

REGS-1 Rev. 09/2013
(Title page)

For permanent regulations
First NOTICED ON AND AFTER JULY 1, 2013

IMPORTANT: Use this form (REGS-1) to submit permanent regulations to the Legislative Regulation Review Committee.
For **emergency regulations**, use form REGS-1-E instead.
For *non-substantive technical amendments and repeals* proposed without prior notice or hearing as permitted by subsection (g) of CGS 4-168, as amended by PA 13-247 and PA 13-274, use form REGS-1-T instead.

Please read the additional instructions on the back of the last page (Certification Page) before completing this form. Failure to comply with the instructions may cause disapproval of proposed regulations.

State of Connecticut
REGULATION
of the

NAME OF AGENCY:

DEPARTMENT OF PUBLIC HEALTH

Concerning

SUBJECT MATTER OF REGULATION:

PUBLIC DRINKING WATER QUALITY STANDARDS

Section 1. Section 19-13-B102 of the Regulation of Connecticut State Agencies is amended by adding subsection (w) as follows:

(NEW) (w) Generator and emergency contingency and response plan requirements.

(1)(A)(i) Each CWS shall have installed and maintained in accordance with the schedule in Table 1-W1 of this clause based on the CWS's type a standby stationary on-site generator capable of providing sufficient power to supply the power demands of the CWS at each of the CWS's facility locations. At a minimum, the generator shall be equipped with an automatic transfer switch system, fueled by either propane or natural gas, and in compliance with all applicable federal, state and local requirements, including all requirements applicable to generators and the installation thereof. For purposes of this subsection, "facility location" means, and shall include, but is not limited to, sources, pumping stations, treatment plants, and storage tanks at which electric power is required to maintain a continuous supply of potable water at adequate volume and pressures.

TABLE 1-W1. COMPLIANCE DATES

If the CWS is this type of CWS	The CWS shall comply with subparagraph (A) within:
(1) CWS serving \geq 100,000 people	1 year of the effective date of this subsection
(2) CWS serving 10,000 – 99,999 people	2 years of the effective date of this subsection
(3) CWS serving < 10,000 people	3 years of the effective date of this subsection

(ii) If extenuating circumstances prevent a CWS from complying with the schedule in Table 1-W1 of clause (i) of this subparagraph, a CWS may submit an application to the department requesting an extension by which to comply with the requirements of clause (i) of this subparagraph. Such application shall include the extenuating circumstances that prevent the CWS from complying with the requirements of clause (i) of this subparagraph, and shall

be submitted in accordance with subsection (t) of this section prior to the CWS's date of compliance in Table 1-WI of clause (i) of this subparagraph.

(B) A CWS may use a portable generator to meet the requirements of subparagraph (A) of this subdivision if the CWS meets the following requirements, in addition to all federal, state and local requirements applicable to generators and the installation thereof:

(i) The portable generator is capable of providing sufficient power to supply the power demands of the CWS at each of the facility locations at which the portable generator will be used;

(ii) The CWS shall have installed at each of the facility locations at which a portable generator will be used a manual or automatic transfer switch system to facilitate transition to generator power; and

(iii) The CWS shall have installed at each of the facility locations at which a portable generator will be used suitable controls and connections by which to connect the portable generator.

(C) A CWS may use an alternative source of backup power to meet the requirements of subparagraph (A) of this subdivision if the alternative source of backup power is an effective source of backup power and it meets the requirements in clauses (i) through (iv), inclusive, of this subparagraph. The CWS shall file with the department prior to the CWS's date of compliance in Table 1-WI of subparagraph (A)(i) of this subdivision a statement stating the alternative source of backup power the CWS is using to meet the requirements of subparagraph (A) of this subdivision, that such alternative source of backup power is an effective source of backup power and that such alternative source of backup power meets the requirements in clauses (i) through (iv), inclusive, of this subparagraph. Such statement shall be signed under oath by the owner, or the person who is authorized to bind and act on behalf of the owner, of the CWS and shall contain a notice that false statements made therein are punishable in accordance with section 53a-157b of the Connecticut General Statutes.

(i) The alternative source of backup power is capable of providing sufficient power to supply the power demands of the CWS at the facility location at which the alternative source of backup power will be used;

(ii) The CWS shall have installed at the facility location at which the alternative source of backup power will be used a manual or automatic transfer switch system to facilitate transition to the alternative source of backup power;

(iii) The alternative source of backup power shall, when in use, be connected to a location that meets all applicable federal, state and local requirements; and,

(iv) The CWS shall have installed at the facility location at which the alternative source of backup power will be used suitable controls and connections by which to connect the alternative source of backup power, if applicable.

(D)(i) A standby stationary on-site generator installed by the CWS or a portable generator available for use by the CWS prior to the effective date of this subsection, and any replacement

thereto, may be fueled by liquid fuel, instead of propane or natural gas, and does not have to meet the conditions in subclauses (I) and (II) of this clause. A standby stationary on-site generator installed or a portable generator to be used by the CWS on or after the effective date of this subsection may be fueled by liquid fuel only if the CWS meets the conditions in subclauses (I) and (II) of this clause. For purposes of this section, "liquid fuel" means a liquid fueling agent including, but not limited to, diesel, gasoline, oil, or kerosene.

(I) The liquid fuel used for fueling the standby stationary on-site or portable generator is stored in an above-ground tank with a containment area capable of holding at least 110 percent of the full volume of the tank storing the liquid fuel; and

(II) The above-ground tank in which the liquid fuel is stored, liquid-fuel supply line and liquid-fueled generator are located more than 200 feet away from the CWS's source or sources of supply.

(ii) If extenuating circumstances prevent a CWS from complying with the conditions in clauses (i)(I) and (II) of this subparagraph, a CWS may submit an application to the department requesting a waiver from such conditions. Such application shall include the extenuating circumstances that prevent the CWS from complying with the conditions in clauses (i)(I) and (II) of this subparagraph, and shall be submitted in accordance with subsection (t) of this section.

(E) Each CWS that has a standby stationary on-site generator installed or a portable generator that was available for use prior to the effective date of this subsection shall file with the department a statement stating the make and model of such generator within 8 months of the effective date of this subsection. If a CWS fails to file such information with the department within 8 months of the effective date of this subsection, the department will not recognize the CWS's stationary on-site generator or a portable generator as a generator installed or available for use, respectively, prior to the effective date of this subsection for purposes of this subparagraph and therefore the CWS is required to comply with the requirements of subparagraph (D) of this subdivision. If extenuating circumstances prevented a CWS from providing such information to the department within 8 months of the effective date of this subsection, a CWS may submit an application to the department requesting an extension by which to provide such information to the department. Such application shall include the extenuating circumstances that prevented the CWS from providing such information to the department within 8 months of the effective date of this subsection, and shall be submitted in accordance with subsection (t) of this section. Extenuating circumstances include, but are not limited to, a CWS's acquisition of another CWS pursuant to sections 16-262n and 16-262o of the Connecticut General Statutes and the acquired CWS did not submit the required information timely.

(2) Subdivision (1) of this subsection does not apply to those CWSs subject to sections 16-11-99 through 16-11-99d, inclusive, of the Regulations of Connecticut State Agencies.

(3)(A) Each CWS that is not subject to the requirements in section 25-32d of the Connecticut General Statutes shall prepare within 8 months of the effective date of this subsection, an emergency contingency and response plan. The plan shall contain the CWS's preparations for and proposed responses to any disruption of the CWS's supply of water to the CWS's consumers due to a loss of power of the CWS's water supply, including, but not be limited to, the following information:

(i) The CWS's plan for restoring service to the CWS's consumers in the event of a disruption of the CWS's supply of water to the CWS's consumers due to a loss of power of the CWS's water supply;

(ii) The CWS's plan for maintaining an adequate and safe supply of water to the CWS's consumers during a disruption of the CWS's supply of water to the CWS's consumers due to a loss of power of the CWS's water supply; and,

(iii) The CWS's plan for notifying the CWS's consumers and local emergency management officials, including the department and the chief elected official of any municipality and any local health department or district health department in which the CWS is located, in accordance with section 19-13-B46 of the Regulations of Connecticut State Agencies, of the status of the CWS prior to, during, and following an event during which there is a disruption of the CWS's supply of water to the CWS's consumers due to a loss of power of the CWS's water supply.

(B) The plan shall be kept up to date and on file at the CWS. The CWS shall make the plan available to the department for review upon the request of the department and at the time of a sanitary survey.

(4) Each CWS subject to this subsection shall submit to the department in writing in its annual submission required under the provisions of section 25-33 of the Connecticut General Statutes a verification that the CWS has complied with the requirements of this subsection and that the CWS's generator or generators will perform in accordance with the manufacturer's specifications to ensure that the generator is capable of providing sufficient power to supply the power demands of the CWS at each of the CWS's facility locations.

(5) Failure to comply with the provisions of this subsection may result in the imposition of a civil penalty under the provisions of section 25-32e of the Connecticut General Statutes.

Statement of Purpose

Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation." Enter the statement here.

(A) The purpose of this amendment to section 19-13-B102 of the Regulations of Connecticut State Agencies is to ensure that every community water system is supported by an emergency generator or an alternative source of backup power. The amendment will also ensure that community water systems have emergency contingency and response plans to guide community water systems prior to, during and after power outages. Both the requirements for generators or alternative sources of backup power and the plans will help systems to prevent loss of water pressure or water outages, thereby protecting the system from exposure to bacterial contamination and associated waterborne diseases. (B) The amendment to section 19-13-B102 of the Regulations of Connecticut State Agencies requires community water systems to have emergency generators or alternative sources of backup power and emergency contingency and response plans. (C) Amendments were made to section 19-13-B102 of the Regulations of Connecticut State Agencies.

CERTIFICATION

This certification statement must be completed in full.

I hereby certify that the above Regulation(s)

- 1) is/are (check all that apply) adopted amended repealed by this agency pursuant to the following authority(ies): (complete all that apply)
- a. **Connecticut General Statutes section(s) §§ 19a-36 and 25-32.**
- b. **Public Act Number(s)** _____.
(Provide public act number(s) if the authorizing act has not yet been codified in the Connecticut General Statutes.)

And I further certify

- 2) that **Notice of Intent** to adopt, amend or repeal said regulation(s) was electronically submitted to the Secretary of the State on 04/01/2014, and posted to the Secretary's regulations website on 04/04/2014; *(Insert dates notice was (a) emailed to the Secretary of the State and (b) posted on the Secretary's website, if notice and posting were required by CGS 4-168, as amended by PA 13-247 and PA 13-274.)*
- 3) and that a public hearing regarding the proposed regulation(s) was held on 05/20/2014 or that no public hearing was held; *(Insert date(s) of mandatory public hearing(s) held pursuant to CGS 4-168(a), as amended, or other applicable statute, and/or voluntary hearing, or if no hearing was held, check the box for that statement.)*
- 4) and that notice of **Decision to Take Action** on said regulations was electronically submitted to the Secretary of the State on _____, and posted to the Secretary's regulations website on _____; *(Insert dates notice was (a) emailed to the Secretary of the State and (b) posted on the Secretary's website, if notice and posting were required by CGS 4-168, as amended by PA 13-247 and PA 13-274.)*
- 5) and that said regulation(s) is/are **EFFECTIVE** (check one, and complete as applicable)
- When posted online by the Secretary of the State.

OR on (insert date) _____.

6) SIGNED (Head of Board, Agency or Commission)	OFFICIAL TITLE, DULY AUTHORIZED	DATE
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APPROVED by the Attorney General as to legal sufficiency in accordance with CGS Section 4-169, as amended.

DATE	SIGNED (Attorney General or AG's designated representative)	OFFICIAL TITLE, DULY AUTHORIZED
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Proposed regulations are DEEMED APPROVED by the Attorney General in accordance with CGS Section 4-169, as amended, if the Attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.

(For Regulation Review Committee Use ONLY)

APPROVED in WHOLE or WITH technical corrections deletions substitute pages

DEEMED APPROVED, pursuant CGS 4-170(c), as amended.

Rejected without Prejudice Disapproved, pursuant to CGS 4-170(c), as amended.

By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended	DATE	SIGNED (Administrator, Legislative Regulation Review Committee)
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In accordance with CGS Section 4-172, as amended by PA 13-247 and PA 13-274, one certified paper copy and one electronic copy with agency head certification statement received on the date(s) specified below.

DATE	SIGNED (Secretary of the State)	BY
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(For Secretary of the State Use ONLY)

Date Posted to SOTS Regulations Website:

Date Electronic Copy Forwarded to the Commission on Official Legal Publications:

SOTS file stamp:

GENERAL INSTRUCTIONS

1. All regulations proposed for adoption, amendment or repeal, *except* emergency regulations, must be presented to the Attorney General for determination of legal sufficiency. (See CGS Section 4-169.)
2. After approval by the Attorney General, the original and one electronic copy (in Word format) of all regulations proposed for adoption, amendment or repeal must be presented to the Legislative Regulation Review Committee for its action. (See CGS Section 4-168, as amended by PA 13-247, section 28, and PA 13-274, and CGS Section 4-170.)
3. Each proposed regulation section must include the appropriate regulation section number and a section heading. (See CGS Section 4-172.)
4. New language added to an existing regulation must be in underlining or CAPITAL LETTERS, as determined by the Regulation Review Committee. (See CGS 4-170(b).)
5. Existing language to be deleted must be enclosed in [brackets]. (See CGS 4-170(b).)
6. A completely new regulation or a new section of an existing regulation must be preceded by the word "(NEW)" in capital letters. (See CGS Section 4-170(b).)
7. The proposed regulation must have a statement of its purpose following the final section of the regulation. (See CGS Section 4-170(b).)
8. The *Certification Statement* portion of this form must be completed, including all applicable information regarding notice submission and website posting date(s) and public hearing(s). (See more specific instructions below.)
9. Additional information regarding rules and procedures of the Legislative Regulation Review Committee can be found on the Committee's web site: <http://www.cga.ct.gov/lrr/>.
10. A copy of the Legislative Commissioners' Regulations Drafting Manual is located on the LCO website at http://www.cga.ct.gov/lco/pdfs/Regulations_Drafting_Manual.pdf.

CERTIFICATION STATEMENT INSTRUCTIONS

(Numbers below correspond to the numbered sections of the Certification Statement page)

1. a) Indicate whether the regulation contains newly adopted sections, amendments to existing sections, and/or repeals of existing sections. **Check all cases that apply.**
b) Indicate the specific legal authority that permits or requires adoption, amendment or repeal of the regulation. If the relevant public act has been codified in the most current biennial edition of the *Connecticut General Statutes*, indicate the relevant statute number(s) instead of the public act number. If the public act has not yet been codified, indicate the relevant public act number.
2. An agency must electronically submit notice of its intent to adopt the regulation to the Secretary of the State at regulations.sots@ct.gov for posting on the Secretary's regulations website. Enter both the date notice of intent was submitted to the Secretary of the State *and* the date the notice was posted on the Secretary's website. For emergency regulations, use Form Regs-1-E instead of this form. For non-substantive technical amendments and repeals adopted without prior notice or hearing as permitted by subsection (g) of CGS 4-168, use Form REGS-1-T instead of this form.
3. CGS 4-168(a), as amended by PA 13-247 and PA 13-274, prescribes requirements for holding a public hearing on proposed regulations. Enter the date(s) of all hearing(s) held under that section, if any, also enter the date(s) of any hearing(s) the agency was required to hold under the provisions of any other law; and enter the date(s) of any public hearing(s) the agency elected to hold voluntarily. If no public hearing was held, mark (X) the check box.
4. **NEW REQUIREMENT:** CGS 4-168(d), as amended by PA 13-247 and PA 13-274, prescribes requirements electronically submitting notice of decision to take action (proceed with adoption) of a proposed regulation for posting to the Secretary's regulations webpage. Enter both the date notice of decision was submitted to the Secretary of the State *and* the date the notice was posted on the Secretary's website.
5. As applicable, enter the specific effective date of the regulation; or indicate that it is effective upon posting online by the Secretary of the State. **Please note the important information below.**
Permanent regulations adopted after July 1, 2013 are effective upon posting online by the Secretary of the State (SOTS), or at a *later* date specified by the agency, or at a *later* date if required by statute. See CGS 4-172(b). An effective date may not precede the date of posting online by SOTS, and it may not precede the effective date of the public act requiring or permitting the regulation.
6. Submit the original proposed regulation to your agency commissioner for signature.