

**TABLE OF CONTENTS**

**Civil Penalties for Violation of Certain Drinking Water Laws**

Civil penalties . . . . . 25-32e-1



## Civil Penalties for Violation of Certain Drinking Water Laws

### Sec. 25-32e-1. Civil penalties

(a) **Applicability.** These regulations shall apply to each water company as defined by section 25-32a of the Connecticut General Statutes. The term “‘commissioner’” means commissioner of public health or his designated representative.

(b) A water company serving 10,000 or more persons found in violation of one (1) or more of the following provisions of the Connecticut General Statutes or the Regulations of Connecticut State Agencies may be subject to a penalty of \$5000.00 per day per violation. A water company serving fewer than 10,000 persons found in violation of one (1) or more of the following provisions of the Connecticut General Statutes or the Regulations of Connecticut State Agencies may be subject to the penalties indicated in subsection (h) of this section.

(1) Monitoring requirements.

(A) Untreated water monitoring.

As used in section 19-13-B102(c) of the Regulations of Connecticut State Agencies.

(B) Water ready for consumption monitoring.

As used in sections 19-13-B102(e)(1) through 19-13-B102(e)(10) of the Regulations of Connecticut State Agencies.

(C) Source meter reading, reservoir, groundwater source and water use monitoring.

As used in section 19-13-B102(n) of the Regulations of Connecticut State Agencies.

(2) Reporting requirements.

(A) Watershed survey.

As used in section 19-13-B102(b) of the Regulations of Connecticut State Agencies.

(B) Reporting test results.

As used in section 19-13-B102(h) of the Regulations of Connecticut State Agencies.

(C) Reporting reservoir status, groundwater status, and water use.

As used in section 19-13-B102(n) of the Regulations of Connecticut State Agencies.

(D) Cross connection reporting.

As used in section 19-13-B102(f)(2) of the Regulations of Connecticut State Agencies.

(E) Public notification.

As used in section 19-13-B102(i) of the Regulations of Connecticut State Agencies.

(3) Water supply plan requirements.

(A) Submitting water supply plan.

As used in section 25-32d of the Connecticut General Statutes.

(B) Revising water supply plan.

As used in section 25-32d-1a et seq. of the Regulations of Connecticut State Agencies.

(4) Water quality requirements.

(A) Standards for quality of untreated water prior to treatment.

As used in section 19-13-B102 (c) of the Regulations of Connecticut State Agencies.

(B) Water ready for consumption.

As used in sections 19-13-B102(e)(1) through 19-13-B102(e)(6), 19-13-B102(e)(7)(L) and 19-13-B102(e)(7)(M) of the Regulations of Connecticut State Agencies.

(C) Treatment techniques.

As used in sections 19-13-B102(j) of the Regulations of Connecticut State Agencies.

(5) Operator certification and backflow prevention requirements.

(A) Requirement for certified operators at all community water systems (CWS) and non-transient non-community (NTNC) treatment plants, as used in section 25-32-9(a) of the Regulations of Connecticut State Agencies.

(B) Requirement for certified operators at all CWS and NTNC distribution systems that serve over 1000 persons, as used in section 25-32-11(a) of the Regulations of Connecticut State Agencies.

(C) Requirement to have devices tested by a person who has met the requirements of section 25-32-11(e) of the Regulations of Connecticut State Agencies, as used in sections 19-13-B38a(f)(6) and 19-13-B38a(f)(7) of the Regulations of Connecticut State Agencies.

(D) Requirement to have consumer premises inspected by a person who has met the requirements of section 25-32-11(h) of the Regulations of Connecticut State Agencies, as used in section 19-13-B102(f)(3) of the Regulations of Connecticut State Agencies.

(6) Permits and approval requirements.

(A) Application for a permit as used in section 25-37d-1 of the Regulations of Connecticut State Agencies.

(B) Submission of plans and specifications for approval of water system improvements as used in sections 19-13-B80 and 19-13-B102(d)(2) of the Regulations of Connecticut State Agencies.

(7) Water supply capacity and sufficiency.

Requirement to meet the water supply capacity and sufficiency as used in sections 19-13-B102(o) and 19-13-B102(p) of the Regulations of Connecticut State Agencies.

**(c) Notice of violation.**

When the commissioner determines that a violation of any provision of the Connecticut General Statutes or regulations referenced in subsection (b) or (h) of this subsection has occurred or is occurring, the commissioner may so notify the violator and may impose a civil penalty in accordance with section 25-32e of the Connecticut General Statutes and section 25-32e-1 of the Regulations of Connecticut State Agencies, if compliance is not achieved by the date specified in the notice of violation.

**(d) Establishment of civil penalty.**

In setting a civil penalty in a particular case, the commissioner shall consider all factors which he deems relevant, including, but not limited to those listed in section 25-32e of the Connecticut General Statutes.

**(e) Total penalty assessment calculation.**

(1) The amount of the total penalty assessment may be calculated by adding all the applicable penalties specified in subsection (b) or (h) of this section for every violation.

(2) Each day the violation continues may constitute a separate violation, and the total penalty assessment may be calculated as the product of the number of days the water company is in violation and the amount calculated under subsection (b) or (h) of this section.

(3) In setting a civil penalty for a violation, the commissioner shall consider relevant factors, including but not limited to those indicated in subsection (d) of this section and may as a result of considering these factors, adjust the total civil penalty calculated pursuant to subsections (e) (1) and (2) of this section.

(4) The commissioner shall not levy a civil penalty under this section if the owner or operator proves to the commissioner's satisfaction that the violation was caused by strikes or lockouts; riots, wars, or other acts of violence; floods, hurricanes or other Acts of God; or other equally severe, unforeseeable accidents the results of which were unavoidable and uncorrectable, where such acts or events were occasioned directly upon the owner or operator.

**(f) Appeals.**

(1) A water company in receipt of a notice of violation issued pursuant to section 25-32e of the Connecticut General Statutes may petition the commissioner for a hearing to contest the determination that a violation occurred, the determination a violation has not been corrected, the initial date of the imposition of the penalty, and the imposition of a penalty within twenty days after such notice is sent by the commissioner, pursuant to section 25-32e of the Connecticut General Statutes.

(2) Any water company aggrieved by an adverse determination in a final order of the commissioner may appeal as set forth in section 25-32e of the Connecticut General Statutes.

**(g) Record of adjustment.**

The commissioner shall maintain a record of each instance he adjusts a civil penalty pursuant to subsection (f) of this section. The record shall include the name and address of the violator, the amount of the penalty before and after adjustment, and the reasons for adjustment.

**(h) Schedules of penalties.**

The following schedules of maximum penalties shall be used by the department to calculate penalties.

**(1) Monitoring requirements**

Any water company serving fewer than 10,000 persons which fails to fulfill a monitoring requirement on or before the established compliance date or fails to provide results from an appropriately certified laboratory or certified operator as required may be found by the commissioner to be in violation of one or more of the provisions of the Regulations of Connecticut State Agencies. Each individual monitoring requirement that is not satisfied at the frequency required for such water company shall be considered a separate violation and may be subject to the applicable penalties per day, per violation indicated below:

(A) Testing for bacteria	\$ 100
(B) Testing for all physical parameters	60
(C) Testing for a single physical parameter	30
(D) Testing for all inorganic chemicals	1,000
(E) Testing for a single inorganic chemical parameter	100
(F) Testing for all pesticides, herbicides and PCBs	5,000
(G) Testing for a single pesticide, herbicide or PCB	1,000
(H) Testing for all organic chemicals	2,000
(I) Testing for a single organic chemical parameter	500
(J) Testing for all radiological parameters	1,000
(K) Testing for a single radiological parameter	500
(L) Testing for free chlorine residual	30
(M) Testing for corrosion control chemicals	70

- (N) Reading source meter 50
- (O) Monitoring reservoir 75
- (P) Monitoring ground water source 75
- (Q) Monitoring water use 75
- (2) Reporting requirements

Any water company serving fewer than 10,000 persons which fails to fulfill a reporting requirement on or before the established compliance date may be found by the commissioner to be in violation of one or more of the provisions of the Regulations of Connecticut State Agencies. Each individual reporting requirement that is not satisfied at the frequency required for such reporting requirement shall be considered a separate violation and may be subject to the applicable penalties per day, per violation indicated below:

- (A) Submitting watershed survey \$ 5000
- (B) Submitting test results 100
- (C) Submitting reservoir status report 50
- (D) Submitting ground water status report 50
- (E) Submitting water use report 25
- (F) Submitting cross-connection report 5000
- (G) Making public notice 1000

(3) Water supply plan requirements

Any water company serving fewer than 10,000 persons which fails to submit or revise a water supply plan on or before the established compliance date, may be found by the commissioner to be in violation of one or more of the provisions of the Regulations of Connecticut State Agencies and may be subject to the applicable penalties per day, per violation indicated below:

- (A) Submitting water supply plan \$ 5000
- (B) Revising water supply plan 1000
- (4) Water quality requirements

Any water company serving fewer than 10,000 persons which is found by the commissioner to be in violation of one (1) or more of the provisions of sections 19-13-B102(c), 19-13-B102(e)(1) through 19-13-B102(e)(6), 19-13-B102(e)(7)(L), 19-13-B102(e)(7)(M) and 19-13-B102(j) of the Regulations of Connecticut State Agencies may be subject to a maximum penalty of \$5,000.00 per day per violation.

(5) Certified operator requirements

(A) Any water company serving 3,300 or more persons, and fewer than 10,000 persons which is found by the commissioner to be in violation of one (1) or more of the provisions of section 25-32-9(a) and 25-32-11(a) of the Regulations of Connecticut State Agencies, may be subject to a maximum penalty of \$2500.00 per day per violation.

(B) Any water company serving 1,000 or more persons, and fewer than 3,300 persons which is found by the commissioner to be in violation of one (1) or more of the provisions of sections 25-32-9(a) and 25-32-11(a) of the Regulations of Connecticut State Agencies, may be subject to a maximum penalty of \$1000.00 per day per violation.

(C) Any water company serving 25 or more persons, and fewer than 1,000 persons which is found by the commissioner to be in violation of one (1) or more of the provisions of sections 25-32-9(a) and 25-32-11(a) of the Regulations of Connecticut State Agencies, may be subject to a maximum penalty of \$500.00 per day per violation.

(6) Backflow prevention requirements.

Any water company serving fewer than 10,000 persons which is found by the commissioner to be in violation of one (1) or more of the provisions of sections 25-32-9(a), 25-32-11(a), 25-32-11(e), 25-32-11(h), 25-32-12(a), 19-13-B38a(f)(6), 19-13-B38a(f)(7) and 19-13-B102(f)(3) of the Regulations of Connecticut State Agencies may be subject to a maximum penalty of \$5,000.00 per day per violation.

(7) Permits and approval requirements.

Any water company serving fewer than 10,000 persons which is found by the commissioner to be in violation of one (1) or more of the provisions of sections 19-13-B80, 19-13-B102(d)(2) and 25-37d-1 of the Regulations of Connecticut State Agencies may be subject to a maximum penalty of \$5,000.00 per day per violation.

(8) Water supply capacity and sufficiency.

Any water company serving fewer than 10,000 persons which is found by the commissioner to be in violation of one (1) or more of the provisions of sections 19-13-B102(o) and 19-13-B102(p) of the Regulations of Connecticut State Agencies may be subject to a maximum penalty of \$5,000.00 per day per violation.

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