



# Senate

General Assembly

January Session, 2005

**File No. 452**

Senate Bill No. 1240

*Senate, April 20, 2005*

The Committee on Public Health reported through SEN. MURPHY of the 16th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

## **AN ACT CONCERNING PROTECTION OF PUBLIC WATER SUPPLY WATERSHEDS.**

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

1 Section 1. Section 8-3i of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) As used in this section "water company" means a water  
4 company, as defined in section 25-32a, and "petition" includes a  
5 petition or proposal to change the regulations, boundaries or  
6 classifications of zoning districts.

7 (b) When an application, petition, request or plan is filed with the  
8 zoning commission, planning and zoning commission or zoning board  
9 of appeals of any municipality concerning any project on any site  
10 [which] that is within the aquifer protection area delineated pursuant  
11 to section 22a-354c or the watershed of a water company, the applicant  
12 or the person making the filing shall provide written notice of the

13 application, petition, request or plan to the water company and the  
14 Commissioner of Public Health, provided such water company or said  
15 commissioner has filed a map showing the boundaries of the  
16 watershed on the land records of the municipality in which the  
17 application, petition, request or plan is made and with the zoning  
18 commission, planning and zoning commission or zoning board of  
19 appeals of such municipality or the aquifer protection area has been  
20 delineated in accordance with section 22a-354c, as the case may be.  
21 Such notice shall be made by certified mail, return receipt requested,  
22 and shall be mailed [within] not later than seven days [of] after the  
23 date of the application. Such water company and the Commissioner of  
24 Public Health may, through a representative, appear and be heard at  
25 any hearing on any such application, petition, request or plan.

26 (c) Notwithstanding the provisions of subsection (b) of this section,  
27 when an agent of the zoning commission, planning and zoning  
28 commission or zoning board of appeals is authorized to approve an  
29 application, petition, request or plan concerning any site [which] that  
30 is within the aquifer protection area delineated pursuant to section  
31 22a-354c or the watershed of a water company without the approval of  
32 the zoning commission, planning and zoning commission or zoning  
33 board of appeals, and such agent determines that the proposed activity  
34 will not adversely affect the public water supply, the applicant or  
35 person making the filing shall not be required to notify the water  
36 company or the Commissioner of Public Health.

37 Sec. 2. Section 22a-42f of the general statutes is repealed and the  
38 following is substituted in lieu thereof (*Effective October 1, 2005*):

39 When an application is filed to conduct or cause to be conducted a  
40 regulated activity upon an inland wetland or watercourse, any portion  
41 of which is within the watershed of a water company as defined in  
42 section 25-32a, the applicant shall provide written notice of the  
43 application to the water company and the Commissioner of Public  
44 Health, provided such water company or said commissioner has filed  
45 a map showing the boundaries of the watershed on the land records of

46 the municipality in which the application is made and with the inland  
47 wetlands agency of such municipality. Such notice shall be made by  
48 certified mail, return receipt requested, and shall be mailed [within]  
49 not later than seven days [of] after the date of the application. The  
50 water company and the Commissioner of Public Health, through a  
51 representative, may appear and be heard at any hearing on the  
52 application.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	8-3i
Sec. 2	<i>October 1, 2005</i>	22a-42f

**PH**            *Joint Favorable*

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:

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Public Health, Dept.	GF - None	None	None

Note: GF=General Fund

**Municipal Impact:**

Municipalities	Effect	FY 06 \$	FY 07 \$
Various Municipalities	Cost	Potential Minimal	Potential Minimal

**Explanation**

A negligible local cost would result in cases in which a municipal government seeks zoning approval for a project on a site within a water company’s watershed or aquifer protection area or applies to conduct a regulated activity on an inland wetland or watercourse affecting a water company’s watershed. This cost would be associated with sending notice by certified mail, return receipt requested to the Department of Public Health. The current postal rate for a standard letter delivered via this method is \$4.42.

**OLR Bill Analysis**

SB 1240

**AN ACT CONCERNING PROTECTION OF PUBLIC WATER SUPPLY WATERSHEDS****SUMMARY:**

The bill requires that the public health commissioner receive notice of applications submitted to local agencies about activities on public water supply watersheds.

By law, anyone filing an application, petition, request, or plan with the local zoning or zoning appeals authority for any site within a water company's watershed or aquifer protection area must notify the water company that has filed a watershed map with the municipality or map of the aquifer protection area.

The bill requires that the commissioner also be notified in these situations. Notice must be sent by certified mail, return receipt requested, within seven days after the application. The commissioner has the right to be heard at any hearing on the application.

The law establishes an exemption from the notice requirements in towns that allow zoning agents to approve applications, if the agent determines that a proposed activity will not adversely affect the public water supply.

By law, an applicant for a regulated activity on an inland wetland or watercourse must notify the water company of the application if it affects the company's watershed and the company has filed a map with the municipality. The bill extends the notice requirement to include the health commissioner. Notice must be sent by certified mail, return receipt requested, within seven days of the application. The commissioner can appear and be heard at the hearing on the application.

EFFECTIVE DATE: October 1, 2005

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable Report

Yea 24 Nay 0