

## SAFE DRINKING WATER PRIMACY ASSESSMENT

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

Section 1. (NEW) (*Effective upon passage*) (a) As used in this section:

(1) “Commissioner” means the Commissioner of Public Health, or the commissioner’s designee;

(2) “Community water system” means a public water system that regularly serves at least twenty-five residents;

(3) “Consumer” has the same meaning as provided in section 25-32a of the general statutes;

(4) “Customer” means any (A) person, (B) firm, (C) corporation, (D) company, (E) association, (F) governmental unit, except a state agency, (G) lessee that, by the terms of a written lease or agreement, is responsible for the water bill, or (H) owner of property, that receives water service furnished by the water company;

(5) “Department” means the Department of Public Health;

(6) “Noncommunity water system” means a public water system that serves at least twenty-five persons at least sixty days of the year and is not a community water system;

(7) “Nontransient noncommunity water system” means a noncommunity water system that regularly serves at least twenty-five of the same persons over six months per year;

(8) “Public water system” means a water company that supplies drinking water to fifteen or more consumers or twenty-five or more persons daily at least sixty days of the year;

(9) “Sanitary survey” means the review of a public water system by the Department to evaluate the adequacy of the public water system, its sources of supply and operations and the distribution of safe drinking water;

(10) “Service connection” means the service pipe from the water main to the curb stop or adjacent to the street line or property line, but shall not include a service pipe used only for fire service purposes;

(11) “Transient noncommunity water system” means a noncommunity water system that does not meet the definition of a nontransient noncommunity water system; and

(12) “Water company” has the same meaning as provided in section 25-32a of the general statutes.

(b) On or before August 1, 2019, and annually thereafter, the department shall issue to each water company that owns a community water system or systems, in such manner as the department determines, a statement showing the number of service connections such community water system or systems has as listed in the department’s records as of the date of issuance of the statement.

(c) On or before October 1, 2019, and annually thereafter, the department, in consultation with the

Office of Policy and Management, shall post on the department’s Internet web site (1) the costs to support the department’s ability to maintain primacy under the federal Safe Drinking Water Act, 42 USC 300f, et seq., as amended from time to time, which costs shall constitute the safe drinking water primacy assessment for the current fiscal year, and (2) the assessment amounts due, based on the posted costs and in accordance with subsection (d) of this section.

(d) (1) For the fiscal year ending June 30, 2019 and each fiscal year thereafter each water company that owns a community or nontransient noncommunity water system or systems shall pay annually to the department a safe drinking water primacy assessment amount in accordance with the following: (i) Each community water system having less than fifty service connections and nontransient noncommunity water system shall be assessed one hundred twenty-five dollars; (ii) each community water system having at least fifty but less than one hundred service connections shall be assessed one hundred fifty dollars; (iii) each community water system having at least one hundred service connections shall be assessed an amount established by the commissioner, not to exceed five dollars per service connection. For purposes of this subdivision, a community water system’s service connections is to be determined in accordance with subsection (b) of this section.

(2) On or before January 1, 2020, and annually thereafter, the department shall issue an invoice to each water company, in such manner as the department determines, that owns a community or nontransient noncommunity water system or systems for the amount due pursuant to subsection (d) of this section. Each such water company shall pay the amount invoiced in the same year in accordance with the following schedule:

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| Nontransient noncommunity water system                                  | One hundred per cent by March 1 <sup>st</sup>                                   |
| Community water system having less than one hundred service connections | One hundred per cent by May 1 <sup>st</sup>                                     |
| Community water system having one hundred or more service connections   | Fifty per cent by March 1 <sup>st</sup> , fifty per cent by May 1 <sup>st</sup> |

(e) (1) Commencing January 1, 2022, each water company that owns a transient noncommunity water system or systems for which the department conducted a sanitary survey in the prior year shall pay to the department a safe drinking water primacy assessment of one hundred fifty dollars.

(2) On or before March 1, 2022, and annually thereafter, the department shall issue an invoice to each water company, in such manner as the department determines, that owns a transient noncommunity water system or systems that had a sanitary survey conducted by the department in the previous year for the amount due pursuant to subdivision (1) of this subsection. Each such water company shall pay the amount invoiced by May 31<sup>st</sup> of the same year.

(f) If a water company is acquired by another water company for any reason, the acquiring water company shall pay the amount due to the department for the acquired water company’s assessment.

(g)(1) A water company that owns a community water system may collect the assessment amount due for the community water system from a customer of such community water system. The amount collected by the water company from an individual customer may be a pro rata share of such assessment amount. Such amount may appear as a separate item on the customer’s bills.

(2) The assessment amount due for a community water system under subdivision (1) of this subsection may be adopted in rates through the existing rate approval process for the water company or may appear as a separate item identified as an assessment on each customer's bill without requiring a revision to or approval of the schedule of authorized rates and charges for the water company that is otherwise required pursuant to section 7-239 or 16-19 of the general statutes or any other special act or enabling legislation establishing a water company. Such charges shall be subject to the past due and collection procedures, including interest charges, of the water company as are applicable to any other authorized customer charge or fee.

(h) The requirement for a water company to pay the assessment shall terminate immediately if the department no longer has primacy under the federal Safe Drinking Water Act, 42 USC 300f, et seq., as amended from time to time, whether removed by the federal Environmental Protection Agency or through any other action by a state or federal authority. If the assessment is terminated and not reinstated on or before one hundred eighty days after such termination, the water company shall credit its customers any amounts collected from such customers for such assessment amount that the water company is no longer required to pay to the department.

(i) If any assessment is not paid on or before thirty days after the date when such assessment is due, the commissioner may impose a fee equal to one and one-half per cent of such assessment for each month of nonpayment beyond such initial thirty-day period unless the water company that has not paid such assessment is a town, city or borough, in which case the water company shall be subject to the provision of section 12-38 of the general statutes.

(j) On or before December 1, 2019, and annually thereafter, the department shall post on the department's Internet web site and submit to the Governor and the joint standing committee of the General Assembly having cognizance of matters relating to public health in accordance with the provisions of section 11-4a of the general statutes, a report that shall include: (A) resources dedicated to supporting the department's ability to maintain primacy under the federal Safe Drinking Water Act, 42 USC 300f, et seq., as amended from time to time, in the previous fiscal year; (B) the number of full time equivalent positions that performed the required functions to maintain primacy in the previous fiscal year; and (C) quality improvement strategies the department has deployed to streamline operations to make efficient and effective use of staff and resources.

(k) The commissioner may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to carry out the provisions of this section.

(l) State agencies shall be exempt from the requirements of this section.