

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

Raul Pino, M.D., M.P.H.
Commissioner



Dannel P. Malloy
Governor
Nancy Wyman
Lt. Governor

Drinking Water Section

DWS Circular Letter 2018-21

TO: Community Public Water Systems

FROM: Lori Mathieu, Public Health Section Chief, Drinking Water Section 

DATE: July 20, 2018

SUBJECT: [Public Act 18-168](#) – New Asset and Fiscal Management Plan Requirements, Hydropneumatic Tank Requirement, Civil Penalties Revision

The Department would like to make you aware of sections contained in Public Act 18-168, that passed during the last legislative session, which will have upcoming requirements for community public water systems. The following information highlights the key elements contained within the pertinent sections:

1) Section 61 - Asset and Fiscal Management

- **Not later than January 1, 2021**, each small community water systems (which regularly serves at least 25, but not more than 1,000, year round residents) shall prepare a fiscal and asset management plan of all of the system's capital assets, to be updated annually;
- **Not later than May 2, 2019**, each small community water systems shall complete, on a form developed by the Department, a fiscal and asset management plan assessment review of its **hydropneumatic pressure tanks**. The form will be made available this Fall.

2) **Section 61 does not apply** to small community water systems regulated by the Public Utilities Regulatory Authority (PURA), subject to CGS § 25-32d, or a state agency.

3) Section 62 - Civil Penalties (Effective October 1, 2018)

- Subsections (a) to (e) of CGS §25-32e are repealed and substituted with the following (abbreviated):
 - If a water company has violated any provision of section 25-32, 25-32d or any regulation adopted under §25-32d, or any provision of title 19 or 25 or any regulation promulgated pursuant to these titles that relate to purity and adequacy of water supplies, the Commissioner:
 - (1) can impose a civil penalty not to exceed \$5,000/day;



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- (2) Shall publish annually, or as deemed necessary, a schedule of amounts or ranges of amounts that may be imposed under this section, on the DPH website if the civil penalty has not been established by statute;
 - (3) Shall not be required to adopt or revise any regulations regarding the imposition of civil penalties when publishing the schedule;
 - (4) Not less than 6 months prior to publishing the schedule, the commissioner shall publish, in the CT Law Journal, notice to hold a public hearing on the schedule and notice for public comment not later than 30 days after the date of publication of public hearing notice;
 - (5) Take public comment into consideration in establishing the schedule;
 - (6) Shall publish a document responding to the public comment on the DPH website not less than 1 month prior to publishing the schedule.
- Notice of the violation will be sent to the suspected violator at the address of the water company filed as required under subsection 25-33;
 - Civil penalty shall be payable for noncompliance on the date specified and for each day thereafter until the water company demonstrates the violation has been corrected;
 - Written application for hearing to contest the imposition of penalty shall include a detailed statement of all grounds for contesting the penalty.

The Department is in the process of developing and updating guidance materials. Training is planned with regard to the implementation of the new provisions of these laws. Further information will be provided in forthcoming circular letters and future communications.

For more information please visit the DPH Drinking Water Section [website](https://portal.ct.gov/DPH/Drinking-Water/DWS/Drinking-Water-Section) at <https://portal.ct.gov/DPH/Drinking-Water/DWS/Drinking-Water-Section>. Should you have any questions, please contact Michael Hage at (860) 509-7333 or michael.hage@ct.gov

Cc: Deputy Commissioner Addo
Local Health Directors
Certified Operators