



General Assembly

February Session, 2002

**Amendment**

LCO No. 4442

\*HB0515304442HD0\*

Offered by:  
REP. STRATTON, 17<sup>th</sup> Dist.  
REP. EBERLE, 15<sup>th</sup> Dist.

To: Subst. House Bill No. 5153      File No. 292      Cal. No. 170

**"AN ACT CONCERNING WATER SUPPLY PLANS."**

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- 1      After line 101, insert the following:
- 2      "Sec. 3. Public act 01-202 is repealed and the following is substituted
- 3      in lieu thereof (*Effective from passage*):
- 4      (a) The Commissioner of Environmental Protection shall publish a
- 5      dated notice of (1) the availability of a form for the reporting of
- 6      operating data for diversions pursuant to this section, and (2) a
- 7      deadline for submission of such form. Such form shall be developed by
- 8      the Commissioner of Environmental Protection, in consultation with
- 9      the Commissioners of Public Health and Agriculture and the
- 10     chairperson of the Public Utilities Control Authority.
- 11     ~~[(a)]~~ (b) Any person or municipality maintaining a diversion that
- 12     was registered in accordance with the provisions of section 22a-368
- 13     and which continues to be in use as of July 1, 2001, shall report to the
- 14     Commissioner of Environmental Protection [on or before July 1, 2002,]

15 current operating data for such diversion not later than six months  
16 after the publication of notice pursuant to subsection (a) of this section.  
17 Such data shall be provided on a form developed by the Commissioner  
18 of Environmental Protection, in consultation with the Commissioners  
19 of Public Health, Public Utility Control and Agriculture. Such data  
20 shall include monthly data for the calendar years 1997 to 2001,  
21 inclusive, (1) for the actual frequency and actual rate of water  
22 withdrawals or discharges of such diversion if such diversion is  
23 metered, or (2) that estimates the withdrawals or discharges in the  
24 absence of a meter. A person or municipality maintaining a diversion  
25 exclusively for agricultural purposes may report estimated water use  
26 for the reporting period. The provisions of this subsection shall not  
27 apply to an owner or operator of an existing electric generating facility  
28 utilizing fossil fuel, provided the diversion is used to comply with  
29 state and federal environmental laws, and further provided such  
30 owner or operator reports to the Commissioner of Environmental  
31 Protection an estimate of future water use necessary to comply with  
32 state and federal environmental laws.

33 [(b)] (c) Any person or municipality maintaining a diversion that  
34 was eligible for registration in accordance with section 22a-368 but  
35 failed to so register, which diversion continues to be in use as of July 1,  
36 2001, shall report to the commissioner [, on or before July 1, 2002,] the  
37 operating data for such diversion not later than six months after the  
38 publication of notice pursuant to subsection (a) of this section. Such  
39 data shall be provided on a form developed by the Commissioner of  
40 Environmental Protection, in consultation with the Commissioners of  
41 Public Health, Public Utility Control and Agriculture. Such data shall  
42 include (1) the location, capacity, frequency and rate of withdrawals or  
43 discharges of such diversion as of July 1, 1982, (2) a description of the  
44 water use and water system on or before July 1, 1982, including  
45 information to evidence its operation at that time, and (3) the monthly  
46 data for the calendar years 1997 to 2001, inclusive, (A) for the actual  
47 frequency and actual rate of water withdrawals or discharges of such  
48 diversion if such diversion is metered, or (B) that estimates the

49 withdrawals or discharges in the absence of a meter. A person or  
50 municipality maintaining a diversion exclusively for agricultural  
51 purposes may report estimated water use for the reporting period in  
52 subdivision (3) of this subsection.

53 [(c)] (d) Any person or municipality maintaining a diversion that  
54 was not eligible for registration in accordance with section 22a-368 and  
55 is not currently authorized by permit issued by the commissioner  
56 pursuant to said section, which diversion is in use as of July 1, 2001,  
57 shall report to the Commissioner of Environmental Protection [on or  
58 before July 1, 2002,] operating data for the diversion not later than six  
59 months after the publication of notice pursuant to subsection (a) of this  
60 section. Such data shall be provided on a form developed by the  
61 Commissioner of Environmental Protection, in consultation with the  
62 Commissioners of Public Health, Public Utility Control and  
63 Agriculture. Such data shall include (1) information as to when the  
64 diversion was initiated, (2) a description of the water use and water  
65 system operation, and (3) the monthly data for the calendar years 1997  
66 to 2001, inclusive, (A) for the location, capacity, actual frequency and  
67 actual rate of water withdrawals or discharges of said diversion if such  
68 diversion is metered, or (B) that estimates the withdrawals or  
69 discharges in the absence of a meter. A person or municipality  
70 maintaining a diversion used exclusively for agricultural purposes  
71 may report estimated water use for the reporting period in subdivision  
72 (3) of this subsection.

73 [(d)] (e) Information reported by a person or municipality for the  
74 purposes of subsection [(b) or] (c) or (d) of this section shall not be  
75 used by the Commissioner of Environmental Protection to order the  
76 payment of civil penalties pursuant to section 22a-6b and subsection  
77 (b) of section 22a-376 provided the person or municipality has filed a  
78 permit application pursuant to section 22a-368 on or before July 1,  
79 2003. This subsection shall not apply to any information the  
80 commissioner can document independent of a submission pursuant to  
81 this section. Failure to report the information required in this section  
82 may result in civil penalties in accordance with section 22a-6b and

83 subsection (b) of section 22a-376."