



House of Representatives

General Assembly

File No. 386

January Session, 2001

Substitute House Bill No. 7000

House of Representatives, April 19, 2001

The Committee on Environment reported through REP. STRATTON of the 17th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING WATER DIVERSIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 22a-368 of the general statutes is repealed and the following
2 is substituted in lieu thereof:

3 (a) Any person or municipality maintaining a diversion prior to or
4 on July 1, 1982, shall register on or before July 1, 1983, with the
5 commissioner on a form prescribed by [him] the commissioner the
6 location, capacity, frequency and rate of withdrawals or discharges of
7 said diversion and a description of the water use and water system. As
8 of October 1, 2001, any person or municipality that maintains such a
9 diversion that has no permit shall register on or before January 1, 2002,
10 with the commissioner, on a form prescribed by the commissioner, the
11 location, estimated capacity, estimated frequency and estimated rate of
12 withdrawals or discharges of said diversion and a description of the
13 water use and water system. Any person or municipality that failed to
14 register on or before July 1, 1983, pursuant to this section such a

15 diversion that has no permit shall not be penalized for such failure,
16 provided such person or municipality registers said diversion on or
17 before January 1, 2002, pursuant to this section. Any such diversion
18 which is not so registered may be subject to the permit requirements of
19 sections 22a-365 to 22a-378, inclusive.

20 (b) Notwithstanding any other provision of the general statutes or
21 any special act, [to the contrary,] no person or municipality shall, after
22 July 1, 1982, commence to divert water from the waters of the state
23 without first obtaining a permit for such diversion from the
24 commissioner.

25 (c) No permit shall be transferred to another person or municipality
26 without the written approval of the commissioner.

Statement of Legislative Commissioners:

Changes were made to insure cleanness and conciseness in the phraseology.

ENV ***JOINT FAVORABLE SUBST.***

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Minimal Cost

Affected Agencies: Department of Environmental Protection

Municipal Impact: Minimal Cost

Explanation

State Impact:

It is anticipated that the current staff of the Department of Environmental Protection's (DEP) water diversion program can handle the additional administrative workload within budgetary resources. The DEP will have to send out forms to collect the data on the 1,842 water diversions. It is estimated that the increase in work will divert one employee, for less than two weeks, away from current duties. No net fiscal impact is anticipated due to the provision in the bill exempting entities from the fine.

Municipal Impact:

It is estimated that municipalities that must register with the Commissioner of the DEP by October 1, 2001 will minimally increase their administrative workloads, which can be accomplished within their existing resources. The information requested is anticipated to be available.

OLR BILL ANALYSIS

sHB 7000

AN ACT CONCERNING WATER DIVERSIONS.

SUMMARY:

This bill requires companies, municipalities, and other entities that registered their water diversions with the Department of Environmental Protection (DEP) before July 1, 1983 to provide DEP with updated information about the diversions. It requires entities that failed to register then and did not subsequently obtain a DEP permit to register by January 1, 2002 in order to avoid the penalty.

EFFECTIVE DATE: October 1, 2001

DIVERSIONS

By law, a diversion is any activity that causes, allows, or results in the withdrawal from or alteration of the flow of water in the state (wells, reservoirs, watercourses, and other bodies of water). Entities that engaged in large scale diversions before July 1, 1982 had to register them with DEP by July 1, 1983 and include certain information about them. The law requires entities that began diversions after July 1, 1982 to obtain DEP permits if they withdrew more than 50,000 gallons in any 24-hour period or engaged in certain other diversions.

This bill requires any entity that maintains a diversion as of October 1, 2001 that failed to register or obtain a permit to register the diversion by January 1, 2002. The entity must provide DEP with information on the diversion's location and estimates of its capacity, frequency, and rate of withdrawal or discharge. It must also describe the water use and water system.

Under current law, entities that violated the registration requirement are subject to a fine of up to \$1,000 per offense. The bill exempts entities that register by January 1, 2002 from this penalty.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 25 Nay 3