 and 6617, which

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I'll address in order.

I've submitted written testimony on both bills, and I'm going to be brief. CWWA opposes Section 2 of Raised Bill 6539, An Act Concerning Environmental Health, which would require exclusive service areas holders, which are in essence water companies in municipalities, to assume responsibility for applying for and obtaining certificates of public convenience and necessity.

These are the approvals that a developer would need to construct the water system component of whatever it is they're building if that system serves 25 or more persons.

The Department of Public Health has expressed dissatisfaction with the quality of the applications it receives. We believe they can and should reject any application that doesn't provide the minimum level of information necessary for review, rather than hoisting that responsibility on water companies and municipalities, which are really ill-suited to under take that role.

At the same time, we understand their frustration. We've held several meetings with them to discuss ways that the overall quality and accuracy of the applications can be improved without inappropriately burdening water companies and municipalities, and we'll continue to work with them on this issue certainly in our mutual interests.

However, Section 2 of 6539 is unreasonable and unworkable, in our opinion. We urge you not to take action on this.

Moving on, CWWA supports 6617, An Act Concerning Water Supply Plans, which will

create efficiencies for the review of private and municipal water companies who have approved plans in place and are expending vast resources updating these plans, as well as for the agencies who have to review them and comment on them.

The changes would lengthen the potential time frame between revisions while preserving DPH's ability to require updates in those circumstances where it warrants.

And in those where the status quo of the system really remains unchanged, the expanded time frame allows water companies and municipalities and the agencies themselves to avoid significant energy and expense associated with each revision.

The bill would also clarify when concurrence by other agencies, especially DEP, is necessary and appropriate and when it really is a hindrance to the process and doesn't provide any added benefit or protection.

Like 6539, this is a bill we've been actively engaged with DPH in discussing. We're committed to continue to do so as it moves through the process.

And, again, I urge your support on this bill. Thank you.

SENATOR HARRIS: Thank you.

Any questions from the committee? I have a question on 6617.

You talked about the resources that have to be expended to do the plan. Can you put some shape to that? What are we talking about in order of magnitude? How much?

DAVID RADKA: The Connecticut Water Company, of which I am an employee, has expended upwards of \$50,000 on a single plan. We do nine of them on a rotating basis.

Other entities, municipal systems have indicated similar or even greater amounts.

SENATOR HARRIS: Can you -- and can you for the record just state, what does the plan entail? I mean, that seems like a significant amount of money, so it must be a fairly detailed analysis and report.

DAVID RADKA: I'm sorry, I didn't hear the --

SENATOR HARRIS: I said it seems like a large amount of money, so it must be a fairly detailed analysis and report.

DAVID RADKA: It is fairly -- fairly lengthy, fairly detailed. It's essentially a 5-, 20- and 15-year plan, and one of the things that we've been discussing with the health department, are there ways to create efficiencies in the process by requiring only updates of those -- of discrete portions rather than the whole thing. And we're hopeful we are moving in that direction.

SENATOR HARRIS: And that's what -- this bill will do that when it allows you to revise in whole or in part, correct?

DAVID RADKA: Correct, correct.

SENATOR HARRIS: That's what that -- that's what that [inaudible] is for.

DAVID RADKA: Correct.

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SENATOR HARRIS: Okay.

I may have some questions for you at a later date on Section 2, but I need to crystallize them a little bit more based on what your testimony is, so --

DAVID RADKA: Certainly.

SENATOR HARRIS: -- I might do a follow-up with you.

DAVID RADKA: I'll be available. Thank you.

SENATOR HARRIS: Great. Thank you very much.

DAVID RADKA: Thank you.

SENATOR HARRIS: Next we have First Selectman Fritz, followed by -- moving to another bill -- 6597, the public, Jerry Silbert.

WILL FRITZ: Good afternoon. Thanks for having me here, Senator Harris. With all the talk about nursing homes, I hope you keep them cheap and in good shape, because my mother may be going there soon. Don't tell her I said that.

SENATOR HARRIS: This is recorded, not --

WILL FRITZ: Okay. I'm First Selectman Willy Fritz. I represent the Town of Clinton. I'm also here on the behalf of Council of Small Towns and the Connecticut River Area Health District.

This is regarding Senate Bill 847, the Governor's budget recommendation on public health.

Commissioner Galvin spoke earlier on this bill. We are the district he mentioned that

I was then advised to contact the resident state trooper. I declined since my health was deteriorating.

The wood smoke continued until the first of November 2008 when the grill was put away for the season.

In another month I will be faced with this situation. My neighbor is legally permitted to pollute my home with ground-level smoke, but would not be allowed to light one cigarette in a grocery store or a restaurant because of secondhand smoke.

I was left to fend for myself since there are currently no state or local laws to protect my home, my sanctuary, and my life from this wood smoke situation. Thank you.

REP. RITTER: Thank you very much for your testimony. Are there any questions from the committee? Thank you.

LILY SINNAMON: You're welcome.

REP. RITTER: Our next speaker will be Martin Mador, followed by Julie Lewin.

MARTIN MADOR: Good afternoon, members of the committee. I'm Martin Mador. I'm the legislative and political chair for the Connecticut Sierra Club. I'm here representing our 10,000 members in the state who are concerned about the health of our environment, our economic prosperity, and our quality of life. It's a pleasure to appear before the Public Health Committee.

HB 6539

First, very quickly, I want to say that we endorse 6597, which extends the ban on

pesticide applications to daycare centers. This is a long overdue bill. We -- we'd request that you pass that.

I also want to mention 6539. Let's DPH off the hook it in evaluating the hazards of radon levels in schools.

We see no reason whatsoever why a 20-year law should be overturned here. Radon is a significant hazard, and we would like to leave that in place.

I'm mainly here to talk about the wood smoke bill. You've heard from health professionals. You've heard from victims who have been impacted by this. We feel very strongly that this is an important bill that you need to pass.

It's not a ban. It's an appropriate step to address the problem of wood smoke. It enables state and local authorities to get involved in the issues, as you've heard, so Sierra lends our voice to the people you've already heard today in strong support of passing this bill.

Thank you.

REP. RITTER: Thank you, Marty. Are there questions from the committee? Thank you very much.

MARTIN MADOR: Thanks.

REP. RITTER: Our next speaker will be Julie Lewin. We think maybe she already spoke? It could be. Thank you.

Our next speaker will be Margaret -- might be Wilmer. Miner, Margaret Miner. Hi, Margaret. Followed by Guy Russo.

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MARGARET MINER: Good afternoon, you stalwart members of the Public Health Committee and Chairman Ritter. I'm here to speak on a couple of bills.

Quickly, on the 6539, environmental health, we do -- we do approve extending the deadline for ATS regulations. I'll point out that, as usual with water, we have two different agencies working with this same problem of on-site sewage treatment. The fragmentation is a chronic problem.

On the radon issue, we support the testimony of Chris Phelps and Environment Connecticut. We think this is the -- the authority needs to be clarified. This is the wrong time to -- to eliminate that authority over radon.

On AAC water supply plans, this raises the issue -- an issue that's come before the committee quite frequently. We definitely do not agree that the traditional balance between the DEP and the DPH should be upset by eliminating the requirement that a water supply pond have DEP concurrence, and we give the matter -- we give our reasons there.

HB 6617

Since 2001, at least every year the legislators and this committee have attempted to bring these two agencies into better synch in how they're working, and we haven't gotten there yet.

In terms of streamlining, I want to point out that the least-streamlined, most-cumbersome aspect of -- connected with water supply plans is that they are unable to -- they are unable to be seen by the public, and I think also by legislators, without having to -- three separate agencies for redaction. That would



198 Park Road, 2nd Floor
West Hartford, CT 06119
(860) 231-8842
www.EnvironmentConnecticut.org

Written Testimony of Christopher Phelps, Program Director
Before the Connecticut General Assembly Public Health Committee

Friday, March 6, 2009

Written testimony opposing sections 3, 4, and 5 of HB 6539, An Act Concerning
Environmental Health

Senator Harris, Representative Ritter, and members of the Committee:

Environment Connecticut submits this testimony opposing provisions of Raised House Bill 6539 that repeal certain statutory provisions requiring the Commissioner of the Department of Public Health to establish regulations protecting the public from exposure to unsafe levels of radon in drinking water.

Environment Connecticut specifically opposes the following sections of this bill:

Section 3 repeals a statutory requirement that boards of education implement an inspection and evaluation program for radon in water serving public schools constructed or renovated after 2003.

Section 4 repeals a statutory requirement that the Department of Public health adopt regulations "establishing safe levels of radon in potable water."

Section 5 repeals a nearly twenty year old statutory requirement that the Department of Public Health adopt regulations establishing "acceptable levels of radon in ambient air and drinking water in schools." It replaces this with language authorizing, but not requiring, the department to adopt regulations merely governing procedures for measuring the levels of radon in the air in schools.

Exposure to airborne radon is the second leading cause of lung cancer. Drinking water that contains high radon levels increases the risk of stomach cancer. This committee and the General Assembly as a whole should reject any consideration of repeal of these sections of statute that serve to protect residents of this state, *particularly school children* from excessive exposure to radon. If the Department of Public Health has failed to properly implement these statutory provisions despite, in at least one instance having had nearly twenty years to do so, then the General Assembly should take steps to hold the department accountable for that failure.

I would like to note for the record two points that are pertinent to my testimony on this subject.

1. Yesterday, (March 5, 2009) I received an email from a resident of Columbia, Connecticut whose neighborhood is served by a community well owned and operated by the Connecticut Water Company. Recently, when a home in that neighborhood was being sold, its water was tested for radon and discovered to contain levels of 20,000 pCi/L, far in excess of the accepted safe levels. US EPA has proposed (but not adopted) a requirement that public water suppliers reduce radon levels in drinking water supplies to 4,000 pCi/L in states that implement a "enhanced radon in indoor air program" and 300 pCi/L in states that do not do so.

When other residents of the same neighborhood tested their water, they discovered similarly high levels of radon were present. According to the individual who contacted me, the water company response to the residents of this neighborhood was that the company has no responsibility to mitigate the problem in part *because the state has not established regulations requiring them to do so*. As a result, the homeowners are now being forced to choose between paying to mitigate this radon problem themselves, or doing nothing and exposing their families to the cancer risk associated with radon exposure.

2. While I have submitted this testimony in my capacity as director of Environment Connecticut, I am also the Chairman of the Board of Education of the town of Portland, Connecticut. Our community is in an area of the state which commonly experiences high radon levels. I believe we have a moral responsibility to take all necessary steps to protect the health and safety of each student and staff member who spend their days in our schools. Protecting our children and our teachers from exposure to substances known to increase the risk of cancer is an obviously necessary step towards meeting that responsibility. Unfortunately, this legislation sends a message to boards of education statewide that it is acceptable to ignore potential radon exposures in our schools if they find mitigating such exposures to be inconvenient.

Ensuring the health and safety of school children in is not something that should be ignored in the interest of convenience or cost-savings.

Environment Connecticut urges the committee to delete sections 3, 4 and 5 of this bill in their entirety.

Sincerely,

Christopher Phelps
Program Director
Environment Connecticut



David Radka

**TESTIMONY
CONNECTICUT WATER WORKS ASSOCIATION, INC.
BEFORE THE PUBLIC HEALTH COMMITTEE
MARCH 6, 2009**

RE: RB-6539, AN ACT CONCERNING ENVIRONMENTAL HEALTH

The Connecticut Water Works Association (CWWA) *opposes* Section 2 of RB-6539, An Act Concerning Environmental Health, which would require that Exclusive Service Area (ESA) providers assume responsibility for applying for, and obtaining, all Certificates of Public Convenience and Necessity (Certificates), rather than the parties who are designing, constructing and funding such Certificate projects.

Certificates are required for the construction of any new public water supply system that serves twenty-five or more persons. Under current law, a developer proposing to construct a condominium development, apartment building, or age restricted housing complex, for example, is required to obtain a Certificate from the State. As part of the Certificate process, the developer would be required to submit detailed information about the proposed project, including site design, septic information, proposed water usage, and other similar data unique to the project. The developer would then be allowed to proceed, stepwise, with various phases of the water system development upon favorable state review.

The Department of Public Health, which jointly administers the Certificate process along with the Department of Public Utility Control, has expressed frustration with the poor quality of many of the Certificate applications it receives and the amount of time it takes to review these substandard applications. CWWA believes that the Department can and should reject any application it feels does not provide the minimum level of information necessary for review. As a remedy, however, the Department has proposed making the ESA holder the applicant, as noted above. Water companies currently have a responsibility to own and operate new Certificate systems constructed within their exclusive service areas. While we readily accept such responsibility for those systems that are designed and constructed in accordance with all applicable standards, we do not feel it is our role to make the applications for such projects on behalf of developers.

If the water company is required to assume the responsibility for the applications in these cases, it could put an unfair burden on our resources and incur costs to our customers/ratepayers for the benefit of a particular developer or project. Moreover, in those cases where the community may not fully support a proposed development, the public water utility could be put in the middle of what could be a contentious local approval process.

While DPH's remedy is considered impractical and unreasonable by CWWA, the Association understands the Department's frustration with the current process, which they have indicated can create inordinate delays and waste valuable staff time. We have held several meetings with the Department to discuss ways by which the overall quality and accuracy of Certificate applications can be elevated while not inappropriately burdening utilities and municipalities with unfunded responsibilities. As an example, we have discussed the feasibility of requiring that Certificate applicants demonstrate a certain level of professional experience. We believe such an approach is feasible and prudent, and would be happy to

work with the committee and Department of Public Health and Department of Public Utility Control in drafting language to achieve this goal.

The Connecticut Water Works Association, Inc. (CWWA) is an association of public water supply utilities serving more than 500,000 customers, or population of about 2½ million people, located throughout Connecticut. Membership in the Association is open to all Connecticut water utilities: investor-owned, municipal and regional authorities. CWWA is committed to working with the state to develop policies that will ensure that Connecticut has a safe, ample supply of water to meet present and future needs.



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

TESTIMONY PRESENTED BEFORE THE PUBLIC HEALTH COMMITTEE March 6, 2009

J. Robert Galvin, M.D., M.P.H., M.B.A., Commissioner (860) 509-7101

House Bill 6539 - An Act Concerning Environmental Health

The Department of Public Health supports House Bill 6539.

We thank the committee for raising this important bill.

Section 1: Removes deadline for development of Alternative Sewage Treatment System program that has not been funded

This section modifies the statute concerning small alternative treatment (A/T) sewage treatment systems by removing the December 31, 2008 deadline for DPH to establish and define categories of alternative treatment systems. The budget did not include any resources for DPH to implement a program for small A/T systems and DPH has not been able to develop regulations and minimum standards for these systems. As such, removal of the deadline, which has already passed is appropriate.

Section 2: Streamlines Certificate of Public Convenience and Necessity (CPCN) process

DPH has proposed this language due to inefficiencies in the current CPCN process concerning lack of complete applications, proper public water system design, and qualified applicants. Exclusive Service Area (ESA) providers are currently required to own and operate new community public water systems that are constructed within their service area. The ESA provider must be involved in the public water system development from initial design. The law currently allows for anyone to apply which makes the process much more lengthy, costly, and difficult to developers, town officials, local health departments, water companies, and state agencies. This amendment will allow for a faster, more streamlined review of CPCN projects. This section also contains a technical clarification on lines 49 to 52, which will provide consistent statutory language regarding the development of public water systems throughout the state.

Suggested Amendment for Section 2

In order to for the department to maintain full EPA drinking water funding, DPH has been advised by our legal counsel that a technical correction should be made to this section at line 75 of the bill. The additional amendment should read as follows, "(6) the applicant has the financial, managerial and technical resources to operate the proposed water supply system in a reliable and efficient manner and to provide continuous adequate service to consumers served by the system." Public Act 07-244 modified CGS 16-262m to make a distinction between different classifications of public water systems in order for the process to be clearer with regard to these classifications. As part of that modification, language regarding a community water system's technical, managerial, and financial capacity was removed. It was thought at that time that the new language regarding the Exclusive Service Area providers would be

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sufficient, however, our legal counsel suggests that the above language be reinserted. This correction is required in order for DPH to maintain primacy over public water systems and ensure that our full allotment of EPA's Federal Safe Drinking Water Act funding is received. Without this language, the agency risks a withholding of 20% of the funds. Loss of this money could mean loss of jobs and reduced assistance to public water systems, both in the amount of monies available under the Drinking Water State Revolving Fund program and the technical assistance that would have been provided by staff.

Sections 3, 4: Remove regulatory mandates for radon in water that do not focus on airborne radon

In sections three and four of this bill statutory language regarding radon in water in schools and radon in water under Connecticut General Statutes (CGS) Sections 10-220(d), and 19a-14b is being repealed to reflect the Department's focus on reducing airborne radon - a greater lung cancer health risk to occupants in buildings and homes. As such, the Department recommends the repeal of language relating to radon in water in schools under CGS 10-220(d), and under CGS 19a-14b (c). Accordingly, CGS 19a-37b has been revised giving the Department authority to establish regulations for the evaluation and reduction (mitigation) of elevated radon levels in air in schools. With regard to radon exposure, the inclusion of new language under CGS 19a-37 is more protective of occupants in schools. The Department has established radon testing protocols for schools that are widely used by industry - they will serve as the basis for regulations.

Radon in water (even when found to be elevated) does not significantly increase airborne radon levels in schools. Also, elevated radon in water levels are typically found in only a small fraction of schools - those served by groundwater sources. Language pertaining to radon in water misses the mark. In terms of health risk, radon in air is the leading cause of lung cancer in non-smokers in the U.S.. Radiological and cellular damage caused by inhaling radon in the air increases the risk of lung cancer. The language proposed under 19a-37b will address elevated radon in air. Furthermore, the federal government has not established a standard for radon in water under the Safe Drinking Water Act, and radon is therefore not regulated by the Department of Public Health, Drinking Water Section.

Thank you for your consideration of the Department's views on this bill.



*Connecticut Chapter
645 Farmington Ave.
Hartford, Connecticut 06105
www.connecticut.sierraclub.org*

Public Health Committee
March 6, 2009
Testimony of Martin Mador

In Support of
HB 6597 An Act Concerning Pesticide Applications at Child Day Care Facilities
HB 6616 An Act Establishing Wood Smoke to Be a Public Nuisance
In Opposition to
HB 6539 An Act Concerning Environmental Health

I am Martin Mador, 130 Highland Ave., Hamden, CT 06518. I am the Legislative and Political Chair of the Connecticut Sierra Club, and am here today representing our 10,000 Connecticut members concerned about the health of our environment, our economic prosperity, and our quality of life. I possess a Master's of Environmental Management degree from Yale.

HB 6597 extends the ban on pesticide applications on school grounds to day care centers. As younger children are the most susceptible to these toxins, it is imperative that we protect them as we now do for children in grades eight and below.

HB 6616 adds smoke from wood furnaces to the list of toxins that we intentionally introduce into our environment. The debilitating effects caused by inhaling this smoke are well documented. While someone may not intend to cause harm by wood burning, the effects on a nearby neighbor can be severe. This bill will give DPH the authorization to declare such emissions a public nuisance.

HB 6539 removes the requirement that DPH set permissible exposure levels for radon. Radon is known to be a causative agent of cancer. While safe levels have proven difficult to set, it is not in the best interests of the state that, after almost 20 years, DPH now be permitted to ignore the hazards of air- and water-borne radon in schools.

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margaret miner

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PUBLIC HEALTH COMMITTEE HEARING

March 6, 2009

RB 6617 AAC Water Supply Plans
RB 6539 AAC Environmental Health

Dear Sen. Harris, Rep. Ritter, and Members of the Committee:

Rivers Alliance of is the statewide, non-profit coalition of river organizations, individuals, and businesses formed to protect and enhance Connecticut's waters by promoting sound water policies, uniting and strengthening the state's many river groups, and educating the public about the importance of water stewardship.

Rivers Alliance of Connecticut is pleased to support one section of RB 6617, namely the stipulation that a water supply plan shall include a summary of the water company's infrastructure needs, practices, and planning.

We do not support eliminating the requirement for the Department of Environmental Protection (DEP) concurrence in approval of a water supply plan. It is gracious of the proponents to allow the DEP "to provide comments" on a plan, but this is not a substitute for concurrent approval.

Rivers Alliance has worked with water utilities in subcommittees and advisory groups of the Water Planning Council to develop consensus proposals for integrated water supply planning and permitting. We believe the fragmentation of authority among several agencies, including most prominently DEP and the Department of Public Health (DPH), is harmful and in need of reform. But the approach in this bill would only make matters worse. It would, for example, postpone DEP authority over water diversions until the utility has an immediate need for the diversion. It is far preferable to consider proposed diversions well in advance of immediate need so that alternatives can be considered. That is the reason why both agencies are involved in approval of water supply plans.

We do not support the drastic reduction in DPH's authority to require timely revisions of water supply plans.

The most urgent immediate need with respect to water supply plans is to make them available again to the public. As you may know, under cloak of national security almost all water company documents, including supply plans, are now exempt from Freedom of Information laws. This was accomplished in part in Public Act 02-102, a fairly sensible protection for sensitive material. But in Public Act 02-133 and most importantly in the 2003 Budget Implementor, the secrecy was extended far beyond the public interest. Virtually all water company records are unavailable in any timely manner (if at all). The records that are released are incredibly redacted (for example, the names of all reservoirs are blacked out). Various strategies have emerged for evading the law, for example, DPH recently funded a study that included all sorts of maps it was not allowed to show to the public. The solution was to let the grantee post the maps.

We ask that you amend the General Statutes in Sec. 1-210(b)(ix) as follows:

- (ix) With respect to a water company, as defined in section 25-32a, that provides water service: Vulnerability assessments and risk management plans, [operational plans, portions of water supply plans submitted pursuant to section 25-32d that contain or reveal information the disclosure of which may result in a security risk to a water company, inspection reports, technical specifications and other materials that depict or specifically describe critical water company operating facilities, collection and distribution systems or sources of supply;] and other documents that pose an extremely high security risk and are not useful in assessing water utility performance and environmental impacts. This exemption shall not apply to water supply plans until such time as the Department of Public Health identifies particular sections of such plans that would endanger national security if generally available to the public.

Moving to AAC Environmental Health, we support extending the deadline for DPH HB6539 to develop regulations for packaged on-site sewage treatment systems. We are extremely concerned by changes to DPH's authority with respect to radon. We received a call about radon in water in Columbia just yesterday, and it is difficult to know where to tell people to turn for help.

Thank you for your consideration and hard work. We would be happy to answer questions or help in any other way.

Sincerely,


Margaret Miner,
Executive Director