



General Assembly

February Session, 2006

***Raised Bill No. 5686***

LCO No. 2688

\*02688\_\_\_\_\_ET\_\*

Referred to Committee on Energy and Technology

Introduced by:  
(ET)

***AN ACT CONCERNING WATER RESOURCE PLANNING.***

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

1 Section 1. Section 21a-86a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) On or before October 1, 1990, the Commissioner of Consumer  
4 Protection, in consultation with the Secretary of the Office of Policy  
5 and Management, the chairperson of the Public Utilities Control  
6 Authority, the State Building Inspector and the Commissioners of  
7 Public Health and Environmental Protection, shall adopt regulations in  
8 accordance with the provisions of chapter 54 establishing minimum  
9 efficiency standards for plumbing fixtures [and other water-using  
10 devices, as appropriate] and automatic lawn sprinkler systems in  
11 accordance with subsection (b) of this section.

12 (b) The maximum water use allowed [in the regulations adopted  
13 under subsection (a) of this section] for showerheads, urinals, faucets  
14 and replacement aerators manufactured or sold on or after October 1,  
15 1990, shall be as follows: For showerheads, 2.5 gallons per minute; for  
16 urinals, 1.0 gallons per flush; for bathroom sinks, lavatory and kitchen

17 faucets and replacement aerators, 2.5 gallons per minute, except that  
18 lavatories in restrooms of public facilities shall be equipped with outlet  
19 devices which limit the flow rate to a maximum of 0.5 gallons per  
20 minute. The maximum water use allowed [in the regulations adopted  
21 under subsection (a) of this section] for tank-type toilets, flushometer-  
22 valve toilets, flushometer-tank toilets and electromechanical hydraulic  
23 toilets manufactured or sold on or after January 1, 1992, shall be 1.6  
24 gallons per flush, unless and until equivalent standards for similar  
25 types of toilets are adopted by the American National Standards  
26 Institute, Inc. Automatic lawn sprinkler systems that are installed on or  
27 after October 1, 2006, shall be equipped with a rain sensor device or  
28 switch that will automatically override the irrigation cycle of such  
29 sprinkler system when adequate rainfall has occurred.

30 (c) Notwithstanding the provisions of subsection (b) of this section,  
31 the Commissioner of Consumer Protection, after consultation with the  
32 Secretary of the Office of Policy and Management, the chairperson of  
33 the Public Utilities Control Authority, the State Building Inspector and  
34 the Commissioners of Public Health and Environmental Protection,  
35 may increase the level of efficiency for plumbing fixtures upon  
36 determination that such increase would promote the conservation of  
37 water and energy and be cost-effective for consumers who purchase  
38 and use such fixtures. Any increased efficiency standard shall be  
39 effective one year after its adoption.

40 (d) The Commissioner of Consumer Protection, in consultation with  
41 the Secretary of the Office of Policy and Management, the chairperson  
42 of the Public Utilities Control Authority, the State Building Inspector  
43 and the Commissioners of Public Health and Environmental  
44 Protection, shall adopt regulations in accordance with the provisions of  
45 chapter 54 necessary to implement the provisions of sections 21a-86 to  
46 21a-86g, inclusive. Such regulations shall provide for (1) the sale of  
47 plumbing fixtures which do not meet the standards if the  
48 commissioner determines that compliance is not feasible or an  
49 unnecessary hardship exists, and (2) the sale of plumbing fixtures,

50 including, but not limited to, antique reproduction plumbing fixtures,  
51 which do not meet the standards, provided such plumbing fixtures  
52 were in stock in a store located in the state before October 1, 1990, if a  
53 showerhead, urinal, faucet or replacement aerator or before January 1,  
54 1992, if a tank-type toilet, flushometer-valve toilet, flushometer-tank  
55 toilet or electromechanical hydraulic toilet.

56 Sec. 2. Section 21a-86b of the general statutes is repealed and the  
57 following is substituted in lieu thereof (*Effective October 1, 2006*):

58 No person may sell, offer for sale or install any new showerhead,  
59 urinal, faucet or replacement aerator on and after October 1, 1990, [or]  
60 any new tank-type toilet, flushometer-valve toilet, flushometer-tank  
61 toilet or electromechanical hydraulic toilet on and after January 1,  
62 1992, or any new automatic lawn sprinkler system on and after  
63 October 1, 2006, unless such showerhead, urinal, faucet, replacement  
64 aerator, tank-type toilet, flushometer-valve toilet, flushometer-tank  
65 toilet, [or] electromechanical hydraulic toilet or automatic lawn  
66 sprinkler system meets or exceeds the efficiency standards set forth in  
67 regulations adopted by the Commissioner of Consumer Protection  
68 pursuant to subsection (a) of section 21a-86a, as amended by this act,  
69 or is authorized under the regulations adopted by the commissioner  
70 pursuant to subsection (d) of said section 21a-86a.

71 Sec. 3. Section 25-33o of the general statutes is repealed and the  
72 following is substituted in lieu thereof (*Effective October 1, 2006*):

73 (a) The chairperson of the Public Utility Control Authority, [or the  
74 chairperson's designee,] the Commissioner of Environmental  
75 Protection, [or the commissioner's designee,] the Secretary of the Office  
76 of Policy and Management, [or the secretary's designee, and] the  
77 Commissioner of Public Health, [or the commissioner's designee,] the  
78 Consumer Counsel, the Commissioner of Agriculture and the  
79 Commissioner of Economic and Community Development, or their  
80 respective designees, and two members of the advisory group  
81 established pursuant to subsection (c) of this section shall constitute a

82 Water Planning Council to address issues involving the water  
83 companies, water resources and state policies regarding the future of  
84 the state's drinking water supply. [The chairperson of the Public  
85 Utility Control Authority shall convene the first meeting of the  
86 council.] Members of the advisory group serving on the council shall  
87 serve for one-year terms. The chairperson of the council shall be the  
88 Secretary of the Office of Policy and Management, or the secretary's  
89 designee.

90 (b) The Water Planning Council shall conduct a study, in  
91 consultation with representatives of water companies, municipalities,  
92 agricultural groups, environmental groups and other water users, that  
93 shall include the following issues: (1) The financial viability, market  
94 structure, reliability of customer service and managerial competence of  
95 water companies; (2) fair and reasonable water rates; (3) protection and  
96 appropriate allocation of the state's water resources while providing  
97 for public water supply needs; (4) the adequacy and quality of the  
98 state's drinking water supplies to meet current and future needs; (5) an  
99 inventory of land and land use by water companies; (6) the status of  
100 current withdrawals, projected withdrawals, river flows and the future  
101 needs of water users; (7) methods for measurement and estimations of  
102 natural flows in Connecticut waterways in order to determine  
103 standards for stream flows that will protect the ecology of the state's  
104 rivers and streams; (8) the status of river flows and available data for  
105 measuring river flows; (9) the streamlining of the water diversion  
106 permit process; (10) coordination between the Departments of  
107 Environmental Protection, Public Health and Public Utility Control in  
108 review of applications for water diversion; and (11) the procedure for  
109 coordination of planning of public water supply systems established in  
110 sections 25-33c to 25-33j, inclusive. Such study shall be conducted on  
111 both a regional and state-wide level.

112 (c) The council shall establish an advisory group to assist it in the  
113 performance of its duties. The advisory group shall be composed of  
114 representatives of municipal water utilities, regional water utilities,

115 investor-owned water utilities, a wastewater system, agricultural  
116 interests, electric power generation interests, environmental and  
117 recreational interests, and business and industry interests.

118 [(c)] (d) The council shall, not later than January 1, 2002, and  
119 annually thereafter, report its preliminary findings and any proposed  
120 legislative changes to the joint standing committees of the General  
121 Assembly having cognizance of matters relating to public health, the  
122 environment and public utilities in accordance with section 11-4a,  
123 except that not later than February 1, 2004, the council shall report its  
124 recommendations in accordance with this subsection with regard to (1)  
125 a water allocation plan based on water budgets for each watershed, (2)  
126 funding for water budget planning, giving priority to the most highly  
127 stressed watersheds, and (3) the feasibility of merging the data  
128 collection and regulatory functions of the Department of  
129 Environmental Protection's inland water resources program and the  
130 Department of Public Health's water supplies section.

131 Sec. 4. (NEW) (*Effective October 1, 2006*) (a) There is established a  
132 Bureau of Water Resource Planning within the Office of Policy and  
133 Management. The bureau shall perform the following functions:

134 (1) Review and prioritize the recommendations and goals of the  
135 Water Planning Council developed prior to October 1, 2006;

136 (2) Compile information from other reports or studies regarding  
137 water resources planning in the state;

138 (3) Reconcile water diversion and water allocation reporting  
139 systems among various stakeholders, including, but not limited to,  
140 agricultural users, golf courses, water companies and municipalities;

141 (4) Establish a mechanism to perform an in-depth analysis, with  
142 opportunity for public comment, of existing statutes and regulations of  
143 the Department of Environmental Protection, the Department of Public  
144 Health and the Department of Public Utility Control for areas of

145 overlapping and conflicting or inefficient procedures and, not later  
146 than April 1, 2007, develop a plan to reconcile such statutes and  
147 regulations to resolve interdisciplinary conflicts among the agencies  
148 and integrate the functions of the agencies as far as practicable;

149 (5) Review and summarize other states' regulatory programs and  
150 structures relating to water resources planning, including, but not  
151 limited to, their approaches to water allocation;

152 (6) Identify process and funding needs for the evaluation of existing  
153 water diversion data and approaches to water planning projects and  
154 review, in consultation with the Department of Environmental  
155 Protection, said department's current water diversion permitting  
156 process;

157 (7) Coordinate water data collection and analysis among the  
158 Department of Environmental Protection, the Department of Public  
159 Health and the Department of Public Utility Control, the Office of  
160 Policy and Management and the United States Geological Survey;

161 (8) Provide support and supplement, as appropriate, existing water  
162 needs and supply forecasting by the Department of Public Utility  
163 Control and the Department of Public Health;

164 (9) Evaluate, in consultation with municipal stakeholders, existing  
165 water conservation programs in the state and make recommendations  
166 to enhance water conservation programs to promote a water  
167 conservation ethic and provide for appropriate drought response and  
168 enforcement capabilities, which shall include (A) guidelines for  
169 municipalities on water conservation methods and procedures, based  
170 on those which the Department of Public Utility Control currently  
171 requires for water companies, and (B) a draft model municipal  
172 ordinance addressing drought management and enforcement;

173 (10) Develop a long-range plan for in-depth water basin screening;

174 (11) Assess the status of interconnections between water companies;

175 (12) Perform strategic water company infrastructure assessment and  
176 recommend financial measures to invest in infrastructure  
177 improvement;

178 (13) Evaluate, in consultation with the Department of Economic and  
179 Community Development, the impact of state, local and water utility  
180 drought plans on various users and reconcile the differences among  
181 such plans;

182 (14) Develop a mechanism with relevant state agencies to effectively  
183 enforce water use restrictions by water companies, municipalities and  
184 other entities;

185 (15) Examine mechanisms for the applicability of greywater use by  
186 large water users;

187 (16) Analyze a variable or rising block-unit water pricing model for  
188 residential water users and study a base rate structure of water  
189 companies and potentially, community water systems;

190 (17) Develop a long-term water resource plan and water allocation  
191 planning model; and

192 (18) Identify funding requirements and mechanisms for ongoing  
193 efforts in water resources planning for the state.

194 (b) Not later than April 1, 2007, and annually thereafter, the bureau  
195 shall submit a report, in accordance with the provisions of section 11-  
196 4a of the general statutes, on its progress toward accomplishing its  
197 duties in accordance with this section, along with any recommended  
198 legislative revisions, to the joint standing committees of the General  
199 Assembly having cognizance of matters relating to the environment,  
200 public utilities and public health.

201 Sec. 5. Section 29-265b of the general statutes is repealed. (*Effective*  
202 *October 1, 2006*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	21a-86a
Sec. 2	<i>October 1, 2006</i>	21a-86b
Sec. 3	<i>October 1, 2006</i>	25-33o
Sec. 4	<i>October 1, 2006</i>	New section
Sec. 5	<i>October 1, 2006</i>	Repealer section

***Statement of Purpose:***

To require automatic lawn sprinkler systems to be equipped with an override switch when adequate rainfall has occurred, to restructure the Water Planning Council, and to establish the Bureau of Water Resource Planning within the Office of Policy and Management.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*