



# House of Representatives

General Assembly

**File No. 377**

January Session, 2005

Substitute House Bill No. 6878

*House of Representatives, April 14, 2005*

The Committee on Environment reported through REP. ROY of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING DIVERSION OF WATER FROM AQUIFERS.**

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

1 Section 1. Section 22a-368 of the general statutes is amended by  
2 adding subsection (d) as follows (*Effective from passage*):

3 (NEW) (d) Notwithstanding the provisions of this section, no permit  
4 shall be issued for diversions of more than fifty thousand gallons per  
5 day for nonresidential use from a headwaters drainage basin. For  
6 purposes of this subsection, "headwaters" means the source or upper  
7 portion of a stream or river terminating at the point on the stream or  
8 river where there is a flow of five cubic feet per second or the flow  
9 exceeds five cubic feet per second fifty per cent of the time. The  
10 provisions of this subsection shall not apply to diversions for  
11 agricultural use.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	22a-368
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**ENV**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 06 \$</b>	<b>FY 07 \$</b>
Department of Environmental Protection	Environmental Quality - Revenue Loss/Cost Savings	None	None

**Municipal Impact:** None

**Explanation**

It is anticipated that a minimal reduction in fees to the Department of Environmental Protection's (DEP) Environmental Quality (EQ) Fund from prohibiting certain water diversions from obtaining permits will be offset by a decrease in workload. No net impact is anticipated.

**OLR Bill Analysis**

sHB 6878

***AN ACT CONCERNING DIVERSION OF WATER FROM AQUIFERS*****SUMMARY:**

This bill prohibits the Department of Environmental Protection (DEP) from permitting the diversion of more than 50,000 gallons of water a day for most nonresidential uses from a headwaters drainage basin. It exempts diversions for agricultural use. Under the bill, "headwaters" means the source or upper portion of a stream or river ending at the point where the water flows at (1) five cubic feet per second or (2) more than five cubic feet per second half the time.

EFFECTIVE DATE: Upon passage

**BACKGROUND*****Water Diversion Permits***

The Water Diversion Policy Act, passed in 1982, established a permit requirement for anyone wishing to divert 50,000 or more gallons a day. It exempted existing diversions if they registered with the DEP within one year. A new diversion must apply for a permit that includes a review of its effect on the watershed or basin, considering existing diversions. Water diversions are anything that causes, allows, or results in the withdrawal from or alteration, modification, or diminution of the flow of water.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 20    Nay 8