

House Bill No. 7424 (Public Act No. 19-117)

Sec. 75. (*Effective from 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 a 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 does not include a service pipe used only for fire service or irrigation purposes; and
 - (11) "Water company" has the same meaning as provided in section 25-32a of the general statutes.
- (b) On or before August 1, 2019, and August 1, 2020, the department shall issue a statement, in such manner as the department determines, to each water company that owns a community water system or systems showing the number of service connections and the source of such number each community water system or systems has listed in the department's records as of the date of issuance of the statement. For purposes of this subsection, the department shall combine the number of service connections of all water systems owned and operated by the same water company for a total count of service connections. If any water company disagrees with the number of service connections listed in such statement, the water company shall, not later than thirty days after the date of issuance of such statement, report to the department, in a form and manner prescribed by the department, the accurate number of services connections the water company's community water system or systems serve.
- (c) On or before October 1, 2019, and October 1, 2020, the department, in consultation with the Office of Policy and Management, shall post on the department's Internet web site (1) the staff and 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, taking into consideration funding received from state and federal sources, 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 years ending June 30, 2019, June 30, 2020, and June 30, 2021, 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: (A) Each community water system having less than fifty service connections and nontransient noncommunity water system shall be assessed one hundred twenty-five dollars; (B) each community water system having at least fifty but less than one hundred service connections shall be assessed one hundred fifty dollars; and (C) each community water system having at least one hundred service connections shall be assessed an amount established by the commissioner, not to exceed three dollars per service connection. For purposes of this subdivision, a community water system's service connections shall be determined in accordance with subsection (b) of this section.

(2) On or before January 1, 2020, and January 1, 2021, the department shall issue an invoice, in such manner as the department determines, to each water company that owns a community or nontransient noncommunity water system or systems for the amount due pursuant to subdivision (1) of this subsection. Each such water company shall pay the amount invoiced, in the same year the department issued in the invoice, in accordance with the following schedule:

(A) A nontransient noncommunity water system shall pay one hundred per cent of the amount invoiced on or before March first;

(B) A community water system having less than one hundred service connections shall pay one hundred per cent of the amount invoiced on or before May first; and

(C) A community water system having one hundred or more service connections shall pay fifty per cent of the invoiced amount by March first and the remaining fifty per cent of the amount invoiced by May first.

(e) 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 under subsection (d) of this section.

(f) (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 and may be adjusted by the water company to reflect the bad debt component and surplus or deficit related to primacy assessment collections of the water company for the prior billing period. 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 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.

(g) 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.

(h) If any assessment or part thereof 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 on the balance due of such assessment for each month of nonpayment beyond such initial thirty-day period unless the water company that has not paid such assessment or part thereof is a town, city or borough, in which case the water company shall be subject to the provisions of section 12-38 of the general statutes.

(i) On or before November 1, 2019, and November 1, 2020, the department shall post on its Internet web site a report that includes: (1) Resources, activities and costs that 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, in the previous fiscal year; (2) the number of full-time equivalent positions that performed the required functions to maintain primacy in the previous fiscal year; and (3) quality improvement strategies the department has deployed to streamline operations to make efficient and effective use of staff and resources. The commissioner shall provide for a comment period of thirty days following the posting of such report. At the conclusion of such public comment period, but not later than January 1, 2020, and not later than January 1, 2021, the commissioner shall submit such report and summary of comments received 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.

(j) 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.

(k) State agencies shall be exempt from the requirements of subsections (d) to (h), inclusive, of this section.