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The statutes were updated in November, 2018, and contain all actions of the 2018 legislative session.

Title 10: Conservation And Development

Chapter 56: Public Water Supply

§ 1671. Definitions

As used in this chapter:

(1) "Drinking water" means noncarbonated water that is intended for human consumption or other consumer uses whether provided by a public water system or in a container, bottle, or package, or in bulk, including water used for production of ice, foodstuffs, or other products designed for human consumption.

(2) "Department" means the Department of Environmental Conservation.

(3) "Person" means any individual, partnership, company, corporation, cooperative, association, unincorporated association, joint venture, trust, the State of Vermont or any department, agency, subdivision, or municipality, the U.S. government or any department, agency, or subdivision, or any other legal or commercial entity.

(4) "Public water source" means any surface water or groundwater supply used as a source of drinking water for a public water system.

(5)(A) "Public water system" means any system, or combination of systems owned or controlled by a person, that provides drinking water through pipes or other constructed conveyances to the public and that:

(i) has at least 15 service connections; or

(ii) serves an average of at least 25 individuals for at least 60 days a year.

(B) Public water system shall also mean any part of a piped system that does not provide drinking water, if use of such a part could affect the quality or quantity of the drinking water supplied by the system. Public water system shall also mean a system that bottles drinking water for public distribution and sale.

(6) "Secretary" means the Secretary of Natural Resources or the Secretary's designee.

(7) "Public water source protection area" means a surface and subsurface area from or through which contaminants are reasonably likely to reach a public water source.

(8) "Required agricultural practices" shall be as defined by the Secretary of Agriculture, Food and Markets under 6 V.S.A. § 4810.

(9) "Agricultural land" means any land, exclusive of any housesite, in active use to grow hay or cultivated crops, Christmas trees, horticultural crops, greenhouse and nursery crops, pasture livestock, or to cultivate trees bearing edible fruit or produce an annual

maple product, and that is 25 acres or more in size except as provided below. There shall be a presumption that the land is used for agricultural purposes if it has produced an annual gross income from the sale of agricultural commodities in one of two, or three of the five, preceding calendar years of at least:

(A) \$2,000.00 for parcels of up to 25 acres;

(B) \$75.00 per acre for each acre over 25, with the total income required not to exceed \$5,000.00;

(C) exceptions to these income requirements shall be made in cases of horticultural or nursery production Christmas tree production, or orchard lands planted to fruit producing trees that are not yet of saleable size or bearing age.

(10) "Community water system" means a public water system that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents. The construction of a water system that upon completion of construction could be reasonably expected to serve at least 15 service connections or at least 25 year-round residents shall require a community water system construction permit.

(11) "Noncommunity water system" means a public water system that is not a community water system. There are two categories of noncommunity systems:

(A) "nontransient" systems, that are systems that serve 25 or more of the same people daily for more than six months in any year; and

(B) "transient" systems, which are all other noncommunity public water systems.

(12) "Conservation" means methods and procedures designed to promote efficient use of water and to minimize waste of water.

(13) "Capacity" means that a public water system has the technical, financial, and managerial capabilities to consistently comply with current performance standards, including the requirements of the Safe Drinking Water Act, 42 U.S.C. § 300f et seq., as amended. (Added 1991, No. 71, § 2; amended 1995, No. 103 (Adj. Sess.), § 6; 1997, No. 134 (Adj. Sess.), § 8; 2001, No. 15, § 1; 2003, No. 42, § 2, eff. May 27, 2003; 2015, No. 64, § 13; 2015, No. 97 (Adj. Sess.), § 23.)

§ 1672. Authority of the Agency of Natural Resources

(a) Except as provided in subsections (c) through (f) of this section, to prevent and minimize public health hazards, the Secretary shall have authority over and shall regulate the purity of drinking water, the adequacy, construction, and operation of public water systems, public water sources, and public water source protection areas.

(b) The Secretary may establish by rule standards or requirements for:

(1) Drinking water quality. Such standards or requirements shall be at least as stringent as the most recent national primary drinking water regulations, issued or promulgated by the U.S. Environmental Protection Agency pursuant to the Safe Drinking Water Act, 42 U.S.C. section 300f et seq.

- (2) The construction, protection, testing, and monitoring of public water sources.
- (3) The design, flows, construction, installation, operation, and maintenance of new public water systems.
- (4) The design, flows, construction, operation, maintenance and alteration, repair, or extension to an existing public water system.
- (5) The approval or denial of connections by public water systems.
- (6) The ongoing monitoring and testing of drinking water and public water systems to be performed by a laboratory certified pursuant to 18 V.S.A. § 501b.
- (7) Public water source protection areas.
- (8) The mitigation or prevention of public health risks arising from public water sources, public water systems, and public water source protection areas.
- (9) [Repealed.]
- (10) Obtaining a construction permit for a new water system. At a minimum, the water system shall demonstrate that it possesses the long-term financial, managerial, and technical capability to operate and maintain a water system in conformance with federal and State regulatory requirements.

(c) Nothing in this chapter is intended to limit the authority of the Agency of Human Services, the Commissioner of Health, or the Board of Health to manage the public health of the State of Vermont. In adopting rules pursuant to this section, the Secretary shall submit the proposed rules to the Secretary of Human Services at least 30 days before filing them with the Secretary of State under 3 V.S.A. chapter 25.

(d) Nothing in this chapter is intended to limit or supersede the authority of the Secretary of Agriculture, Food and Markets under the provisions of Title 6 and this title. The Secretary shall not manage or restrict agricultural activities or other activities regulated by the Secretary of Agriculture, Food and Markets without his or her consent. When adopting rules under this section, the Secretary shall consult with the Secretary of Agriculture, Food and Markets to minimize any conflicts with that Agency.

(e) Nothing in this chapter is intended to limit or supersede the authority of the Board of Health, the Commissioner of Health, or local health officers under Title 18.

(f) Nothing in this chapter is intended to limit the authority of the Public Utility Commission under the provisions of Title 30.

(g) If the Public Utility Commission does not concur with the rules proposed by the Secretary, the Secretary shall publicize the comments submitted by the Public Utility Commission, at each step specified in 3 V.S.A. § 836, and the Legislative Committee on Administrative Rules shall consider those comments. (Added 1991, No. 71, § 2; amended 1993, No. 2, § 1, eff. April 9, 1993; 1995, No. 103 (Adj. Sess.), § 7; 1997, No. 134 (Adj. Sess.), § 9; 2003, No. 42, § 2, eff. May 27, 2003; 2003, No. 163 (Adj. Sess.), § 22; 2009, No. 56, § 27.)

§ 1673. Prohibitions

(a) A person shall not alter, expand, or otherwise modify an existing public water system or public water source without a permit from the Secretary.

(b) A person shall not construct a new public water system or public water source or change an existing water system or source into a public water system or public water source without a permit from the Secretary.

(c) A person shall not operate a public water system or public water source without a permit from the Secretary.

(d) As of July 1, 1993, a person shall not operate a public water system unless the Secretary has certified the person as a public water system operator pursuant to this chapter.

(e) A person shall not operate or maintain a public water system or public water source in a manner that causes or allows that system or source to be at risk of damage or contamination.

(f) A person shall not sell imported or domestic containerized, bottled, or packaged drinking water in the State of Vermont unless:

(1) the water and the source and system of the imported water is regulated by drinking water standards or requirements substantially equivalent to or more stringent than standards or requirements established by the Secretary pursuant to subsection 1672(b) of this title and the importer of the water has presented certification of such standards;

(2) the water and the source and system of the domestic drinking water meet the standards or requirements established by the Secretary pursuant to subsection 1672(b) of this title; and

(3) the name, source, and the location of the bottler of spring, artesian, or municipal water are identified. (Added 1991, No. 71, § 2; amended 1993, No. 47, § 2; 1999, No. 50, § 1; 1999, No. 63, § 4.)

§ 1674. Certification of water system operators

(a)(1) The Secretary shall by rule establish processes and criteria for:

(A) the classification of public water systems for the purpose of certifying operators; and

(B) the certification of persons qualified to operate specific classes of public water systems.

(2) The rules shall minimize the regulatory burden on smaller systems, to the extent allowable by State and federal law.

(b)(1) The Secretary may suspend or revoke a certificate granted under this section, after notice and opportunity to be heard, if the Secretary finds that the certificate holder has:

(A) submitted materially false or materially inaccurate information; or

(B) violated any material requirement, restriction, or condition of the certificate.

(2) The Secretary shall set forth what steps, if any, may be taken by the certificate holder to relieve the holder of the suspension or enable the certificate holder to reapply for certification if a previous certificate has been revoked. (Added 1991, No. 71, § 2.)

§ 1675. Permits; conditions; duration; suspension of revocation

(a) Authority to issue, renew, or deny permit. The Secretary may issue, renew, or deny a public water system permit required by this chapter. As part of this authority, the Secretary may issue general operating permits for the operation of transient noncommunity water systems.

(b) Avoidance of public health hazard or risk. A public water system permit shall be issued or renewed only upon a finding by the Secretary, included in the permit, that operation of the system will comply with the standards adopted under this chapter and will not constitute a public health hazard or a significant public health risk.

(1) In making this finding for the issuance of a permit for a new public water source, the Secretary shall consider the probable effects of existing and likely future land use practices, including the effects of the uses of agricultural lands, that may affect the quantity or quality of the water associated with any proposed public water source, and whether such practices are likely to constitute a public health hazard relating to such source. The Secretary shall not issue a permit for a new public water source if he or she determines that such existing or likely future land use practices are likely to constitute such a public health hazard.

(2) In making this finding for the issuance of a permit for the addition of a new type of disinfectant, the Secretary shall, after consultation with the Department of Health, consider the likely effects on health from the use of the new type of disinfectant. The Secretary shall not issue a permit for a new or existing public water system if he or she determines that use of a new type of disinfectant will result in a health effect that is likely to constitute a public health hazard.

(c) Permit process; additional information. When an application is filed under this section, the Secretary shall proceed in accordance with chapter 170 of this title. The Secretary may require the applicant to submit additional information that the Secretary considers necessary in order to support the findings required in subsection (b) of this section, and may refuse to grant a permit until the information is furnished and evaluated. The Secretary may also consult with the Commissioner of Health, as necessary, in making decisions regarding health issues raised by the application. The Commissioner's response, if any, shall be part of the public record for the application.

(d) Permit conditions. Public water system permits issued under this chapter may include conditions that:

(1) require the construction, installation, operation, and maintenance of any purification, disinfection, or other water processing or treatment facility in accordance with standards and requirements established by the Secretary;

(2) require the person owning or controlling the system to adequately control and protect the public water source and source protection area;

(3) require that construction be in accordance with the Vermont standards for water system design and construction;

(4) require notification of the characteristics of the water provided by the system to the public by notice conforming with the requirements of the Federal Safe Drinking Water Act;

(5) limit the number of connections to the system;

(6) limit maximum and daily output of the system;

(7) require the development and submission to the Secretary of a long-range plan for expansion, capital improvements, and future service area;

(8) require the development, submission to the Secretary, and implementation of a water conservation plan in accordance with the policy established in section 1684 of this title;

(9) require the development and submission to the Secretary of a system-level business plan and comprehensive water supply plan to ensure system capacity in the long-term; and

(10) contain any additional conditions, requirements, schedules, or restrictions, or monitoring or testing programs that are deemed necessary to ensure compliance with this chapter and the rules adopted under this chapter.

(e) [Repealed].

(f) Suspension or revocation of permits.

(1) The Secretary may, after notice and opportunity for hearing, revoke or suspend any permit issued pursuant to the authority under this title if the Secretary finds that:

(A) the permit holder submitted materially false or inaccurate information;

(B) the permit holder has violated any material requirement, restriction, or condition of this chapter, any rule promulgated thereunder, or any permit or certification issued pursuant to this chapter, or any assurance of discontinuance or order relating to the provisions of this chapter or the rules promulgated thereunder; or

(C) there is a change in any condition that requires either a temporary or permanent restriction, limitation, or elimination of the permitted use.

(2) Revocation shall be effective upon actual notice thereof to the permit holder or permit holder's designated agent.

(g) Beginning July 1, 2010, the Secretary shall not issue a source permit for a bottled drinking water supply unless, in addition to all other requirements for a source permit:

(1) the permit application contains the information required by subdivisions 1418(d)(4)-(7) of this title;

(2) the Secretary finds that considerations in subdivisions 1418(e)(1)-(3) and (6)-(8) of this title have been satisfied;

(3) the permit contains the permit conditions required by subsection (f) of this section; and

(4) the permit applicant complies with the notice requirements of subsection 1418(c) of this title.

(h) A public water system permitted after June 9, 2008 that bottles drinking water for public distribution and sale shall obtain from the Secretary a source water permit under subsection 1672(g) of this title upon renewal of its operating permit under this section and every 10 years thereafter.

(i) Notwithstanding the requirements of this subsection, the Secretary may issue an operating permit for an existing public water system that is unable to comply with the standards adopted under this chapter provided that:

(1) the operating permit contains a compliance schedule that is designed to achieve compliance with the applicable standards within a reasonable period of time based on the nature and extent of the applicable standards at issue;

(2) the Secretary finds that the continued operation of the public water system pursuant to the compliance schedule and associated permit conditions shall not present an unacceptable risk to public health; and

(3) the person who owns the public water system shall be responsible for informing all persons using the system of the nature and extent of the noncompliance with the applicable standards. (Added 1991, No. 71, § 2; amended 1991, No. 256 (Adj. Sess.), § 23a, eff. June 9, 1992; 1997, No. 134 (Adj. Sess.), § 10; 2005, No. 15, § 2; 2005, No. 144 (Adj. Sess.), § 2; 2007, No. 133 (Adj. Sess.), § 1; 2007, No. 199 (Adj. Sess.), § 5, eff. June 9, 2008; 2011, No. 117 (Adj. Sess.), § 2; 2015, No. 150 (Adj. Sess.), § 23, eff. Jan. 1, 2018.)

§ 1675a. Permitting exemption

(a) The requirements of this chapter and the rules adopted under this chapter, except the construction permitting requirements, shall not apply to a public water system that:

(1) Consists only of distribution and storage facilities and does not have any collection and treatment facilities;

(2) Obtains all of its water from, but is not owned or operated by, a public water system to which this chapter applies;

(3) Does not engage in the sale of water to any person. For purposes of this section and 30 V.S.A. § 203(3), a "sale" of water does not occur when:

(A) the rate charged to the consumer by the receiving water system is the same as the rate charged by the public water system for supplying water to the receiving water system; and

(B) the receiving water system follows the uniform water and sewer disconnect requirements of 24 V.S.A. chapter 129, except that 24 V.S.A. § 5147 shall not apply and appeals shall be governed by the Vermont Rules of Civil Procedure;

(4) Is not a carrier that conveys passengers in interstate commerce;

(5) Serves less than 500 persons; and

(6) Is served by a public water system that certifies to the Secretary that:

(A) the receiving public water system is responsible for the repair and maintenance of their own water system unless otherwise agreed to by the wholesale system; and

(B) the public water system supplying water to the receiving water system is responsible for:

(i) including the receiving public water system in its water quality sampling plans;

(ii) providing consumer confidence reports to the receiving system's users; and

(iii) issuing public notice to the receiving system's users if a violation of a drinking water contaminant standard exists or if the Secretary determines that a condition exists that may present a risk to public health.

(b) The water system supplying water to the receiving water system is responsible for the requirements contained in subdivision (a)(6)(B) of this section until 180 days after the water system supplying water to the receiving water system files a notice with the Secretary of Natural Resources and the receiving system of its intent to withdraw from any obligation made under subdivision (a)(6)(B) of this section.

(c) Notwithstanding the exemption contained in subsection (a) of this section, the Secretary of Natural Resources may take any reasonable steps that are necessary to abate a public health threat at a public water system that is otherwise exempt. (Added 2007, No. 156 (Adj. Sess.), § 1.)

§ 1676. Repealed. 2011, No. 117 (Adj. Sess.), § 3.

§ 1676a. Permits; systems affecting farms; liability for contamination

(a) The Secretary shall issue a permit for a new source for a public water system only after making the findings required by subsection 1675(b) of this title. In addition, if the Secretary finds there are agricultural lands in the area that are likely to affect the proposed source but not likely to constitute a public health hazard, the Secretary shall require the applicant to certify in the permit that the proposed source will be abandoned, replaced, or treated if it becomes contaminated by agricultural activities conducted on the agricultural lands.

(b) The Secretary may require the permittee to monitor the area around the permitted source to obtain knowledge of potential contaminants. If contamination occurs, the Secretary shall make a determination whether the permittee shall abandon the contaminated source and use an alternative source or, if use of an alternative source is not

feasible, treat the contaminated source. If the source is treated, the Secretary shall find that it has been properly treated according to applicable drinking water standards and that continued use of the source will not adversely affect the health and safety of the public.

(c) An owner or lessee of agricultural lands who alleges that the agricultural lands are within the area of a proposed new public water source may appeal a decision of the Secretary pursuant to section 1680 of this title.

(d) An owner or lessee of agricultural lands shall not be liable for personal injury or property damage resulting from contamination of a permitted water source so long as the owner or lessee was utilizing required agricultural practices at the time the water source was contaminated and so long as the lands were agricultural at the time the permit was issued.

(e) Nothing in this section shall prohibit an applicant from negotiating an agreement with an owner of agricultural lands or from using authority granted in any other provision of law to secure rights to the property in question. (Added 1991, No. 71, § 2; amended 2015, No. 64, § 13.)

§ 1677. Inspection and application for search warrants

Any health officer or municipal board of health is authorized:

(1) to inspect public water sources, public water systems, or public water source protection areas, pursuant to 18 V.S.A. § 107; and

(2) to apply for search warrants pursuant to 18 V.S.A. § 121. (Added 1991, No. 71, § 2.)

§ 1678. Prohibition on use of lead pipes, solder, and flux

(a) No person shall use any pipe, solder, or flux in the installation or repair of any public water system, or in any plumbing providing drinking water that is connected to a public water system, unless it is lead free.

(b) For purposes of this section, the term "lead free" means:

(1) solders and flux containing not more than 0.2 percent lead;

(2) pipes and pipe fittings containing not more than 8.0 percent lead.

(c) Each public water system shall identify and provide notice in the manner required by the Secretary by rule to persons that may be affected by lead contamination of their drinking water where such contamination results from the following:

(1) the lead content in the construction materials of the public water system; or

(2) corrosivity of the public water source sufficient to cause leaching of lead.

(d) This section shall not apply to leaded joints necessary for the repair of cast iron pipes. (Added 1991, No. 71, § 2.)

§ 1679. Public water source protection areas

(a) The Secretary shall, after review by the Groundwater Coordinating Committee established in subsection 1392(c) of this title, adopt rules for the protection of public water source protection areas. Rules adopted under this section may include:

- (1) the duties of the Agency, other State agencies, consistent with their statutory mandates, local government entities, and owners of public water systems with respect to the development and implementation of programs to protect public water sources;
- (2) procedures to determine the public water source protection area;
- (3) procedures to identify within each public water source protection area all potential sources of contaminants that may have any adverse effect on the health of persons;
- (4) a program that contains, as appropriate, technical assistance, financial assistance, implementation of control measures, education, training, and demonstration projects to protect the public water source within the public water source protection area; and
- (5) contingency plans for the provision of alternate drinking water supplies for each public water system in the event of contamination or disruption.

(b) Rules adopted by the Secretary under subsection (a) of this section shall complement the classification requirements of chapter 48 of this title and the rules adopted under that chapter.

(c) Rules adopted by the Secretary under subsection (a) of this section shall include provisions for the identification of agricultural lands, as defined in 32 V.S.A. § 3752, within public water source protection areas and for ensuring that required agricultural practices on those lands are not unduly restricted by the development of the public water source protection area without the consent of the owner of those agricultural lands. Prior to the adoption of rules under this subsection, the Secretary shall consult with the Secretary of Agriculture, Food and Markets and, if possible, obtain concurrence of the Secretary of Agriculture, Food and Markets. If the Secretary of Agriculture, Food and Markets does not concur, the Secretary of Agriculture, Food and Markets shall state any objections in writing; and those objections shall be included by the Secretary in filing the final proposed rule with the Legislative Committee on Administrative Rules.

(d) When the Secretary proposes to designate a public water source protection area under the rules adopted pursuant to subsection (a) of this section, the Secretary shall proceed in accordance with chapter 170 of this title.

(e) Rules, standards, and criteria adopted by the Secretary under subsection (a) of this section for the protection of public water sources shall allow for human activity within the watershed of a public water source, provided that such human activity does not constitute a public health hazard or a significant public health risk. (Added 1991, No. 71, § 2; amended 1991, No. 256 (Adj. Sess.), § 23, eff. June 9, 1992; 1995, No. 189 (Adj. Sess.), § 4; 2003, No. 42, § 2, eff. May 27, 2003; 2015, No. 64, § 13; 2015, No. 150 (Adj. Sess.), § 24, eff. Jan. 1, 2018.)

§ 1680. Appeals

Appeals of any act or decision of the Department under this subchapter shall be made in accordance with chapter 220 of this title. (Added 1991, No. 71, § 2; amended 2003, No. 115 (Adj. Sess.), § 41, eff. Jan. 31, 2005.)

§ 1681. Criminal enforcement

(a) Any permit holder or person who violates a provision of this chapter or the rules promulgated thereunder, or who fails or neglects to obey or comply with the terms of a permit issued under this chapter or who fails or neglects to obey or comply with an assurance of discontinuance or order relating to this chapter or the rules promulgated thereunder shall be fined not more than \$5,000.00. Each violation shall be a separate and distinct offense and, in the case of a continuing violation, each day's continuance shall be deemed a separate violation.

(b) Any permit holder or person who refuses to obey or comply with the terms of a permit issued under this chapter or who refuses to obey or comply with an assurance of discontinuance or order relating to this chapter or the rules promulgated thereunder shall be fined not more than \$25,000.00 or be imprisoned not more than six months, or both. Each violation shall be a separate offense and, in the case of a continuing violation, each day's continuance shall be deemed a separate violation.

(c) Any person who knowingly makes a false statement, representation, or certification as to any material fact in any application, record, report, plan, testing result, or other document filed or required to be maintained under this chapter, or who falsifies, tampers with, or knowingly renders inaccurate a testing device or method required to be maintained under this chapter or the rules promulgated thereunder, or any permit or certification issued pursuant to this chapter, or any assurance of discontinuance or order relating to the provisions of this chapter or the rules promulgated thereunder shall be fined not more than \$10,000.00 or be imprisoned for not more than six months, or both.

(d) When a municipal corporation, as defined in 24 V.S.A. § 3301, acquires any existing public water source or existing public water system, as defined in subdivisions 1671(4) and (5) of this title, the Secretary shall establish, in a permit issued under this chapter, a compliance schedule that provides for reasonable time and effort for the municipal corporation to achieve compliance with this chapter for any deficiencies in the acquired source or system. If the municipal corporation remains in compliance with the terms of its permit, no cause of action or grounds for enforcement shall lie against the municipal corporation for violations due to the reasons giving rise to the compliance schedule. (Added 1991, No. 71, § 2; amended 1993 No. 164 (Adj. Sess.). § 11.)

§ 1682. Private right of action

The provisions of 18 V.S.A. § 122 shall apply to this chapter. (Added 1991, No. 71, § 2.)

§ 1683. Filtration requirements

(a) The Department of Environmental Conservation shall review each application for a construction grant under section 1624 of this title to determine whether the project qualifies for an avoidance of filtration waiver under the surface water treatment rule and notify the

applicant of the results of that review. The Department shall provide an opportunity for the applicant to submit information in support of an affirmative finding.

(b) The Department of Environmental Conservation shall grant waivers to requirements for water filtration and exemptions to public and private water systems as provided under the federal Safe Drinking Water Act, surface water rule, when a water system owner demonstrates that the water system has a proven record of delivering adequate quantities of clean and safe drinking water and that adequate protection of the surface water source is or may be assured. (Added 1991, No. 256 (Adj. Sess.), § 22, eff. June 9, 1992; amended 1995, No. 189 (Adj. Sess.), § 5; 2003, No. 115 (Adj. Sess.), § 42, eff. Jan. 31, 2005.)

§ 1684. Conservation requirements

The General Assembly finds that water is a natural resource that should be managed efficiently to reduce waste through promotion of water conservation. It shall be the policy of the State to conserve the water resources of Vermont through technology, methods, and procedures designed to promote efficient use of water; to consider water conservation in all water use decisions; and to reduce or minimize the waste of water through water supply management practices. (Added 1997, No. 134 (Adj. Sess.), § 11.)

§ 1685. Public water system capacity

The Secretary, by rule, shall establish standards and requirements for implementing a public water system capacity program for community water systems and nontransient, noncommunity water systems. The program shall place particular emphasis on addressing the problems and capital needs facing the State's small, rural community water systems and public water systems operated by school districts. The program may include the following measures to improve public water system infrastructure and to provide safe drinking water to small community water systems and schools:

- (1) source water protection programs;
- (2) capital improvement planning;
- (3) minimum design and construction standards;
- (4) operation and management practices;
- (5) development of a program to assess the capacity of public water systems in order to prevent formation of new systems lacking capacity; to assess existing system capacity; and to promote restructuring of systems lacking capacity; and
- (6) to the extent it is consistent with federal law, preference in providing State financial and technical assistance to small systems whose water supply is contaminated or threatened by contamination or who fail to comply with State drinking water standards. (Added 1997, No. 134 (Adj. Sess.), § 12.)