



General Assembly

February Session, 2004

Amendment

LCO No. 4719

SB0046504719SD0

Offered by:
SEN. MURPHY, 16th Dist.

To: Subst. Senate Bill No. 465 File No. 433 Cal. No. 333

"AN ACT CONCERNING WATER SUPPLY ABANDONMENT."

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

3 "Section 1. Section 25-33k of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2004*):

5 (a) For purposes of this section, "safe yield" means the maximum
6 dependable quantity of water per unit of time that may flow or be
7 pumped continuously from a source of supply during a critical dry
8 period without consideration of available water limitations.

9 (b) No source of water supply shall be abandoned by a water
10 company or other entity without a permit from the Commissioner of
11 Public Health. A water company or other entity shall apply for such
12 permit in the manner prescribed by the commissioner. Not later than
13 thirty days before filing an application for such permit, the applicant
14 shall notify the chief elected official of any municipality in which such
15 source of supply is located. Not later than sixty days after receipt of

16 such notification the municipality or municipalities receiving such
17 notice and any water company as defined in section 25-32a may
18 submit comments on such application to the commissioner. The
19 commissioner shall take such comments into consideration when
20 reviewing the application.

21 (c) (1) In [his] the commissioner's decision, the commissioner shall
22 consider the water supply needs of the water company, the state and
23 any comments submitted pursuant to subsection (a) of this section, and
24 shall consult with the Commissioner of Environmental Protection, the
25 Secretary of the Office of Policy and Management and the Department
26 of Public Utility Control.

27 (2) The Commissioner of Public Health shall grant a permit upon a
28 finding that [the source shall] any groundwater source with a safe
29 yield of less than 0.75 millions of gallons per day, any reservoir with a
30 safe yield of less than 0.75 millions of gallons per day, any reservoir
31 system with a safe yield of less than 0.75 millions of gallons per day, or
32 any individual source within a reservoir system when such system has
33 a safe yield of less than 0.75 millions of gallons per day will not be
34 needed by such water company for present or future water supply
35 and, in the case of a water company required to file a water supply
36 plan under section 25-32d, as amended, that such abandonment is
37 consistent with a water supply plan filed and approved pursuant to
38 said section. No permit shall be granted if the commissioner
39 determines that the source would be necessary for water supply by the
40 company owning such source in an emergency or the proposed
41 abandonment would impair the ability of [the] such company to
42 provide a pure, adequate and reliable water supply for present and
43 projected future customers. As used in this section, a future source of
44 water supply shall be considered to be any source of water supply
45 necessary to serve areas reasonably expected to require service by the
46 water company owning such source for a period of not more than fifty
47 years after the date of the application for a permit under this section.

48 (3) The Commissioner of Public Health shall grant a permit upon a

49 finding that any groundwater source with a safe yield of more than
50 0.75 millions of gallons per day, any reservoir with a safe yield of more
51 than 0.75 millions of gallons per day, any reservoir system with a safe
52 yield of more than 0.75 millions of gallons per day, or any individual
53 source within a reservoir system when such system has a safe yield of
54 more than 0.75 millions of gallons per day is of a size or condition that
55 makes it unsuitable for present or future use as a drinking water
56 supply by the water company, other entity or the state. In making a
57 decision, the commissioner shall consider the general utility of the
58 source and the viability for use to meet water supply needs. The
59 commissioner shall consider any public water supply plans filed and
60 approved pursuant to sections 25-32d, as amended, and 25-33h, and
61 any other water system plan approved by the commissioner, and the
62 efficient and effective development of public water supply in the state.
63 In assessing the general utility of the source, the commissioner shall
64 consider factors including, but not limited to, (1) the safe yield of the
65 source; (2) the location of the source relative to other public water
66 supply systems, (3) the water quality of the source and the potential
67 for treatment, (4) water quality compatibility between systems and
68 interconnections, (5) extent of water company-owned lands for source
69 protection of the supply, (6) types of land uses and land use controls in
70 the aquifer protection area or watershed and their potential impact on
71 water quality of the source, and (7) physical limitations to water
72 service, system hydraulics and topography.

73 Sec. 2. Subsection (d) of section 25-32 of the general statutes is
74 repealed and the following is substituted in lieu thereof (*Effective*
75 *October 1, 2004*):

76 (d) The commissioner may grant a permit for (1) the sale of class I or
77 II land to another water company, to a state agency or to a
78 municipality, [or] (2) the sale of class II land or the sale or assignment
79 of a conservation restriction or a public access easement on class I or
80 class II land to a private, nonprofit land-holding conservation
81 organization, or (3) the sale of class I land to a private nonprofit land-
82 holding conservation organization if the water company is denied a

83 permit to abandon a source not in current use or needed by the water
84 company pursuant to subsection (c) of section 25-33k, as amended by
85 this act, if the purchasing entity agrees to maintain the land subject to
86 the provisions of this section, any regulations adopted pursuant to this
87 section and the terms of any permit issued pursuant to this section.
88 Such purchasing entity or assignee may not sell, lease or assign any
89 such land or conservation restriction or public access easement or sell,
90 lease, assign or change the use of such land without obtaining a permit
91 pursuant to this section."

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