



General Assembly

**Amendment**

January Session, 2003

LCO No. 6232

\*HB0655106232HD0\*

Offered by:

REP. WIDLITZ, 98<sup>th</sup> Dist.

SEN. WILLIAMS, 29<sup>th</sup> Dist.

REP. MUSHINSKY, 85<sup>th</sup> Dist.

To: House Bill No. 6551

File No. 342

Cal. No. 230

**"AN ACT CONCERNING EXEMPTIONS FROM THE WATER  
DIVERSION PERMITTING PROCESS."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Subsection (a) of section 22a-377 of the general statutes is  
4 repealed and the following is substituted in lieu thereof (*Effective July*  
5 *1, 2003*):

6 (a) The following diversions are exempt from the provisions of  
7 sections 22a-365 to [22a-378] 22a-378a, inclusive: (1) One or more wells  
8 joined in one system whose combined maximum withdrawal will not  
9 exceed fifty thousand gallons of water during any twenty-four-hour  
10 period; (2) the maximum withdrawal of fifty thousand gallons of  
11 surface water during any twenty-four-hour period; (3) discharges  
12 permitted under the provisions of section 22a-430; (4) a storm drainage  
13 system which collects the surface water runoff of an area of less than

14 one hundred acres; (5) water for fire emergency purposes; (6)  
15 diversions within, extensions and relocation of water supply system  
16 distribution mains; (7) roadway crossings or culverts which allow for  
17 continuous flow or passage of an existing watercourse; [and] (8)  
18 diversions directly related to routine maintenance and emergency  
19 repairs of dams; and (9) diversions by a water company, as defined in  
20 section 25-32a, that are necessary to protect the security of public water  
21 supplies, including: (A) A diversion from a back-up well where a  
22 primary well is out of service, provided (i) the back-up well is located  
23 within two hundred fifty feet of such primary well, (ii) the total  
24 quantity of water withdrawn does not result in an increase in the rate  
25 or quantity of a diversion registered or permitted by the commissioner  
26 pursuant to section 22a-368 or 22a-378a, and (iii) not later than January  
27 thirtieth of each year, the commissioner is supplied a written annual  
28 report, for the prior year, that identifies the location of each back-up  
29 well, the construction type of each back-up well, the date of  
30 installation and the daily water use from each primary well and each  
31 back-up well for those days on which the back-up well operated; or (B)  
32 a transfer of water from one distribution system to another during a  
33 water supply emergency declared pursuant to section 22a-378 or 25-  
34 32b or otherwise declared according to law, provided the transfer (i) is  
35 limited to the period during which the emergency exists, (ii) does not  
36 result in an increase in the rate or quantity of a diversion registered or  
37 permitted by the commissioner pursuant to section 22a-368 or 22a-  
38 378a, (iii) is accomplished through existing, authorized, installed  
39 capacity to transfer or through temporary equipment that is removed  
40 within thirty days after the last day of the water supply emergency,  
41 and (iv) the commissioner is notified, in writing, of any such transfer  
42 and its location within three days of the transfer and the commissioner  
43 is provided a written report of the daily transfer of water that occurred  
44 during the emergency and any other related information the  
45 commissioner may request.

46 Sec. 2. Subsection (d) of section 22a-378a of the general statutes is  
47 repealed and the following is substituted in lieu thereof (*Effective July*

48 1, 2003):

49 (d) Any general permit issued under [this] subsection (a) of this  
50 section [shall] may require that any person or municipality intending  
51 to conduct an activity covered by such general permit [shall, at least  
52 sixty days before initiating such activity,] give written notice of such  
53 intention to the inland wetlands agency, zoning commission, planning  
54 commission or combined planning and zoning commission, and  
55 conservation commission of any municipality which will or may be  
56 affected by such activity. [, and to the department which shall make  
57 such notices available to the public.] The general permit shall specify  
58 the information which must be contained in the notice. [An inland  
59 wetlands agency, planning and zoning commission, conservation  
60 commission or any person may submit written comments to the  
61 commissioner concerning such activity no later than twenty-five days  
62 before the date that the activity is proposed to begin.]

63 Sec. 3. Subsection (c) of section 25-33o of the general statutes is  
64 repealed and the following is substituted in lieu thereof (*Effective July*  
65 *1, 2003*):

66 (c) The council shall, not later than January 1, 2002, and annually  
67 thereafter, report its preliminary findings and any proposed legislative  
68 changes to the joint standing committees of the General Assembly  
69 having cognizance of matters relating to public health, the  
70 environment and public utilities in accordance with section 11-4a,  
71 except that not later than February 1, 2004, the council shall report its  
72 recommendations in accordance with this subsection with regard to (1)  
73 a water allocation plan based on water budgets for each watershed, (2)  
74 funding for water budget planning, giving priority to the most highly  
75 stressed watersheds, and (3) the feasibility of merging the data  
76 collection and regulatory functions of the Department of  
77 Environmental Protection's Inland Water Resources Program and the  
78 Department of Public Health's Water Supplies Section."

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This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>
Sec. 2	<i>July 1, 2003</i>
Sec. 3	<i>July 1, 2003</i>