



General Assembly

January Session, 2003

Raised Bill No. 1094

LCO No. 4032

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT CONCERNING WATER QUALITY AND THE UNIVERSITY OF CONNECTICUT.

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

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 Section 25-32a of the general statutes is repealed and the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

3 As used in this section, sections 25-32, 25-32b to 25-32m, inclusive,
4 as amended by this act, 25-33 and 25-34, "consumer" means any private
5 dwelling, hotel, motel, boardinghouse, apartment, store, office
6 building, institution, mechanical or manufacturing establishment or
7 other place of business or industry to which water is supplied by a
8 water company; "water company" means any individual, partnership,
9 association, corporation, municipality, The University of Connecticut
10 at Storrs, or other entity, or the lessee thereof, who or which owns,
11 maintains, operates, manages, controls or employs any pond, lake,
12 reservoir, well, stream or distributing plant or system that supplies
13 water to two or more consumers or to twenty-five or more persons on
14 a regular basis provided if any individual, partnership, association,
15 corporation, municipality or other entity or lessee owns or controls
16 eighty per cent of the equity value of more than one such system or

17 company, the number of consumers or persons supplied by all such
18 systems so controlled shall be considered as owned by one company
19 for the purposes of this definition.

20 Sec. 2. Subsection (a) of section 25-32d of the general statutes is
21 repealed and the following is substituted in lieu thereof (*Effective*
22 *October 1, 2003*):

23 (a) Each water company [, as defined in section 25-32a, and]
24 supplying water to one thousand or more persons or two hundred fifty
25 or more consumers and any other water company [as defined in said
26 section] requested by the Commissioner of Public Health shall submit
27 a water supply plan to the Commissioner of Public Health for approval
28 with the concurrence of the Commissioner of Environmental
29 Protection. The concurrence of the Public Utilities Control Authority
30 shall be required for approval of a plan submitted by a water company
31 regulated by the authority. The Commissioner of Public Health shall
32 consider the comments of the Public Utilities Control Authority on any
33 plan which may impact any water company regulated by the
34 authority. The Commissioner of Public Health shall distribute a copy
35 of the plan to the Commissioner of Environmental Protection and the
36 Public Utilities Control Authority. A copy of the plan shall be sent to
37 the Secretary of the Office of Policy and Management for information
38 and comment. A plan shall be revised at such time as the water
39 company filing the plan or the Commissioner of Public Health
40 determines or at intervals of not less than three years nor more than
41 five years after the date of initial approval.

42 Sec. 3. Subsection (a) of section 25-32k of the general statutes is
43 repealed and the following is substituted in lieu thereof (*Effective*
44 *October 1, 2003*):

45 (a) Each water company [, as defined in section 25-32a,] serving one
46 thousand or more persons or two hundred fifty or more consumers [,
47 as defined in section 25-32a,] shall, annually, provide to residential
48 customers, without charge, educational materials or information on (1)

49 water conservation, (2) water supply source protection methods,
50 including methods to reduce contamination, and (3) on or before July
51 1, 2002, and annually thereafter, information developed by the
52 Commissioner of Public Health, pursuant to subsection (b) of this
53 section, on the health effects and sources of lead and copper. Every
54 year each public water company shall provide a copy of these
55 educational materials to the Commissioner of Public Health.

56 Sec. 4. Subsection (a) of section 25-32m of the general statutes is
57 repealed and the following is substituted in lieu thereof (*Effective*
58 *October 1, 2003*):

59 (a) Any water company [, as defined in section 25-32a,] may engage
60 in the sale of bottled water or establish an entity under chapter 601 for
61 the purpose of engaging in the sale of bottled water within or outside
62 of its franchise area. The costs and expenses of a water company
63 associated with the sale of bottled water shall be exclusive of the costs
64 and expenses associated with the establishment of rates and charges
65 for the use of the waterworks system pursuant to section 7-239.

66 Sec. 5. Section 22a-354c of the general statutes is repealed and the
67 following is substituted in lieu thereof (*Effective October 1, 2003*):

68 (a) On or before July 1, 1990, each public or private water company
69 serving one thousand or more persons, and The University of
70 Connecticut at Storrs, shall map at level B all areas of contribution and
71 recharge areas for its existing wells located in stratified drift aquifers.
72 Not later than three years after the adoption by the Commissioner of
73 Environmental Protection of a model municipal aquifer protection
74 ordinance under section 22a-354l, each public and private water
75 company serving ten thousand or more persons shall map at level A
76 all areas of contribution and recharge areas for its existing wells
77 located in stratified drift aquifers. The Commissioner of Environmental
78 Protection may map at level A and at level B all areas of contribution
79 and recharge areas for existing wells located in stratified drift aquifers
80 that are used by any public or private water company serving less than

81 one thousand persons.

82 (b) Each public or private water company serving ten thousand or
83 more persons, and The University of Connecticut at Storrs, shall map
84 all areas of contribution and recharge areas for potential wells that are
85 located within stratified drift aquifers identified as future sources of
86 water supply to meet their needs in accordance with the plan
87 submitted pursuant to section 25-33h, (1) at level B two years after
88 approval of such plan, and (2) at level A four years after approval of
89 such plan. The Commissioner of Environmental Protection shall
90 identify and make recommendations for mapping, or shall map, all
91 remaining significant areas of contribution and recharge areas for
92 potential wells located in stratified drift aquifers not identified by a
93 public or private water company as a potential source of water supply
94 within the region of an approved plan. Mapping of any other area of
95 contribution and recharge areas for potential wells located in stratified
96 drift aquifers by the commissioner shall be completed at a time
97 determined by the commissioner.

98 Sec. 6. Section 25-37c of the general statutes is repealed and the
99 following is substituted in lieu thereof (*Effective October 1, 2003*):

100 The Department of Public Health shall adopt, in accordance with
101 chapter 54, regulations establishing criteria and performance standards
102 for the three following classes of water-company-owned land: [.]

103 [(a)] (1) Class I land includes all land owned by a water company or
104 acquired from a water company through foreclosure or other
105 involuntary transfer of ownership or control which is either: [(1)] (A)
106 Within two hundred and fifty feet of high water of a reservoir or one
107 hundred feet of all watercourses as defined in agency regulations
108 adopted pursuant to this section; [(2)] (B) within the areas along
109 watercourses which are covered by any of the critical components of a
110 stream belt; [(3)] (C) land with slopes fifteen per cent or greater
111 without significant interception by wetlands, swales and natural
112 depressions between the slopes and the watercourses; [(4)] (D) within

113 two hundred feet of groundwater wells; [(5)] (E) an identified direct
114 recharge area or outcrop of aquifer now in use or available for future
115 use, or [(6)] (F) an area with shallow depth to bedrock, twenty inches
116 or less, or poorly drained or very poorly drained soils as defined by
117 the United States Soil Conservation Service that are contiguous to land
118 described in [subdivision (3) or (4) of this subsection] subparagraph
119 (C) or (D) of this subdivision and that extend to the top of the slope
120 above the receiving watercourse.

121 [(b)] (2) Class II land includes (A) all land owned by a water
122 company or acquired from a water company through foreclosure or
123 other involuntary transfer of ownership or control which is either [(1)]
124 (i) on a public drinking supply watershed which is not included in
125 class I₂ or [(2)] (ii) completely off a public drinking supply watershed
126 and which is within one hundred and fifty feet of a distribution
127 reservoir or a first-order stream tributary to a distribution reservoir,
128 and (B) notwithstanding any provisions of the general statutes, for
129 lands owned by The University of Connecticut, (i) all level A aquifer
130 protection lands that are mapped, approved and regulated pursuant to
131 chapter 446i that are within a public drinking supply watershed that is
132 not a class I land, or (ii) all land that is completely outside public
133 drinking supply watersheds and that is within one hundred fifty feet
134 from a distribution reservoir or first-order stream tributary to a
135 distribution reservoir.

136 [(c)] (3) Class III land includes (A) all land owned by a water
137 company or acquired from a water company through foreclosure or
138 other involuntary transfer of ownership or control which is
139 unimproved land off public drinking supply watersheds and beyond
140 one hundred and fifty feet from a distribution reservoir or first-order
141 stream tributary to a distribution reservoir, and (B) notwithstanding
142 any provision of the general statutes, for lands owned by The
143 University of Connecticut, (i) unimproved land outside public
144 drinking water supply watersheds and beyond one hundred and fifty
145 feet from a distribution reservoir or first-order stream tributary to a

146 distribution reservoir, and (ii) any land that is neither class I nor class
147 II land.

148 Sec. 7. Subsection (b) of section 25-32 of the general statutes is
149 repealed and the following is substituted in lieu thereof (*Effective*
150 *October 1, 2003*):

151 (b) No water company shall sell, lease, assign or otherwise dispose
152 of or change the use of any watershed lands, except as provided in
153 section 25-43c, without a written permit from the Commissioner of
154 Public Health. The commissioner shall not grant a permit for the sale,
155 lease or assignment of class I land, except as provided in subsection (d)
156 of this section, and shall not grant a permit for a change in use of class
157 I land unless the applicant demonstrates that such change will not
158 have a significant adverse impact upon the present and future purity
159 and adequacy of the public drinking water supply and is consistent
160 with any water supply plan filed and approved pursuant to section
161 25-32d. The commissioner may reclassify class I land only upon
162 determination that such land no longer meets the criteria established
163 by [subsection (a)] subdivision (1) of section 25-37c, as amended by
164 this act, because of abandonment of a water supply source or a
165 physical change in the watershed boundary. Not more than fifteen
166 days before filing an application for a permit under this section, the
167 applicant shall provide notice of such intent, by certified mail, return
168 receipt requested, to the chief executive officer and the chief elected
169 official of each municipality in which the land is situated.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>
Sec. 7	<i>October 1, 2003</i>

Statement of Purpose:

To subject The University of Connecticut at Storrs to the certain drinking water supply protections, to require The University of Connecticut at Storrs to map areas of contribution and recharge areas for existing and potential wells, and to classify certain land at The University of Connecticut at Storrs pursuant to the Department of Public Health classification system for water-company-owned land.

[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.]