

Summary of New Laws - Water Utilities

2021

Connecticut
Water Works
Association



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2021 Summary of New Laws

Introduction

CWWA's Summary of New Laws is designed to provide water industry professionals with information to assist in compliance with new requirements affecting your system. It is compiled from public act summaries and reports prepared by the Office of Legislative Research and the Office of Fiscal Analysis. The complete text of public acts and related documents may be accessed at cga.ct.gov or by contacting CWWA at gara@gmlobbying.com.

The closure of the Connecticut General Assembly due to the COVID-19 pandemic presented significant challenges in communicating with lawmakers on issues of concern to water companies. Fortunately, CWWA was well-positioned to make our voice heard via text, email, virtual meetings, and webinars. Throughout the legislative session, CWWA held electronic meetings with key legislators, agency officials, and the Governor's Office, testified on bills at public hearings via Zoom, and kept our members up-to-date on key issues.

CWWA also relied on our members to reach out to their legislators and let them know how pending bills may affect their operations and customers. Working together, we were successful in addressing important issues facing our water utilities, including the elimination of the Safe Drinking Water Primacy fee.

CWWA sincerely appreciates all that our members do to provide safe, reliable, high quality water to customers throughout Connecticut. We look forward to continuing to advocate at the state Capitol and before state agencies on behalf of the state's water companies.

Very truly yours,

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EMERGENCY RESPONSE

ALTERNATIVE SOURCES - WATER SUPPLY EMERGENCIES

Public Act 21-121, Section 82, requires water companies and small community water systems to update their emergency contingency plans and emergency response plans, respectively, required to be submitted to the state Department of Public Health (DPH) under existing law, to include information on providing consumers an alternative drinking water source as a temporary measure when there is a water supply emergency. Under the act, a “water supply emergency” is an event lasting longer than 12 hours that causes a company’s water supply to become non-compliant with DPH regulations on drinking water quality or quantity. *Effective date: October 1, 2021.*

HEALTHCARE INSTITUTIONS

Section 89 of Public Act 21-121 requires healthcare institutions to obtain potable water as a temporary measure to alleviate a water supply shortage from a bulk water hauler or water bottler licensed in Connecticut.

WEBEOC REPORTING

Public Act 21-121, Section 84, requires community water systems that serve at least 25 residents to promptly report their operational status to WebEOC after the governor declares a civil preparedness or public health emergency. They must do so within eight hours after WebEOC reporting is made available regarding the declared emergency, and any time thereafter that the community water system’s status

significantly changes. *Effective date: October 1, 2021.*

HEALTH & RACIAL EQUITY

ENVIRONMENTAL HEALTH QUALITY PROGRAMS

Public Act 21-35, Section 6, requires the state Department of Energy & Environmental Protection (DEEP) to assess racial equity within its environmental health quality programs. By January 1, 2022, DEEP must report to the Environment Committee on the assessment’s results and any legislative recommendations to improve racial equity within these programs. *Effective date: Upon passage.*

RACIAL EQUITY IN PUBLIC HEALTH

Public Act 21-35 establishes, within the Legislative Department, a Commission on Racial Equity in Public Health to document and make recommendations to decrease racism’s effect on public health. Among other responsibilities, the commission must develop and periodically update a comprehensive strategic plan to eliminate health disparities and inequities. The plan must consider air and water quality, natural resources and agricultural land, and the impact of climate change, among other things. It must address incorporating health and equity into specific policies, programs, and government decision-making processes and include disparities in, among other things, access to quality health care and resources such as healthy food and environments free of excess pollution. *Effective date: Upon passage.*

HOUSING, LAND USE & PLANNING

ACCESSORY APARTMENTS

Public Act 21-29 requires local planning and zoning regulations, unless a municipality affirmatively opts out of the requirement, to establish an as of right permit application and review process for Accessory Dwelling Units (ADUs). The act provides, however, that it does not supersede applicable building code requirements or other requirements where a well or private sewerage system is being used, so long as approval for any such accessory apartment shall not be unreasonably withheld. The act also prohibits municipalities, special districts, and sewer or water authorities from 1) considering an ADU to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the ADU was constructed with a new single-family dwelling on the same lot or 2) requiring the installation of a new or separate utility connection directly to an ADU or imposing a related connection fee or capacity charge. *Effective date: January 1, 2022.*

COASTAL RESOURCES

The act also revises the Zoning Enabling Act to, among other things, specify that when a municipality is contiguous to, or on a navigable waterway that drains to, Long Island Sound, its regulations must consider a proposed development's environmental impact on Long Island Sound's "coastal resources" (as defined in the Coastal Management Act), rather than impacts on Long Island Sound generally. By law,

"coastal resources" means coastal waters and their natural resources, related marine and wildlife habitat, and adjacent shorelands. *Effective date: October 1, 2021.*

CT'S DEVELOPMENT AND FUTURE COMMISSION

Public Act 21-29, Section 13, establishes a Commission on Connecticut's Development and Future within the Legislative Department to evaluate policies related to land use, conservation, housing affordability, and infrastructure. Among other things, the commission must report on 1) existing categories of discharge that constitute alternative on-site sewage treatment systems, subsurface community sewerage systems, and decentralized systems; 2) current jurisdiction over these systems; and 3) the potential impacts of increasing the daily capacities of the systems, including changes in jurisdiction over them and the timeframe for adopting regulations to implement the changes. *Effective date: Upon passage.*

DISCLOSURE OF DAMS AND SIMILAR STRUCTURES - REAL PROPERTY

Public Act 21-41 requires the owner of real property on which a dam or similar structure is located to record such dam or structure on the land records of the municipality in which such real property is located, notify a potential buyer of such real property of the existence of such dam or structure and disclose the existence of such dam or structure on a residential disclosure report.

FLOOD AND EROSION CONTROL BOARDS

Public Act 21-115, Sections 4-17, broaden the jurisdiction of municipal flood and

erosion control boards to include flood prevention and climate resilience. By law, municipalities may establish these boards, or a separate taxing district, to prevent hazards from flooding, stream bank erosion, or beach erosion. The new law also allows municipalities to enter into agreements to form joint boards and establishes a biannual reporting requirement. *Effective date: July 1, 2021.*

GREEN CONSTRUCTION CODES

Section 193 of Public Act 21-2 (June Special Session) requires DEEP to adopt regulations that establish construction standards for certain state-funded building projects by reference to a nationally recognized model for sustainable construction codes that promotes constructing high-performance green buildings. Under current law, these regulations must be based on a nationally recognized model for sustainable construction codes that promotes constructing high-performance green buildings that, among other things, (1) have reduced emissions; (2) are designed to conserve water resources and promote sustainable and regenerative materials cycles; and (3) provide enhanced resilience to natural, technological, and human-caused hazards. The act instead requires that these regulations adopt by reference the same nationally recognized model for sustainable construction codes, and it also extends the deadline for DEEP to do so from January 1, 2020, to January 1, 2022.

LONG ISLAND SOUND BLUE PLAN

House Joint Resolution 21-53 adopts the Long Island Sound Blue Plan, which provides an inventory of the natural resources and uses of Connecticut's Long Island Sound and

a spatial plan to guide future uses of the sound. By law, the plan must be considered when reviewing applications to conduct certain coastal activities. *Effective date: Upon passage.*

SOIL HEALTH

Sections 2-4 of Public Act 21-88 expands the Council on Soil and Water Conservation's responsibilities to include developing guidelines for improving and preserving soil health. By law, the council coordinates the activities of soil and water conservation districts and their boards with those of state, regional, and local agencies. The new law also (1) requires the DEEP commissioner to update regulations on the districts and boards to include soil health matters and (2) allows her to have soil health research done and take certain actions to provide the districts and boards with federal resources to study and improve soil health. *Effective date: October 1, 2021.*

WATER CONSERVATION

Prior law allowed municipalities to adopt zoning regulations that encouraged using certain energy conservation tools, including solar. Public Act 21-29, Section 4, expands the conservation tools that municipalities can incentivize developers' use of to include any solar and other renewable forms of energy; combined heat and power; water conservation, including demand offsets; and other energy conservation techniques. *Effective date: October 1, 2021.*

WATER POLLUTION CONTROL AUTHORITIES

Section 11 of the act allows municipal water pollution control authorities (WPCAs) to specify capacity allocations to serve

developable areas for residential or mixed-use buildings with at least four dwelling units in the water pollution control plans they are required to create under existing law. *Effective date: October 1, 2021.*

LABOR & EMPLOYMENT

BREASTFEEDING IN THE WORKPLACE

Public Act 21-27 amends current laws regarding breastfeeding in the workplace to require, provided there is no undue hardship, that lactation rooms 1) be free from intrusion and shielded from the public while the employee expresses milk, 2) include or be situated near a refrigerator or an employee provided portable cold storage device where the employee can store expressed breast milk, and 3) include access to an electrical outlet. *Effective date: October 1, 2021.*

CANNABIS LEGALIZATION

Public Act 21-1 (June Special Session) legalizes the adult-use and possession of recreational marijuana and other cannabis products. Effective July 1, 2021, individuals age 21 or older may possess up to 1.5 ounces of marijuana in public and up to 5 ounces in a locked container in their home or locked in their car trunk or glove box. The sale of recreational marijuana at retail stores is expected to begin in May 2022.

The act also includes provisions affecting employer policies relating to the use and possession of cannabis by employees and independent contractors. The labor and employment provisions, which don't go into effect until July 1, 2022, generally prohibit employers from firing or taking adverse action against an employee for using

cannabis outside the workplace or deciding not to hire an individual based on past cannabis use. *However, certain employers, including water and sewer utilities, and certain employees and independent contractors, are exempt from the act's labor and employment provisions.*

Exempt employees/independent contractors include positions 1) requiring operation of a motor vehicle subject to drug testing under state or federal law; 2) requiring completion of an OSHA-approved construction safety and health course; 3) subject to federal regulation; and 4) which the employer has determined have the potential to adversely impact the health or safety of employees or members of the public. Employers that are exempt or who have employees and independent contractors in positions that are exempt will have a lot more leeway to establish and enforce policies regarding the use and possession of cannabis.

In addition, the act's limitations on drug testing do not apply to employers who are required to perform drug testing under U.S. Department of Transportation regulations, as a condition of receiving a federal contract or grant, pursuant to state or federal laws, or under the terms of a valid collective bargaining agreement.

CANNABIS & SMOKING RESTRICTIONS

Under PA 21-1, smoking of any kind, including tobacco, marijuana, and vaping, is prohibited within twenty-five feet of any door, window or vent intake of any building open to the public, including restaurants and retail stores. The law also prohibits the

use of “smoking rooms” in places of employment. *Effective October 1, 2021.*

THE CROWN ACT – HAIR DISCRIMINATION

Public Act 21-2 makes it an illegal practice to (1) discriminate based on a person’s hair texture and protective hairstyle in employment, public accommodations, housing, credit practices, union membership, and state agency practices or (2) deprive any person of any rights secured or protected by the Connecticut Constitution or the United States Constitution. It does so by specifying that the term “race” includes ethnic traits historically associated with race, including hair texture and protective hairstyles. Under the act, “protective hairstyles” include wigs, headwraps, and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros, and afro puffs. *Effective date: March 4, 2021.*

EDUCATION ASSISTANCE PROGRAMS

Under Section 260 of Public Act 21-2 (June Special Session) employers with 100 or more employees must notify their employees who live in the state by December 1, 2021, and annually for the next three years, about 1) whether the employer offers an education assistance program and 2) if one is offered, the benefits included and how an employee may enroll. An “education assistance program” is a separate written plan of an employer for the exclusive benefit of its employees to provide them with educational assistance such as payments for tuition, fees, books, supplies, equipment, and qualified education loans. An employee does not have a cause of action against an employer for not offering this

type of program or for failing to notify employees about the program. The Department of Economic and Community Development is required to make information and resources about these programs available to employers. *Effective date: July 1, 2021.*

PREVAILING WAGE CONTRACT RATES

Public Act 21-154 requires the commissioner to make the prevailing wage rate (including benefits) for each trade or occupation the same as the rate established in the 16 dominant collective bargaining agreements in effect for that trade or occupation for the town where the project is being constructed. to codify prevailing wage contract rates. *Effective date: October 1, 2021.*

PUBLIC EMPLOYEE UNIONS

Public Act 21-25 addresses the U.S. Supreme Court decision in *Janus v. AFSCME* by establishing requirements for public employers (i.e., the state, municipalities, and local or regional boards of education) to provide public employee unions with 1) certain information about new and current employees; 2) access to new employee orientations; and 3) access to (a) the employees that they represent and (b) government buildings and facilities to conduct meetings with bargaining unit members. It also establishes requirements and criteria related to payroll deductions for dues paid to public employee unions. *Effective date: October 1, 2021.*

SALARY RANGES FOR VACANCIES

Public Act 21-30 requires employers to disclose to job applicants the salary ranges for vacant positions upon request or prior

to or at the time an offer of compensation is made, whichever is earlier. The act also requires employers to provide wage ranges to employees upon a change in position. In addition, the act broadens the standard used to determine whether an employer is discriminating in the amount of compensation the employer pays an employee based on sex. *Effective date: October 1, 2021.*

UNEMPLOYMENT COMPENSATION

Public Act 21-5 provides that to the extent allowed by federal law and as necessary to respond to the spread of COVID-19, for any taxable year commencing on or after January 1, 2022, the experience period shall be calculated without regard to benefit charges and taxable wages for the experience years ending June 30, 2020, and June 30, 2021. *Effective date: October 1, 2021.*

QUARTERLY UI REPORTING REQUIREMENTS

Section 340 of PA 21-2 (June Special Session) requires most employers subject to the state's unemployment law to include specified data about each employee in their quarterly wage reports to DOL. (The requirements do not apply to employers with 49 or fewer employees that have an electronic payroll system.) Specifically, employers must also report the following data for each employee: 1) gender identity, age, race, ethnicity, veteran status, disability status, and highest education completed; 2) home address and address of primary work site; 3) occupational code under the Bureau of Labor Statistics standard occupational classification system; 4) hours and days worked and salary or

hourly wage; and 5) employment start date in the current job title and, if applicable, employment end date. *Effective date: The act phases in the reporting requirements, based on the employer's number of employees.*

UNPAID LEAVE TO VOTE

Section 94 of Public Act 21-2 (June Special Session) requires employers, through June 30, 2024, to give an employee two hours of unpaid time off from his or her regularly scheduled work on the day of a regular state election to vote if the employee requests it within 2 working days in advance. In the case of a special election for a U.S. Senator, U.S. Representative, state senator or state representative, the requirement applies only to employees who are already electors. *Effective date: Upon passage.*

OPERATIONS

REPLACEMENT WELLS

Public Act 21-121, Sections 1 and 2, provide DPH with more flexibility to approve a replacement well if the well is: 1) needed by the water company to maintain and provide safe and adequate water to customers; 2) located in an aquifer of adequate water quality, as determined by historical water quality data from the supply source it is replacing; and 3) in a more protected location than the supply source it is replacing, as determined by DPH. *Effective date: October 1, 2021.*

SMALL SYSTEM CAPACITY IMPLEMENTATION PLAN

Section 85 of the Public Act 21-121 requires small community water systems (i.e. those

regularly serving between 25 and 1,000 year-round residents) to develop and complete a “capacity implementation plan” that demonstrates that the owner has the managerial, technical, and financial capacity to continue to own and operate the system. The plan must be updated annually and made available to DPH upon request.
Effective date: October 1, 2021.

PFAS

STATE BUDGET – PFAS FUNDING

The state budget for FY 22-23 includes:

- \$408,000 in FY 22 and \$420,000 in FY 23 for the Department of Public Health to hire one Toxicologist, one Laboratory Consultant, one Chemist, and one Environmental Analyst to assist with updating standards and action levels for drinking water, review laboratories to become approved for PFAS testing, implement PFAS testing of drinking water at the State’s public health laboratory, support testing of public water systems, and educate stakeholders to protect the public health from the impacts of PFAS in drinking water.
- \$110,548 in FY 22 and \$114,800 in FY 23 to support one Engineer Intern to enhance the State’s response to drinking water issues in schools undergoing construction projects, and one Environmental Analyst to assist the agency in its continued administration of safe drinking water standards for public drinking water.
- The bond package includes \$1,150,000 in both FY22 and FY23 for grants-in-aid to municipalities for the purpose of providing potable water and for

assessment and remedial action to address pollution from PFAS.

FIREFIGHTING FOAM

Public Act 21-191 generally prohibits any person, local government, or state agency from using class B firefighting foam with intentionally added PFAS in any amount for training purposes or testing purposes. It also prohibits anyone from using this foam for vapor suppression or firefighting purposes unless the fire is flammable liquid-based, and the DEEP commissioner does not identify an alternative to the foam by July 1, 2021. The act also exempts from the ban 1) anyone required by federal law to use it; 2) certain facility operators who obtain a limited extension of time for compliance; and 3) until October 1, 2023, airport-related entities with systems that prevent its release into the environment. By October 1, 2021, the act requires the DEEP commissioner to develop or identify a take-back program for municipally owned class B firefighting foam with PFAS that properly disposes of the foam. *Effective date: Upon passage.*

FOOD PACKAGING

Public Act 21-191 prohibits offering for sale or promotional purposes food packaging with PFAS intentionally introduced during manufacturing or distribution. Under the Act, by December 31, 2023, manufacturers and distributors are prohibited from offering for sale or promotional purposes food packaging or packaging components with intentionally introduced PFAS and from using a material that replaces a chemical in an amount or way that creates an equal or greater hazard than the

regulated chemical. *Effective date: October 1, 2021.*

WATER BOTTLERS – PFAS TESTING

Public Act 21-121 requires water bottlers, by January 1, 2022, to annually collect water samples and have them tested for PFAS and other unregulated contaminants to determine compliance with microbial standards established by DPH for public drinking water. *Effective date: October 1, 2021.*

TAXES, FEES & LIENS

HIGHWAY USE FEE

Beginning January 1, 2023, Public Act 21-177 imposes a highway use tax (HUT) on every “carrier” for the privilege of operating, or causing to be operated, certain heavy, multi-unit motor vehicles on any highway in the state. The HUT is calculated based on a vehicle’s weight and the number of miles driven in the state. The act establishes per-mile tax rates that increase based on vehicle gross weight, ranging from 1) 2.5 cents per mile for vehicles weighing 26,000-28,000 pounds (lbs.) to 2) 17.5 cents per mile for vehicles weighing more than 80,000 lbs. Under the act, carriers must file returns and remit the tax to the Department of Revenue Services (DRS) on a monthly basis. The act requires carriers to obtain HUT permits from DRS and establishes procedures for suspending or revoking them. *Effective date: Applicable to calendar months beginning on or after January 1, 2023.*

LIENS - ASSIGNMENT

Public Act 21-143 imposes new restrictions on entities that acquire the right to enforce

real property liens securing specified delinquent tax, sewer, and water charges (i.e., lien assignees). The act applies to liens for delinquent: 1) real property taxes and any other liens that by law may be enforced using the same procedure as applies to these taxes (e.g., statutory special taxing district assessments); 2) sewer benefit assessments or sewer use, and connection charges imposed by municipal water pollution control authorities or regional sewer authorities; and 3) water charges imposed by municipal water companies and regional water authorities. The act makes any lien assignment executed on or after July 1, 2022, unenforceable unless memorialized in a written contract between the assignee and municipality or authority. Under the act, the assignee must provide (a) a written payoff statement upon request and (b) written notices before beginning a foreclosure. In addition, all aspects of a foreclosure sale or other disposition (e.g., costs, venue, and terms) must be “commercially reasonable,” which is undefined; and the assignee is liable for any act deemed an unfair or deceptive trade practice under the Connecticut Unfair Trade Practices Act. *Effective date: October 1, 2021.*

LIENS - EMERGENCY ASSISTANCE PROGRAM

Public Act 21-44 establishes an emergency lien assistance program within the Connecticut Housing Finance Authority’s existing Emergency Mortgage Assistance Program. The new program will provide loans to homeowners who are facing foreclosure due to liens from 1) municipal water or sewer charges, 2) municipal tax debt, or 3) condominium or common

interest association assessments and fines.
Effective date: October 1, 2021.

MUNICIPAL STORMWATER AUTHORITIES

Public Act 21-115, Sections 1-3, authorizes all municipalities to establish stormwater authorities to assess fees to fund the development and implementation of stormwater management programs. Currently, only the City of New London has established a stormwater authority under a pilot program. The act also expands the authorities' powers to assess fees and specifies the process by which municipal legislative bodies approve the fees. The act 1) restricts the fees for farm, forest, or open space land, or property owned by state or local governments and their agencies, to impervious surfaces that discharge to a municipal separate storm sewer system; and 2) requires a partial fee reduction for property owners who use certain stormwater best management practices. The act applies to any town, city, borough, consolidated town and city, or consolidated town or borough. It does not apply to other entities including municipal fire, sewer, metropolitan districts or other municipal corporations or authorities. *Effective date: July 1, 2021.*

MUNICIPAL TAX DEFERRAL/INTEREST RATES

Public Act 21-73 authorizes municipalities and taxing districts to adopt programs for FYs 22 and 23 to provide temporary property tax or municipal utility charge relief to residents, businesses, and nonprofits as long as the municipality's legislative body, or taxing district's board of directors, approves the program. Under the act, municipalities and taxing districts may

establish programs: 1) allowing taxpayers to defer payments for 90 days from the date they are due or 2) lowering the interest rate (generally from 1.5% to 0.25% per month) on late payments for 90 days from the date they become due. The act also raises the maximum total property tax bill that a municipality's legislative body may waive, from \$25 to \$100. Under both programs the relief may apply to property taxes or municipal water, sewer, or electric rates, charges, or assessments. For property taxes or municipal utility charges that are billed in installments, the act presumably provides the relief for each installment. *Effective date: July 1, 2021.*

TECHNOLOGY

CYBERSECURITY STANDARDS

Public Act 21- 119 incentivizes businesses to adopt and adhere to cybersecurity standards by shielding companies that have adopted such standards from punitive damages in the event that personal or restricted information is compromised. To qualify for this protection, cybersecurity programs must 1) meet specified design requirements and 2) conform to an industry-recognized cybersecurity framework containing administrative, technical, and physical safeguards for protecting personal or restricted information. However, the protection does not apply if the covered entity's failure to implement reasonable cybersecurity controls resulted from gross negligence or willful or wanton conduct. *Effective date: October 1, 2021.*

DATA PRIVACY BREACHES

Public Act 21-59 expands the definition of what constitutes “personal information” protected in the event of a data privacy breach. It also extends the data breach notification requirements to include anyone who owns, licenses, or maintains computerized data that includes personal information, rather than just those who do so in the ordinary course of doing business in the state. Under existing law, data managers are required to disclose a security breach without unreasonable delay to state residents whose personal information has been, or is reasonably believed to have been, accessed by an unauthorized person. The act shortens the timeframe for notification from 90 to 60 days after the security breach was discovered. It also narrows the circumstances under which those who own or license computerized data with breached information must offer residents appropriate identity theft prevention or mitigation services. *Effective date: October 1, 2021.*

GEOGRAPHIC INFORMATION SYSTEMS

Sections 78-80 of Public Act 21-2 (June Special Session) establish a: 1) Geographic Information Systems Office within OPM and a geographic information officer position to oversee the new office and its staff and a 2) Geographic Information Systems Advisory Council (GIS Council) to consult with the information officer on geographic information system (GIS) matters, including making GIS data free and publicly available. The officer is generally responsible for coordinating the collection, analysis, and accessibility of GIS data. The act additionally makes the officer, or the officer’s designee, a nonvoting member of the Connecticut

Data Analysis Technology Advisory Board.
Effective date: October 1, 2021.

REMOTE MUNICIPAL MEETINGS

Under the Freedom of Information Act (FOIA), public agencies, including municipal water and sewer departments and taxing authorities, must make their meetings, other than executive sessions, open to the public. Sections 149-153 of Public Act 21-2 (June Special Session) allow public agencies, until April 30, 2022, to hold public meetings that are accessible to the public through electronic equipment, or through electronic equipment in conjunction with an in-person meeting. The act establishes several requirements for meetings held using electronic equipment, including that votes generally be conducted by roll call and that members of the public have the same participation opportunities as they would for an in-person meeting. The act defines “electronic equipment” for purposes of FOIA as any technology facilitating real-time access to meetings, including telephone, video, or other conferencing platforms. *Effective date: July 1, 2021, except certain definitions are effective upon passage.*

WATER QUALITY

MULTILINGUAL TIER 1 NOTICES

Public Act 21-121, Section 83, of the act requires water companies to provide Tier 1 Notices to customers in the languages predominantly spoken in their service area and update their emergency response plans that they submit to DPH under existing law to include information on the provision of multilingual communications. *Effective date: October 1, 2021. Note: This is consistent with EPA's Public Notification*

Rule which requires water companies that have a large proportion of non-English speaking consumers to include information in the appropriate language(s) regarding the importance of the notice or a telephone number or address where consumers may obtain a translated copy of the notice or assistance in the appropriate language.

NOTICE – PROJECTS IN WATERSHEDS & AQUIFER PROTECTION AREAS

Sections 3 and 4 of the Public Act 21-121 broaden the circumstances under which applicants must notify water companies and DPH about certain projects in watersheds and aquifer protection areas and requires the applicants to notify DPH by email.
Effective date: October 1, 2021.

NOTICE – TENANTS/LESSEES

Section 7 of Public Act 21-121 requires commercial and residential property owners to notify tenants and lessees whenever a property's water supply is tested and exceeds any maximum contaminant level in state regulation or DPH's state drinking water action level list.
Effective date: October 1, 2021.

SEMIPUBLIC WELLS & TESTING

Existing law requires owners of residential property, before a property transaction (e.g., sale or rental), to notify the buyer or tenant that the Department of Public Health's website contains educational material on private well testing. Section 6 of Public Act 21-121 extends this requirement to owners of land with semi-public wells (e.g., wells supplying small businesses with under 25 employees). As under existing law, failure to provide the notice does not

invalidate the transaction. *Effective date: October 1, 2021.*

SEWAGE SPILL REPORTING

Public Act 21-42 expands the 1) reporting requirements for sewage treatment plants or collection systems, DEEP, and local authorities when there is a sewage spill; 2) types of spills and discharges subject to reporting; and 3) list of local authorities who must receive the spill information. It also requires DEEP to 1) implement a real-time public notification system that allows the public to choose to be notified of sewage spills or permitted sewage bypasses and 2) annually publish and make publicly available on its website certain information about sewage spills in the state. *Effective date: October 1, 2021.*

TEST RESULTS - ENVIRONMENTAL LABORATORIES

Section 88 of Public Act 21-121 requires environmental laboratories to notify small community water systems of test results that violate EPA national primary drinking water standards within 24 hours and requires such systems to notify DPH within 24 hours of receiving the test result.

WATER RESOURCES FUNDING

AQUATIC INVASIVE SPECIES

Public Act 21-12 requires the state Department of Energy & Environmental Protection (DEEP) to develop a report to determine whether funding under the Aquatic Invasive Species Stamp program is sufficient, how funds have been used, and whether additional funding mechanisms are needed.

BOND PACKAGE

Public Act 21-111 includes the following funding related to water resources:

- **Bikeway, Pedestrian Walkway, Recreational Trail, and Greenway grant program** - \$3 million in both FY22 and FY23
- **Clean Water Fund (grants)** - \$100 million in both FY22 and FY23
- **Clean Water Fund (loans)** - \$281 million in both FY22 and FY23
- **Community Investment Fund** – Establishes a five-year bonding program, from FYs 23-27, to fund qualifying projects and grants in eligible municipalities that are designated as public investment communities (PIC) or alliance districts. The projects or grants may be proposed by a municipality, community development corporation, or nonprofit corporation and must meet the following specifications: Proposed projects must promote economic or community development in an eligible municipality. They may include brownfield remediation, affordable housing, new or improved water and sewer infrastructure to support smaller scale economic development, pedestrian safety and traffic calming improvements, new or improved energy resiliency or clean energy projects; and land acquisition and capital projects to build, rehabilitate, or renovate buildings and structures to facilitate or improve home rehabilitation programs and facilities (e.g., libraries and senior centers).
- **Open Space & Watershed Acquisition Program** - \$10 million in both FY22 and FY23

- **Water Bottle Filling Stations** - Requires that all plans for a school building project submitted on and after July 1, 2022, provide for the installation of water bottle filling stations

DEEP STAFFING

Special Act 21-23 requires the preparation of a report by the Department of Energy and Environmental Protection (DEEP) that provides an accounting of agency staffing positions paid for from the revenues of the Passport to the Parks account and that assesses the effect of impending agency staff retirements on the viability and efficacy of current and planned agency programs and responsibilities. *Effective date: Upon passage.*

GREEN INFRASTRUCTURE

Public Act 21-115 includes provisions expanding the ability of the Green Bank to invest in water, waste and recycling, climate adaptation and resilience, agriculture, land conservation, parks and recreation, and environmental markets, and it would be allowed to utilize its bonding authority, as well as seek federal funding, to raise capital to invest in and stimulate more private investment in such projects. It also provides that the Green Bank may not use Clean Water Funds or funds collected from a water company.

PILOT FUNDING

Section 445 of Public Act 21-2 (June Special Session) makes taxing districts (i.e., village, fire, sewer, and combination fire and sewer districts and other municipal organizations authorized to levy and collect taxes) eligible for state, municipal, and tribal property Payment in Lieu of Taxes (PILOT) grants. It

also modifies the minimum PILOT grant amounts municipalities and districts must receive beginning in FY 22. Under current law, municipalities and taxing districts are eligible for the college and hospital property PILOTs, but only municipalities (i.e., towns, cities, boroughs, consolidated towns and cities, and consolidated towns and boroughs) are eligible for the state, municipal, and tribal property PILOTs.
Effective date: July 1, 2021.

KEY BILLS THAT DIED

SAFE DRINKING WATER PRIMACY FEE

HB-6443 included provisions opposed by CWWA which would have 1) increased the primacy fee to \$2.69 per service connection; 2) eliminated the sunset provision which ensured that the fee would not become a permanent tax on water company customers; 3) eliminated provisions which provided that the fee will be eliminated if DPH loses primacy; and 4) eliminated DPH's annual reporting requirement to demonstrate how the funds have been used and how they have attempted to streamline costs. The provisions, which CWWA opposed, were stripped from the bill.

FIRE SERVICE CHARGES

SB-969, which would have prohibited water companies from assessing certain fire service charges on municipalities and require water companies to obtain approval prior to the installation of water lines and hydrants, died in the legislature due to CWWA's opposition.

WATER METER INSTALLATION

To address a ruling by the Department of Consumer Protection that water meter replacements must be performed by a licensed plumber and electrician, CWWA supported a bill to exempt contractors retained by water companies to perform meter replacements from the licensing requirements, which died. Employees of municipal agencies and public service companies remain exempt from the licensing requirements.

DATA PRIVACY

SB 893 would have established a framework for controlling and processing personal data by: 1) establishing responsibilities and privacy protection standards for data controllers (those that determine the purpose and means of processing personal data) and processors (those that process data for a controller), 2) granting consumers the right to access, correct, delete, and obtain a copy of personal data and to opt out of the processing of personal data for certain purposes (e.g., targeted advertising), 3) requiring data protection assessments, 4) authorizing the Attorney General to bring an action to enforce the bill's requirements, and 5) subjecting violators to a \$7,500 civil fine per violation.

PURA/DEEP DECOUPLING

SB-855 would have required the Secretary of the Office of Policy and Management to conduct a study, in consultation with DEEP and the Public Utilities Regulatory Authority (PURA), to determine how to decouple DEEP and PURA, including any potential issues and recommendations for legislation.