



House of Representatives

General Assembly

File No. 678

January Session, 2003

Substitute House Bill No. 6681

House of Representatives, May 13, 2003

The Committee on Public Health reported through REP. FELTMAN of the 6th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE PROTECTION OF WATERSHED LANDS.

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

1 Section 1. Section 25-33k of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 No source of water supply shall be abandoned by a water company
4 without a permit from the Commissioner of Public Health. In his
5 decision the commissioner shall consider the water supply needs of the
6 water company and shall consult with the Commissioner of
7 Environmental Protection, the Secretary of the Office of Policy and
8 Management and the Department of Public Utility Control. The
9 Commissioner of Public Health shall grant a permit upon a finding
10 that the source shall not be needed by such water company for present
11 or future water supply and, in the case of a water company required to
12 file a water supply plan under section 25-32d, that such abandonment
13 is consistent with a water supply plan filed and approved pursuant to
14 said section. No permit shall be granted if the [commissioner]

15 Commissioner of Public Health determines that the source would be
16 necessary for water supply by the company in an emergency or the
17 proposed abandonment would impair the ability of the company to
18 provide a pure, adequate and reliable water supply for present and
19 projected future customers. During any emergency declared by the
20 Governor, such waters may be used for potable or nonpotable
21 drinking water supplies. As used in this section, a future source of
22 water supply shall be considered to be any source of water supply
23 necessary to serve areas reasonably expected to require service by the
24 water company for a period of not more than fifty years after the date
25 of the application for a permit under this section.

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

PH *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: None

Municipal Impact: None

Explanation

No fiscal impact is anticipated to result from allowing the use of waters during a declared emergency for potable or nonpotable drinking water supplies.

OLR Bill Analysis

sHB 6681

AN ACT CONCERNING THE PROTECTION OF WATERSHED LANDS**SUMMARY:**

This bill allows water from a water supply that a private or public water utility abandoned to be used for potable (safe for drinking) and nonpotable drinking water supplies when the governor declares an emergency.

By law, the governor has broad powers to declare an emergency if a serious disaster, enemy attack, sabotage, or other hostile action has happened or is likely and to take property during such an emergency (CGS §§ 28-9 and 28-11).

The bill also makes a technical change.

EFFECTIVE DATE: October 1, 2003

BACKGROUND***Water Supply Abandonment***

By law, a water utility must receive a permit from the DPH commissioner for it to abandon a water supply. The commissioner cannot grant a permit if he determines that (1) the utility would need the water supply in an emergency or (2) the proposed abandonment would impair the utility's ability to provide a pure, adequate, and reliable water supply for present and projected future customers.

Related Bill

sHB 6457 (File 442) originally authorized the governor, instead of the DPH commissioner, in consultation DEP, PUCA, and DPH to declare a public water drinking supply. On May 7, the Planning and Development Committee favorably reported a substitute version that eliminates the proposed changes to current law for the declaration of a public water drinking supply emergency.

Legislative History

The House referred the bill (File 412) to the Public Health Committee on April 22. On April 30, that committee reported this substitute bill, which eliminates provisions requiring (1) a company acquiring a water utility that owns more than 100 acres of Class I and II land to grant the state a permanent conservation easement on the land as a condition of Public Utility Control Department (DPUC) approval of the acquisition; (2) a utility that abandons a water supply source to (a) grant the same easement as above and (b) revert the water supply to the state; and (3) the DPUC to allocate all economic benefits from private water company and sales to ratepayers.

COMMITTEE ACTION

Environment Committee

Joint Favorable Report

Yea 27 Nay 0

Public Health Committee

Joint Favorable Substitute

Yea 22 Nay 0