



General Assembly

**Amendment**

January Session, 2001

LCO No. 8257

Offered by:

REP. STRATTON, 17<sup>th</sup> Dist.

To: Subst. House Bill No. 7000

File No. 386

Cal. No. 292

*(As Amended by House Amendment Schedule "A")*

**"AN ACT CONCERNING WATER DIVERSIONS."**

1 Strike section 1 and insert the following in lieu thereof:

2 "Section 1. (NEW) (a) Any person or municipality maintaining a  
3 diversion that was registered in accordance with the provisions of  
4 section 22a-368 of the general statutes and which continues to be in use  
5 as of July 1, 2001, shall report to the Commissioner of Environmental  
6 Protection on or before July 1, 2002, current operating data for such  
7 diversion. Such data shall be provided on a form developed by the  
8 Commissioner of Environmental Protection, in consultation with the  
9 Commissioners of Public Health, Public Utility Control and  
10 Agriculture. Such data shall include monthly data for the calendar  
11 years 1997 to 2001, inclusive, (1) for the actual frequency and actual  
12 rate of water withdrawals or discharges of such diversion if such  
13 diversion is metered, or (2) that estimates the withdrawals or  
14 discharges in the absence of a meter. A person or municipality  
15 maintaining a diversion exclusively for agricultural purposes may

16 report estimated water use for the reporting period. The provisions of  
17 this subsection shall not apply to an owner or operator of an existing  
18 electric generating facility utilizing fossil fuel, provided the diversion  
19 is used to comply with state and federal environmental laws, and  
20 further provided such owner or operator reports to the Commissioner  
21 of Environmental Protection an estimate of future water use necessary  
22 to comply with state and federal environmental laws.

23 (b) Any person or municipality maintaining a diversion that was  
24 eligible for registration in accordance with section 22a-368 of the  
25 general statutes but failed to so register, which diversion continues to  
26 be in use as of July 1, 2001, shall report to the commissioner, on or  
27 before July 1, 2002, the operating data for such diversion. Such data  
28 shall be provided on a form developed by the Commissioner of  
29 Environmental Protection, in consultation with the Commissioners of  
30 Public Health, Public Utility Control and Agriculture. Such data shall  
31 include (1) the location, capacity, frequency and rate of withdrawals or  
32 discharges of such diversion as of July 1, 1982, (2) a description of the  
33 water use and water system on or before July 1, 1982, including  
34 information to evidence its operation at that time, and (3) the monthly  
35 data for the calendar years 1997 to 2001, inclusive, (A) for the actual  
36 frequency and actual rate of water withdrawals or discharges of such  
37 diversion if such diversion is metered, or (B) that estimates the  
38 withdrawals or discharges in the absence of a meter. A person or  
39 municipality maintaining a diversion exclusively for agricultural  
40 purposes may report estimated water use for the reporting period in  
41 subdivision (3) of this subsection.

42 (c) Any person or municipality maintaining a diversion that was not  
43 eligible for registration in accordance with section 22a-368 of the  
44 general statutes and is not currently authorized by permit issued by  
45 the commissioner pursuant to said section, which diversion is in use as  
46 of July 1, 2001, shall report to the Commissioner of Environmental  
47 Protection on or before July 1, 2002, operating data for the diversion.  
48 Such data shall be provided on a form developed by the Commissioner  
49 of Environmental Protection, in consultation with the Commissioners

50 of Public Health, Public Utility Control and Agriculture. Such data  
51 shall include (1) information as to when the diversion was initiated, (2)  
52 a description of the water use and water system operation, and (3) the  
53 monthly data for the calendar years 1997 to 2001, inclusive, (A) for the  
54 location, capacity, actual frequency and actual rate of water  
55 withdrawals or discharges of said diversion if such diversion is  
56 metered, or (B) that estimates the withdrawals or discharges in the  
57 absence of a meter. A person or municipality maintaining a diversion  
58 used exclusively for agricultural purposes may report estimated water  
59 use for the reporting period in subdivision (3) of this subsection.

60 (d) Information reported by a person or municipality for the  
61 purposes of subsection (b) or (c) of this section shall not be used by the  
62 Commissioner of Environmental Protection to order the payment of  
63 civil penalties pursuant to section 22a-6b of the general statutes and  
64 subsection (b) of section 22a-376 of the general statutes provided the  
65 person or municipality has filed a permit application pursuant to  
66 section 22a-368 of the general statutes on or before July 1, 2003. This  
67 subsection shall not apply to any information the commissioner can  
68 document independent of a submission pursuant to this section.  
69 Failure to report the information required in this section may result in  
70 civil penalties in accordance with section 22a-6b of the general statutes  
71 and subsection (b) of section 22a-376 of the general statutes."