

CHAPTER 474

POLLUTION

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PART I

POLLUTION OF WATERS

Secs. 25-19 to 25-24. Pollution of waters. Sections 25-19 to 25-24, inclusive, are repealed.

(1949 Rev., S. 4040, 4042–4046; 1949, S. 2114d; 1953, S. 2115d; 1955, S. 2116d; 1957, P.A. 364, S. 11, 13, 36; 1961, P.A. 273, S. 4; 343; February, 1965, P.A. 489, S. 1–4; 1967, P.A. 57, S. 36.)

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PART II

DISPOSAL OF SEWAGE AND REFUSE

Sec. 25-25. Definitions. Section 25-25 is repealed.

(1949 Rev., S. 4033; P.A. 73-555, S. 9, 10.)

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Secs. 25-26, 25-26a and 25-27. Transferred to Chapter 446k, Secs. 22a-416 to 22a-418, inclusive.

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Secs. 25-28 to 25-31. Orders of state department; appeals. Failure to comply with orders. Rights not to vest. Penalty. Sections 25-28 to 25-31, inclusive, are repealed.

(1949 Rev., S. 4035, 4037–4039; 1971, P.A. 870, S. 79; 872, S. 76, 77; P.A. 73-555, S. 9, 10.)

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PART III

WATER SUPPLIES

Sec. 25-32. Department of Public Health jurisdiction over and duties concerning water supplies, water companies and operators of water treatment plants and water distribution systems. (a) The Department of Public Health shall have jurisdiction over all matters concerning the purity and adequacy of any water supply source used by any municipality, public institution or water company for obtaining water, the safety of any distributing plant and system for public health purposes, the adequacy of methods used to assure water purity, and such other matters relating to the construction and operation of such distributing plant and system as may affect public health.

(b) No water company shall sell, lease, assign or otherwise dispose of or change the use of any watershed lands, except as provided in section 25-43c, without a written permit from the Commissioner of Public Health. The commissioner shall not grant: (1) A permit for the sale of class I land, except as provided in subsection (d) of this section, (2) a permit for the lease of class I land except as provided in subsection (p) of this section, or (3) a permit for a change in use of class I land unless the applicant demonstrates that such change will not have a significant adverse impact upon the present and future purity and adequacy of the public drinking water supply and is consistent with any water supply plan filed and approved pursuant to section 25-32d. The commissioner may reclassify class I land only upon determination that such land no longer meets the criteria established by subsection (a) of section 25-37c because of abandonment of a water supply source or a physical change in the watershed boundary. Not more than fifteen days before filing an application for a permit under this section, the

applicant shall provide notice of such intent, by certified mail, return receipt requested, to the chief executive officer and the chief elected official of each municipality in which the land is situated.

(c) The commissioner may grant a permit for the sale, lease, assignment or change in use of any land in class II subject to any conditions or restrictions in use which the commissioner may deem necessary to maintain the purity and adequacy of the public drinking water supply, giving due consideration to: (1) The creation and control of point or nonpoint sources of contamination; (2) the disturbance of ground vegetation; (3) the creation and control of subsurface sewage disposal systems; (4) the degree of water treatment provided; (5) the control of watershed land by the applicant through ownership, easements or use restrictions or other water supply source protection measures; (6) the effect of development of any such land; and (7) any other significant potential source of contamination of the public drinking water supply. The commissioner may grant a permit for the sale, lease or assignment of class II land to another water company, municipality or nonprofit land conservation organization provided, as a condition of approval, a permanent conservation easement on the land is entered into to preserve the land in perpetuity predominantly in its natural scenic and open condition for the protection of natural resources and public water supplies while allowing for recreation consistent with such protection and improvements necessary for the protection or provision of safe and adequate potable water. Preservation in perpetuity shall not include permission for the land to be developed for any commercial, residential or industrial uses, nor shall it include permission for recreational purposes requiring intense development, including, but not limited to, golf courses, driving ranges, tennis courts, ballfields, swimming pools and uses by motorized vehicles other than vehicles needed by water companies to carry out their purposes, provided trails or pathways for pedestrians, motorized wheelchairs or nonmotorized vehicles shall not be considered intense development. The commissioner may reclassify class II land only upon determination that such land no longer meets the criteria established by subsection (b) of section 25-37c because of abandonment of a water supply source or a physical change in the watershed boundary.

(d) The commissioner may grant a permit for (1) the sale of class I or II land to another water company, to a state agency or to a municipality, (2) the sale of class II land or the sale or assignment of a conservation restriction or a public access easement on class I or class II land to a private, nonprofit land-holding conservation organization, or (3) the sale of class I land to a private nonprofit land-holding conservation organization if the water company is denied a permit to abandon a source not in current use or needed by the water company pursuant to subsection (c) of section 25-33k, if the purchasing entity agrees to maintain the land subject to the provisions of this section, any regulations adopted pursuant to this section and the terms of any permit issued pursuant to this section. Such purchasing entity or assignee may not sell, lease or assign any such land or conservation restriction or public access easement or sell, lease, assign or change the use of such land without obtaining a permit pursuant to this section.

(e) The commissioner shall not grant a permit for the sale, lease, assignment or change in use of any land in class II unless (1) use restrictions applicable to such land will prevent the land from being developed, (2) the applicant demonstrates that the proposed sale, lease, assignment or change in use will not have a significant adverse impact upon the purity and adequacy of the public drinking water supply and that any use restrictions which the commissioner requires as a condition of granting a permit can be enforced against subsequent owners, lessees and assignees, (3) the commissioner determines, after giving effect to any use restrictions which may be required as a condition of granting the permit, that such proposed sale, lease, assignment or change in use will not have a significant adverse effect on the public drinking water supply, whether or not similar permits have been granted, and (4) on or after January 1, 2003, as a condition to the sale, lease or assignment of any class II lands, a permanent conservation easement on the land is entered into to preserve the land in perpetuity predominantly in its natural scenic and open condition for the protection of natural resources and public water supplies while allowing for recreation consistent with such protection and improvements necessary for the protection or provision of safe and adequate potable water, except in cases where the class II land is deemed necessary to provide access or egress to a parcel of class III land, as defined in section 25-37c, that is approved for sale. Preservation in perpetuity shall not include permission for the land to be developed for any commercial, residential or industrial uses, nor shall it include permission for recreational purposes requiring intense development, including, but not limited to, golf courses, driving ranges, tennis courts, ballfields, swimming pools and uses by motorized vehicles other than vehicles needed by water companies to carry out their purposes,

provided trails or pathways for pedestrians, motorized wheelchairs or nonmotorized vehicles shall not be considered intense development.

(f) Nothing in this section shall prevent the lease or change in use of water company land to allow for recreational purposes that do not require intense development or improvements for water supply purposes, for leases of existing structures, or for radio towers or telecommunications antennas on existing structures. For purposes of this subsection, intense development includes golf courses, driving ranges, tennis courts, ballfields, swimming pools and uses by motorized vehicles, provided trails or pathways for pedestrians, motorized wheelchairs or nonmotorized vehicles shall not be considered intense development.

(g) As used in this section, (1) "water supply source" includes all springs, streams, watercourses, brooks, rivers, lakes, ponds, wells or underground waters from which water is taken, and all springs, streams, watercourses, brooks, rivers, lakes, ponds, wells or aquifer protection areas, as defined in section 22a-354h, thereto and all lands drained thereby; and (2) "watershed land" means land from which water drains into a public drinking water supply.

(h) The commissioner shall adopt and from time to time may amend the following: (1) Physical, chemical, radiological and microbiological standards for the quality of public drinking water; (2) minimum treatment methods, taking into account the costs of such methods, required for all sources of drinking water, including guidelines for the design and operation of treatment works and water sources, which guidelines shall serve as the basis for approval of local water supply plans by the commissioner; (3) minimum standards to assure the long-term purity and adequacy of the public drinking water supply to all residents of this state; and (4) classifications of water treatment plants and water distribution systems which treat or supply water used or intended for use by the public. On or after October 1, 1975, any water company which requests approval of any drinking water source shall provide for such treatment methods as specified by the commissioner, provided any water company in operation prior to October 1, 1975, and having such source shall comply with regulations adopted by the commissioner, in accordance with chapter 54, in conformance with The Safe Drinking Water Act, Public Law 93-523, and shall submit on or before February 1, 1976, a statement of intent to provide for treatment methods as specified by the commissioner, to the commissioner for approval. The commissioner shall adopt regulations, in accordance with chapter 54, requiring water companies to report elevated levels of copper in public drinking water.

(i) The department may perform the collection and testing of water samples required by regulations adopted by the commissioner pursuant to this section, in accordance with chapter 54, when requested to do so by a water company. The department shall collect a fee equal to the cost of such collection and testing. Water companies serving one thousand or more persons shall not request routine bacteriological or physical tests under this subsection.

(j) The condemnation by a state department, institution or agency of any land owned by a water company shall be subject to the provisions of this section.

(k) The commissioner may issue an order declaring a moratorium on the expansion or addition to any existing public water system that the commissioner deems incapable of providing new services with a pure and adequate water supply.

(l) The commissioner may issue, modify or revoke orders as needed to carry out the provisions of this part. Except as otherwise provided in this part, such order shall be issued, modified or revoked in accordance with procedures set forth in subsection (b) of section 25-34.

(m) The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to include local health departments in the notification process when a water utility reports a water quality problem.

(n) (1) On and after the effective date of regulations adopted under this subsection, no person may operate any water treatment plant, water distribution system or small water system that treats or supplies water used or intended for use by the public, test any backflow prevention device, or perform a cross connection survey

without a certificate issued by the commissioner under this subsection. The commissioner shall adopt regulations, in accordance with chapter 54, to provide: (A) Standards for the operation of such water treatment plants, water distribution systems and small water systems; (B) standards and procedures for the issuance of certificates to operators of such water treatment plants, water distribution systems and small water systems; (C) procedures for the renewal of such certificates every three years; (D) standards for training required for the issuance or renewal of a certificate; and (E) standards and procedures for the issuance and renewal of certificates to persons who test backflow prevention devices or perform cross connection surveys. Such regulations shall be consistent with applicable federal law and guidelines for operator certification programs promulgated by the United States Environmental Protection Agency. For purposes of this subsection, "small water system" means a public water system, as defined in section 25-33d, that serves less than one thousand persons and has no treatment or has only treatment that does not require any chemical treatment, process adjustment, backwashing or media regeneration by an operator.

(2) The commissioner may take any disciplinary action set forth in section 19a-17, except for the assessment of a civil penalty under subdivision (7) of subsection (a) of section 19a-17, against an operator, a person who tests backflow prevention devices or a person who performs cross connection surveys holding a certificate issued under this subsection for any of the following reasons: (A) Fraud or material deception in procuring a certificate, the renewal of a certificate or the reinstatement of a certificate; (B) fraud or material deception in the performance of the certified operator's professional activities; (C) incompetent, negligent or illegal performance of the certified operator's professional activities; (D) conviction of the certified operator for a felony; or (E) failure of the certified operator to complete the training required under subdivision (1) of this subsection.

(3) The commissioner may issue an initial certificate to perform a function set forth in subdivision (1) of this subsection upon receipt of a completed application, in a form prescribed by the commissioner, together with an application fee as follows: (A) For a water treatment plant, water distribution system or small water system operator certificate, two hundred twenty-four dollars, except there shall be no such application fee required for a student enrolled in an accredited high school small water system operator certification course; (B) for a backflow prevention device tester certificate, one hundred fifty-four dollars; and (C) for a cross-connection survey inspector certificate, one hundred fifty-four dollars. A certificate issued pursuant to this subdivision shall expire three years from the date of issuance unless renewed by the certificate holder prior to such expiration date. The commissioner may renew a certificate for an additional three years upon receipt of a completed renewal application, in a form prescribed by the commissioner, together with a renewal application fee as follows: (i) For a water treatment plant, water distribution system or small water system operator certificate, ninety-eight dollars; (ii) for a backflow prevention device tester certificate, sixty-nine dollars; and (iii) for a cross-connection survey inspector certificate, sixty-nine dollars.

(o) The commissioner may adopt regulations, in accordance with the provisions of chapter 54, that incorporate by reference the provisions of the federal National Primary Drinking Water Regulations in 40 C.F.R. Parts 141 and 142, promulgated by the United States Environmental Protection Agency, provided such regulations (1) are consistent with other regulations adopted pursuant to this section, and (2) explicitly incorporate any future amendments to said federal regulations.

(p) The commissioner may grant a permit for the lease of class I land associated with a groundwater source for use for public drinking water purposes to another water company that serves one thousand or more persons or two hundred fifty or more customers and maintains an approved water supply plan pursuant to section 25-32d, provided a water company acquiring such interest in the property demonstrates that such lease will improve conditions for the existing public drinking water system and will not have a significant adverse impact upon the present and future purity and adequacy of the public drinking water supply. Any water company requesting a permit under this subsection may be required to convey an easement that provides for the protection of the public water supply source and shall submit such easement and any provisions of the lease that pertain to the protection of the public water supply to the commissioner for approval.

(q) Notwithstanding any provision of this section, the commissioner may grant a permit for the lease or change in use of water company land to allow for telecommunications antennas, telecommunications towers, ancillary equipment, related access drives or utilities, used in the provision of personal wireless services, as defined in 47

USC 332(c)(7), if the commissioner determines such lease or change in use will not have an adverse impact on the purity and adequacy of the public drinking water supply and that any use restrictions which the commissioner requires as a condition of granting a permit can be enforced against subsequent owners, lessees and assignees. The permit application shall include, but not be limited to, documentation on the extent of other alternative sites considered unsuitable by the provider of wireless services and a finding by the commissioner that such lease or change in use of water company land will not have a significant adverse impact upon the purity and adequacy of the public drinking supply. Any permit granted under this subsection shall be subject to any conditions or restrictions which the commissioner may deem necessary to maintain the purity and adequacy of the public drinking water supply.

(1949 Rev., S. 4015; 1967, P.A. 691, S. 2; P.A. 74-303, S. 1; P.A. 75-513, S. 1, 5; P.A. 76-268; P.A. 77-606, S. 4, 10; 77-614, S. 323, 587, 610; P.A. 78-303, S. 71, 85, 136; P.A. 79-192; 79-522, S. 1, 2; P.A. 81-472, S. 139, 159; P.A. 85-336, S. 1, 6; P.A. 88-172, S. 3; 88-354, S. 4; P.A. 89-301, S. 3; P.A. 93-381, S. 9, 39; P.A. 95-211, S. 1; 95-257, S. 12, 21, 58; 95-329, S. 1, 31; P.A. 96-100, S. 2; P.A. 97-304, S. 21, 31; June Sp. Sess. P.A. 99-2, S. 63; P.A. 00-90, S. 1, 3; 00-203, S. 7, 11; P.A. 01-204, S. 4, 29; June Sp. Sess. P.A. 01-9, S. 73, 131; P.A. 03-252, S. 15; May Sp. Sess. P.A. 04-2, S. 45; P.A. 06-53, S. 3; P.A. 09-232, S. 47, 48; P.A. 11-242, S. 71; P.A. 12-197, S. 42; P.A. 13-298, S. 62; P.A. 14-231, S. 12; P.A. 17-10, S. 5.)

History: 1967 act gave health department jurisdiction over adequacy of water and ice supplies, safety of distributing plants and systems, adequacy of methods used to assure water purity, etc.; P.A. 74-303 made previous provisions Subsecs. (a) and (c), added new Subsec. (b) re disposition or change in use of any watershed land and defined the term "watershed land" in Subsec. (c); P.A. 75-513 added Subsec. (d) re physical, chemical and bacteriological standards for drinking water supplies; P.A. 76-268 added Subsec. (e) authorizing health department to collect and test water samples; P.A. 77-606 amended Subsec. (b) to specifically require "written permit" rather than "prior approval" and to replace provisions detailing procedure for disposition or use change with provisions for such disposition or use change of Class I land, inserted new Subsecs. (c) and (d) re provision for disposition or use change of Class II land, relettering remaining Subsecs. accordingly and added Subsec. (f) (3) (formerly Subsec. (d)), requiring standards to assure long-term adequacy of drinking water supplies; P.A. 77-614 replaced commissioner and department of health with commissioner and department of health services, effective January 1, 1979; P.A. 78-303 deleted references to abolished public health council in Subsec. (f), substituting commissioner of health services; P.A. 79-192 added Subsec. (h) re condemnation of land; P.A. 79-522 rephrased reference to water treatment plants and distribution systems and added reference to regulations adopted by commissioner in accordance with chapter 54 under Subsec. (a) and added Subsec. (f)(4) requiring classification of treatment plants and distribution systems; P.A. 81-472 made technical changes; P.A. 85-336 amended Subsec. (b) by authorizing reclassification of class I land, amended Subsec. (c) by authorizing reclassification of class II land, inserted new Subsec. (d) to require a permit for the sale of class I or II land and relettered the remaining subsections; P.A. 88-172 added Subsec. (j) re moratoriums; P.A. 88-354 amended Subsec. (b) by requiring applicant to provide notice to municipal officials not more than 15 days before filing an application; P.A. 89-301 added Subsec. (c)(5) requiring commissioner to consider the incremental effect of development in his decision and renumbering the remaining Subdiv. accordingly and amended Subsec. (e) to require determination that public drinking water supply would suffer no harm from sale, lease, assignment or change in use of land; P.A. 93-381 replaced department and commissioner of health services with department and commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-211 added new Subsec. (c)(5) re control of watershed land, relettering remaining Subdivs. accordingly and deleting in Subdiv. (6) the requirement that the effect of development be "incremental", added new Subsec. (e)(1) re class II and III land, renumbering the remaining Subdivs. and adding to Subdiv. (3) the requirement that the commissioner give effect to any use restrictions that may be required as a condition of granting the permit and replacing "harm" with "have a significant adverse effect on"; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; P.A. 95-329 added Subsec. (k) re orders by the commissioner, effective July 1, 1995; P.A. 96-100 added Subsec. (l) concerning regulations re local health department notification; P.A. 97-304 amended Subsec. (d) to allow commissioner to grant a permit for the sale of class I or II land to a state agency, effective July 1, 1997; June Sp. Sess. P.A. 99-2 deleted reference to ice, added "aquifer protection areas" and made technical changes; P.A. 00-90 made technical changes in Subsecs. (a), (b), (c), (f), (g), (h), (k) and (l), amended Subsec. (a) by deleting

provisions re qualifications of operators of water treatment plants and water distribution systems, amended Subsec. (g) by adding provisions requiring regulations re the reporting of elevated levels of copper in public drinking water, and added new Subsec. (m) re operators of water treatment plants and water distribution systems, effective May 26, 2000; P.A. 00-203 amended Subsec. (c) by adding provision re sale, lease or assignment of class II land to another water company, municipality or nonprofit land conservation organization, added Subsec. (e)(4) re sale, lease or assignment of class II land on or after January 1, 2003, and made articles separating Subdivs. “and” instead of “or”, inserted new Subsec. (f) re using land for recreational purposes, and redesignated former Subsecs. (f) to (m), inclusive, as Subsecs. (g) to (n), inclusive, effective July 1, 2000; P.A. 01-204 amended Subsec. (d) to allow the commissioner to grant a permit for the sale of class II land or the sale or assignment of a conservation restriction or a public access easement on class I or class II land to a private, nonprofit land-holding conservation organization, and to prohibit such purchasing entity or assignee from selling, leasing, or assigning any such land or conservation restriction or public access easement or from selling, leasing, assigning or changing the use of such land without obtaining a permit pursuant to the section, effective July 11, 2001; June Sp. Sess. P.A. 01-9 revised effective date of P.A. 01-204 but without affecting this section; P.A. 03-252 amended Subsec. (n) by adding provisions re jurisdiction over persons who test backflow prevention devices or perform cross connection surveys and making a technical change; May Sp. Sess. P.A. 04-2 added Subsec. (d)(3) re sale of land to a private nonprofit land-holding conservation organization; P.A. 06-53 added Subsec. (o) authorizing Commissioner of Public Health to adopt regulations that incorporate by reference federal drinking water regulations; P.A. 09-232 amended Subsec. (b) by redesignating existing language as Subdivs. (1) to (3), deleting provision re permit for assignment of class I land and adding reference to Subsec. (p) and added Subsec. (p) re commissioner's authority to grant permit for lease of class I land, effective July 8, 2009; P.A. 11-242 amended Subsec. (n) by adding provisions re small water system and deleting provision re adoption of regulations by February 1, 2001, in Subdiv. (1) and by adding Subdiv. (3) re issuance of initial and renewal certificates and fees therefor, effective July 1, 2011; P.A. 12-197 amended Subsec. (n)(3)(A) by adding exception re certain high school students; P.A. 13-298 added Subsec. (q) re commissioner's authority to grant permit for the lease or change in use of water company land to allow for telecommunications antennas, telecommunications towers, ancillary equipment, related access drives or utilities used in provision of personal wireless services, effective July 1, 2013; P.A. 14-231 amended Subsec. (e)(1) by deleting provision re land in class II sold, leased or assigned as part of larger parcel containing land in class III and making technical and conforming changes; P.A. 17-10 amended Subsec. (n)(2) by replacing reference to Sec. 19a-17(a)(6) with reference to Sec. 19a-17(a)(7).

See Secs. 25-37a to 25-37g, inclusive, re regulation of water companies' lands.

Cited. 201 C. 592.

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Sec. 25-32a. “Consumer” and “water company” defined. As used in sections 25-32, 25-33 and 25-34, “consumer” means any private dwelling, hotel, motel, boardinghouse, apartment, store, office building, institution, mechanical or manufacturing establishment or other place of business or industry to which water is supplied by a water company; “water company” means any individual, partnership, association, corporation, municipality or other entity, or the lessee thereof, who or which owns, maintains, operates, manages, controls or employs any pond, lake, reservoir, well, stream or distributing plant or system that supplies water to two or more consumers or to twenty-five or more persons on a regular basis provided if any individual, partnership, association, corporation, municipality or other entity or lessee owns or controls eighty per cent of the equity value of more than one such system or company, the number of consumers or persons supplied by all such systems so controlled shall be considered as owned by one company for the purposes of this definition.

(1967, P.A. 691, S. 3; P.A. 75-70; P.A. 95-329, S. 4, 31.)

History: P.A. 75-70 added to definition of “water company” to include those supplying water to twenty-five or more persons on a regular basis; P.A. 95-329 changed “for the purpose of supplying” to “that supplies” in the

definition of water company, effective July 1, 1995.

See Sec. 25-32n re exclusion of municipality with well water service to a school administration building from consideration as a water company.

Trial court properly construed term “municipality” under section to include the town, rather than limiting it to town's water division as a separate entity, thus subjecting town to department's jurisdiction. 262 C. 758.

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Sec. 25-32b. Public drinking water supply emergency. The Commissioner of Public Health, in consultation with the Commissioner of Energy and Environmental Protection and the Public Utilities Regulatory Authority, may declare a public drinking water supply emergency upon receipt of information that a public water supply emergency exists, is imminent or can reasonably be expected to occur without the immediate implementation of conservation practices. Notwithstanding any other provision of the general statutes or regulations adopted thereunder, or special act or municipal ordinance, the Commissioner of Public Health, upon such a declaration, may authorize or order one or more of the following: (1) The implementation of water conservation practices, including, but not limited to, water use restrictions, by a public water system or the municipality in which such emergency occurs, (2) the sale, supply or taking of any waters, including waters into which sewage is discharged, or (3) the temporary interconnection of water mains for the sale or transfer of water among water companies. The Public Utilities Regulatory Authority, upon such a declaration, shall determine the terms of the sale of any water sold pursuant to this section if the water companies that are party to the sale cannot determine such terms or if one of such water companies is regulated by the authority. The authorization or order may be implemented prior to such determination. Any authorization or order shall be for an initial period of not more than thirty days but may be extended for additional periods of thirty days up to one hundred fifty days, consistent with the contingency procedures for a public drinking water supply emergency in the plan approved pursuant to section 25-32d, to the extent the Commissioner of Public Health deems appropriate. Upon request by the Commissioner of Public Health, the Commissioner of Energy and Environmental Protection, pursuant to section 22a-378, shall suspend a permit issued pursuant to section 22a-368 or impose conditions on a permit held pursuant to said section. The time for such suspension or conditions shall be established in accordance with subdivision (1) of subsection (a) of section 22a-378. As used in this section and section 22a-378, “public drinking water supply emergency” includes the contamination of water, the failure of a water supply system or the shortage of water.

(P.A. 84-281, S. 1, 4; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58; P.A. 11-80, S. 73; P.A. 14-163, S. 3.)

History: P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; P.A. 11-80 changed “Commissioner of Environmental Protection” to “Commissioner of Energy and Environmental Protection” and changed “Public Utilities Control Authority” to “Public Utilities Regulatory Authority”, effective July 1, 2011; P.A. 14-163 added provision re emergency reasonably expected to occur without implementation of conservation practices, added Subdiv. (1) re implementation of water conservation practices, designated existing provisions re taking of waters as Subdiv. (2) and temporary interconnection of water mains as Subdiv. (3), and made technical changes, effective July 1, 2014.

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Sec. 25-32c. Civil penalty. Any person who violates any provision of an authorization or order issued pursuant to section 25-32b, shall pay a civil fine not to exceed five thousand dollars per day, to be fixed by the Superior Court, commencing from the date compliance to the authorization or order was required. Each violation shall be a separate and distinct offense and, in the case of a continuing violation, each day's continuance thereof shall be

deemed to be a separate and distinct offense. The Attorney General, upon complaint of the Commissioner of Public Health, shall institute a civil action to recover such fine.

(P.A. 84-281, S. 2, 4; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58.)

History: P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995.

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Sec. 25-32d. Water supply plans. (a) Each water company, as defined in section 25-32a, and supplying water to one thousand or more persons or two hundred fifty or more consumers and any other water company as defined in said section requested by the Commissioner of Public Health shall submit a water supply plan to the Commissioner of Public Health for approval in accordance with the requirements of this section and with the concurrence of the Commissioner of Energy and Environmental Protection. The concurrence of the Public Utilities Regulatory Authority shall be required for approval of a plan submitted by a water company regulated by the authority. The Commissioner of Public Health shall consider the comments of the Public Utilities Regulatory Authority on any plan which may impact any water company regulated by the authority. The Commissioner of Public Health shall distribute a copy of the plan to the Commissioner of Energy and Environmental Protection and the Public Utilities Regulatory Authority. A copy of the plan shall be sent to the Secretary of the Office of Policy and Management for information and comment. A plan shall be revised at such time as the water company filing the plan or the Commissioner of Public Health determines, or at intervals of not less than six years or more than nine years after the date of the most recently approved plan. Unless the Commissioner of Public Health requests otherwise, any water company that fails to meet public drinking water supply quality and quantity obligations, as prescribed in state law or regulation, shall be required to file plan revisions six years after the date of the most recently approved plan. On and after October 1, 2009, upon the approval of a water supply plan, any subsequent revisions to such plan shall minimally consist of updates to those elements described in subsection (b) of this section that have changed after the date of the most recently approved plan provided the Commissioner of Public Health has not otherwise requested submission of an entire water supply plan.

(b) Any water supply plan submitted pursuant to this section shall evaluate the water supply needs in the service area of the water company submitting the plan and propose a strategy to meet such needs. The plan shall include: (1) A description of existing water supply systems; (2) an analysis of future water supply demands; (3) an assessment of alternative water supply sources which may include sources receiving sewage and sources located on state land; (4) contingency procedures for public drinking water supply emergencies, including emergencies concerning the contamination of water, the failure of a water supply system or the shortage of water; (5) a recommendation for new water system development; (6) a forecast of any future land sales, an identification which includes the acreage and location of any land proposed to be sold, sources of public water supply to be abandoned and any land owned by the company which it has designated, or plans to designate, as class III land; (7) provisions for strategic groundwater monitoring; (8) an analysis of the impact of water conservation practices and a strategy for implementing supply and demand management measures; (9) on and after January 1, 2004, an evaluation of source water protection measures for all sources of the water supply, based on the identification of critical lands to be protected and incompatible land use activities with the potential to contaminate a public drinking water source; and (10) a brief summary of the water company's underground infrastructure replacement practices, which may include current and future infrastructure needs, methods by which projects are identified and prioritized for rehabilitation and replacement and funding needs.

(c) For security and safety reasons, procedures for sabotage prevention and response shall be provided separately from the water supply plan as a confidential document to the Department of Public Health. Such procedures shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200.

Additionally, procedures for sabotage prevention and response that are established by municipally owned water companies shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200.

(d) Any water supply plan, including any subsequent revisions to such plan, submitted by a water company pursuant to this section shall be accompanied by a redacted copy of such plan, or subsequent revision to such plan. When submitting a redacted copy of a water supply plan, a water company shall redact the information exempted from disclosure under subsection (e) of this section.

(e) The following records filed with any public agency by a water company are confidential and shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200:

(1) Cybersecurity plans and measures, supervisory control and data acquisition systems, information and communications systems, system access codes and specifications, vulnerability assessments, internal security audits, security manuals, security training or security reports, including, but not limited to, security assessments, plans and procedures, operational and design specifications of water and sewage treatment facility security systems or risk management plans;

(2) Emergency contingency plans and emergency preparedness plans, incident management plans, response, recovery and mitigation plans or critical customer lists, including plans provided by a person to a federal or state agency or a federal, state or local emergency management agency or official, or documents or portions of documents that identify or describe procedures for sabotage prevention and response, except drought management and response plans shall be subject to disclosure;

(3) Design drawings or maps identifying specific locations, detailed schematics and construction details of wells, source water intakes, water mains, tunnels, storage facilities, water and sewage treatment facilities or pump stations and pressure reducing stations, and other distribution system pressure and flow control valves and facilities, provided information regarding general location of water mains, wells and interconnections shall be subject to disclosure;

(4) Dam specifications or dam safety documents described in sections 22a-401 to 22a-411, inclusive, including (A) inspections reports, engineering studies or reports, drawings, plans and specifications detailing construction or rehabilitation, and (B) emergency action plans prepared pursuant to section 22a-411a including plans provided to a federal or state agency or a federal, state or local emergency response or emergency management agency or official;

(5) Building floor or structural plans, specifications of structural elements or building security systems or codes;

(6) Detailed network topology maps;

(7) Specific locations of or specifications regarding electrical power, standby generators or fuel systems for water system facilities, except that general information regarding electrical power, standby generators or fuel systems for water system facilities may be disclosed;

(8) Operational specifications, schematics and procedures of water and sewage treatment plant processes and associated equipment and chemicals, including, but not limited to, facility use of chlorine gas storage and delivery and the location of chemicals, except that a general description of any such treatment plant may be disclosed;

(9) Logs or other documents that contain information regarding the movement or assignment of water system and sewage treatment facilities and security personnel;

(10) Distribution system hydraulic models; or

(11) Any other record if there are reasonable grounds to believe the disclosure of such record may result in a safety risk. Upon request by the water company, such record may be reviewed by the Commissioner of

Administrative Services, in consultation with the chief executive officer of the executive branch state agency or municipal water or sewage treatment entity that has custody of such record, to determine if such reasonable grounds exist.

(f) The Commissioner of Public Health, in consultation with the Commissioner of Energy and Environmental Protection and the Public Utilities Regulatory Authority, shall adopt regulations in accordance with the provisions of chapter 54. Such regulations shall include a method for calculating safe yield, the contents of emergency contingency plans and water conservation plans, the contents of an evaluation of source water protection measures, a process for approval, modification or rejection of plans submitted pursuant to this section, a schedule for submission of the plans and a mechanism for determining the completeness of the plan. The plan shall be deemed complete if the commissioner does not request additional information within ninety days after the date on which the plan was submitted or, in the event that additional information has been requested, within forty-five days after the submission of such information, except that the commissioner may request an additional thirty days beyond the time in which the application is deemed complete to further determine completeness. In determining whether the water supply plan is complete, the commissioner may request only information that is specifically required by regulation. The Department of Energy and Environmental Protection and the Public Utilities Regulatory Authority, in the case of any plan which may impact any water company regulated by that agency, shall have ninety days upon notice that a plan is deemed complete to comment on the plan.

(g) Any water company, when submitting any plan or revision or amendment of a plan after July 1, 1998, which involves a forecast of land sales, abandonment of any water supply source, sale of any lands, or land reclassification, shall provide notice, return receipt requested, to the chief elected official of each municipality in which the land or source is located, the Nature Conservancy, the Trust for Public Land and the Land Trust Service Bureau and any organization on the list prepared under subsection (b) of section 16-50c. Such notice shall specify any proposed abandonment of a source of water supply, any proposed changes to land sales forecasts or any land to be designated as class III land in such plan. Such notice shall specify the location and acreage proposed for sale or reclassification as class III land and identify sources to be abandoned and shall be provided no later than the date of submission of such plan or revision. Such notice shall indicate that public comment on such plan or revision shall be received by the Commissioners of Public Health and Energy and Environmental Protection not later than sixty days after the date of notice. The Commissioner of Public Health shall take such comment into consideration in making any determination or approval under this section.

(P.A. 84-502, S. 1, 3; P.A. 88-354, S. 5; P.A. 89-305, S. 21, 32; 89-327, S. 6, 7; P.A. 90-271, S. 17, 24; P.A. 93-381, S. 9, 39; P.A. 95-124, S. 1, 3; 95-257, S. 12, 21, 58; P.A. 96-180, S. 92, 166; P.A. 97-314, S. 3; P.A. 98-157, S. 7, 15; P.A. 02-102, S. 1; P.A. 03-278, S. 85; P.A. 09-220, S. 2; P.A. 11-80, S. 1, 74; P.A. 17-211, S. 3.)

History: P.A. 88-354 added Subsec. (b)(7) re forecasts of future land sales; P.A. 89-305 amended Subsec. (b)(3) by adding requirement that plans include an assessment of sources located on state land and by adding new Subdiv. re strategic groundwater monitoring; P.A. 89-327 amended Subsec. (b) by making technical changes to numeration and adding new Subdiv. re analysis of water conservation practices and requirement that provisions of the plan under Subdivs. (4) and (9) be prepared in accordance with the memorandum of understanding; P.A. 90-271 corrected an internal reference in Subsec. (b); P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-124 deleted Subsec. (b)(9), which required a water plan to include information deemed necessary by the Commissioners of Public Health and Environmental Protection or Public Utilities Control Authority, deleted the words "but not be limited to" in Subsec. (b) before the list of what the plan must include and in Subsec. (c) before what the regulations must include, amended Subsec. (c) to require that the regulations include a method for calculating safe yield, the contents of emergency and conservation plans and a mechanism for determining completeness of the plan and to require that plan be deemed complete under specified circumstances and time frames; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; P.A. 96-180 amended Subsec. (c) to authorize the commissioner to request information required by regulation in reviewing water supply plans, deleting a former limitation re only regulations required by this subsection, effective June 3, 1996; P.A. 97-314 amended Subsec. (a) to require notice of revisions of water supply plans to be sent to certain private, nonprofit, land-holding organizations; P.A.

98-157 amended Subsec. (a) by deleting notice requirements re revision of water supply plan, Subsec. (b)(6) to require that plan identify the acreage and location of land proposed to be sold, sources of public water supply to be abandoned, and any land owned by the company which it has designated, or plans to designate, as class III land, Subsec. (c) by adding that Departments of Environmental Protection and Public Utility Control, in the case of any plan which may impact any water company regulated by the agency, shall have 90 days upon notice that a plan is deemed complete to comment on the plan, and by adding a new Subsec. (d) setting out notice requirements when any water company submits a plan or revision or amendment of a plan after July 1, 1998, and requiring the Commissioner of Public Health to take into consideration any public comments when making any determination or approval under this section, effective July 1, 1998; P.A. 02-102 amended Subsec. (a) by making a technical change, added Subsec. (b)(9) re evaluations of source water protection measures on and after January 1, 2004, added new Subsec. (c) re sabotage prevention and response procedures, redesignated existing Subsecs. (c) and (d) as Subsecs. (d) and (e) and amended redesignated Subsec. (d) re requirement for regulations to include "the contents of an evaluation of source water protection measures"; P.A. 03-278 made a technical change in Subsec. (e), effective July 9, 2003; P.A. 09-220 amended Subsec. (a) by changing time frame re filing revised water supply plan to not less than 6 or more than 9 years after date of most recently approved plan, by requiring water companies that fail to adhere to drinking water standards to file revised plans 6 years after date of most recently approved plan, by requiring that plan revisions shall minimally consist of updates to elements that have changed since date of most recently approved plan and by making technical changes, and added Subsec. (b)(10) re brief summary of the water company's underground infrastructure replacement practices; P.A. 11-80 changed "Department of Public Utility Control" and "Public Utilities Control Authority" to "Public Utilities Regulatory Authority", changed "Commissioner of Environmental Protection" to "Commissioner of Energy and Environmental Protection" and changed "Department of Environmental Protection" to "Department of Energy and Environmental Protection", effective July 1, 2011; pursuant to P.A. 11-80, a reference to "Commissioner of Environmental Protection" was changed editorially by the Revisors to "Commissioner of Energy and Environmental Protection" in Subsec. (a), effective July 1, 2011; P.A. 17-211 added new Subsec. (d) re redacted copy of water supply plan, added new Subsec. (e) re confidentiality of water company records, and redesignated existing Subsecs. (d) and (e) as Subsecs. (f) and (g), effective July 1, 2017.

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Sec. 25-32e. Imposition of civil penalties for violations of certain drinking water laws and regulations. (a) If, upon review, investigation or inspection, the Commissioner of Public Health determines that a water company has violated any provision of section 25-32, section 25-32d or any regulation adopted under section 25-32d, or any provision of this title or title 19 or any regulation promulgated pursuant to said titles that relate to the purity and adequacy of water supplies or to the testing of water supplies or any report of such testing, the commissioner may impose a civil penalty not to exceed five thousand dollars per violation per day upon such water company. Governmental immunity shall not be a defense against the imposition of any civil penalty imposed pursuant to this section. In establishing a schedule or schedules of the amounts, or the ranges of amounts, of civil penalties which may be imposed under this section, the commissioner shall consider the size of or the number of persons served by the water company, the level of assessment necessary to insure immediate and continued compliance with such provision, and the character and degree of injury or impairment to or interference with or threat thereof to: (1) The purity of drinking water supplies; (2) the adequacy of drinking water supplies; and (3) the public health, safety or welfare. The commissioner shall publish annually, or as the commissioner deems necessary in response to any guidelines or ruling promulgated by the United States Environmental Protection Agency, a schedule of the amounts, or ranges of amounts, of civil penalties that may be imposed under this section on the Department of Public Health's Internet web site if the civil penalty for a violation under this section has not been established by statute. Notwithstanding the provisions of chapter 54, the commissioner shall not be required to adopt or revise any regulations regarding the imposition of civil penalties when publishing such schedule. Not less than six months prior to publishing such schedule, the commissioner shall publish notice in the Connecticut Law Journal of his or her intention to publish such schedule on the department's Internet web site. Such notice shall include such schedule and the date on which the commissioner intends to hold a public hearing on such schedule and indicate that public comment on such schedule shall be provided to the commissioner not later than thirty days after the date of publication of such notice. The commissioner shall hold

the public hearing on such schedule not later than thirty days after the date of publishing such notice. The commissioner shall take any public comments received under this subsection into consideration in establishing such schedule. The commissioner shall publish a document responding to such comments on the department's Internet web site not less than one month prior to publishing such schedule.

(b) In setting a civil penalty in a particular case, where the civil penalty has not been established by statute or pursuant to the schedule in subsection (a) of this section, the commissioner shall consider all factors which the commissioner deems relevant, including, but not limited to, the following: (1) The amount of assessment necessary to ensure immediate and continued compliance with such provision; (2) the character and degree of impact of the violation on the purity and adequacy of drinking water supplies; (3) whether the water company incurring the civil penalty is taking all feasible steps or procedures necessary or appropriate to comply with such provisions or to correct the violation; (4) any prior violations by such water company of statutes, regulations, orders or permits administered, adopted or issued by the commissioner; (5) the character and degree of injury to, or interference with, public health, safety or welfare which has been or may be caused by such violation; and (6) whether the consumers of the water company have been notified of such violation pursuant to section 19-13-B102 of the regulations of Connecticut state agencies.

(c) If the commissioner has reason to believe that a violation has occurred, the commissioner may impose a penalty if compliance is not achieved by a specified date and send to the suspected violator, by certified mail, return receipt requested, or personal service at the address filed with the department by the water company as required under subsection (a) of section 25-33 or, if the water company did not file an address as required under said subsection, to the last known address of the water company on file at the department, a notice which shall include: (1) A reference to the sections of the statute or regulation involved; (2) a short and plain statement of the violation; (3) a statement of the amount of the civil penalty or penalties imposed; (4) the initial date of the imposition of the penalty when the penalty is imposed for a continuing violation, or the date for which the penalty is imposed when the penalty is imposed for an isolated violation; and (5) a statement of the water company's right to a hearing. The commissioner shall send a copy of such notice to the local director of health in the municipality or municipalities in which such violation occurred or that utilize such water.

(d) The civil penalty shall be payable for noncompliance on the date specified in subsection (c) of this section and for each day thereafter until the water company against which the penalty was issued demonstrates to the commissioner that the violation has been corrected.

(e) The water company to which the notice is addressed shall have twenty days from the date of mailing of the notice to make written application to the commissioner for a hearing to contest the imposition of the penalty. The application shall include a detailed statement of all of the grounds for contesting the imposition of the penalty. The water company shall send a copy of such application to the local director of health in the municipality or municipalities in which such violation occurred or that utilize such water. All hearings under this section shall be conducted pursuant to sections 4-176e to 4-184, inclusive, except that the presiding officer shall automatically grant each local director of health in the municipality or municipalities in which such violation occurred or that utilize such water the right to be heard in the proceeding. Any civil penalty may be mitigated by the commissioner upon such terms and conditions as the commissioner, in the commissioner's discretion, deems proper or necessary upon consideration of the factors set forth in subsection (b) of this section.

(f) A final order of the commissioner assessing a civil penalty shall be subject to appeal as set forth in section 4-183 after a hearing before the commissioner pursuant to subsection (e) of this section, except that any such appeal shall be taken to the superior court for the judicial district of New Britain and shall have precedence in the order of trial as provided in section 52-191. Such final order shall not be subject to appeal under any other provision of the general statutes. No challenge to any such final order shall be allowed as to any issue which could have been raised by an appeal of an earlier order, notice, permit, denial or other final decision by the commissioner. The local director of health in the municipality or municipalities in which such violation occurred or that utilize such water for which the order was assessed shall have the right to be heard on such appeal.

(g) If any water company fails to pay any civil penalty, the Attorney General, upon request of the commissioner, may bring an action in the superior court for the judicial district of Hartford to obtain enforcement of the penalty

by the court. All actions brought by the Attorney General pursuant to the provisions of this section shall have precedence in the order of trial as provided in section 52-191.

(h) The provisions of this section are in addition to and not in derogation of any other enforcement provisions of any statute administered by the commissioner. The powers, duties and remedies provided in such other statutes, and the existence of or exercise of any powers, duties or remedies under this section or under such other statute shall not prevent the commissioner from exercising any other powers, duties or remedies available to the commissioner at law or in equity.

(P.A. 85-450, S. 1; P.A. 88-230, S. 1, 12; 88-317, S. 86, 107; P.A. 90-98, S. 1, 2; P.A. 93-142, S. 4, 7, 8; 93-381, S. 9, 39; P.A. 95-220, S. 4-6; 95-257, S. 12, 21, 58; 95-329, S. 6, 31; P.A. 99-215, S. 24, 29; P.A. 00-90, S. 2, 3; P.A. 01-185, S. 1; P.A. 18-168, S. 62.)

History: P.A. 88-230 replaced “judicial district of Hartford-New Britain” with “judicial district of Hartford”, effective September 1, 1991; P.A. 88-317 amended reference to Secs. 4-177 to 4-184 in Subsec. (e) to include new sections added to Ch. 54, effective July 1, 1989, and applicable to all agency proceedings commencing on or after that date; P.A. 90-98 changed the effective date of P.A. 88-230 from September 1, 1991, to September 1, 1993; P.A. 93-142 changed the effective date of P.A. 88-230 from September 1, 1993, to September 1, 1996, effective June 14, 1993; P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-220 changed the effective date of P.A. 88-230 from September 1, 1996, to September 1, 1998, effective July 1, 1995; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; P.A. 95-329 specified applicability of Public Health Code regulations relating “to the purity and adequacy of water supplies”, effective July 1, 1995; P.A. 99-215 replaced “judicial district of Hartford” with “judicial district of New Britain” in Subsec. (f), effective June 29, 1999; P.A. 00-90 made technical changes in Subsecs. (a) to (e), (g) and (h), and amended Subsec. (a) by adding reference to Sec. 25-32, adding provision re imposition of a civil penalty per violation per day and adding provision requiring the commissioner to consider the size of or the number of persons served by the water company, effective May 26, 2000; P.A. 01-185 amended Subsec. (b) by adding Subdiv. (6) to allow the commissioner to consider, in setting a civil penalty, whether, upon the commissioner's adoption of the federal Safe Drinking Water Act Public Notification Rule, the consumers of the water company have been notified of the violation pursuant to such rule, amended Subsec. (c) to require the commissioner to send a copy of the notice stating the alleged violation to the local director of health in the municipality or municipalities in which such violation occurred or that utilize such water, amended Subsec. (e) to require a water company that has made a written application for a hearing to send a copy of such application to the local director of health in the municipality or municipalities in which such violation occurred or that utilize such water and to grant the local director of health in such municipality or municipalities the right to be heard in the proceeding, and amended Subsec. (f) to grant such local director or directors the right to be heard in an appeal of a final order; P.A. 18-168 amended Subsec. (a) by replacing reference to any regulation in the Public Health Code with reference to any provision of this title or title 19 or any regulation promulgated pursuant to said titles, deleting provision re commissioner to adopt regulations and prohibition on imposition of civil penalties until regulations have been adopted, and adding provisions re publishing schedule of amounts or ranges of amounts of civil penalties, amended Subsec. (b) by adding provision re applicability when civil penalty has not been established by statute or pursuant to the schedule in Subsec. (a), making a technical change in Subdiv. (1), and deleting reference to federal Safe Drinking Water Act Public Notification Rule and adding reference to Sec. 19-13-B102 of the regulations of Connecticut state agencies in Subdiv. (6), amended Subsec. (c) by replacing “violator” with “suspected violator”, adding provision requiring personal service to be made at address filed with the department by water company or at last-known address of water company, replacing “matters asserted or charged” with “violation” in Subdiv. (2), making a technical change in Subdiv. (3), adding provision re initial date of imposition of penalty for continuing violation and for isolated violation in Subdiv. (4), and making a technical change in Subdiv. (5), amended Subsec. (d) by replacing “notifies” with “demonstrates to” and deleting provisions re commissioner's actions upon receipt of notification, and amended Subsec. (e) by adding provision re inclusion in application of detailed statement of grounds for contesting penalty imposition.

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Sec. 25-32f. Testimony by commissioner on municipal actions. Appeals. The Commissioner of Public Health or his designee may submit written testimony to any municipal board or commission and may appear by right as a party to any hearing before such municipal board or commission concerning any proposed municipal plan of conservation and development or zoning regulations or changes thereto affecting a public water supply or a municipal approval, permit or license for a building, use or structure affecting a public water supply and said commissioner may appeal, or appear as a party to any appeal of, a municipal decision concerning such matters whether or not he has appeared as a party before the municipal board or commission. If the decision of such board or commission is upheld by a court of competent jurisdiction, the state shall reimburse the municipality within three months for all costs incurred in defending the appeal.

(P.A. 85-279, S. 1; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58; 95-335, S. 23, 26.)

History: P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; P.A. 95-335 amended section to change “plan of development” to “plan of conservation and development”, effective July 1, 1995.

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Sec. 25-32g. Orders to correct immediate threats to public water supplies. If the Commissioner of Public Health finds after investigation that any person is causing, engaging in or maintaining, or is about to cause, engage in or maintain, any condition or activity which violates any provision of sections 19a-36 to 19a-39, inclusive, or sections 25-32 to 25-53, inclusive, or any regulation or permit adopted or issued thereunder and constitutes an immediate threat to the quality or adequacy of any source of water supply, the commissioner may, without prior hearing, issue an order in writing to such person to discontinue, abate, alleviate or correct such condition or activity. Upon receipt of such an order such person shall immediately discontinue, abate, alleviate or correct such condition or activity. The commissioner shall, within ten days after such order, hold a hearing to provide the person an opportunity to be heard and show that such condition, activity or violation does not exist. The local director of health in the municipality or municipalities in which such violation occurred or that utilize such water shall have the right to be heard in such proceeding. Such order shall remain in effect until ten days after the hearing within which time a new decision based on the hearing shall be made.

(P.A. 85-279, S. 2; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58, 95-329, S. 9, 31; P.A. 01-185, S. 2; P.A. 02-89, S. 69.)

History: P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; P.A. 95-329 replaced reference to “imminent” water supply damage with reference to specific statutory violations constituting an “immediate” threat, allowed orders to “correct” a condition and made technical changes, effective July 1, 1995; P.A. 01-185 made technical changes for purposes of gender neutrality and granted the local director of health in the municipality or municipalities in which such violation occurred or that utilize such water the right to be heard in the hearing on the order; P.A. 02-89 replaced reference to Sec. 25-54 with reference to Sec. 25-53, reflecting repeal of Sec. 25-54 by the same public act.

See Sec. 52-473a re court order enjoining or restraining enforcement of commissioner's cease and desist order.

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Sec. 25-32h. Residential retrofit program, civil penalty. Section 25-32h is repealed, effective October 1, 2002.

(P.A. 89-266, S. 1; P.A. 93-381, S. 9, 39; P.A. 94-144, S. 1, 6; P.A. 95-257, S. 12, 21, 58; P.A. 02-89, S. 90.)

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Sec. 25-32i. Residential Water-Saving Advisory Board. Section 25-32i is repealed, effective July 1, 2013.

(P.A. 89-266, S. 3; P.A. 93-381, S. 9, 39; P.A. 94-144, S. 5, 6; P.A. 95-257, S. 12, 21, 58; P.A. 11-80, S. 75; P.A. 13-299, S. 95.)

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Sec. 25-32j. Installation of reduced-pressure-principle backflow preventers, when required. Section 25-32j is repealed.

(May Sp. Sess. P.A. 92-14, S. 8, 11; P.A. 95-110.)

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Sec. 25-32k. Provision of educational materials to water company customers addressing water conservation, water supply source protection, and the health effects and sources of lead and copper. Civil penalty. (a) Each water company, as defined in section 25-32a, serving one thousand or more persons or two hundred fifty or more consumers, as defined in section 25-32a, shall annually provide to residential customers, without charge, educational materials or information on (1) water conservation, (2) water supply source protection methods, including methods to reduce contamination, and (3) on or before July 1, 2002, and annually thereafter, information developed by the Commissioner of Public Health, pursuant to subsection (b) of this section, on the health effects and sources of lead and copper. Every year each public water company shall provide a copy of these educational materials to the Commissioner of Public Health.

(b) The Commissioner of Public Health shall, within available resources, develop, in consultation with public water suppliers, public education materials on health effects and sources of lead and copper, which shall be distributed pursuant to subsection (a) of this section.

(c) The Commissioner of Public Health may impose a civil penalty on any water company that violates the provisions of this section. In imposing such civil penalty, the commissioner shall comply with the procedures set forth in section 25-32e, except that the amount shall not exceed five thousand dollars per violation. Each year the company fails to offer educational materials or information on water conservation shall be deemed to be a separate violation.

(P.A. 94-144, S. 2, 6; P.A. 95-257, S. 12, 21, 58; 95-329, S. 7, 31; P.A. 96-100, S. 1; P.A. 01-185, S. 3.)

History: P.A. 94-144 effective July 1, 1994; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; P.A. 95-329 limited water companies referred to in Subsec. (a) to those serving 1,000 or more persons or 250 or more consumers, effective July 1, 1995; P.A. 96-100 required that information on water supply source protection methods be disclosed to residential customers; P.A. 01-185 amended Subsec. (a) to provide that each water company shall, on or before July 1, 2002, and annually thereafter, provide to its customers information developed by the commissioner on the health effects and sources of lead and copper, added a new Subsec. (b) to require the commissioner to develop, in consultation with public water suppliers, such information, and designated the existing Subsec. (b) as Subsec. (c).

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Sec. 25-32l. Inclusion of educational materials on water conservation may be required in water supply plans. The Commissioner of Public Health may require in a water supply plan, prepared pursuant to section 25-32d, the inclusion of a description of a water company's program to provide educational material or information on water conservation to residential customers.

(P.A. 94-144, S. 3, 6; P.A. 95-257, S. 12, 21, 58.)

History: P.A. 94-144 effective July 1, 1994; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995.

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Sec. 25-32m. Sale of bottled water by water company or municipality. (a) Any water company, as defined in section 25-32a, may engage in the sale of bottled water or establish an entity under chapter 601 for the purpose of engaging in the sale of bottled water within or outside of its franchise area. The costs and expenses of a water company associated with the sale of bottled water shall be exclusive of the costs and expenses associated with the establishment of rates and charges for the use of the waterworks system pursuant to section 7-239.

(b) Any municipality may exercise the authority provided for in subsection (a) of this section notwithstanding the provisions of any special act, municipal charter or home rule ordinance. A municipality shall establish such entity upon approval of the chief executive officer of the municipality and by adoption of an ordinance approved by a vote of two-thirds of the members present at a meeting of the legislative body of the municipality or the board of selectmen or city or town council, in the case of a municipality in which the legislative body is a town meeting.

(P.A. 99-188, S. 1.)

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Sec. 25-32n. Water service to a school administration building from a well. Notwithstanding the provisions of the general statutes, a municipality with a population between thirty-eight thousand and forty-three thousand persons, as enumerated in the 2000 federal decennial census, that, as of June 26, 2003, has a well that provides water service to a school administration building having less than seventy-five employees shall not be considered a water company for purposes of title 16 and this title. Nothing in this section shall relieve such municipality from testing the water in such well where testing is required by law.

(P.A. 03-175, S. 3.)

History: P.A. 03-175 effective June 26, 2003.

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Sec. 25-33. Water company: Reporting and record retention requirements. Plan required for construction or expansion of a water supply system or a proposed new source of water supply. Regulations. (a) On or before January first, annually, each water company shall file with the Department of Public Health, in such form as the Commissioner of Public Health shall prescribe, a written statement containing the following information: (1) The business name and address of the water company; (2) the name and residence address of the proprietor thereof or, if a partnership, the name and residence address of each partner or, if an association or corporation,

the name and residence address of each officer and director; (3) the number and types of its consumers and a description of the area which the company serves; (4) an identification and description of its source of water supply; and (5) such other information as the Commissioner of Public Health may require.

(b) No system of water supply owned or used by a water company shall be constructed or expanded or a new additional source of water supply utilized until the plans therefor have been submitted to and reviewed and approved by the department, except that no such prior review or approval is required for distribution water main installations that are constructed in accordance with sound engineering standards and all applicable laws and regulations. A plan for any proposed new source of water supply submitted to the department pursuant to this subsection shall include documentation that provides for: (1) A brief description of potential effects that the proposed new source of water supply may have on nearby water supply systems including public and private wells; and (2) the water company's ownership or control of the proposed new source of water supply's sanitary radius and minimum setback requirements as specified in the regulations of Connecticut state agencies and that such ownership or control shall continue to be maintained as specified in such regulations. If the department determines, based upon documentation provided, that the water company does not own or control the proposed new source of water supply's sanitary radius or minimum setback requirements as specified in the regulations of Connecticut state agencies, the department shall require the water company proposing a new source of water supply to supply additional documentation to the department that adequately demonstrates the alternative methods that will be utilized to assure the proposed new source of water supply's long-term purity and adequacy. In reviewing any plan for a proposed new source of water supply, the department shall consider the issues specified in this subsection. The Commissioner of Public Health may adopt regulations, in accordance with the provisions of chapter 54, to carry out the provisions of this subsection and subsection (c) of this section. For purposes of this subsection and subsection (c) of this section, "distribution water main installations" means installations, extensions, replacements or repairs of public water supply system mains from which water is or will be delivered to one or more service connections and which do not require construction or expansion of pumping stations, storage facilities, treatment facilities or sources of supply.

(c) Each water company shall report to the Department of Public Health, annually in an electronic format prescribed by the department, the number and location of all new distribution water main installations.

(d) Each petition to the General Assembly for authority to develop or introduce any system of public water supply shall be accompanied by a copy of the recommendation and advice of said department thereon.

(e) Each water company shall maintain (1) a list of the names and addresses of its customers, and (2) the results of water purity tests conducted under this chapter. Such list and results shall be retained for a period of three years and be available for inspection and copying by the Department of Public Health and municipal and district health departments, for the purpose of public health investigations.

(1949 Rev., S. 4016; 1967, P.A. 691, S. 4; P.A. 77-614, S. 323, 610; P.A. 80-157; P.A. 81-358, S. 5; P.A. 85-336, S. 5, 6; P.A. 88-253, S. 1, 2; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58; P.A. 06-98, S. 1; P.A. 08-137, S. 1.)

History: 1967 act divided section into Subsecs., made filing of information by water companies mandatory where previously information required only upon health department's request and specified contents of statement to be filed, required submission and approval of company expansion or use of new water supply and added reference to department's advisory role re methods of assuring adequacy of supply; P.A. 77-614 replaced department of health with department of health services, effective January 1, 1979; P.A. 80-157 required submission and approval of abandonment of water source in Subsec. (b); P.A. 81-358 added provision in Subsec. (b) requiring department consideration of a proposed new water supply's effect on nearby supply systems; P.A. 85-336 amended Subsec. (b) by eliminating the requirement that plans for abandonment of a water supply source be filed with the commissioner prior to abandonment; P.A. 88-253 added Subsec. (d) re maintenance and availability of list of names and addresses of water company customers and results of water purity tests; P.A. 93-381 replaced department and commissioner of health services with department and commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1,

1995; P.A. 06-98 made a technical change in Subsec. (a), amended Subsec. (b) by exempting certain distribution water main installations from Department of Public Health's review and approval process and defining "distribution water main installations", added new Subsec. (c) establishing reporting requirements re number and location of new distribution water main installations, redesignated existing Subsecs. (c) and (d) as Subsecs. (d) and (e), respectively, and made a technical change in said Subsec. (e); P.A. 08-137 amended Subsec. (b) by restructuring provision re submission of plan for proposed new source of water supply, by specifying required plan content and department's authority to request additional documentation from water company, by permitting commissioner to adopt regulations to carry out provisions of Subsecs. (b) and (c) and by making technical changes.

See Sec. 2-20a re bills for the incorporation and franchise of water companies.

See Sec. 25-33k re permit to abandon water supply source.

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Sec. 25-33a. State grants for water facilities. State bond authorization. (a) The State Bond Commission shall have power, from time to time to authorize the issuance of bonds of the state in one or more series and in principal amounts not exceeding in the aggregate four million one hundred fifty-one thousand five hundred ninety-nine dollars, for the purposes of providing funds for (1) grants to municipally-owned water companies for the planning, design, modification or construction of drinking water facilities of such companies made necessary by the requirements of the Safe Water Act of 1974, or by an order of the Department of Public Health deeming the water supplied by such companies to be inadequate, which facilities shall include, but need not be limited to, collection facilities, treatment facilities, wells, tanks, mains, pumps, transmission facilities and any other machinery and equipment necessary to meet the requirements of said act, (2) grants in accordance with the provisions of section 22a-471 to water companies, as defined in section 25-32a, which have less than ten thousand customers, as defined in said section 25-32a, for the treatment of a contaminated water supply well which is owned, maintained, operated, managed, controlled or employed by the water company, and (3) water supply emergency assistance grants to investor-owned water companies which supply water to at least twenty-five but less than one thousand customers for repair, rehabilitation, interconnection or replacement, in the event that such company has ceased to provide water as a result of equipment or facility failure and the Commissioner of Economic and Community Development, upon recommendation of the Department of Public Health and in consultation with the Public Utilities Regulatory Authority, makes a determination that the company is financially unable to immediately restore service and there is no alternative water company reasonably able to immediately supply water. The grants shall be made in accordance with terms and conditions as provided in regulations to be promulgated by the Commissioner of Economic and Community Development, subject to approval by the Commissioner of Public Health, provided the amount of any such grant under subdivision (1) of this subsection shall not exceed one hundred thousand dollars or thirty per cent of the cost of the project being funded by the grant, whichever is greater. For the purposes of this section, planning costs shall include, but need not be limited to, fees and expenses of architects, engineers, attorneys, accountants and other professional consultants, and costs of preparing surveys, studies, site plans and plans and specifications for eligible drinking water facilities. Not more than four million dollars of the proceeds of such bonds shall be allocated to the municipally owned water companies grant program under subdivision (1) of this subsection, not more than two million dollars of the proceeds of such bonds shall be allocated for the treatment of contaminated water supply wells which are owned, maintained, operated, managed, controlled or employed by a water company under subdivision (2) of this subsection, and not more than seven hundred thousand dollars of the proceeds of such bonds shall be allocated to the investor-owned emergency assistance grant program under subdivision (3) of this subsection.

(b) All provisions of section 3-20 or the exercise of any right or power granted thereby which are not inconsistent with the provisions of this section and sections 12-75, 12-76 and 25-33b are hereby adopted and shall apply to all bonds authorized by the State Bond Commission pursuant to this section, and temporary notes in anticipation of the money to be derived from the sale of any such bonds so authorized may be issued in

accordance with said section 3-20 and from time to time renewed. Such bonds shall mature at such time or times not exceeding twenty years from their respective dates as may be provided in or pursuant to the resolution or resolutions of the State Bond Commission authorizing such bonds. None of said bonds shall be authorized except upon a finding by the State Bond Commission that there has been filed with it a request for such authorization, which is signed by or on behalf of the Commissioner of Economic and Community Development and states such terms and conditions as said commission, in its discretion, may require. Said bonds issued pursuant to this section shall be general obligations of the state and the full faith and credit of the state of Connecticut are pledged for the payment of the principal of and interest on said bonds as the same become due, and accordingly and as part of the contract of the state with the holders of said bonds, appropriation of all amounts necessary for punctual payment of such principal and interest is hereby made, and the Treasurer shall pay such principal and interest as the same become due.

(c) Each grant made pursuant to subsection (a) of this section shall be authorized by Connecticut Innovations, Incorporated or, if the corporation so determines, by a committee of the corporation consisting of the chairman and either one other board member of the corporation or its chief executive officer. Connecticut Innovations, Incorporated shall charge reasonable application and other fees to be applied to the administrative expenses incurred in carrying out the provisions of this section, to the extent such expenses are not paid by the corporation or from moneys appropriated to the department. Each such payment shall be made by the Treasurer upon certification by the Commissioner of Economic and Community Development that the payment is authorized under the provisions of this section under the applicable rules and regulations of the department, and under the terms and conditions established by the corporation or the duly appointed committee thereof in authorizing the making of the grant.

(P.A. 78-273, S. 3, 5; 78-303, S. 85, 136; P.A. 80-451, S. 1, 2; P.A. 81-370, S. 7, 13; P.A. 82-136, S. 1, 2; P.A. 83-522, S. 1, 2; June Sp. Sess. P.A. 83-33, S. 16, 17; P.A. 84-349, S. 1, 2; P.A. 85-407, S. 4, 9; 85-483, S. 1, 2; P.A. 86-403, S. 59, 132; P.A. 87-416, S. 15, 24; P.A. 88-265, S. 30, 36; P.A. 89-119, S. 1, 4; P.A. 90-297, S. 15, 24; P.A. 93-381, S. 9, 39; P.A. 95-250, S. 1; P.A. 95-257, S. 12, 21, 58; P.A. 96-211, S. 1, 5, 6; P.A. 98-259, S. 12, 17; P.A. 11-80, S. 1; June 12 Sp. Sess. P.A. 12-1, S. 152; P.A. 13-123, S. 5.)

History: P.A. 78-273 effective June 1, 1978, and applicable to the 1978 assessment list in any town; P.A. 78-303 authorized editorial changes to conform section to amendments enacted by P.A. 77-614; P.A. 80-451 amended Subsec. (a)(1) to specify lower size limit of companies, to clarify use of funds for drinking water facilities, to specify what constitutes planning costs, to limit amounts to be used for investor-owned and municipal companies and to set interest rate and added Subsecs. (c) and (d); P.A. 81-370 increased the aggregate of bonds the bond commission may authorize for purposes of this section from \$7,000,000 to \$9,000,000, increasing authorization for municipally-owned water companies grant program by \$2,000,000; P.A. 82-136 amended Subsec. (a) to expand facilities eligible for loans to include those required by a department of health services order deeming water supplied to be inadequate; P.A. 83-522 amended Subsec. (a) to provide that bond proceeds may be used for loans to municipally-owned water companies, grants to municipally-owned companies may be made for design or modification in addition to planning or construction as previously allowed, the amount of any such loan or grant may not exceed \$100,000 or 30% of the cost of the project, whichever is greater, and no loan or grant may be made under this section after June 30, 1984; June Sp. Sess. P.A. 83-33 removed loans from ceiling amount imposed by P.A. 83-522; P.A. 84-349 deleted provision terminating the program on June 30, 1984; P.A. 85-407 increased bond limit from \$9,000,000 to \$11,000,000 to provide for grants to water companies for treatment of contaminated water supply wells; P.A. 85-483 increased bond limit by additional \$700,000, to provide for water supply emergency assistance grants to investor-owned water companies; P.A. 86-403 made technical changes in Subsec. (a); P.A. 87-416 provided that the interest rates on loans would be determined in accordance with Sec. 3-20(t); P.A. 88-265 reduced the bond limit in Subsec. (a) from \$11,700,000 to \$6,700,000 and eliminated provisions re state loans for drinking water facilities; P.A. 89-119 made technical change to Subsec. (c); P.A. 90-297 decreased the bond authorization to \$4,190,584 (Revisor's note: The Subdiv. (1) indicator in Subsec. (a) was restored editorially by the Revisors since it had been inadvertently deleted by public act 88-265); P.A. 93-381 replaced department and commissioner of health services with department and commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-250 and P.A. 96-211 replaced Commissioner and Department of Economic Development with Commissioner and Department of

Economic and Community Development; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; P.A. 98-259 amended Subsec. (a) to decrease authorization from \$4,190,584 to \$4,151,599, effective July 1, 1998; pursuant to P.A. 11-80, "Department of Public Utility Control" was changed editorially by the Revisors to "Public Utilities Regulatory Authority" in Subsec. (a), effective July 1, 2011; pursuant to June 12 Sp. Sess. P.A. 12-1, "Connecticut Development Authority" was changed editorially by the Revisors to "Connecticut Innovations, Incorporated" in Subsec. (c), effective July 1, 2012; P.A. 13-123 amended Subsec. (c) to change "authority" to "corporation", change "executive director" to "chief executive officer" and make a technical change, effective June 18, 2013.

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Sec. 25-33b. Regulations re loans and grants to water companies. The Commissioner of Economic and Community Development shall adopt regulations in accordance with chapter 54 which specify the terms and conditions of low-interest loans and grants to water companies and any additional requirements necessary to carry out the purposes of section 12-76.

(P.A. 78-273, S. 4, 5; P.A. 95-250, S. 1; P.A. 96-211, S. 1, 5, 6.)

History: P.A. 78-273 effective June 1, 1978, and applicable to the 1978 assessment list in any town; P.A. 95-250 and P.A. 96-211 replaced Commissioner and Department of Economic Development with Commissioner and Department of Economic and Community Development.

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Sec. 25-33c. Legislative finding. The General Assembly finds that an adequate supply of potable water for domestic, commercial and industrial use is vital to the health and well-being of the people of the state. Readily available water for use in public water systems is limited and should be developed with a minimum of loss and waste. In order to maximize efficient and effective development of the state's public water supply systems and to promote public health, safety and welfare, the Department of Public Health shall administer a procedure to coordinate the planning of public water supply systems.

(P.A. 85-535, S. 1, 13; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58.)

History: P.A. 93-381 replaced department of health services with department of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995.

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Sec. 25-33d. Definitions. As used in sections 25-33c to 25-33j, inclusive:

- (a) "Public water system" means any private, municipal or regional utility supplying water to fifteen or more service connections or twenty-five or more persons;
- (b) "Public water supply management area" means a region determined by the Commissioner of Public Health to have similar water supply problems and characteristics;
- (c) "Exclusive service area" means an area where public water is supplied by one system;
- (d) "Commissioner" means the Commissioner of Public Health;

(e) “Satellite management” means management of a public water supply system by another water company;

(f) “Coordinated water system plan” means (1) the individual water system plans of each public water system within a public water supply management area, filed pursuant to section 25-32d, and (2) an area-wide supplement to such plans developed pursuant to section 25-33h which addresses water system concerns pertaining to the public water supply management area as a whole.

(P.A. 85-535, S. 2, 13; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58.)

History: P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995.

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Sec. 25-33e. Delineation of public water supply management areas. (a) Not more than six months after July 1, 1985, the Commissioner of Public Health, in consultation with the Public Utilities Regulatory Authority, the Commissioner of Energy and Environmental Protection and the Secretary of the Office of Policy and Management, shall delineate the preliminary boundaries of public water supply management areas and establish preliminary priorities for initiation in such areas of the planning process established in sections 25-33f to 25-33h, inclusive. Not more than one year after July 1, 1985, the commissioner, after a hearing, shall delineate the final boundaries of such areas. In making such delineation, the commissioner shall consider the following: (1) The similarity of water supply problems among water companies operating in the preliminary management area; (2) population density and distribution in the area; (3) the location of existing sources of public water supply, service areas or franchise areas; (4) existing interconnections between public water systems; (5) municipal and regional council of governments boundaries; (6) natural drainage basins; (7) topographic and geologic characteristics; and (8) any other factor he deems relevant.

(b) Not more than one year after July 1, 1985, the commissioner, after hearing, shall establish the final priorities, for initiation of the planning process. In establishing such priorities, the commissioner shall consider the existence and severity of the following in each management area: (1) Uncoordinated planning, (2) inadequate water supply, (3) unreliable water service, and (4) any other factor he deems relevant.

(P.A. 85-535, S. 3, 13; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58; P.A. 11-80, S. 1; P.A. 13-247, S. 312.)

History: P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; pursuant to P.A. 11-80, “Commissioner of Environmental Protection” and “Department of Public Utility Control” were changed editorially by the Revisors to “Commissioner of Energy and Environmental Protection” and “Public Utilities Regulatory Authority”, respectively, effective July 1, 2011; pursuant to P.A. 13-247, “regional planning agency” was changed editorially by the Revisors to “regional council of governments” in Subsec. (a)(5), effective January 1, 2015.

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Sec. 25-33f. Water utility coordinating committees. Membership. (a) The Commissioner of Public Health, following the final priorities established pursuant to section 25-33e, shall convene a water utility coordinating committee for each public water supply management area to implement the planning process established by this section and sections 25-33g and 25-33h.

(b) A water utility coordinating committee shall consist of one representative from each public water system with a source of water supply or a service area within the public water supply management area and one

representative from each regional council of governments within such area, elected by majority vote of the chief elected officials of the municipalities that are members of such regional council of governments. Each committee shall elect a chairman, adopt and amend, as required, a work plan and schedule for a coordinated plan and adopt rules, including, but not limited to, rules for publication of meeting times and agendas, and for public comment, including notice of a comment period and documentation of responses to comments.

(P.A. 85-535, S. 4, 13; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58; P.A. 13-247, S. 312.)

History: P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; pursuant to P.A. 13-247, “regional planning agency” was changed editorially by the Revisors to “regional council of governments” in Subsec. (b), effective January 1, 2015.

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Sec. 25-33g. Assessment of water supply conditions and problems. Exclusive service area boundaries. (a) Each water utility coordinating committee, in consultation with the Commissioners of Public Health and Energy and Environmental Protection, the Secretary of the Office of Policy and Management and the Public Utilities Regulatory Authority, shall develop a preliminary assessment of water supply conditions and problems within the public water supply management area. The committee shall solicit comments on the preliminary assessment from municipalities, regional councils of governments, state agencies and other interested parties and respond to any comment received. The committee shall thereafter prepare a final assessment.

(b) The committee shall establish preliminary exclusive service area boundaries, based on the final assessment, for each public water system within the management area, and may change such boundaries. In establishing exclusive service area boundaries the committee shall solicit comments on such boundaries from municipalities, regional councils of governments, the Commissioners of Energy and Environmental Protection and Public Health, the Public Utilities Regulatory Authority, the Secretary of the Office of Policy and Management and other interested persons within the management area and respond to any comment received. If there is no agreement by the committee on such boundaries, or on a change to such boundaries, the committee shall consult with the Public Utilities Regulatory Authority. If there is no agreement by the committee after such consultation, the Commissioner of Public Health shall establish or may change such exclusive service area boundaries taking into consideration any water company rights established by statute, special act or administrative decisions. In establishing such boundaries, the commissioner shall maintain existing service areas and consider the orderly and efficient development of public water supplies. In considering any change to exclusive service area boundaries, the commissioner shall maintain existing service areas, consider established exclusive service areas, and consider the orderly and efficient development of public water supplies.

(P.A. 85-535, S. 5, 13; P.A. 86-403, S. 60, 132; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58; P.A. 02-139, S. 1; P.A. 11-80, S. 78; P.A. 13-247, S. 312.)

History: P.A. 86-403 made technical change in Subsec. (a); P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; P.A. 02-139 amended Subsec. (b) by adding provisions re authority of committee and commissioner to change exclusive service area boundaries; P.A. 11-80 changed “Commissioner of Environmental Protection” to “Commissioner of Energy and Environmental Protection” and changed “Department of Public Utility Control” to “Public Utilities Regulatory Authority”, effective July 1, 2011; pursuant to P.A. 13-247, “regional planning agencies” was changed editorially by the Revisors to “regional councils of governments”, effective January 1, 2015.

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Sec. 25-33h. Coordinated water system plan. Regulations. (a) Each water utility coordinating committee shall prepare a coordinated water system plan in the public water supply management area. Such plan shall be submitted to the Commissioner of Public Health for his approval not more than two years after the first meeting of the committee. The plan shall promote cooperation among public water systems and include, but not be limited to, provisions for (1) integration of public water systems, consistent with the protection and enhancement of public health and well-being; (2) integration of water company plans; (3) exclusive service areas; (4) joint management or ownership of services; (5) satellite management services; (6) interconnections between public water systems; (7) integration of land use and water system plans; (8) minimum design standards; (9) water conservation; (10) the impact on other uses of water resources including water quality, flood management, recreation and aquatic habitat issues; and (11) acquisition of land surrounding wells proposed to be located in stratified drifts.

(b) The plan shall be adopted in accordance with the provisions of this section. The committee shall prepare a draft of the plan and solicit comments thereon from the Commissioners of Public Health and Energy and Environmental Protection, the Public Utilities Regulatory Authority, the Secretary of the Office of Policy and Management and any municipality, regional council of governments or other interested party within the management area. The municipalities and regional councils of governments shall comment on, but shall not be limited to commenting on, the consistency of the plan with local and regional land use plans and policies. The Public Utilities Regulatory Authority shall comment on, but shall not be limited to commenting on, the cost-effectiveness of the plan. The Secretary of the Office of Policy and Management shall comment on, but shall not be limited to commenting on, the consistency of the plan with state policies. The Commissioner of Energy and Environmental Protection shall comment on, but shall not be limited to commenting on, the availability of water for any proposed diversion, water quality, flood management, recreation and aquatic habitat issues. The Commissioner of Public Health shall comment on, but shall not be limited to commenting on the availability of pure and adequate water supplies, potential conflicts over the use of such supplies, and consistency with the goals of sections 25-33c to 25-33j, inclusive.

(c) The Commissioner of Public Health shall adopt regulations in accordance with the provisions of chapter 54 establishing the contents of a plan and a procedure for approval or amendment to the plan.

(P.A. 85-535, S. 6, 13; P.A. 89-305, S. 24, 32; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58; P.A. 97-84; P.A. 02-139, S. 2; P.A. 11-80, S. 1, 79; P.A. 13-247, S. 312; P.A. 14-163, S. 6.)

History: P.A. 89-305 amended Subsec. (a) by adding Subdiv. (10), concerning acquisition of land surrounding wells proposed to be located in stratified drifts, as component of plan; P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; P.A. 97-84 added new Subsec. (a)(9) re water conservation, renumbering remaining Subdivs. accordingly; P.A. 02-139 amended Subsec. (c) by requiring the commissioner to adopt regulations re amendment to the plan; P.A. 11-80 changed "Commissioner of Environmental Protection" to "Commissioner of Energy and Environmental Protection" and changed "Department of Public Utility Control" to "Public Utilities Regulatory Authority", effective July 1, 2011; pursuant to P.A. 13-247, "regional planning agency" and "regional planning agencies" were changed editorially by the Revisors to "regional council of government" and "regional councils of governments", respectively, in Subsec. (b), effective January 1, 2015; P.A. 14-163 amended Subsec. (a)(10) by adding reference to water quality, flood management, recreation and aquatic habitat issues and amended Subsec. (b) by replacing references to regional planning agencies with references to regional councils of governments and adding reference to water quality, flood management, recreation and aquatic habitat issues, effective July 1, 2014.

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Sec. 25-33i. Consistency with plan. Restriction on approval of public water supply system. (a) Any permit issued by the Commissioner of Public Health pursuant to this chapter shall, to the extent feasible, be consistent with any coordinated plan adopted pursuant to section 25-33h.

(b) No public water supply system may be approved within a public water supply management area after the Commissioner of Public Health has convened a water utility coordinating committee unless (1) an existing public water supply system is unable to provide water service or (2) the committee recommends such approval.

(P.A. 85-535, S. 7, 13; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58.)

History: P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995.

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Sec. 25-33j. Contract for services to water utility coordinating committee. The Commissioner of Public Health may enter into contracts with consultants to provide services to water utility coordinating committees. The amount of any contract shall not exceed two hundred fifty thousand dollars. Any appropriation made to the Department of Public Health for the purposes of this section shall not lapse until the Department of Public Health has completed the planning process for a water utility coordinating committee.

(P.A. 85-535, S. 8, 13; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58; P.A. 98-89; P.A. 14-217, S. 200.)

History: P.A. 93-381 replaced department and commissioner of health services with department and commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; P.A. 98-89 changed “one contract per year with a consultant” to “contracts with consultants”, changed “coordinating committee” to “coordinating committees”, changed the dollar limit from \$100 to \$200, and changed the lapse date from June 30 of the second year following the appropriations to when the department has completed the planning process; P.A. 14-217 changed maximum amount of any contract from \$200,000 to \$250,000 and made a technical change, effective July 1, 2014.

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Sec. 25-33k. Abandonment of source of water supply. Definition. Application and notification to municipalities. Basis for commissioner's decision. (a) For purposes of this section, “safe yield” means the maximum dependable quantity of water per unit of time that may flow or be pumped continuously from a source of supply during a critical dry period without consideration of available water limitations.

(b) No source of water supply shall be abandoned by a water company or other entity without a permit from the Commissioner of Public Health. A water company or other entity shall apply for such permit in the manner prescribed by the commissioner. Not later than thirty days before filing an application for such permit, the applicant shall notify the chief elected official of any municipality and any local health department or district in which such source of supply is located. Not later than sixty days after receipt of such notification, the municipality or municipalities and local health departments or districts receiving such notice, and any water company as defined in section 25-32a, may submit comments on such application to the commissioner. The commissioner shall take such comments into consideration when reviewing the application.

(c) (1) In determining whether to approve an application, the commissioner shall (A) consider the water supply needs of the water company, the state and any comments submitted pursuant to subsection (b) of this section, and (B) consult with the Commissioner of Energy and Environmental Protection, the Secretary of the Office of Policy and Management and the Public Utilities Regulatory Authority. The Commissioner of Public Health shall

not be required to make a consultation pursuant to subparagraph (B) of this subdivision if the commissioner determines 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.

(2) The Commissioner of Public Health shall grant a permit upon a finding that any groundwater source with a safe yield of less than 0.75 millions of gallons per day, any reservoir with a safe yield of less than 0.75 millions of gallons per day, any reservoir system with a safe yield of less than 0.75 millions of gallons per day, or any individual source within a reservoir system when such system has a safe yield of less than 0.75 millions of gallons per day will not be needed by such water company for present or future water supply and, in the case of a water company required to file a water supply plan under section 25-32d, that such abandonment is consistent with a water supply plan filed and approved pursuant to said section. No permit shall be granted if the commissioner determines that the source would be necessary for water supply by the company owning such source in an emergency or the proposed abandonment would impair the ability of such company to provide a pure, adequate and reliable water supply for present and projected future customers. As used in this section, a future source of water supply shall be considered to be any source of water supply necessary to serve areas reasonably expected to require service by the water company owning such source for a period of not more than fifty years after the date of the application for a permit under this section.

(3) The Commissioner of Public Health shall grant a permit upon a finding that any groundwater source with a safe yield of more than 0.75 millions of gallons per day, any reservoir with a safe yield of more than 0.75 millions of gallons per day, any reservoir system with a safe yield of more than 0.75 millions of gallons per day, or any individual source within a reservoir system when such system has a safe yield of more than 0.75 millions of gallons per day is of a size or condition that makes it unsuitable for present or future use as a drinking water supply by the water company, other entity or the state. In making a decision, the commissioner shall consider the general utility of the source and the viability for use to meet water supply needs. The commissioner shall consider any public water supply plans filed and approved pursuant to sections 25-32d and 25-33h, and any other water system plan approved by the commissioner, and the efficient and effective development of public water supply in the state. In assessing the general utility of the source, the commissioner shall consider factors including, but not limited to, (A) the safe yield of the source, (B) the location of the source relative to other public water supply systems, (C) the water quality of the source and the potential for treatment, (D) water quality compatibility between systems and interconnections, (E) extent of water company-owned lands for source protection of the supply, (F) types of land uses and land use controls in the aquifer protection area or watershed and their potential impact on water quality of the source, and (G) physical limitations to water service, system hydraulics and topography.

(P.A. 85-336, S. 2, 6; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58; P.A. 98-157, S. 12, 15; May Sp. Sess. P.A. 04-2, S. 44; P.A. 07-217, S. 119; P.A. 11-80, S. 1; 11-242, S. 70.)

History: P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; P.A. 98-157 added provision requiring consideration of potential impairment of present and future water supply for granting permit to abandon a source, effective July 1, 1998; May Sp. Sess. P.A. 04-2 divided existing provisions into Subsecs. (b), (c)(1) and (c)(2), added Subsec. (a) defining "safe yield", added provisions in Subsec. (b) re procedure for permit and notification to municipality, amended Subsec. (c)(1) by adding requirement for commissioner to consider water supply needs of state and comments received from municipalities, amended Subsec. (c)(2) to provide basis for commissioner's decision on application for abandonment of smaller sources of water supply, added Subsec. (c)(3) re basis for commissioner's decision on application for abandonment of larger sources of water supply, and made conforming and technical changes; P.A. 07-217 made technical changes in Subsec. (c)(3), effective July 12, 2007; pursuant to P.A. 11-80, "Commissioner of Environmental Protection" and "Department of Public Utility Control" were changed editorially by the Revisors to "Commissioner of Energy and Environmental Protection" and "Public Utilities Regulatory Authority", respectively, in Subsec. (c) (1), effective July 1, 2011; P.A. 11-242 amended Subsec. (b) by requiring notice to local health department or district, by allowing local health department or district to comment on the application and by making technical

changes and amended Subsec. (c)(1) by designating existing provisions re consideration and consultation as Subparas. (A) and (B), by adding provision re exception to consultation requirement when water supply source to be abandoned has a safe yield of less than 10 gallons per minute and is of poor water quality and by making technical changes.

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Sec. 25-33l. Sale of source, potential source or abandoned source of water supply. (a) Whenever any water company intends to sell a source, potential source or abandoned source of water supply, it shall notify the Commissioner of Public Health. The commissioner shall order such company to notify, in writing, by certified mail, return receipt requested, other water companies that may reasonably be expected to utilize the source, potential source or abandoned source of its intention and the price at which it intends to sell such source. The commissioner shall determine the water companies that shall receive notice after consideration of public water supply plans filed and approved pursuant to section 25-32d and any other water system plan approved by the commissioner. No agreement to sell such source may be entered into by the water company except as hereinafter provided.

(b) Within ninety days after notice has been mailed pursuant to subsection (a) of this section, a water company receiving notice of the sale pursuant to said subsection shall give notice to the water company selling the source, potential source or abandoned source of water supply by certified mail, return receipt requested, of a desire to acquire such source and such water company shall have the right to acquire the interest in such source for water supply purposes. If two or more water companies seek to acquire such source, potential source or abandoned source at the price at which it is offered, the Commissioner of Public Health shall hold a hearing to determine which company shall be allowed to acquire such source. In making his determination, the commissioner shall consider any public water supply plans filed and approved pursuant to section 25-32d, any other water system plans approved by the commissioner, the needs of each company and the efficient and effective development of public water supply in the state. The decision of the commissioner shall be subject to appeal pursuant to section 4-183 and shall have precedence in the order of trial as provided in section 52-191.

(c) If a water company fails to give notice pursuant to subsection (b) of this section by certified mail, return receipt requested, of its desire to acquire such source, potential source or abandoned source of water supply, such water company shall have waived its right to acquire the source or potential source of water supply in accordance with the terms of this section.

(d) The water company desiring to acquire the interest in the source, potential source or abandoned source of water supply shall acquire such interest within twelve months of the determination by the commissioner of which water company shall be allowed to acquire such source. If the rates of the water company acquiring such source are regulated by the Public Utilities Regulatory Authority, the source acquired may be included in the rate base of such company at the acquisition price.

(P.A. 85-336, S. 3, 6; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58; P.A. 11-80, S. 1.)

History: P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; pursuant to P.A. 11-80, "Department of Public Utility Control" was changed editorially by the Revisors to "Public Utilities Regulatory Authority" in Subsec. (d), effective July 1, 2011.

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Sec. 25-33m. Priority for acquisition of source, potential source or abandoned source of water supply. Notwithstanding the provisions of section 16-50d, any water company given written notice pursuant to

subsection (b) of section 25-33i shall have priority to acquire a source, potential source or abandoned source of water over any municipality in which such source is located or the Commissioner of Energy and Environmental Protection.

(P.A. 85-336, S. 4, 6; P.A. 11-80, S. 1.)

History: Pursuant to P.A. 11-80, "Commissioner of Environmental Protection" was changed editorially by the Revisors to "Commissioner of Energy and Environmental Protection", effective July 1, 2011.

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Sec. 25-33n. Annual report on water planning process. On or before the second Wednesday after the convening of each regular session of the General Assembly, the Commissioner of Public Health shall submit a report to the joint standing committees of the General Assembly having cognizance of matters relating to the environment and public utilities, which describes the status of, for the year ending the preceding June thirtieth, the water planning process established under sections 25-33g to 25-33j, inclusive, and efforts to expedite the process.

(P.A. 89-305, S. 20, 32; P.A. 93-381, S. 9, 39; P.A. 94-219, S. 6; P.A. 95-257, S. 12, 21, 58; June Sp. Sess. P.A. 98-1, S. 21, 121.)

History: P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; P.A. 94-219 required report to be sent to the joint standing committee of the general assembly having cognizance of matters relating to energy and public utilities; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; June Sp. Sess. P.A. 98-1 made a technical change, effective June 24, 1998.

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Sec. 25-33o. Water Planning Council: Composition, duties, advisory group, report. (a) The chairperson of the Public Utilities Regulatory Authority, or the chairperson's designee, the Commissioner of Energy and Environmental Protection, or the commissioner's designee, the Secretary of the Office of Policy and Management, or the secretary's designee, and the Commissioner of Public Health, or the commissioner's designee, shall constitute a Water Planning Council to address issues involving the water companies, water resources and state policies regarding the future of the state's drinking water supply. On or after July 1, 2007, and each year thereafter, the chairperson of the Water Planning Council shall be elected by the members of the Water Planning Council.

(b) The Water Planning Council shall conduct a study, in consultation with representatives of water companies, municipalities, agricultural groups, environmental groups and other water users, that shall include the following issues: (1) The financial viability, market structure, reliability of customer service and managerial competence of water companies; (2) fair and reasonable water rates; (3) protection and appropriate allocation of the state's water resources while providing for public water supply needs; (4) the adequacy and quality of the state's drinking water supplies to meet current and future needs; (5) an inventory of land and land use by water companies; (6) the status of current withdrawals, projected withdrawals, river flows and the future needs of water users; (7) methods for measurement and estimations of natural flows in Connecticut waterways in order to determine standards for stream flows that will protect the ecology of the state's rivers and streams; (8) the status of river flows and available data for measuring river flows; (9) the streamlining of the water diversion permit process; (10) coordination between the Departments of Energy and Environmental Protection and Public Health in review of applications for water diversion; and (11) the procedure for coordination of planning of public water supply systems established in sections 25-33c to 25-33j, inclusive. Such study shall be conducted on both a regional and state-wide level.

(c) The council may establish an advisory group that shall serve at the pleasure of the council. The advisory group shall be balanced between consumptive and nonconsumptive interests. The advisory group may include representatives of (1) regional and municipal water utilities, (2) regional councils of governments, (3) investor-owned water utilities, (4) a wastewater system, (5) agricultural interests, (6) electric power generation interests, (7) business and industry interests, (8) environmental land protection interests, (9) environmental river protection interests, (10) boating interests, (11) fisheries interests, (12) recreational interests, (13) endangered species protection interests, (14) members of academia with expertise in stream flow, public health and ecology, and (15) a public health district.

(d) The council shall, not later than January 1, 2002, and annually thereafter until January 1, 2015, report its preliminary findings and any proposed legislative changes to the joint standing committees of the General Assembly having cognizance of matters relating to public health, the environment and public utilities in accordance with section 11-4a, except that not later than February 1, 2004, the council shall report its recommendations in accordance with this subsection with regard to (1) a water allocation plan based on water budgets for each watershed, (2) funding for water budget planning, giving priority to the most highly stressed watersheds, and (3) the feasibility of merging the data collection and regulatory functions of the Department of Energy and Environmental Protection's inland water resources program and the Department of Public Health's water supplies section. On and after January 1, 2016, the council shall report in accordance with subsection (i) of section 22a-352.

(P.A. 01-177; P.A. 02-76, S. 4; P.A. 03-141, S. 3; June Sp. Sess. P.A. 07-4, S. 2; P.A. 10-32, S. 164; P.A. 11-80, S. 1, 76; P.A. 14-163, S. 5; P.A. 16-137, S. 2.)

History: P.A. 02-76 amended Subsec. (c) to add “and annually thereafter” and to delete provisions re final report and termination of council, effective June 3, 2002; P.A. 03-141 amended Subsec. (c) to add requirement for the council to report its recommendations on certain issues not later than February 1, 2004, effective July 1, 2003; June Sp. Sess. P.A. 07-4 amended Subsec. (a) to delete requirement that Department of Public Utility Control convene the first meeting and to require council to elect the chairperson, added new Subsec. (c) re advisory group and redesignated the existing Subsec. (c) as Subsec. (d), effective July 1, 2007; P.A. 10-32 made a technical change in Subsec. (a), effective May 10, 2010; P.A. 11-80 changed “Public Utilities Control Authority” to “Public Utilities Regulatory Authority”, changed “Commissioner of Environmental Protection” to “Commissioner of Energy and Environmental Protection”, changed “Department of Environmental Protection” to “Department of Energy and Environmental Protection” and, in Subsec. (b)(10), deleted reference to Department of Public Utility Control, effective July 1, 2011; P.A. 14-163 added new Subdiv. (2) re representatives of regional councils of governments, redesignated existing Subdivs. (2) to (13) as Subdivs. (3) to (14) and added Subdiv. (15) re representatives of a public health district, effective July 1, 2014; P.A. 16-137 amended Subsec. (d) by adding “until January 1, 2015” and adding provision re report in accordance with Sec. 22a-352(i) on and after January 1, 2016, effective June 9, 2016.

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Sec. 25-33p. Annual report on Water Planning Council. Section 25-33p is repealed, effective June 5, 2013.

(June Sp. Sess. P.A. 07-4, S. 3; P.A. 11-80, S. 1; P.A. 13-78, S. 13.)

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Sec. 25-33q. List designating sources or potential sources of water that require protection. Not later than October 31, 2011, the Commissioner of Public Health, in consultation with the Water Planning Council established pursuant to section 25-33o, 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 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.

(P.A. 11-242, S. 59.)

History: P.A. 11-242 effective July 13, 2011.

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Sec. 25-34. Investigation of water or ice supply. (a) The Department of Public Health may, and upon complaint shall, investigate any system of water supply or source of water or ice supply from which water or ice used by the public is obtained, and, if it finds any pollution or threatened pollution which in its judgment is prejudicial to public health, it shall notify the owner or operator of such water company or system of ice supply, or the person or corporation causing or permitting such pollution or threatened pollution, and the Commissioner of Energy and Environmental Protection, of its findings and shall make such orders as it deems necessary to protect such water or ice supply and render such water or ice safe for domestic use.

(b) A copy of any such order shall be mailed to such owner or operator or such person or corporation by certified mail, return receipt requested. Within thirty days of the date of mailing, the recipient of the order may request a hearing to show why the findings in the order are not based on substantial evidence or that the order is an abuse of discretion. Upon receipt of such request, the commissioner shall grant a hearing as soon thereafter as practicable or within ten business days if the order requires immediate compliance. The commissioner shall not grant any request for a hearing at any time thereafter. The order shall be effective on a date set by the commissioner, but the recipient of the order may request a stay of such order pending the decision of the commissioner. Any hearing shall be deemed to be a contested case and held in accordance with the provisions of chapter 54. The request for a hearing shall be a condition precedent to an appeal under the provisions of section 25-36.

(1949 Rev., S. 4017; 1967, P.A. 691, S. 5; 1971, P.A. 872, S. 78; P.A. 77-614, S. 323, 610; P.A. 84-40, S. 1, 2; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58; P.A. 11-80, S. 1.)

History: 1967 act replaced "owner of such system of water or ice supply" with "owner or operator of such water company or system of ice supply"; 1971 act required that commissioner of environmental protection be notified of health department findings; P.A. 77-614 replaced department of health with department of health services, effective January 1, 1979; P.A. 84-40 designated Subsec. (a) from the existing section and deleted provision requiring a hearing prior to issuance of an order and added Subsec. (b) establishing procedures for the issuance of orders and the conduct of public hearings; P.A. 93-381 replaced department of health services with department of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; pursuant to P.A. 11-80, "Commissioner of Environmental Protection" was changed editorially by the Revisors to "Commissioner of Energy and Environmental Protection" in Subsec. (a), effective July 1, 2011.

Cited. 201 C. 592.

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Sec. 25-35. Enforcement agents. The Department of Public Health may employ agents and engineers to carry out the provisions of sections 25-32, 25-33 and 25-34, at such expense as may be approved by the Secretary of the Office of Policy and Management.

(1949 Rev., S. 4018; P.A. 77-614, S. 19, 323, 610; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58.)

History: P.A. 77-614 replaced commissioner of finance and control with secretary of the office of policy and management and, effective January 1, 1979, replaced department of health with department of health services; P.A. 93-381 replaced department of health services with department of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995.

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Sec. 25-36. Orders of department; appeals; civil penalty. (a) Except as provided otherwise in this part, any person or corporation aggrieved by any order of the Department of Public Health made under the provisions of this part, may appeal therefrom in accordance with the provisions of section 4-183, except venue shall be in the judicial district in which the source of the water or ice supply is located. If such source is located in more than one judicial district, the appeal shall be taken to the court for that judicial district containing the part of such source nearest the mouth of the stream or river forming the main portion of the source of supply. If a water company is subject to such an order and such water company takes an appeal in accordance with this subsection, the water company shall provide notice of such appeal to the local director of health in the municipality or municipalities in which a violation occurred or that utilize such water, and such local director of health shall have the right to be heard in such appeal. Each order of the Department of Public Health issued under the foregoing provisions to any person or corporation shall specify the time within which such person or corporation shall comply with the terms thereof. If such person or corporation fails to comply with the terms of such order and no appeal is taken therefrom, the state's attorney for the judicial district of Hartford shall bring a complaint against such person or corporation to the superior court for said judicial district.

(b) Except as provided otherwise in this part, upon the failure of any person or corporation to comply with any order made under the provisions of this part, the Attorney General, upon request of the Commissioner of Public Health, may bring an action in the superior court for the judicial district of Hartford to obtain enforcement of the order by the court. All actions brought by the Attorney General pursuant to the provisions of this section shall have precedence in the order of trial as provided in section 52-191. The court may issue such orders as are necessary to obtain compliance with the order of the department and shall impose a civil penalty not exceeding five thousand dollars per day commencing from the date compliance was ordered.

(1949 Rev., S. 4019; 1971, P.A. 870, S. 123; P.A. 74-183, S. 251, 291; P.A. 76-436, S. 215, 681; P.A. 77-603, S. 108, 125; 77-614, S. 323, 610; P.A. 78-280, S. 1, 127; P.A. 84-285, S. 1, 4; P.A. 88-230, S. 1, 12; 88-364, S. 40, 123; P.A. 90-98, S. 1, 2; P.A. 93-142, S. 4, 7, 8; 93-381, S. 9, 39; P.A. 95-220, S. 4-6; 95-257, S. 12, 21, 58; 95-329, S. 2, 31; P.A. 01-185, S. 4.)

History: 1971 act replaced superior court with court of common pleas, effective September 1, 1971, except that courts with cases pending retain jurisdiction unless pending matters deemed transferable; P.A. 74-183 added references to judicial districts; P.A. 76-436 replaced court of common pleas with superior court, effective July 1, 1978; P.A. 77-603 replaced previous requirement that appeals be filed within 30 days, with requirement that appeals be made in accordance with Sec. 4-183; P.A. 77-614 replaced department of health with department of health services, effective January 1, 1979; P.A. 78-280 deleted references to counties; P.A. 84-285 deleted provision which had authorized court to hear appeals by itself or by committee, to proceed as on complaints for equitable relief and to make such orders as it finds equitable and specified that state's attorney for Hartford-New Britain judicial district shall bring complaint where noncompliance with order occurs and no appeal is taken and added new provisions designated as Subsec. (b) authorizing the attorney general to bring an action for compliance with an order and establishing a civil penalty for noncompliance with an order; P.A. 88-230 replaced "judicial district of Hartford-New Britain" with "judicial district of Hartford", effective September 1, 1991; P.A. 88-364 made a technical change in Subsec. (a); P.A. 90-98 changed the effective date of P.A. 88-230 from September 1, 1991, to September 1, 1993; P.A. 93-142 changed the effective date of P.A. 88-230 from September 1, 1993, to September 1, 1996, effective June 14, 1993; P.A. 93-381 replaced department and

commissioner of health services with department and commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-220 changed the effective date of P.A. 88-230 from September 1, 1996, to September 1, 1998, effective July 1, 1995; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; P.A. 95-329 added “except as otherwise provided in this part” at the start of Subsecs. (a) and (b) and replaced reference to Secs. 25-32, 25-33 and 25-34 with reference to “part III of this chapter”, effective July 1, 1995; P.A. 01-185 amended Subsec. (a) to require a water company that is appealing an order to provide notice of such appeal to the local director of health in the municipality or municipalities in which a violation occurred or that utilize such water and provide such director the right to be heard in the appeal.

Subsec. (a):

Court does not have jurisdiction over appeal of order delineating exclusive public water supply system boundaries within public water supply management area since hearing not required and therefore order not a contested case under Sec. 4-183. 80 CA 248.

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Sec. 25-37. Penalties. Any individual, partnership, association, corporation, municipality, company or other entity violating any provision of sections 25-32 to 25-36, inclusive, or any order, standard or regulation issued thereunder shall be fined not more than five hundred dollars for each day such violation continues.

(1949 Rev., S. 4020; P.A. 77-580, S. 1, 2.)

History: P.A. 77-580 added “individual, partnership, association” and “municipality, company or other entity”, extending applicability of provisions, replaced reference to Sec. 25-34 with reference to Sec. 25-36, deleted reference to orders of health department and increased fine from \$100 to \$500 and specified that fine applies to each day violation continues.

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Sec. 25-37a. Legislative finding and purpose. The General Assembly finds and declares that an adequate supply of pure water is and will always be essential for the health and safety and economic well-being of the state, that lands acquired for public water supply purposes are and will in the future be necessary to protect the public water supply notwithstanding the availability of water filtration plants; that some of such lands have been acquired by water companies having the power of eminent domain, that such lands are in imminent danger of being disposed of by water companies for residential and commercial development, that such lands constitute a significant portion of the remaining undeveloped and open space lands in close proximity to the urbanized areas of the state, and that it is in the public interest that there be established criteria for the orderly disposition of such lands. The General Assembly further finds and declares that in order to protect the purity and adequacy of the water supply the Department of Public Health should be directed to revise its procedure for the review of applications to sell water company land located on public drinking water supply watersheds, that the disposition of such land prior to the revision of application review procedures would jeopardize the public health and welfare, and that therefore the prohibition against sale or development of water company land located on the watershed should be extended for a period of three years from June 26, 1977.

(P.A. 77-606, S. 1, 10; 77-614, S. 323, 587, 610; P.A. 78-303, S. 85, 136; P.A. 79-294, S. 1, 4; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58.)

History: P.A. 77-614 and P.A. 78-303 replaced department of health with department of health services, effective January 1, 1979; P.A. 79-294 extended prohibition against sale or development of water company land on watershed from two to three years from June 26, 1977; P.A. 93-381 replaced department of health services with

department of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995.

Cited. 3 CA 53.

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Sec. 25-37b. Definitions. As used in sections 25-32 and 25-37a to 25-37e, inclusive, “critical components of a stream belt” means (1) the watercourse of a defined stream including banks, beds and water; (2) land subject to stream overflow; (3) associated wetlands, and (4) shorelines of lakes and ponds associated with the stream. “First-order stream” means a stream which directly enters a reservoir; “purity and adequacy of public drinking water supply” means the quality and quantity of public drinking water as determined by the Commissioner of Public Health under subsection (d) of section 25-32; “water company” means any water company as defined in section 25-32a, and “commissioner” means the Commissioner of Public Health.

(P.A. 77-606, S. 2, 10; 77-614, S. 323, 587, 610; P.A. 78-303, S. 85, 136; P.A. 79-631, S. 103, 111; P.A. 88-357, S. 17; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58.)

History: P.A. 77-614 and P.A. 78-303 replaced commissioner of health with commissioner of health services, effective January 1, 1979; P.A. 79-631 replaced reference to abolished public health council with commissioner of health services; P.A. 88-357 substituted reference to Sec. 25-37e for reference to Sec. 25-37g; P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995.

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Sec. 25-37c. Regulations. Classification of land owned by or acquired from a water company. The Department of Public Health shall adopt, in accordance with chapter 54, regulations establishing criteria and performance standards for three classes of water-company-owned land.

(a) Class I land includes all land owned by a water company or acquired from a water company through foreclosure or other involuntary transfer of ownership or control which is either: (1) Within two hundred and fifty feet of high water of a reservoir or one hundred feet of all watercourses as defined in agency regulations adopted pursuant to this section; (2) within the areas along watercourses which are covered by any of the critical components of a stream belt; (3) land with slopes fifteen per cent or greater without significant interception by wetlands, swales and natural depressions between the slopes and the watercourses; (4) within two hundred feet of groundwater wells; (5) an identified direct recharge area or outcrop of aquifer now in use or available for future use, or (6) an area with shallow depth to bedrock, twenty inches or less, or poorly drained or very poorly drained soils as defined by the United States Soil Conservation Service that are contiguous to land described in subdivision (3) or (4) of this subsection and that extend to the top of the slope above the receiving watercourse.

(b) Class II land includes all land owned by a water company or acquired from a water company through foreclosure or other involuntary transfer of ownership or control which is either (1) on a public drinking supply watershed which is not included in class I or (2) completely off a public drinking supply watershed and which is within one hundred and fifty feet of a distribution reservoir or a first-order stream tributary to a distribution reservoir.

(c) Class III land includes all land owned by a water company or acquired from a water company through foreclosure or other involuntary transfer of ownership or control which is unimproved land off public drinking

supply watersheds and beyond one hundred and fifty feet from a distribution reservoir or first-order stream tributary to a distribution reservoir.

(P.A. 77-606, S. 3, 10; 77-614, S. 323, 587, 610; P.A. 78-303, S. 85, 136; P.A. 79-294, S. 2, 4; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58; 95-329, S. 3, 31; P.A. 96-180, S. 93, 166.)

History: P.A. 77-614 and P.A. 78-303 replaced department of health with department of health services, effective January 1, 1979; P.A. 79-294 referred to regulations issued under “this section” rather than under “section 19-13”; P.A. 93-381 replaced department of health services with department of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; P.A. 95-329 applied provisions re land classification types to land “acquired from a water company through foreclosure or other involuntary transfer of ownership or control”, effective July 1, 1995; P.A. 96-180 amended Subsec. (b) to clarify the definition of class II land, effective June 3, 1996.

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Sec. 25-37d. Commissioner to adopt regulations re permit applications. Referral to consultant. Appointment of professional review team. Within two years after June 26, 1977, the commissioner shall adopt regulations in accordance with chapter 54 for the review of permit applications. Such procedure shall include a standard application form, a public hearing and enforcement provisions. A permit application shall be deemed complete if the commissioner does not request additional information within forty-five days after the date on which the application was submitted or, in the event that additional information has been requested, upon the submission of such information. The commissioner may request further information after the application has been deemed complete if the need for such information was not apparent within forty-five days after submission of the application. If, in the judgment of the commissioner, the proposed sale, lease, assignment or change in use of class II land may have a significant adverse impact upon the applicant's water supply, said commissioner may, within thirty days of his receipt of a complete permit application, refer such application for detailed review to a consultant chosen by the commissioner, with skills in the fields of water supply, hydrology, aquatic biology, forestry, geology, planning or other related fields. The commissioner shall notify the applicant of such referral. The fee for such consultant shall be paid by the applicant. If the commissioner does not refer the application to a consultant pursuant to the provisions of this section, the commissioner shall refer such application to a professional review team appointed by said commissioner, consisting of a professional from the staff of the Department of Energy and Environmental Protection with expertise in one of the following areas: Water supply, hydrology, aquatic biology, forestry, geology or other related fields; a professional planner recommended by the chief executive officer of the town or towns in which the land proposed for disposition is located; a professional planner from the staff of the Office of Policy and Management; an appointee from the staff of the Department of Public Health and up to three other experts in the public health field, provided nothing in this section shall be construed to prevent the commissioner from referring such application to both a consultant and a professional review team. No appointee or consultant shall serve at the time of his appointment in the employ of the applicant. Such team or consultant shall evaluate the impact of the proposed sale, lease, assignment or change in use of land upon the purity and adequacy of the water supply under the most severe climatic conditions and its ability to meet current drinking water standards adopted by the Department of Public Health.

(P.A. 77-606, S. 5, 10; 77-614, S. 19, 323, 587, 610; P.A. 78-303, S. 85, 136; P.A. 84-342, S. 7, 13; P.A. 90-292, S. 1; P.A. 93-381, S. 9, 39; P.A. 95-211, S. 2; 95-257, S. 12, 21, 58; P.A. 11-80 S. 1, 80.)

History: P.A. 77-614 and P.A. 78-303 replaced department of planning and energy policy with office of policy and management and, effective January 1, 1979, replaced department of health with department of health services; P.A. 84-342 replaced public utilities control authority with department of public utility control; P.A. 90-292 added provisions authorizing referral of application to a consultant requiring notification of such referral to

the applicant, requiring the payment of the fee by the applicant and clarifying that an application may be referred to both a consultant and a review team; P.A. 93-381 replaced department of health services with department of public health and addiction services, effective July 1, 1993; P.A. 95-211 required applications to be deemed complete if there is no request for more information within 45 days; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; P.A. 11-80 deleted provision re inclusion of professional water supply engineer from the staff of Department of Public Utility Control on review team and changed “Department of Environmental Protection” to “Department of Energy and Environmental Protection”, effective July 1, 2011.

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Sec. 25-37e. Duties of commissioner re permit applications. Within sixty days after the receipt of a complete permit application, the Commissioner of Public Health shall issue a written decision granting or denying the permit and setting forth the reasons for his decision, provided, if the commissioner has utilized the services of a consultant or a professional review team as provided for by section 25-37d, such consultant or review team shall submit to said commissioner, within ninety days of his receipt of such application, a written report of its findings, and said commissioner shall issue his decision within one hundred twenty days of his receipt of such application or within one hundred sixty-five days of the initial submission of the application. The commissioner shall forward a copy of his decision to the applicant, the Public Utilities Regulatory Authority, the Department of Energy and Environmental Protection and the chief executive officer of the town in which the land is located. If no decision is issued within one hundred twenty days after receipt of a complete application or within one hundred sixty-five days of the initial submission of the application, the applicant may submit a written request to the commissioner to issue the permit. If the commissioner does not issue a decision within forty-five days after the submission of such a request, the permit shall be deemed to have been granted.

(P.A. 77-606, S. 6, 10; 77-614, S. 162, 323, 587, 610; P.A. 78-303, S. 85, 136; P.A. 80-482, S. 183, 348; P.A. 90-292, S. 2; P.A. 93-381, S. 9, 39; P.A. 95-211, S. 3; 95-257, S. 12, 21, 58; P.A. 11-80, S. 1.)

History: P.A. 77-614 and P.A. 78-303 replaced public utilities control authority with division of public utilities control within the department of business regulation, and replaced commissioner of health with commissioner of health services, effective January 1, 1979; P.A. 80-482 made division of public utility control an independent department and deleted reference to abolished department of business regulation; P.A. 90-292 added references to a consultant; P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-211 allowed the commissioner to issue a decision within 165 days of the initial submission of the application and added that if no decision is issued the applicant may request a permit, which is deemed granted after 45 days if there is no decision; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; pursuant to P.A. 11-80, “Department of Environmental Protection” and “Department of Public Utility Control” were changed editorially by the Revisors to “Department of Energy and Environmental Protection” and “Public Utilities Regulatory Authority”, respectively, effective July 1, 2011.

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Sec. 25-37f. Report to General Assembly. Section 25-37f is repealed, effective October 1, 2002.

(P.A. 77-606, S. 7, 10; 77-614, S. 323, 587, 610; P.A. 78-303, S. 85, 136; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58; P.A. 02-89, S. 90.)

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Sec. 25-37g. Prohibition of sale of certain water company owned land. No water company land classified under section 25-37c as class II land shall be sold, leased or assigned for a period of three years from June 26, 1977, or until the final adoption of regulations by the Commissioner of Public Health as required in section 25-37d, whichever occurs first.

(P.A. 77-606, S. 8, 10; 77-614, S. 323, 587, 610; P.A. 78-303, S. 85, 136; P.A. 79-294, S. 3, 4; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58.)

History: P.A. 77-614 and P.A. 78-303 replaced commissioner of health with commissioner of health services, effective January 1, 1979; P.A. 79-294 extended sale or lease, etc. prohibition re class II land from two to three years from June 26, 1977; P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995.

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Sec. 25-37h. Notification of security interest required. Any water company which mortgages or gives a security interest in class I or II land or any essential part of its plant equipment or other property necessary or useful in the performance of its duty to the public shall immediately notify the Commissioner of Public Health in writing that such mortgage or security interest has been given and shall provide the commissioner with the name and address of the mortgagee or the holder of the security interest, a description of the land, equipment or property affected, and any other information that the commissioner may require. Any water company having land, equipment or property subject to a mortgage or security interest on July 1, 1995, shall, by September 1, 1995, notify the commissioner in writing of the name and address of the holder of that mortgage or security interest and shall provide a description of the land, equipment or property affected and any other information the commissioner may require.

(P.A. 95-329, S. 5, 31.)

History: P.A. 95-329, S. 5 effective July 1, 1995.

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Sec. 25-37i. Use of municipally owned watershed land for construction and operation of golf course. Section 25-37i is repealed, effective May 26, 2016.

(June Sp. Sess. P.A. 01-4, S. 13, 58; P.A. 11-80, S. 1; P.A. 16-61, S. 2.)

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Sec. 25-38. Carcass of animal in water supply. Section 25-38 is repealed, effective October 1, 2012.

(1949 Rev., S. 4021; P.A. 12-80, S. 193.)

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Sec. 25-39. Pollution of drinking water. Any person who puts anything into a well, spring, fountain, cistern or other place from which water is procured for drinking or other purposes, with the intent to injure the quality of such water, shall be fined not more than five hundred dollars or imprisoned not more than six months.

(1949 Rev., S. 4022.)

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Sec. 25-39a. Monitoring of public water supplies for organic chemicals. Listing of harmful carcinogens. Reports re. Section 25-39a is repealed, effective October 1, 2008.

(P.A. 77-527, S. 1, 3; 77-614, S. 323, 587, 610; P.A. 78-303, S. 85, 136; P.A. 88-172, S. 4; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58; P.A. 08-184, S. 63.)

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Sec. 25-39b. Installation of vinyl-lined pipe restricted. Report by commissioner. Section 25-39b is repealed, effective October 1, 2002.

(P.A. 80-359, S. 3, 4; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58; P.A. 02-89, S. 90.)

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Sec. 25-39c. Installation of asbestos cement pipe restricted. Determination by commissioner re health hazard. On and after October 1, 1980, no person, firm, corporation or municipality may install any asbestos cement pipe in any water supply system until the Commissioner of Public Health determines that the use of such pipe in water supply systems does not create a public health hazard.

(P.A. 80-398, S. 2; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58.)

History: P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995.

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Sec. 25-39d. List of hazardous substances to be submitted to health director. Any industrial or manufacturing firm or corporation, except a retail pharmacy, which mixes or produces for commercial sale, any elements or compounds listed in 40 CFR 116 and designated as hazardous substances in accordance with section 311 of the federal Water Pollution Control Act (33 USC 1251 et seq.) shall submit to the health director appointed pursuant to chapter 368e, of the town, city or borough in which such elements or compounds are mixed or produced, upon the request of such health director, a list of all such elements or compounds mixed or produced during the previous year. Such list shall be submitted within thirty days of the date of such request. Such list shall be open for public inspection at the office of the health director. Nothing in this section shall be construed to require disclosure of trade secrets as defined in subsection (b) of section 1-210.

(P.A. 80-464, S. 1, 2; P.A. 81-472, S. 56, 159.)

History: P.A. 81-472 made technical changes.

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Sec. 25-39e. Restriction on use of lead solder in potable water systems. Sale of lead solder. (a) No solder containing more than 0.2 per cent lead shall be used in making joints and fittings in any public or private potable water supply system or any water user's pipelines.

(b) On and after December 31, 1986, no solder containing more than 0.2 per cent lead shall be sold in Connecticut unless it contains a warning label which states in capital letters:

“CONTAINS LEAD. CONNECTICUT LAW PROHIBITS THE USE OF THIS SOLDER IN MAKING JOINTS AND FITTINGS IN ANY PUBLIC OR PRIVATE POTABLE WATER SUPPLY SYSTEM OR ANY WATER USER'S PIPELINES.”

(P.A. 86-192.)

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Sec. 25-40. Analysis of water. Schedule of fees, when applicable. Town, city and borough directors of health shall, when in their judgment health may be menaced or impaired through a water supply, send, subject to the approval of the Department of Public Health, samples of such water to said department for examination and analysis. Said department shall perform such examination and analysis without charge unless such town, city or borough is to be reimbursed for the expense of any such examination and analysis, and in such event a fee shall be charged in accordance with a schedule of fees to be established by the Commissioner of Public Health, based upon nationally recognized standards and performance measures for such examination and analysis. Any person, firm or corporation which operates or maintains a laboratory in which any determination, examination or analysis is made of any sample of water or sewage as a basis for advice as to the sanitary quality of such water or sewage or as to any possible danger to health involved, unless such laboratory has been approved specifically for that purpose by the Department of Public Health, after meeting the requirements established by said department, shall be fined not more than one hundred dollars.

(1949 Rev., S. 4023; P.A. 76-396, S. 2, 3; P.A. 77-614, S. 19, 323, 610; P.A. 88-1, S. 7, 13; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58; P.A. 03-252, S. 16.)

History: P.A. 76-396 replaced provision which had required that expenses of examinations and analyses be paid from funds appropriated to department of health with new provision allowing charge for examinations and analyses in certain circumstances; P.A. 77-614 replaced commissioner of finance and control with secretary of the office of policy and management and, effective January 1, 1979, replaced department and commissioner of health with department and commissioner of health services; P.A. 88-1 eliminated involvement of secretary of the office of policy and management in establishment of fee schedule for examination and analysis of water samples; P.A. 93-381 replaced department and commissioner of health services with department and commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; P.A. 03-252 changed basis of fee schedule from direct relation to operating costs to nationally recognized standards and performance measures.

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Sec. 25-40a. Notification of violation of national primary drinking water standards. Not later than five business days after receiving notice that a public water system is in violation of the federal Environmental Protection

Agency national primary drinking water standards, the Commissioner of Public Health shall give written or electronic notification of such violation to the chief elected official of the municipality where such public water system is located and of any municipality that is served by such public water system.

(P.A. 09-30, S. 1.)

History: P.A. 09-30 effective May 20, 2009.

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Sec. 25-41. Cemetery not to be within one-half mile of reservoir. No cemetery or place of sepulture shall be located or established within one-half mile of any reservoir from which the inhabitants of a town, city or borough are supplied with water, nor shall such reservoir be located or established within one-half mile of a cemetery or place of sepulture unless the superior court for the judicial district wherein such cemetery or place of sepulture or reservoir is located, upon application and notice, finds that such cemetery or place of sepulture or such reservoir so proposed to be located is of public convenience and necessity and will not be detrimental to the public health.

(1949 Rev., S. 4025; P.A. 78-280, S. 2, 127.)

History: P.A. 78-280 replaced “county” with “judicial district”.

Owner of land may use it as a private cemetery aside from question of public health. 58 C. 94.

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Sec. 25-42. Power to take lands and streams. Any town, city, borough or corporation authorized by law to supply the inhabitants of any town, city or borough with pure water for public or domestic use may take and use such lands, springs, streams or ponds, or such rights or interests therein, as the Superior Court, or any judge thereof in vacation, on application, deems necessary for the purposes of such supply. The court shall approve or disapprove such taking and use after review of the applicant's analysis of future water supply demands and a determination that alternative means of supplying pure water, including, but not limited to, interconnections to other existing supply systems or a program of demand management, are not reasonably available or feasible to meet such demands provided, if any land proposed for taking is currently being used for agriculture, the court shall consider whether the taking and loss of such agricultural land is offset by the public's need for an adequate supply of pure water. For the purpose of preserving the purity of such water and preventing any contamination thereof, such town, city, borough or corporation may take such lands or rights as the Superior Court, or any judge thereof in vacation, on application, deems necessary therefor. In any case in which the law requires compensation to be made to any person whose rights, interests or property may be injuriously affected by such orders, said court or such judge shall appoint a committee of three disinterested property owners of the judicial district, who shall determine and award the amount to be paid by such authorities before such order is carried into effect.

(1949 Rev., S. 4028; P.A. 78-280, S. 2, 127; P.A. 97-117.)

History: P.A. 78-280 replaced “county” with “judicial district”; P.A. 97-117 added procedures and determinations necessary for condemnation proceedings under this section.

Effect on city charters. 86 C. 165; Id., 364. Remedy is alternative to that provided by Sec. 25-53. 90 C. 177. Statute is an enabling act and its provisions are neither mandatory nor exclusive. 124 C. 441.

Section is an enabling act whose provisions are neither mandatory nor exclusive. 5 CS 251. Injunction granted against water company though it did not file an application under section. 6 CS 388.

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Sec. 25-43. Bathing in and pollution of reservoirs. Aircraft on reservoirs. Penalties. (a) Any person who bathes or swims in any reservoir from which the inhabitants of any town, city or borough are supplied with water, or in any lake, pond or stream tributary to any distribution reservoir, or in any part of any lake, pond or stream tributary to any storage reservoir, which part is distant less than two miles measured along the flow of water from any part of such storage reservoir, and any person who causes or allows any pollutant or harmful substance to enter any such public water supply reservoir, whether distribution or storage, or any of its tributaries, or commits any nuisance in any public water supply reservoir or its watershed, shall be fined not more than five hundred dollars. For the purposes of this section, "storage reservoir" means an artificial impoundment of substantial amounts of water, used or designed for the storage of a public water supply and the release thereof to a distribution reservoir, and "distribution reservoir" means a reservoir from which water is directly released into pipes or pipelines leading to treatment or purification facilities or connected directly with distribution mains of a public water system. Notwithstanding the provisions of this subsection, a person shall be permitted to swim in any body of water where flood-skimming is used to transfer excess water from the body of water to a distribution reservoir during periods when flood-skimming is not occurring, provided swimming has been permitted in such body of water for a period of not less than fifty years.

(b) No person, after having received notice or after notice has been posted that any reservoir, lake or pond, or any stream tributary thereto, is used for supplying the inhabitants of a town, city or borough with water, shall wash any animal or clothing or other article or allow any animal to enter therein. No person shall cause or allow any pollutant or harmful substance to enter such reservoir, lake, pond or stream, nor shall any person, after receipt of written notice from the municipality, water company, as defined in section 25-32a, or the local director of health having jurisdiction, or their agents, that the same is detrimental to such water supply, permit any such substance to be placed upon land owned, occupied or controlled by such person, so that the same may be carried by rains or freshets or otherwise flow into the water of such reservoir, lake, pond or stream, or allow to be drained any sewage from such land into such water. Any person who violates any provision of this subsection shall be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

(c) No person shall cause or permit an aircraft, as defined in subdivision (5) of section 15-34, to land upon, take off from or be operated, kept, parked, garaged, stored or otherwise maintained on any distribution or storage reservoir or on any watercourse tributary to any such reservoir. Any person who violates a provision of this subsection shall be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

(d) Any water company, as defined in section 25-32a, aggrieved by a violation of this section may institute a civil action in the superior court for the judicial district where such reservoir or watercourse tributary is located, either entirely or in part, to recover all damages, expenses and costs incurred by the water company in responding to the violation and the remediation and abatement of any contamination resulting from the violation.

(1949 Rev., S. 4029; 1959, P.A. 632, S. 1; P.A. 90-292, S. 4; June Sp. Sess. P.A. 99-2, S. 64; P.A. 08-137, S. 6; P.A. 12-80, S. 18; P.A. 13-247, S. 384.)

History: 1959 act imposed penalty for swimming as well as bathing, and added provisions re distribution reservoirs in Subsec. (a); P.A. 90-292 added Subsec. (c) re use of aircraft on reservoirs; June Sp. Sess. P.A. 99-2 replaced reference to filthy or impure substances with pollutant or harmful substance, changed the penalty from a fine of not more than \$100 and not more than six months' imprisonment to a fine of not less than \$100 and not more than 30 days' imprisonment, divided definition of storage reservoir into definitions of "storage reservoir" and "distribution reservoir", amended Subsec. (b) by adding "after having received notice or", adding "or allow any animal to enter", replacing reference to filthy or impure substances with pollutant or harmful substance, adding reference to municipalities and water companies, replacing director with "local" director and allowing notice from agents; P.A. 08-137 amended Subsecs. (a) and (b) by substituting not "more than five" for not "less than one" hundred dollars re fines for violations and amended Subsec. (c) by adding fine of not more than \$500 or imprisonment of not more than 30 days, or both, for a violation and by specifying that aggrieved water

company may institute a civil action to recover all damages incurred resulting from violation; P.A. 12-80 amended Subsec. (a) to delete provision authorizing penalty of imprisonment of not more than 30 days and designated existing provision re institution of civil action by water company as Subsec. (d); P.A. 13-247 amended Subsec. (a) by adding provision authorizing swimming in any body of water where flood-skimming is used to transfer excess water to a distribution reservoir, provided swimming has been permitted in such body of water for not less than 50 years.

Cited. 100 C. 464; 111 C. 362. Is a valid exercise of police power even though it would deprive one of property right as riparian owner. 123 C. 492.

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Sec. 25-43a. Penalties applicable to one not owner, lessee or guest. The penalties of subsection (a) of section 25-43 shall also apply to any person who bathes or swims in any lake, pond or stream tributary to any public water supply reservoir who is not the owner or lessee of real property adjoining such tributary or the guest or invitee of such owner or lessee on a nonprofit basis.

(1959, P.A. 632, S. 2.)

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Sec. 25-43b. Power of Department of Public Health not affected. Nothing in subsection (a) of section 25-43 or in section 25-43a shall be construed as limiting the powers of the Department of Public Health under this chapter.

(1959, P.A. 632, S. 3; P.A. 77-614, S. 323, 610; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58.)

History: P.A. 77-614 replaced department of health with department of health services, effective January 1, 1979; P.A. 93-381 replaced department of health services with department of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995.

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Sec. 25-43c. Permitted recreation in watersheds and reservoirs. (a) Sport fishing from designated locations on shoreline or from boats propelled by oars or by electric motors with sealed storage batteries on public water supply storage and distribution reservoirs, as defined in subsection (a) of section 25-43, or aquifer protection areas as mapped pursuant to section 22a-354c, and additional recreational activities subject to the provisions of subsection (b) of this section, within designated areas of the watersheds of such reservoirs or aquifer protection areas may be permitted by a water company, as defined in section 25-32a, in accordance with rules made by such water company after consultation with the Commissioner of Public Health and the Department of Energy and Environmental Protection.

(b) The Commissioner of Public Health, upon application by a water company, may issue to such company a permit authorizing recreational activities on storage and distribution reservoirs or aquifer protection areas. Any person who engages in any recreational activity which involves the use of a boat on reservoirs which are wholly owned by a water company shall use boats owned by said water company. If, in the opinion of the commissioner, the proposed recreational activities may have a significant adverse impact upon the applicant's water supply, said commissioner may, within thirty days of receipt of a complete permit application, refer such application for detailed review to a consultant, chosen by the commissioner, with skills in the fields of water supply, hydrology, aquatic biology, forestry, geology, planning or other related fields, whose fee shall be paid by the applicant. The commissioner shall notify the applicant of such referral. The permit shall be issued subject to

any terms or conditions the commissioner deems necessary to maintain the purity of the water in such storage and distribution reservoirs or aquifer protection areas. The commissioner may approve the use of electric motors with sealed storage batteries in a storage or distribution reservoir with an existing approved fishing program, provided such reservoir has conventional filtration treatment and is adequately supervised at all times when electric motors are in use, subject to monitoring, inspection and reporting by the water company satisfactory to the commissioner. The commissioner may adopt regulations in accordance with the provisions of chapter 54 establishing criteria for such recreational activities on storage and distribution reservoirs or aquifer protection areas and for monitoring the water quality thereof. The Commissioner of Public Health shall prohibit fishing and recreational activities in those cases where treatment facilities are deemed inadequate by the commissioner to properly safeguard the health of persons drinking the water.

(c) Water companies are empowered, after consultation with the Department of Energy and Environmental Protection, to issue permits and to charge fees for the issuance of such permits in order to reimburse such companies for the cost to them of such fishing and other recreational activities in public water supply storage and distribution reservoirs and on the watersheds of such public water supply storage and distribution reservoirs or within aquifer protection areas.

(d) All public water supply reservoirs constructed on or after January 1, 1975, except for such reservoirs as may be under construction before January 1, 1975, shall have such water treatment or purification facilities as the Commissioner of Public Health determines are necessary to assure the purity of the water supplies from sources in such reservoirs in which sport fishing is permitted or in watersheds of such reservoirs in which such recreational activities are permitted as provided in this section, provided nothing in this section shall be deemed to permit any recreational use of an existing reservoir or of the watershed land of such reservoir which use would require the installation of new water treatment or purification facilities.

(e) No water company shall be liable in damages except with respect to wilful or wanton conduct for injury or property damage to any person who enters upon its lands or waters under the provisions of this section.

(P.A. 73-522, S. 1-4; P.A. 77-614, S. 323, 587, 610; P.A. 78-303, S. 85, 136; P.A. 84-28; 84-546, S. 140, 173; P.A. 90-292, S. 3; P.A. 91-287, S. 1, 2; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58; June Sp. Sess. P.A. 99-2, S. 66; P.A. 11-80, S. 1.)

History: P.A. 77-614 and P.A. 78-303 replaced commissioner of health with commissioner of health services, effective January 1, 1979; P.A. 84-28 applied provisions of section to distribution reservoirs as well as storage reservoirs, added provisions re permits for recreational activities on reservoirs and created Subsecs. (a), (b) and (c) from previous Subsecs. (a) and (b); P.A. 84-546 made technical changes, relettering former Subsecs. (c) and (d) as (d) and (e) in keeping with P.A. 84-28; P.A. 90-292 amended Subsec. (b) to allow the commissioner to refer an application to a consultant within 30 days of receipt, require the applicant to pay the fee and to require notification to the applicant of such referral; P.A. 91-287 amended Subsec. (a) to include boats powered by electric motors with sealed storage batteries and amended Subsec. (b) to include certain restrictions on the use of boats with electric motors; P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; June Sp. Sess. P.A. 99-2 added references to aquifer protection areas; pursuant to P.A. 11-80, "Department of Environmental Protection" was changed editorially by the Revisors to "Department of Energy and Environmental Protection" in Subsecs. (a) and (c), effective July 1, 2011.

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Sec. 25-43d. Taking water from or tampering with hydrant or reservoir. Penalty. No person shall open, operate, take water from or tamper with any hydrant or otherwise take water from or tamper with any public water supply reservoir without: (1) The legal authority to take such action, or (2) the consent of the water utility, municipality or other entity that owns or controls such hydrant or public water supply reservoir. Any person who violates the

provisions of this section shall be fined five hundred dollars for the first offense and one thousand dollars for any subsequent offense.

(P.A. 13-262, S. 1.)

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Sec. 25-44. Appointment of special police. The Governor, upon the application of any town, city or borough or of any subdivision thereof, or of any company, owning or controlling any system of waterworks or water supply, may commission, during his pleasure, one or more persons, who, having been sworn, may act as policemen for the purpose of preventing and abating nuisances and protecting such water supply from contamination. Such policemen shall arrest, without previous complaint and warrant, any person for an offense under the provisions of any law for the protection of water supplies, when the offender is taken or apprehended in the act or on speedy information of others; and all persons so arrested shall be immediately presented before competent authority. Each such policeman shall, when on duty, wear in plain view a shield bearing the words "Special Police" and the name of the town, city, borough or company for which he is commissioned.

(1949 Rev., S. 4030.)

See Sec. 29-19 re special policemen for utility and transportation companies.

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Sec. 25-45. Local ordinances concerning reservoirs. The legislative body of any city or borough may make, alter and repeal ordinances to regulate or prevent fishing, trespassing or any nuisance in or upon any property of such city or borough or of any subdivision thereof. Such ordinances may provide for the imposition of a fine of not more than two hundred fifty dollars for any violation thereof. The common council of any city or the warden and burgesses of any borough may appoint special constables to protect reservoir property and to execute any such ordinance and any provision of the statutes relating to protection of water supply, and for that purpose such constables shall have all the powers of constables of towns.

(1949 Rev., S. 4031; P.A. 12-80, S. 19.)

History: P.A. 12-80 replaced penalty of a fine not exceeding \$50 or imprisonment for not more than 6 months or both with a fine of not more than \$250.

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Sec. 25-46. Interstate waters used for drinking water supply. For the purpose of protecting the purity of interstate waters used or intended for use by any municipality, public institution or water company of this or of any adjoining state or states as sources of drinking water supply, and with a view to reciprocal action by adjoining states for the benefit of this state, the Department of Public Health is authorized, at the request of the Department of Public Health, or the official body having similar powers and duties, of an adjoining state, to provide in the Public Health Code regulations for the protection of the purity of the waters of any lakes, ponds, streams and reservoirs, within any specified drainage area in this state, tributary to any such drinking water supply of an adjoining state.

(1949 Rev., S. 4032; P.A. 77-614, S. 323, 610; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58.)

History: P.A. 77-614 replaced department of health with department of health services, effective January 1, 1979; P.A. 93-381 replaced department of health services with department of public health and addiction

services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995.

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Secs. 25-47 to 25-50. Ice: Pollution of source, notices, exception; control of sources of supply, notices. Ice from outside this state; examination. Penalties. Sections 25-47 to 25-50, inclusive, are repealed, effective October 1, 2002.

(1949 Rev., S. 4011–4014; P.A. 77-614, S. 323, 610; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58; P.A. 02-89, S. 90; S.A. 02-12, S. 1.)

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Sec. 25-51. Injunction against injury to water supply or source. Whenever any land or building is used, occupied or allowed to remain in a condition such that it is or could be a source of pollution to any public water supply reservoir or associated watershed, including, but not limited to, any watercourse, wetland or drainage system from which water flows to a public water supply reservoir or any public water supply well or associated aquifer protection area, as defined in section 22a-354h, the municipality or water company, as defined in section 25-32a, having charge of such reservoir or well, or the local director of health or the local director's agents, may apply for relief to the superior court for the judicial district wherein such reservoir, watershed, well or aquifer protection area is located, and said court may make any order in the premises, temporary or permanent, which, in its judgment, may be necessary to preserve the purity of such water. The municipality or water company, by its officers or agents duly appointed, or the local director of health, or the local director's agents may, at all reasonable times, enter upon and inspect any premises within the watershed tributary to, or aquifer protection area of, such water supply and, if any nuisance likely to pollute such water is found therein, the local director of health or the local director's agent may abate such nuisance after reasonable notice to the owners or occupants of such premises and their refusal or neglect to abate the same, and the municipality or water company shall be liable for all unnecessary or unreasonable damage done to such premises.

(1949 Rev., S. 4026; P.A. 78-280, S. 1, 127; June Sp. Sess. P.A. 99-2, S. 65.)

History: P.A. 78-280 replaced “county” with “judicial district”; June Sp. Sess. P.A. 99-2 substantially rewrote the section, deleting references to ice, adding references to aquifer protection areas, local directors or their agents and made technical changes.

Cited. 111 C. 362. Damages for pollution of ice supply. 114 C. 496. Under statutes, owner's use and title may be divested. 123 C. 503.

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Sec. 25-52. Cemeteries not to be near ice ponds. Section 25-52 is repealed, effective October 1, 2002.

(1949 Rev., S. 4711; 1961, P.A. 517, S. 24; P.A. 78-280, S. 2, 127; S.A. 02-12, S. 1.)

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Sec. 25-53. Abatement of nuisance. Whenever any order is made by the Superior Court for the abatement of any nuisance to such water or ice, and said court finds that compliance with such order will damage any person or

corporation or deprive him or it of any substantial right, said court may assess just damages in favor of such person or corporation, to be paid by such municipality, person or corporation as the court decrees.

(1949 Rev., S. 4027.)

Damages where pleasure resort on shore of lake used as water supply is enjoined. 90 C. 171. Remedy is alternative to that provided by Sec. 25-42. 90 C. 177. Statutes do not evidence a legislative policy to provide compensation in all cases. 123 C. 504.

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Sec. 25-54. Sale of ice regulated. Section 25-54 is repealed, effective October 1, 2002.

(1949 Rev., S. 4024; P.A. 02-89, S. 90.)

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