



General Assembly

February Session, 2002

Raised Bill No. 465

LCO No. 1765

Referred to Committee on Planning and Development

Introduced by:
(PD)

AN ACT CONCERNING WASTEWATER DISCHARGES IN DRINKING WATER SUPPLY WATERSHEDS.

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

1 Section 1. Subsection (b) of section 22a-430 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2002*):

4 (b) The commissioner, at least thirty days before approving or
5 denying a permit application for a discharge, shall publish once in a
6 newspaper having a substantial circulation in the affected area notice
7 of (1) the name of the applicant; (2) the location, volume, frequency
8 and nature of the discharge; (3) the tentative decision on the
9 application, and (4) additional information the commissioner deems
10 necessary to comply with the federal Clean Water Act (33 USC 1251 et
11 seq.). There shall be a comment period following the public notice
12 during which period interested persons and municipalities may
13 submit written comments. After the comment period, the
14 commissioner shall make a final determination either that (A) such
15 discharge would not cause pollution of any of the waters of the state,
16 in which case he shall issue a permit for such discharge, or (B) after

17 giving due regard to any proposed system to treat the discharge, that
18 such discharge would cause pollution of any of the waters of the state,
19 in which case he shall deny the application and notify the applicant of
20 such denial and the reasons therefor, or (C) the proposed system to
21 treat such discharge will protect the waters of the state from pollution,
22 in which case he shall, except as provided pursuant to subsection (j) of
23 this section, require the applicant to submit plans and specifications
24 and such other information as he may require and shall impose such
25 additional conditions as may be required to protect such water, and if
26 the commissioner finds that the proposed system to treat the
27 discharge, as described by the plans and specifications or such other
28 information as may be required by the commissioner pursuant to
29 subsection (j) of this section, will protect the waters of the state from
30 pollution, he shall notify the applicant of his approval and, when such
31 applicant has installed such system, in full compliance with the
32 approval thereof, the commissioner shall issue a permit for such
33 discharge, or (D) the proposed system to treat such discharge, as
34 described by the plans and specifications, will not protect the waters of
35 the state, in which case he shall promptly notify the applicant that its
36 application is denied and the reasons therefor. No permit shall be
37 issued for a discharge into a drinking water supply watershed unless
38 such discharge is consistent with the state plan of conservation and
39 development and the applicant submits to the commissioner a copy of
40 a valid certificate of zoning approval, special permit, special exception
41 or variance, or other documentation, establishing that the discharge
42 complies with the zoning requirements adopted by the municipality in
43 which such discharge is located pursuant to chapter 124 or any special
44 act. The commissioner shall, by regulations adopted in accordance
45 with the provisions of chapter 54, establish procedures, criteria and
46 standards as appropriate for determining if (i) a discharge would cause
47 pollution to the waters of the state, and (ii) a treatment system is
48 adequate to protect the waters of the state from pollution. Such
49 procedures, criteria and standards may include schedules of activities,
50 prohibitions of practices, operating and maintenance procedures,

51 management practices and other measures to prevent or reduce
52 pollution of the waters of the state, provided the commissioner in
53 adopting such procedures, criteria and standards shall consider best
54 management practices. The regulations shall specify the circumstances
55 under which procedures, criteria and standards for activities other
56 than treatment will be required. For the purposes of this section, "best
57 management practices" means those practices which reduce the
58 discharge of waste into the waters of the state and which have been
59 determined by the commissioner to be acceptable based on, but not
60 limited to, technical, economic and institutional feasibility. Any
61 applicant, or in the case of a permit issued pursuant to the federal
62 Water Pollution Control Act, any person or municipality, who is
63 aggrieved by a decision of the commissioner where an application has
64 not been given a public hearing shall have the right to a hearing and an
65 appeal therefrom in the same manner as provided in sections 22a-436
66 and 22a-437. Any applicant, or in the case of a permit issued pursuant
67 to the federal Water Pollution Control Act, any person or municipality,
68 who is aggrieved by a decision of the commissioner where an
69 application has been given a public hearing shall have the right to
70 appeal as provided in section 22a-437. The commissioner may, by
71 regulation, exempt certain categories, types or sizes of discharge from
72 the requirement for notice prior to approving or denying the
73 application if such category, type or size of discharge is not likely to
74 cause substantial pollution. The commissioner may hold a public
75 hearing prior to approving or denying any application if in his
76 discretion the public interest will be best served thereby, and he shall
77 hold a hearing upon receipt of a petition signed by at least twenty-five
78 persons. Notice of such hearing shall be published at least thirty days
79 before the hearing in a newspaper having a substantial circulation in
80 the area affected.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>

Statement of Purpose:

To protect the state's drinking water supply watersheds by prohibiting the Commissioner of Environmental Protection from issuing permits for wastewater discharges in drinking water supply watersheds unless (1) such discharges are consistent with the state conservation and development plan, and (2) the applicant has obtained local zoning approval.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]