



General Assembly

Substitute Bill No. 465

February Session, 2004

* SB00465ENV 042104 *

AN ACT CONCERNING WATER SUPPLY ABANDONMENT.

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 Section 25-33k of the general statutes is repealed and the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, 2004*):

3 (a) No groundwater or surface water source of [water] supply shall
4 be abandoned by a water company without a permit from the
5 Commissioner of Public Health. A water company shall apply for
6 such permit in the manner prescribed by the commissioner. Thirty
7 days before filing an application for such permit, a water company
8 shall notify the chief elected official of any municipality in which the
9 land containing such source of supply is located. Not later than sixty
10 days after receipt of such notification, the municipality or
11 municipalities may submit comments on such application to the
12 commissioner. The commissioner shall take such comments into
13 consideration when reviewing the application.

14 (b) In [his] the commissioner's decision, the commissioner shall
15 consider the water supply needs of the water company and any
16 comments submitted pursuant to subsection (a) of this section, and
17 shall consult with the Commissioner of Environmental Protection, the
18 Secretary of the Office of Policy and Management and the Department
19 of Public Utility Control. The Commissioner of Public Health shall
20 grant a permit upon a finding that the groundwater source [shall] will

21 not be needed by such water company for present or future water
22 supply and, in the case of a water company required to file a water
23 supply plan under section 25-32d, as amended, that such
24 abandonment is consistent with a water supply plan filed and
25 approved pursuant to said section. No permit shall be granted if the
26 commissioner determines that the groundwater source would be
27 necessary for water supply by the company in an emergency or the
28 proposed abandonment would impair the ability of the company to
29 provide a pure, adequate and reliable water supply for present and
30 projected future customers. As used in this section, a future source of
31 water supply shall be considered to be any groundwater source of
32 water supply necessary to serve areas reasonably expected to require
33 service by the water company for a period of not more than fifty years
34 after the date of the application for a permit under this section.

35 (c) No surface water source of supply shall be abandoned by a water
36 company unless the Commissioner of Public Health determines that
37 the source is not needed for present or future use as a drinking water
38 supply. If such determination is made, and after consideration of any
39 comments submitted pursuant to subsection (a) of this section, the
40 commissioner shall grant a permit for such abandonment. If the
41 commissioner grants an abandonment permit for a surface water
42 source of supply, all rights of use of water from such surface water
43 source of supply that were previously chartered or granted to the
44 applicant water company, including any valid registration or permit
45 granted pursuant to section 22a-368 or 22a-373 shall revert to the state.

46 Sec. 2. Section 25-331 of the general statutes is repealed and the
47 following is substituted in lieu thereof (*Effective October 1, 2004*):

48 (a) Whenever any water company intends to sell a source, potential
49 source or abandoned source of water supply, it shall notify the
50 Commissioner of Public Health. The commissioner shall order such
51 company to notify, in writing, by certified mail, return receipt
52 requested, other water companies that may reasonably be expected to
53 utilize the source, potential source or abandoned source of its intention

54 and the price at which it intends to sell such source. The commissioner
55 shall determine the water companies that shall receive notice after
56 consideration of public water supply plans filed and approved
57 pursuant to [section 25-32d] sections 25-32d, as amended, and 25-33h,
58 and any other water system plan approved by the commissioner. No
59 agreement to sell such source may be entered into by the water
60 company except as hereinafter provided.

61 (b) Within ninety days after notice has been mailed pursuant to
62 subsection (a) of this section, a water company receiving notice of the
63 sale pursuant to said subsection shall give notice to the water company
64 selling the source, potential source or abandoned source of water
65 supply by certified mail, return receipt requested, of a desire to acquire
66 such source and such water company shall have the right to acquire
67 the interest in such source for water supply purposes. If two or more
68 water companies seek to acquire such source, potential source or
69 abandoned source at the price at which it is offered, the Commissioner
70 of Public Health shall hold a hearing to determine which company
71 shall be allowed to acquire such source. In making [his] the
72 determination, the commissioner shall consider any public water
73 supply plans filed and approved pursuant to [section 25-32d] sections
74 25-32d, as amended, and 25-33h, any other water system plans
75 approved by the commissioner, the needs of each company and the
76 efficient and effective development of public water supply in the state.
77 The decision of the commissioner shall be subject to appeal pursuant to
78 section 4-183 and shall have precedence in the order of trial as
79 provided in section 52-191.

80 (c) If a water company fails to give notice pursuant to subsection (b)
81 of this section by certified mail, return receipt requested, of its desire to
82 acquire such source, potential source or abandoned source of water
83 supply, such water company shall have waived its right to acquire the
84 source or potential source of water supply in accordance with the
85 terms of this section.

86 (d) The water company desiring to acquire the interest in the source,

87 potential source or abandoned source of water supply shall acquire
88 such interest within twelve months of the determination by the
89 commissioner of which water company shall be allowed to acquire
90 such source. If the rates of the water company acquiring such source
91 are regulated by the Department of Public Utility Control, the source
92 acquired may be included in the rate base of such company at the
93 acquisition price.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>

PH *Joint Favorable Subst.*

ENV *Joint Favorable*