



Drinking Water Related Updates: 2011 and 2012 Legislative and Regulatory Updates

Lori Mathieu, Public Health Section Chief

David Cooley, P.E., Supervising Sanitary Engineer

Christopher Roy, Supervising Sanitary Engineer

Today's Topics

💧 Legislative Updates:

- 💧 Preservation of Highest Quality Sources
- 💧 Streamlined Source Abandonment
- 💧 Bottled Water and Bottled Water Sources
- 💧 Operator Certification Application Fees

💧 Regulations in Progress:

- 💧 RCSA Section 19-13-B102
- 💧 Operator Certification Regulations
- 💧 Certificate of Public Convenience and Necessity (CPCN)-
Creation of New Public Water Systems

Today's Topics- cont.

- ◆ Straight from EPA at the ASDWA Conference
 - ◆ Reduction of Lead in Drinking Water Act of 2011
 - ◆ Perchlorate
 - ◆ Small Systems
 - ◆ Hydraulic Fracturing
- ◆ Emergency Preparedness, Post-Storm After Action Report and Resulting Regulatory Initiatives
- ◆ Regulatory Reminders for Various Rules



Legislative Updates

Lori Mathieu
Public Health Section Chief
Drinking Water Section
Connecticut Department of Public Health

Drinking Water Section

Highest Quality Source List

- PA 11-242, Sec. 59. (NEW) (Effective from passage) Not later than October 31, 2011, the Commissioner of Public Health, in consultation with the Water Planning Council established pursuant to section 25-33o of the general statutes, shall prepare **a list designating sources or potential sources of water that require protection so that the highest quality sources of water are available to provide water for human consumption**. In preparing such list, the commissioner shall take into consideration the plans produced pursuant to sections 22a-352, 25-32d and 25-33h of the general statutes and such other plans or information that the commissioner deems relevant. The commissioner shall update the list annually or more frequently as the commissioner deems necessary. Nothing in this section shall be construed to limit the commissioner's authority to approve a source of water supply that is not on the list.



Public Act 11-242 – Source Abandonment

PA 11-242 streamlined the source abandonment process when “the source of water supply to be abandoned is a groundwater source with a safe yield of less than ten gallons per minute and is of poor water quality.” (modifies CGS Section 25-33k)

Bottled Water Supplies

Sec. 61. Section 21a-150a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2011): (2) A bottler selling or distributing bottled water obtained from a source located in the state shall obtain approval for the use of such source from the Department of Public Health. **The Department of Public Health shall inspect each bottled water source located in the state and, if such source meets quality and safety requirements, issue an approval for such source. An approval issued by the Department of Public Health pursuant to this subsection shall expire three years from the date of issue.**



Operator Certification Fees

DWS Circular Letter 2011-01

Certification Type	Initial Application Fee* ¹	Renewal Application Fee* ¹
Class I, II, III or IV Water Treatment Plant Operator	\$224* ²	\$98
Class I, II, or III Distribution System Operator	\$224* ²	\$98
Class I, II, III, or IV Water Treatment Plant Operator-In-Training (OIT)	\$224* ²	\$98
Class I, II, or III Distribution System OIT	\$224* ²	\$98
Small Water System Operator	\$224* ²	\$98
Limited Distribution System Operator	Not applicable	\$98
Limited Water Treatment Plant Operator	Not applicable	\$98
Conditional Small Water System Operator	Not applicable	\$98
Conditional Distribution System Operator	Not applicable	\$98
Conditional Water Treatment Plant Operator	Not applicable	\$98
Backflow Prevention Device Tester	\$154	\$69
Cross Connection Survey Inspector	\$154	\$69

Regulations in Progress

- 💧 B102
- 💧 Emergency Generators
- 💧 Emergency Plans
- 💧 B46 - Notification
- 💧 Certified Operator
- 💧 Certificate Non-Community systems



Straight from EPA at the ASDWA Conference

Lori Mathieu
Public Health Section Chief
Drinking Water Section
Connecticut Department of Public Health

Slides are courtesy of Pam Barr, Acting Office Director
Office of Ground Water & Drinking Water
U.S. Environmental Protection Agency

Drinking Water Section



Reduction of Lead in Drinking Water Act of 2011

- Amends SDWA Section 1417 – Prohibition on Use and Introduction into Commerce of Lead Pipes, Solder and Flux
 - Changes the definition of “lead-free” by reducing lead content from 8% to a weighted average of not more than 0.25%
 - Exemptions:
 - used exclusively for non-potable services or not anticipated to be used for human consumption
 - toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.



Reduction of Lead in Drinking Water Act of 2011

- Eliminates Section 1417(d)(3) – which requires certain products (plumbing fittings and fixtures) to comply with standards for lead leaching (NSF/ANSI Standard 61 Section 9)
- Establishes statutory requirement for calculating lead content
- New law effective 36 months from signature: Jan 4, 2014



Reduction of Lead in Drinking Water Act of 2011

- Aug 16, 2012: EPA held public stakeholder meeting
- Input from Stakeholders:
 - EPA needs to specify what products are covered by the lead free
 - Some prefer dual product lines for non-potable applications
 - Some prefer only lead free product lines with dual product lines and packaging labeling during the transition period
 - Repair components for fittings/fixtures are often not lead free nor are they tested/certified
 - Want more time to clear product inventory – manufacturers not taking back product – Statutory Effective Date
 - Little to no support for acid washing or coatings – consistent with SDWA



Regulatory Updates:

- Perchlorate
 - Feb 2011: Made determination to regulate
 - Feb 2013: SDWA deadline for proposed regulation
- Identified 5 analytical methods for measuring perchlorate from <0.1 ug/L to 4ug/L.
- Evaluating Best Available Technologies & Small Systems Compliance Technologies
- Developing costs for analytical methods & treatment technologies



Perchlorate

- Seeking recommendation from SAB on how to consider available health data.
 - July 2012: Science Advisory Board (SAB) review meeting
 - Sept 2012: Draft “SAB Advisory Report on Approaches for Deriving an MCLG for Perchlorate”
- SAB next steps:
 - Panel to Revise and hold another public teleconference
 - Chartered SAB QA review teleconference
 - Revise Quality Review Draft for Chartered SAB approval of Final Report
 - Final Report



Perchlorate

- Sept 2012: Public Meeting to share information on:
 - treatment technologies
 - analytical methods
 - other information pertaining to the development of a proposed regulation
 - receive public questions and input
- Oct 2012: NDWAC Consultation
 - Analytical Methods
 - Treatment Technologies
 - Source Water Protection Measures



Small Systems

- Continuing the “Re-Energizing” state of mind to support small systems
- State/EPA Workgroups: Continue to share best practices
 - EPA/State Asset Management Workgroup
 - Launched this summer to identify best practices to implement asset management at the state and utility level
 - EPA/State Non-Community Water System Workgroup
 - Launched this summer to identify best practices on how to work with NCWSs to return or maintain them in compliance
 - EPA/State Water System Partnership Workgroup
 - Re-launching this workgroup in 2013 to include more states members
 - Identify benefits and barriers of encouraging water system partnerships for utilities that lack capacity



Small Systems

- Federal Partnerships:
 - EPA/USDA partnership: to reach small systems in Rural America
 - Trained USDA staff on EPA regulations & how regulations are developed to take into account small systems
 - Hosted a webinar in January that reached over 450 individuals
 - Interagency Task Force to coordinate federal efforts for infrastructure in Indian country - (EPA, USDA, IHS, HUD)
 - Co-hosted four part webinar training on water system partnership.
 - Veteran Affairs – promote water sector careers to veterans
 - VA attended, hosted booth & conducted presentations water sector conferences
 - Series of training webinars to cross educate veteran affairs and water sector profession



Hydraulic Fracturing

- EPA released this year a draft guidance on Diesel Fuels Hydraulic Fracturing
 - Guidance provides recommendations to help strengthen existing environmental regulations & clarify EPA's role in the permitting process
- Increase concern regarding the protection of drinking water during hydraulic fracturing
 - Over 90,000 comments were received on the draft guidance
- EPA is working through those comments, & expects to finalize the guidance in 2013.