



# House of Representatives

General Assembly

**File No. 696**

*January Session, 2003*

Substitute House Bill No. 6457

*House of Representatives, May 14, 2003*

The Committee on Planning and Development reported through REP. WALLACE of the 109th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING WATER USE RESTRICTION.***

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

1 Section 1. Section 25-32b of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2003*):

3 The Commissioner of Public Health, in consultation with the  
4 Commissioner of Environmental Protection and the Public Utilities  
5 Control Authority, may declare a public drinking water supply  
6 emergency upon receipt of information that a public water supply  
7 emergency exists, [or] is imminent or can reasonably be expected to  
8 occur without the immediate implementation of conservation  
9 practices. Notwithstanding any other provision of the general statutes  
10 or regulations adopted thereunder, or special act or municipal  
11 ordinance, the Commissioner of Public Health, upon declaration of a  
12 public drinking water supply emergency, may authorize or order one  
13 or more of the following: (1) The implementation of conservation

14 practices, including water use restrictions, by a public water supply  
15 company or the municipality in which the drinking water supply  
16 emergency occurs, (2) the sale, supply or taking of any waters,  
17 including waters into which sewage is discharged, or (3) the temporary  
18 interconnection of water mains for the sale or transfer of water among  
19 water companies. The Public Utilities Control Authority, upon  
20 declaration of a public drinking water supply emergency, shall  
21 determine the terms of the sale of any water sold pursuant to this  
22 section if the water companies that are party to the sale cannot  
23 determine such terms or if one of such water companies is regulated  
24 by the authority. The authorization or order may be implemented  
25 prior to such determination. Any authorization or order shall be for  
26 [an initial period of not more than thirty days but may be extended for  
27 additional periods of thirty days up to one hundred fifty days,  
28 consistent with the contingency procedures for a public drinking water  
29 supply emergency in the plan approved pursuant to section 25-32d to  
30 the extent] a period of time that the Commissioner of Public Health  
31 deems appropriate. Upon request by the Commissioner of Public  
32 Health, the Commissioner of Environmental Protection, pursuant to  
33 section 22a-378, shall suspend a permit issued pursuant to section 22a-  
34 368 or impose conditions on a permit held pursuant to said section.  
35 The time for such suspension or conditions shall be established in  
36 accordance with subdivision (1) of subsection (a) of section 22a-378. As  
37 used in this section and section 22a-378, "public drinking water supply  
38 emergency" includes the contamination of water, the failure of a water  
39 supply system or the shortage of water.

40 Sec. 2. (NEW) (*Effective October 1, 2003*) (a) Any state agency or  
41 commercial enterprise that begins installation of an automatic lawn  
42 sprinkler system on or after October 1, 2003, shall equip such sprinkler  
43 system with a rain sensor device or switch that will automatically  
44 override the irrigation cycle of such sprinkler system when adequate  
45 rainfall had occurred.

46 (b) A municipality may, by ordinance adopted by its legislative  
47 body, require that any automatic lawn sprinkler system, the

48 installation of which begins on or after October 1, 2003, shall be  
49 equipped with a rain sensor device or switch that will automatically  
50 override the irrigation cycle of such sprinkler system when adequate  
51 rainfall has occurred.

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>

**PD**      *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:**

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Various State Agencies	GF - Savings	Potential	Potential
Treasurer, Debt Serv.	DSF - Cost	Potential Minimal	Potential Minimal

Note: GF=General Fund; DSF=Debt Service Fund

**Municipal Impact:**

Municipalities	Effect	FY 04 \$	FY 05 \$
Various Municipalities	Revenue Gain	Potential Minimal	Potential Minimal

**Explanation**

Section 1 of the bill

- expands the authority of the Commissioner of Public Health to declare a public drinking water supply emergency to those cases in which an emergency can be reasonably expected to occur without the immediate implementation of conservation efforts,
- clarifies the authority of the Department of Public Health (DPH) to order water conservation practices following such a declaration, and
- removes current statutory requirements regarding the duration of an order pursuant to a public drinking water supply emergency.

These changes are not anticipated to result in a fiscal impact to the department.

Provisions in Section 2 of the bill may result in future water utility savings to the degree that including a rain sensor or switch in any automatic lawn sprinkler system that may be installed at a state building reduces the amount of water used by the affected agency.

Based on information provided by the Department of Public Works (DPW), including a rain sensor or switch in an automatic lawn sprinkler system at the time it is installed is expected to increase the cost of the system minimally (less than \$1,000). DPW also indicated that such a system would typically be installed at the time the building is constructed. To the degree that the bill causes General Obligation bond funds to be expended more rapidly than they otherwise would have been, there will be a minimal increase in debt service costs in future years.

Section 2(a) also requires a commercial enterprise that begins installation of an automatic lawn sprinkler system on or after October 1, 2003, to equip it with these same devices. No state impact is anticipated as the bill does not set forth an enforcement mechanism.

Finally, Section 3 of the bill allows municipalities to require by ordinance that any automatic lawn sprinkler system installed on or after October 1, 2003, be equipped with a rain sensor device or switch. Should communities opt to set fines for persons found not in compliance with any such ordinance, a potential minimal revenue gain may result.

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**OLR Bill Analysis**

sHB 6457

***AN ACT CONCERNING WATER USE RESTRICTION***

**SUMMARY:**

Under current law, the Department of Public Health (DPH) commissioner, in consultation with the Department of Environmental Protection (DEP) commissioner and the Public Utilities Control Authority (PUCA), can declare a public drinking water supply emergency after receiving information that such an emergency exists or is imminent. This bill also allows DPH, in consultation with DEP and PUCA, to declare such an emergency if one can reasonably be expected to occur unless conservation practices are implemented immediately.

Under the bill, the DPH commissioner, after the declaration, can authorize or order the implementation of conservation practices, including water use restrictions, by a public water supply company or the municipality where the emergency exists. DPH can also, under current law, authorize or order (1) the sale, supply, or taking of any waters or (2) the temporary interconnection of water mains for the sale or transfer of water among water companies. Upon the declaration, the PUCA must determine the sale terms for any water sold if the water companies involved cannot do so or if one of the companies is regulated by PUCA.

Under the bill, DPH's authorization or order is for a period of time deemed appropriate by the commissioner instead of the current law's 30-day period, extendable to up to 150 days.

The bill also requires any state agency or commercial enterprise that installs an automatic lawn sprinkler system beginning October 1, 2003 to have a rain sensor device that will automatically override the sprinkler's irrigation cycle when there has been adequate rainfall. It allows a municipality to adopt such a requirement by ordinance for lawn sprinkler systems installed beginning October 1, 2003.

EFFECTIVE DATE: July 1, 2003 for the water supply emergency provisions; October 1, 2003 for the lawn sprinkler provisions.

**BACKGROUND**

***Legislative History***

The House referred the bill (File 442) to the Energy and Technology Committee on April 23. That committee reported the bill favorably on April 30. On May 6, the House referred the bill to the Planning and Development Committee, which favorably reported a substitute bill on May 7. The substitute eliminated provisions that would have authorized the governor, in consultation with DPH, DEP, and PUCA, to declare public drinking water supply emergencies.

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable Substitute Change of Reference  
Yea 21 Nay 0

Environment Committee

Joint Favorable Substitute  
Yea 27 Nay 0

Energy and Technology Committee

Joint Favorable Report  
Yea 14 Nay 0

Planning and Development Committee

Joint Favorable Substitute  
Yea 12 Nay 5