



General Assembly

February Session, 2004

**Amendment**

LCO No. 4807

**\*HB0560804807HDO\***

Offered by:

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

To: House Bill No. 5608

File No. 494

Cal. No. 340

**"AN ACT CONCERNING FUNDING TO MUNICIPALITIES FOR  
CLEAN WATER PROJECTS."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 22a-368a of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2004*):

5 (a) The Commissioner of Environmental Protection shall publish a  
6 dated notice of (1) the availability of [a form] forms for the reporting of  
7 operating data for diversions pursuant to this section, and (2) a  
8 deadline for submission of such [form] forms. Such [form] forms shall  
9 be developed [by the Commissioner of Environmental Protection, in  
10 consultation with the Commissioners of Public Health and Agriculture  
11 and the chairperson of the Public Utilities Control Authority] pursuant  
12 to subsection (b) of this section.

13 (b) Any person or municipality maintaining a diversion that was  
14 registered in accordance with the provisions of section 22a-368 and

15 which continues to be in use as of July 1, 2001, shall report to the  
16 Commissioner of Environmental Protection current operating data for  
17 such diversion not later than six months after the publication of notice  
18 pursuant to subsection (a) of this section and annually thereafter not  
19 later than January thirty-first. Such data shall be provided on [a form]  
20 forms developed by the Commissioner of Environmental Protection, in  
21 consultation with the Commissioners of Public Health, Public Utility  
22 Control and Agriculture and the working group established pursuant  
23 to subsection (f) of this section. Such forms shall be in a format  
24 determined by the Commissioner of Environmental Protection. Such  
25 data shall include [monthly data for the calendar years 1997 to 2001,  
26 inclusive, (1) for the actual frequency and actual rate] the most detailed  
27 available monitoring data collected for each subsequent calendar year,  
28 provided such data shall not be required to be detailed more  
29 frequently than daily. [of water withdrawals or discharges of such  
30 diversion if such diversion is metered, or (2) that estimates the]  
31 Engineering estimates of withdrawals or discharges may be permitted  
32 in the absence of a meter. A person or municipality maintaining a  
33 diversion exclusively for agricultural purposes may report estimated  
34 water use for the reporting period. The provisions of this subsection  
35 shall not apply to an owner or operator of an existing electric  
36 generating facility utilizing fossil fuel, provided the diversion is used  
37 to comply with state and federal environmental laws, and further  
38 provided such owner or operator reports to the Commissioner of  
39 Environmental Protection an estimate of future water use necessary to  
40 comply with state and federal environmental laws.

41 (c) Any person or municipality maintaining a diversion that was  
42 eligible for registration in accordance with section 22a-368 but failed to  
43 so register, which diversion continues to be in use as of July 1, 2001,  
44 shall report to the commissioner the operating data for such diversion  
45 not later than six months after the publication of notice pursuant to  
46 subsection (a) of this section. Such data shall be provided on a form  
47 developed by the Commissioner of Environmental Protection, in  
48 consultation with the Commissioners of Public Health, Public Utility

49 Control and Agriculture. Such data shall include (1) the location,  
50 capacity, frequency and rate of withdrawals or discharges of such  
51 diversion as of July 1, 1982, (2) a description of the water use and water  
52 system on or before July 1, 1982, including information to evidence its  
53 operation at that time, and (3) the monthly data for the calendar years  
54 1997 to 2001, inclusive, (A) for the actual frequency and actual rate of  
55 water withdrawals or discharges of such diversion if such diversion is  
56 metered, or (B) that estimates the withdrawals or discharges in the  
57 absence of a meter. A person or municipality maintaining a diversion  
58 exclusively for agricultural purposes may report estimated water use  
59 for the reporting period in subdivision (3) of this subsection.

60 (d) Any person or municipality maintaining a diversion that was  
61 not eligible for registration in accordance with section 22a-368 and is  
62 not currently authorized by permit issued by the commissioner  
63 pursuant to said section, which diversion is in use as of July 1, 2001,  
64 shall report to the Commissioner of Environmental Protection  
65 operating data for the diversion not later than six months after the  
66 publication of notice pursuant to subsection (a) of this section. Such  
67 data shall be provided on a form developed by the Commissioner of  
68 Environmental Protection, in consultation with the Commissioners of  
69 Public Health, Public Utility Control and Agriculture. Such data shall  
70 include (1) information as to when the diversion was initiated, (2) a  
71 description of the water use and water system operation, and (3) the  
72 monthly data for the calendar years 1997 to 2001, inclusive, (A) for the  
73 location, capacity, actual frequency and actual rate of water  
74 withdrawals or discharges of said diversion if such diversion is  
75 metered, or (B) that estimates the withdrawals or discharges in the  
76 absence of a meter. A person or municipality maintaining a diversion  
77 used exclusively for agricultural purposes may report estimated water  
78 use for the reporting period in subdivision (3) of this subsection.

79 (e) Information reported by a person or municipality for the  
80 purposes of subsection (c) or (d) of this section shall not be used by the  
81 Commissioner of Environmental Protection to order the payment of  
82 civil penalties pursuant to section 22a-6b and subsection (b) of section

83 22a-376 provided the person or municipality has filed a permit  
84 application pursuant to section 22a-368 on or before July 1, 2003. This  
85 subsection shall not apply to any information the commissioner can  
86 document independent of a submission pursuant to this section.  
87 Failure to report the information required in this section may result in  
88 civil penalties in accordance with section 22a-6b and subsection (b) of  
89 section 22a-376.

90 (f) The Water Planning Council shall appoint at least five persons  
91 who are required to register diversions pursuant to this section to a  
92 working group for the purpose of developing forms pursuant to  
93 subsection (b) of this section. Such members shall serve at the pleasure  
94 of the council."