



House of Representatives

General Assembly

File No. 342

January Session, 2003

House Bill No. 6551

House of Representatives, April 14, 2003

The Committee on Environment reported through REP. WIDLITZ of the 98th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING EXEMPTIONS FROM THE WATER DIVERSION PERMITTING PROCESS.

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

1 Section 1. Section 22a-377 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2003*):

3 (a) The following diversions are exempt from the provisions of
4 sections 22a-365 to 22a-378, inclusive: (1) One or more wells joined in
5 one system whose combined maximum withdrawal will not exceed
6 fifty thousand gallons of water during any twenty-four-hour period;
7 (2) the maximum withdrawal of fifty thousand gallons of surface water
8 during any twenty-four-hour period; (3) discharges permitted under
9 the provisions of section 22a-430; (4) a storm drainage system which
10 collects the surface water runoff of an area of less than one hundred
11 acres; (5) water for fire emergency purposes; (6) diversions within,
12 extensions and relocation of water supply system distribution mains;
13 (7) roadway crossings or culverts which allow for continuous flow or

14 passage of an existing watercourse; [and] (8) diversions directly related
15 to routine maintenance and emergency repairs of dams; and (9)
16 diversions necessary to protect the security of public water supplies,
17 including (A) a diversion from a back-up well where a primary well is
18 out of service, provided the back-up well is located within two
19 hundred fifty feet of such primary well and the total quantity of water
20 withdrawn does not result in an increase in the rate or quantity of a
21 diversion registered or permitted by the commissioner pursuant to
22 section 22a-368 or 22a-378, (B) water supply intake modifications,
23 provided such modifications are not used to increase the quantity of a
24 diversion registered or permitted by the commissioner pursuant to
25 section 22a-368 or 22a-378, and (C) a transfer of water from one
26 distribution system to another during a water supply emergency, as
27 declared by the Governor or otherwise according to law, provided the
28 transfer (i) is limited to the period during which the emergency exists,
29 and (ii) does not result in an increase in the rate or quantity of a
30 diversion registered or permitted by the commissioner pursuant to
31 section 22a-368 or 22a-378.

32 (b) The commissioner may, by regulations adopted in accordance
33 with the provisions of chapter 54, define and establish additional
34 exempt categories or classes of diversions which would not by
35 themselves or in combination with each other have a substantial effect
36 on the long-range planning for and allocation of the water resources of
37 the state.

38 (c) The commissioner shall adopt regulations, in accordance with
39 the provisions of chapter 54, establishing the database, criteria and
40 policies to be used by the commissioner to insure the proper planning,
41 management, allocation and use of the water resources of the state and
42 to fulfill the provisions of sections 22a-365 to 22a-378, inclusive.

43 (d) The commissioner may adopt regulations, in accordance with
44 the provisions of chapter 54, to establish a procedure for the
45 submission of information by a person in order for the commissioner
46 to verify a qualification for an exemption pursuant to subdivision (9) of

47 subsection (a) of this section.

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

ENV *Joint Favorable*

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 \$
Department of Environmental Protection	Environmental Quality - Cost/ Revenue Loss	None	None

Municipal Impact: None

Explanation

It is anticipated that the reduction in fees to the Department of Environmental Protection’s (DEP) Environmental Quality (EQ) Fund from exempting additional water diversions from obtaining permits will be offset by a decrease in workload. The general permit application fee and annual fee are \$500. Less than 10 exemptions per year are expected. No net impact is anticipated.

The bill authorizes the DEP to adopt regulations concerning information submittal. It is anticipated that the DEP will adopt regulations, if deemed necessary, when resources permit.

OLR Bill Analysis

HB 6551

AN ACT CONCERNING EXEMPTIONS FROM THE WATER DIVERSION PERMITTING PROCESS**SUMMARY:**

This bill adds water diversions necessary for the security of public water supplies to the list of diversions exempt from permit and notification provisions of the Connecticut Water Diversion Policy Act (CWDPA). It also allows the Environmental Protection Commissioner to adopt regulations for submitting information to verify qualifications for such an exemption.

EFFECTIVE DATE: July 1, 2003

DIVERSIONS FOR THE SECURITY OF PUBLIC WATER SUPPLIES

Under the bill, diversions that are necessary to protect the security of public water supplies are exempt from the CWDPA's permitting process and include:

1. *a diversion from a back-up well where a primary well is out of service, as long as the back-up well is located within 250 feet of the primary well and the total quantity of water withdrawn does not increase the rate or quantity of a diversion registered or permitted by the commissioner under provisions of the CWDPA;*
2. water supply intake modifications, provided the modifications are not used to increase the diversion quantity registered or permitted by the commissioner under provisions of the CWDPA; and
3. a water transfer from one distribution system to another during a water supply emergency, which is declared by the Governor or otherwise according to law, when the transfer is (a) limited to the time period that the emergency exists and (b) does not increase the rate or quantity of a diversion registered or permitted by the commissioner under provisions of the CWDPA.

By law, a diversion is any activity that causes, allows, or results in the withdrawal from, or alteration of, the flow of water in the state (wells, reservoirs, watercourses, and other bodies of water).

COMMITTEE ACTION

Environment Committee

Joint Favorable Report
Yea 25 Nay 0