



General Assembly

Amendment

January Session, 2001

LCO No. 8093

Offered by:

REP. STRATTON, 17th 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.

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

39 (c) Any person or municipality maintaining a diversion that was not
40 eligible for registration in accordance with section 22a-368 of the
41 general statutes and is not currently authorized by permit issued by
42 the commissioner pursuant to said section, which diversion is in use as
43 of July 1, 2001, shall report to the Commissioner of Environmental
44 Protection on or before July 1, 2002, operating data for the diversion.
45 Such data shall be provided on a form developed by the Commissioner
46 of Environmental Protection, in consultation with the Commissioners
47 of Public Health, Public Utility Control and Agriculture. Such data
48 shall include (1) information as to when the diversion was initiated, (2)
49 a description of the water use and water system operation, and (3) the

50 monthly data for the calendar years 1997 to 2001, inclusive, (A) for the
51 location, capacity, actual frequency and actual rate of water
52 withdrawals or discharges of said diversion if such diversion is
53 metered, or (B) that estimates the withdrawals or discharges in the
54 absence of a meter. A person or municipality maintaining a diversion
55 used exclusively for agricultural purposes may report estimated water
56 use for the reporting period in subdivision (3) of this subsection.

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