



General Assembly

February Session, 2006

***Raised Bill No. 310***

LCO No. 1675

\*01675\_\_\_\_\_PH\_\*

Referred to Committee on Public Health

Introduced by:  
(PH)

***AN ACT CONCERNING WATER COMPANIES AND WATER RESOURCES.***

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

1 Section 1. Section 16-262m of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) As used in this section and section 8-25a, "water company"  
4 means a corporation, company, association, joint stock association,  
5 partnership, municipality, state agency, other entity or person, or  
6 lessee thereof, owning, leasing, maintaining, operating, managing or  
7 controlling any pond, lake, reservoir, stream, well or distributing plant  
8 or system employed for the purpose of supplying water to fifteen or  
9 more service connections or twenty-five or more persons [on a regular  
10 basis] for at least sixty days in any one year.

11 (b) No water company may begin the construction of a water supply  
12 system for the purpose of supplying water to fifteen or more service  
13 connections or twenty-five or more persons for at least sixty days in

14 any one year, and no [water company] person or entity, except a water  
15 company supplying more than two hundred fifty service connections  
16 or one thousand persons, may begin expansion of such a water supply  
17 system, without having first obtained a certificate of public  
18 convenience and necessity. [for the construction or expansion from the  
19 Department of Public Utility Control and the Department of Public  
20 Health. An]

21 (c) For systems serving twenty-five or more residents, an  
22 application for a certificate of public convenience and necessity shall  
23 be on a form prescribed by the Department of Public Utility Control, in  
24 consultation with the Department of Public Health, and accompanied  
25 by a copy of the water company's construction or expansion plans and  
26 a fee of one hundred dollars. The departments shall issue a certificate  
27 to an applicant upon determining, to their satisfaction, that (1) no  
28 [feasible] interconnection is feasible with [an existing system is  
29 available to the applicant] a water system owned by the provider for  
30 the exclusive service area, as determined pursuant to section 25-33g, as  
31 amended by this act, or with another water system by arrangement of  
32 the provider, (2) the applicant will complete the construction or  
33 expansion in accordance with engineering standards established by  
34 regulation by the Department of Public Utility Control for water  
35 supply systems, (3) [the applicant has the financial, managerial and  
36 technical resources to operate the proposed water supply system in a  
37 reliable and efficient manner and to provide continuous adequate  
38 service to consumers served by the system] ownership of the system  
39 will be assigned to the provider for the exclusive service area, as  
40 determined pursuant to section 25-33g, as amended by this act, (4) the  
41 proposed construction or expansion will not result in a duplication of  
42 water service in the applicable service area, and (5) the applicant meets  
43 all federal and state standards for water supply systems. [, provided  
44 subdivisions (1) and (4) of this subsection shall not apply to any water  
45 supply system (A) owned and operated or proposed to be owned and  
46 operated, by a municipality, municipal district or regional water  
47 authority, (B) owned by a municipality, municipal district or regional

48 water authority and operated, or proposed to be operated, on its behalf  
49 by an operator that has obtained all required certifications from the  
50 Department of Public Health, including but not limited to certifications  
51 required by regulations established pursuant to section 25-32, or (C)  
52 owned or operated by a nonprofit corporation on behalf of one or  
53 more municipalities for the purpose of providing water service to an  
54 elderly housing project which has obtained all required certifications  
55 from the Department of Public Health, including but not limited to  
56 certifications required by regulations established pursuant to section  
57 25-32. Nothing in this section shall prevent a municipality, municipal  
58 district or regional water authority from voluntarily transferring  
59 ownership of a water supply system to another water company, a  
60 municipal public service company or regional water authority.] Any  
61 construction or expansion with respect to which a certificate is  
62 required shall thereafter be built, maintained and operated in  
63 conformity with the certificate and any terms, limitations or conditions  
64 contained therein.

65 [(c)] (d) The Department of Public Utility Control [, in consultation  
66 with] and the Department of Public Health, shall adopt regulations in  
67 accordance with the provisions of chapter 54 to carry out the purposes  
68 of subsections (a) to (d), inclusive, of this section.

69 (e) (1) For systems serving twenty-five or more persons, but not  
70 twenty-five or more residents, at least sixty days in any one year an  
71 application for a certificate of public convenience and necessity shall  
72 be on a form prescribed by the Department of Public Health and  
73 accompanied by a copy of the construction or expansion plans. The  
74 Department of Public Health shall issue a certificate to an applicant  
75 upon determining, to its satisfaction, that (A) no interconnection is  
76 feasible with a water system owned by the provider for the exclusive  
77 service area, as determined pursuant to section 25-33g, as amended by  
78 this act, or with another water system by way of arrangements with  
79 the provider for the exclusive service area, (B) the applicant will  
80 complete the construction or expansion in accordance with

81 engineering standards established by regulation for water supply  
82 systems, (C) ownership of the system will be assigned to the provider  
83 for the exclusive service area, as determined pursuant to section 25-  
84 33g, as amended by this act, or to the applicant, provided the applicant  
85 has the financial, managerial and technical resources to (i) operate the  
86 proposed water supply system in a reliable and efficient manner, and  
87 (ii) provide continuous adequate service to consumers served by the  
88 system, until such time as the water system for the exclusive service  
89 area, as determined by section 25-33g, as amended by this act, is made  
90 available without the need for the applicant to provide a main  
91 extension and the applicant has obtained service from the provider for  
92 the exclusive service area, (D) the proposed construction or expansion  
93 will not result in a duplication of water service in the applicable  
94 service area, and (E) the applicant meets all federal and state standards  
95 for water supply systems. Any construction or expansion with respect  
96 to which a certificate is required shall thereafter be built, maintained  
97 and operated in conformity with the certificate and any terms,  
98 limitation or conditions contained therein.

99 (2) The Department of Public Health shall adopt regulations in  
100 accordance with the provisions of chapter 54 to carry out the purposes  
101 of this subsection.

102 Sec. 2. Subsection (a) of section 19a-37a of the general statutes is  
103 repealed and the following is substituted in lieu thereof (*Effective*  
104 *October 1, 2006*):

105 (a) The Commissioner of Public Health shall adopt regulations in  
106 accordance with the provisions of chapter 54 establishing standards to  
107 prevent contamination of public water supplies which may result from  
108 the installation of automatic fire extinguishing systems in any building  
109 served by a public water system as defined in [subsection (a) of]  
110 section 25-33d. Such regulations shall: (1) Delete the requirement for a  
111 reduced pressure principle backflow preventer (RPD) on fire sprinkler  
112 systems with siamese connections unless chemicals are added to such

113 systems; (2) require owners to install a double check valve assembly  
114 (DCVA) on fire sprinkler systems with siamese connections unless  
115 chemicals are added to such systems; (3) allow owners to install an  
116 RPD instead of a DCVA on fire sprinkler systems with siamese  
117 connections; and (4) provide that any person engaged in the  
118 installation of an automatic fire extinguishing system shall notify the  
119 water company servicing the building of such installation, and shall be  
120 subject to all applicable rules and regulations of such water company.

121 Sec. 3. Subdivision (9) of section 20-330 of the 2006 supplement to  
122 the general statutes is repealed and the following is substituted in lieu  
123 thereof (*Effective October 1, 2006*):

124 (9) "Fire protection sprinkler systems work" means the layout, on-  
125 site fabrication, installation, alteration, maintenance or repair of any  
126 automatic or manual sprinkler system designed for the protection of  
127 the interior or exterior of a building or structure from fire, or any  
128 piping or tubing and appurtenances and equipment pertaining to such  
129 system including overhead and underground water mains, fire  
130 hydrants and hydrant mains, standpipes and hose connections to  
131 sprinkler systems, sprinkler tank heaters excluding electrical wiring,  
132 air lines and thermal systems used in connection with sprinkler and  
133 alarm systems connected thereto, foam extinguishing systems or  
134 special hazard systems including water spray, foam, carbon dioxide or  
135 dry chemical systems, halon and other liquid or gas fire suppression  
136 systems, but does not include (A) any engineering design work  
137 connected with the layout of fire protection sprinkler systems, or (B)  
138 any work performed by employees of or contractors hired by a public  
139 water system, as defined in [subsection (a) of] section 25-33d.

140 Sec. 4. Section 22a-354h of the general statutes is repealed and the  
141 following is substituted in lieu thereof (*Effective October 1, 2006*):

142 For the purposes of sections 19a-37, 22-6c, 22a-354c, 22a-354e, 22a-  
143 354g to 22a-354bb, inclusive, 25-32d, 25-33h, as amended by this act, [,  
144 25-33n] and subsection (a) of section 25-84:

145 (1) "Regulated activity" means any action, process or condition  
146 which the Commissioner of Environmental Protection determines, by  
147 regulations adopted in accordance with section 22a-354i, to involve the  
148 production, handling, use, storage or disposal of material that may  
149 pose a threat to groundwater in an aquifer protection area, including  
150 structures and appurtenances utilized in conjunction with the  
151 regulated activity;

152 (2) "Commissioner" means the Commissioner of Environmental  
153 Protection;

154 (3) "Well field" means the immediate area surrounding a public  
155 drinking water supply well or group of wells;

156 (4) "Area of contribution" means the area where the water table or  
157 other potentiometric surface is lowered due to the pumping of a well  
158 and groundwater flows directly to the well;

159 (5) "Recharge area" means the area from which groundwater flows  
160 directly to the area of contribution;

161 (6) "Aquifer" means a geologic formation, group of formations or  
162 part of a formation that contains sufficient saturated, permeable  
163 materials to yield significant quantities of water to wells and springs;

164 (7) "Affected water company" means any public or private water  
165 company owning or operating a public water supply well within an  
166 aquifer protection area;

167 (8) "Stratified drift" means a predominantly sorted sediment laid  
168 down by or in meltwater from glaciers and includes sand, gravel, silt  
169 and clay arranged in layers;

170 (9) "Municipality" means any town, consolidated town and city,  
171 consolidated town and borough, city or borough;

172 (10) "Aquifer protection area" means any area consisting of well

173 fields, areas of contribution and recharge areas, identified on maps  
174 approved by the Commissioner of Environmental Protection pursuant  
175 to sections 22a-354b to 22a-354d, inclusive, within which land uses or  
176 activities shall be required to comply with regulations adopted  
177 pursuant to section 22a-354o by the municipality where the aquifer  
178 protection area is located; and

179 (11) "Best management practice" means a practice, procedure or  
180 facility designed to prevent, minimize or control spills, leaks or other  
181 releases that pose a threat to groundwater.

182 Sec. 5. Subsection (e) of section 22a-354p of the general statutes is  
183 repealed and the following is substituted in lieu thereof (*Effective*  
184 *October 1, 2006*):

185 (e) The aquifer protection agency may require a filing fee to be  
186 deposited with the agency. The amount of such fee shall be sufficient  
187 to cover the reasonable cost of reviewing and acting on applications  
188 and petitions, including, but not limited to, the costs of certified  
189 mailings, publications of notices and decisions, and monitoring  
190 compliance with permit conditions, regulations adopted pursuant to  
191 sections 19a-37, 22-6c, 22a-354c, 22a-354e, 22a-354g to 22a-354bb,  
192 inclusive, 25-32d, 25-33h, as amended by this act, [ 25-33n] and  
193 subsection (a) of section 25-84, or agency orders.

194 Sec. 6. Section 22a-354x of the general statutes is repealed and the  
195 following is substituted in lieu thereof (*Effective October 1, 2006*):

196 (a) The Commissioner of Environmental Protection, in consultation  
197 with the Commissioner of Public Health and water companies, shall  
198 provide, within available appropriations, technical, coordinating and  
199 research services to promote the effective administration of sections  
200 19a-37, 22-6c, 22a-354c, 22a-354e, 22a-354g to 22a-354bb, inclusive, 25-  
201 32d, 25-33h, as amended by this act, [and 25-33n] and subsection (a) of  
202 section 25-84 at the federal, state and local levels.

203 (b) The commissioner shall have the overall responsibility for  
204 general supervision of the implementation of sections 19a-37, 22-6c,  
205 22a-354c, 22a-354e, 22a-354g to 22a-354bb, inclusive, 25-32d, 25-33h, as  
206 amended by this act, [and 25-33n,] and subsection (a) of section 25-84  
207 and shall monitor and evaluate the activities of federal and state  
208 agencies and the activities of municipalities to assure continuing,  
209 effective, coordinated and consistent administration of the  
210 requirements and purposes of said sections.

211 (c) The commissioner shall prepare and submit to the General  
212 Assembly and the Governor, on or before December first of each year,  
213 a written report summarizing the activities of the department  
214 concerning the development and implementation of sections 19a-37,  
215 22-6c, 22a-354c, 22a-354e, 22a-354g to 22a-354bb, inclusive, 25-32d, 25-  
216 33h, as amended by this act, [and 25-33n] and subsection (a) of section  
217 25-84 during the previous year. Such report shall include, but not be  
218 limited to: (1) The department's accomplishments and actions in  
219 achieving the goals and policies of said sections including, but not  
220 limited to, coordination with other state, regional, federal and  
221 municipal programs established to achieve the purposes of said  
222 sections; (2) recommendations for any statutory or regulatory  
223 amendments necessary to achieve such purposes; (3) a summary of  
224 municipal and federal programs and actions which affect aquifer  
225 protection areas; (4) recommendations for any programs or plans to  
226 achieve such purposes; (5) any aspects of the program or said sections  
227 which are proving difficult to accomplish, suggested reasons for such  
228 difficulties and proposed solutions to such difficulties; (6) a summary  
229 of the expenditure of federal and state funds under said sections; and  
230 (7) a request for an appropriation of funds necessary to match federal  
231 funds and provide continuing financial support for the program. Such  
232 report shall comply with the provisions of section 46a-78. On and after  
233 October 1, 1996, the report shall be submitted to the Governor, to the  
234 joint standing committees of the General Assembly having cognizance  
235 of matters relating to appropriations and budgets of state agencies and  
236 relating to the environment and, upon request, to any member of the

237 General Assembly. A summary of the report shall be submitted to each  
238 member of the General Assembly if the summary is two pages or less  
239 and a notification of the report shall be submitted to each member if  
240 the summary is more than two pages. Submission shall be by mailing  
241 the report, summary or notification to the legislative address of each  
242 member of the committee or the General Assembly, as applicable.

243 Sec. 7. Subsection (d) of section 22a-451 of the general statutes is  
244 repealed and the following is substituted in lieu thereof (*Effective*  
245 *October 1, 2006*):

246 (d) There is established an account to be known as the emergency  
247 spill response account, for the purpose of providing money for (1)  
248 costs associated with the implementation of section 22a-449, as  
249 amended, and chapter 441; (2) the containment and removal or  
250 mitigation of the discharge, spillage, uncontrolled loss, seepage or  
251 filtration of oil or petroleum or chemical liquids or solid, liquid or  
252 gaseous products or hazardous wastes including the state share of  
253 payments of the costs of remedial action pursuant to the federal  
254 Comprehensive Environmental Response, Compensation, and Liability  
255 Act of 1980 (42 USC 9601 et seq.), as amended; (3) provision of potable  
256 drinking water pursuant to section 22a-471, as amended; (4)  
257 completion of the inventory required by section 22a-8a; (5) the removal  
258 of hazardous wastes that the commissioner deems to be a potential  
259 threat to human health or the environment; (6) (A) the provision of  
260 short-term potable drinking water pursuant to subdivision (1) of  
261 subsection (a) of section 22a-471, as amended, and the preparation of  
262 an engineering report pursuant to subdivision (2) of subsection (a) of  
263 said section when pollution of the groundwaters by pesticides has  
264 occurred or can reasonably be expected to occur; (B) the study required  
265 by special act 86-44\* and (C) as funds allow, education of the public on  
266 the proper use and disposal of pesticides and the prevention of  
267 pesticide contamination in drinking water supplies; (7) loans and lines  
268 of credit made in accordance with the provisions of section 32-23z; (8)  
269 the accomplishment of the purposes of sections 22a-133b to 22a-133g,

270 inclusive, and sections 22a-134 to 22a-134d, inclusive, including  
271 staffing, and section 22a-133k; (9) development and implementation by  
272 the commissioner of a state-wide aquifer protection program pursuant  
273 to the provisions of sections 19a-37, 22-6c, 22a-354c, 22a-354e, 22a-354g  
274 to 22a-354bb, inclusive, 25-32d, 25-33h, as amended by this act, [, 25-  
275 33n] and subsection (a) of section 25-84, including, but not limited to,  
276 development of state regulations for land uses in aquifer protection  
277 areas, technical assistance and educational programs; (10) research on  
278 toxic substance contamination, including research by the  
279 Environmental Research Institute and the Institute of Water Resources  
280 at The University of Connecticut and by the Connecticut Agricultural  
281 Experiment Station; (11) the costs of the commissioner in performing  
282 or approving level A mapping of aquifer protection areas pursuant to  
283 this title; and (12) inventory and evaluation of the farm resource  
284 management requirements of farms in aquifer areas by the eight  
285 county soil and water conservation districts. The emergency spill  
286 response account shall be an account of the Environmental Quality  
287 Fund. On July 1, 2001, any balance remaining in said account shall be  
288 transferred to the resources of the Environmental Quality Fund. No  
289 expenditures shall be made from the amount transferred until on or  
290 after July 1, 2001.

291 Sec. 8. Subsection (h) of section 22a-478 of the 2006 supplement to  
292 the general statutes is repealed and the following is substituted in lieu  
293 thereof (*Effective October 1, 2006*):

294 (h) The Department of Public Health shall establish and maintain a  
295 priority list of eligible drinking water projects and shall establish a  
296 system setting the priority for making project loans to eligible public  
297 water systems. In establishing such priority list and ranking system,  
298 the Commissioner of Public Health shall consider all factors which he  
299 deems relevant, including but not limited to the following: (1) The  
300 public health and safety; (2) protection of environmental resources; (3)  
301 population affected; (4) risk to human health; (5) public water systems  
302 most in need on a per household basis according to applicable state

303 affordability criteria; (6) compliance with the applicable requirements  
304 of the federal Safe Drinking Water Act and other related federal acts;  
305 (7) applicable state and federal regulations. The priority list of eligible  
306 drinking water projects shall include a description of each project and  
307 its purpose, impact, cost and construction schedule, and an  
308 explanation of the manner in which priorities were established. The  
309 Commissioner of Public Health shall adopt an interim priority list of  
310 eligible drinking water projects for the purpose of making project  
311 loans prior to adoption of final regulations, and in so doing may utilize  
312 existing rules and regulations of the department relating to the  
313 program. To the extent required by applicable federal law, the  
314 Department of Public Health and the Commissioner of Environmental  
315 Protection shall prepare any required intended use plan with respect  
316 to eligible drinking water projects; (8) consistency with the plan of  
317 conservation and development; and (9) consistency with the policies  
318 delineated in section 22a-380, [; and (10) consistency with the  
319 coordinated water system plan in accordance with subsection (f) of  
320 section 25-33d.]

321 Sec. 9. Section 25-33c of the general statutes is repealed and the  
322 following is substituted in lieu thereof (*Effective October 1, 2006*):

323 The General Assembly finds that an adequate supply of potable  
324 water for domestic, commercial and industrial use is vital to the health  
325 and well-being of the people of the state. [Readily] Water resources,  
326 including readily available water for use in public water systems [is]  
327 are limited and should be developed with a minimum of loss, [and]  
328 waste and environmental impact. In order to maximize efficient and  
329 effective development of the state's water resources and public water  
330 [supply] systems and to promote public health, safety and welfare and  
331 environmental protection, the Department of Public Health shall  
332 administer a procedure to coordinate the planning of public water  
333 [supply] systems. The General Assembly further finds that public  
334 water systems are subject to regulation by multiple state agencies and  
335 depend upon approvals from those agencies in order to operate. In

336 order to meet public water needs and effectively balance the use and  
337 protection of the state's water resources, promote public health and  
338 safety and provide for environmental well being and competing water  
339 uses, the Commissioner of Public Health shall participate with the  
340 other governing state agencies in the long range planning and  
341 management of the state's water resources.

342 Sec. 10. Section 25-33d of the general statutes is repealed and the  
343 following is substituted in lieu thereof (*Effective October 1, 2006*):

344 As used in sections 25-33c to 25-33j, inclusive, as amended by this  
345 act:

346 [(a)] (1) "Public water system" means any private, municipal or  
347 regional utility supplying water to fifteen or more service connections  
348 or twenty-five or more persons;

349 [(b)] (2) "Public water supply management area" means a region  
350 determined by the Commissioner of Public Health to have similar  
351 water supply problems and characteristics;

352 [(c)] (3) "Exclusive service area" means an area where public water is  
353 supplied by one system;

354 (4) "Existing service area" means an area served by a public water  
355 system at the time a water utility coordinating committee is initially  
356 convened, and includes parcels that (A) were included in a certificate  
357 of public convenience and necessity issued pursuant to section 16-  
358 262m, as amended by this act, (B) had frontage along existing water  
359 mains, (C) were contained within that public water system's  
360 distribution system, or (D) were owned by that public water system, if  
361 that public water system served less than two hundred and fifty  
362 service connections or one thousand residents, and were contiguous to  
363 parcels of land served by that public water system at the time a water  
364 utility coordinating committee was initially convened. "Existing  
365 service area" does not include parcels of land that meet these criteria

366 after the initial convening of the water utility coordinating committee.

367 [(d)] (5) "Commissioner" means the Commissioner of Public Health;

368 [(e)] (6) "Satellite management" means management of a public  
369 water supply system by another water company;

370 [(f)] "Coordinated water system plan" means (1) the individual water  
371 system plans of each public water system within a public water supply  
372 management area, filed pursuant to section 25-32d, and (2) an area-  
373 wide supplement to such plans developed pursuant to section 25-33h  
374 which addresses water system concerns pertaining to the public water  
375 supply management area as a whole.]

376 (7) "Regional water supply plan" means a plan developed pursuant  
377 to section 25-33h, as amended by this act, that addresses water system  
378 concerns pertaining to the public water supply management area as a  
379 whole.

380 Sec. 11. Section 25-33e of the general statutes is repealed and the  
381 following is substituted in lieu thereof (*Effective October 1, 2006*):

382 (a) Not more than six months after July 1, 1985, the Commissioner of  
383 Public Health, in consultation with the Department of Public Utility  
384 Control, the Commissioner of Environmental Protection and the  
385 Secretary of the Office of Policy and Management, shall delineate the  
386 preliminary boundaries of public water supply management areas and  
387 establish preliminary priorities for initiation in such areas of the  
388 planning process established in sections 25-33f to 25-33h, inclusive, as  
389 amended by this act. Not more than one year after July 1, 1985, the  
390 commissioner, after a hearing, shall delineate the final boundaries of  
391 such areas. In making such delineation, the commissioner shall  
392 consider the following: (1) The similarity of water supply problems  
393 among water companies operating in the preliminary management  
394 area; (2) population density and distribution in the area; (3) the  
395 location of existing sources of public water supply, service areas or

396 franchise areas; (4) existing interconnections between public water  
397 systems; (5) municipal and regional planning agency boundaries; (6)  
398 natural drainage basins; (7) topographic and geologic characteristics;  
399 and (8) any other factor he deems relevant.

400 (b) The commissioner may periodically review the boundaries of  
401 each public water supply management area and revise such  
402 boundaries after (1) consideration of the factors set forth in subsection  
403 (a) of this section, consultation with the Department of Public Utility  
404 Control, the Commissioner of Environmental Protection and the  
405 Secretary of the Office of Policy and Management, and (2) a public  
406 hearing. The Department of Public Health may waive the requirement  
407 for a public hearing after publishing notice of the revised boundaries  
408 and of the intent to waive the requirement for a hearing, in a  
409 newspaper having general circulation in the public water supply  
410 management area and in the Environmental Monitor pursuant to  
411 subsection (d) of section 22a-1b; provided, the commissioner shall hold  
412 a public hearing upon receipt of a petition signed by at least twenty-  
413 five persons not later than thirty days after such notice is published.  
414 Any exclusive service area boundaries established by existing water  
415 utility coordinating committees shall remain in effect until new  
416 exclusive service area boundaries are established pursuant to section  
417 25-33g, as amended by this act, regardless of any modifications to the  
418 public water supply management area boundaries.

419 [(b)] (c) Not more than one year after July 1, 1985, the commissioner,  
420 after hearing, shall establish the final priorities for initiation of the  
421 planning process. In establishing such priorities the commissioner  
422 shall consider the existence and severity of the following in each  
423 management area: (1) Uncoordinated planning, (2) inadequate water  
424 supply, (3) unreliable water service, and (4) any other factor [he] the  
425 commissioner deems relevant. Upon completion of the initial regional  
426 water supply plan in each management area, the commissioner, after a  
427 hearing, shall determine the priority for convening each water utility  
428 coordinating committee. The Department of Public Health may waive

429 the requirement for a public hearing after publishing notice of the  
430 priority for convening the committee and of the intent to waive the  
431 requirement for a hearing, in a newspaper having general circulation  
432 in the public water supply management area and in the Environmental  
433 Monitor; provided, the commissioner shall hold a public hearing upon  
434 receipt of a petition signed by at least twenty-five persons not later  
435 than thirty days after such notice is published.

436 Sec. 12. Subsection (b) of section 25-33f of the general statutes is  
437 repealed and the following is substituted in lieu thereof (*Effective*  
438 *October 1, 2006*):

439 (b) A water utility coordinating committee shall consist of (1) one  
440 representative from each public water system serving two hundred  
441 and fifty or more service connections or one thousand or more persons  
442 with a source of water supply or a service area within the public water  
443 supply management area, [and one representative] (2) the executive  
444 director from each regional planning [agency] organization within  
445 such area, [elected by majority vote of the chief elected officials of the  
446 municipalities that are members of such regional planning agency.  
447 Each committee shall elect a chairman, adopt and amend, as required,  
448 a work plan and schedule for a coordinated plan and adopt rules,  
449 including, but not limited to, rules for publication of meeting times  
450 and agendas, and for public comment, including notice of a comment  
451 period and documentation of responses to comments] (3) one  
452 representative from a watershed protection organization selected by  
453 the Water Planning Council established pursuant to section 25-33o,  
454 and (4) one representative appointed by the chief elected official of  
455 each municipality within the public water supply management area  
456 that is not represented by a public water system described in  
457 subdivision (1) of this subsection. For purposes of this subsection,  
458 "municipality" means any town, city or borough, whether consolidated  
459 or unconsolidated.

460 Sec. 13. Section 25-33g of the general statutes is repealed and the

461 following is substituted in lieu thereof (*Effective October 1, 2006*):

462 (a) Each water utility coordinating committee, in consultation with  
463 the Commissioners of Public Health and Environmental Protection, the  
464 Secretary of the Office of Policy and Management and the Department  
465 of Public Utility Control, shall [develop a preliminary assessment of  
466 water supply conditions and problems within the public water supply  
467 management area. The committee shall solicit comments on the  
468 preliminary assessment from municipalities, regional planning  
469 agencies, state agencies and other interested parties and respond to  
470 any comment received. The committee shall thereafter prepare a final  
471 assessment] recommend exclusive service area boundaries in  
472 accordance with regulations adopted by the commissioner pursuant to  
473 section 25-33h, as amended by this act. In determining such  
474 boundaries, each water utility coordinating committee shall consider  
475 the following factors: (1) Existing water service area, (2) established  
476 exclusive service areas, (3) individual water supply plans filed in  
477 accordance with section 25-32d, (4) local land use plans, zoning  
478 regulations and growth trends, (5) the State Plan of Conservation and  
479 Development adopted under chapter 297, (6) water resource  
480 limitations, (7) the location of land owned by the state or otherwise  
481 permanently protected conservation areas, (8) physical limitations to  
482 water service, (9) political boundaries, (10) water company rights, as  
483 established by statute, special act or administrative decisions, (11)  
484 system hydraulics, (12) financial, technical and managerial viability of  
485 a public water system, and (13) current and future ability of a water  
486 system to provide a pure and adequate supply of water.

487 (b) [The committee shall establish preliminary exclusive service area  
488 boundaries, based on the final assessment, for each public water  
489 system within the management area, and may change such  
490 boundaries. In establishing exclusive service area boundaries the  
491 committee shall solicit comments on such boundaries from  
492 municipalities, regional planning agencies, the Commissioners of  
493 Environmental Protection and Public Health, the Department of Public

494 Utility Control, the Secretary of the Office of Policy and Management  
495 and other interested persons within the management area and respond  
496 to any comment received. If there is no agreement by the committee on  
497 such boundaries, or on a change to such boundaries, the committee  
498 shall consult with the Department of Public Utility Control. If there is  
499 no agreement by the committee after such consultation] Whenever two  
500 or more parties claiming overlapping exclusive service area  
501 boundaries cannot resolve the claims to their mutual satisfaction, or  
502 whenever a public water system with an exclusive service area is  
503 unwilling to serve a project or projects in its exclusive service area, the  
504 Commissioner of Public Health shall establish or may change such  
505 exclusive service area boundaries, after a public hearing, taking into  
506 consideration [any water company rights established by statute,  
507 special act or administrative decisions. In establishing such boundaries  
508 the commissioner shall maintain existing service areas and consider  
509 the orderly and efficient development of public water supplies. In  
510 considering] the factors indicated in subsection (a) of this section and  
511 any other information the commissioner deems necessary to determine  
512 which party is most capable of providing a pure and adequate supply  
513 of water and meeting the current and future public health and safety  
514 needs of consumers. In recommending any change to exclusive service  
515 area boundaries, the commissioner shall maintain existing service  
516 areas, consider established exclusive service areas, and consider the  
517 orderly and efficient development of public water [supplies] systems.  
518 The commissioner shall hold a public hearing not later than sixty days  
519 after issuing recommendations and shall render a decision not later  
520 than forty-five days after the hearing. The parties and the water utility  
521 coordinating committees shall be notified of the hearing by mail not  
522 less than fifteen days prior to the date set for the hearing. Any parties  
523 that are aggrieved by a decision of the commissioner under this section  
524 shall have a right of appeal to the Superior Court as provided for in  
525 section 4-183.

526 (c) Not later than six months after submitting the committee's  
527 recommendations of such boundaries to the commissioner, or any

528 recommendation by the commissioner pursuant to subsection (b) of  
529 this section, each public water system that is assigned as the exclusive  
530 service area shall develop or revise a water supply plan pursuant to  
531 section 25-32d documenting the public water system's plan to provide  
532 water service in the exclusive service area.

533 (d) The commissioner shall conduct a public hearing prior to the  
534 approval of the exclusive service area boundaries, except that the  
535 department may waive the requirement for a public hearing after  
536 publishing notice of the service area boundaries and of the intent to  
537 wave the requirement for a hearing, in a newspaper having general  
538 circulation in the public water supply management area and in the  
539 Environmental Monitor pursuant to subsection (d) of section 22a-1b;  
540 provided, the commissioner shall hold a public hearing upon receipt of  
541 a petition signed by at least twenty-five persons no later than thirty  
542 days after such notice is published.

543 (e) No exclusive service area boundary shall be revised without  
544 approval of the Water Utility Coordinating Committee or a decision by  
545 the commissioner pursuant to section 25-33i, as amended by this act.

546 Sec. 14. Section 25-33h of the general statutes is repealed and the  
547 following is substituted in lieu thereof (*Effective October 1, 2006*):

548 (a) Each water utility coordinating committee shall prepare a  
549 [coordinated water system] regional water supply plan [in the] for its  
550 public water supply management area. [Such plan shall be submitted  
551 to the Commissioner of Public Health for his approval not more than  
552 two years after the first meeting of the committee.] The plan shall  
553 promote cooperation among public water systems and include, but not  
554 be limited to, provisions for (1) integration of public water systems,  
555 consistent with the protection and enhancement of public health and  
556 well-being; (2) integration of water company plans; (3) exclusive  
557 service areas; (4) joint management or ownership of services; (5)  
558 satellite management services; (6) interconnections between public  
559 water systems; (7) integration of land use and water system plans,

560 including the State Plan of Conservation and Development adopted  
561 under chapter 297; (8) [minimum design standards] source water  
562 protection; (9) water conservation; (10) the impact on other uses of  
563 water resources; and (11) acquisition of land surrounding wells  
564 proposed to be located in stratified drifts.

565 (b) The regional water supply plan shall be adopted in accordance  
566 with the provisions of this section. The committee shall prepare a draft  
567 of the plan and solicit comments thereon from the Commissioners of  
568 Public Health and Environmental Protection, the Department of Public  
569 Utility Control, the Secretary of the Office of Policy and Management  
570 and any municipality, regional planning [agency] organization or  
571 other interested party within the management area. [The  
572 municipalities and regional planning agencies shall comment on, but  
573 shall not be limited to commenting on, the consistency of the plan with  
574 local and regional land use plans and policies. The Department of  
575 Public Utility Control shall comment on, but shall not be limited to  
576 commenting on, the cost-effectiveness of the plan. The Secretary of the  
577 Office of Policy and Management shall comment on, but shall not be  
578 limited to commenting on, the consistency of the plan with state  
579 policies. The Commissioner of Environmental Protection shall  
580 comment on, but shall not be limited to commenting on, the  
581 availability of water for any proposed diversion. The Commissioner of  
582 Public Health shall comment on, but shall not be limited to  
583 commenting on, the availability of pure and adequate water supplies,  
584 potential conflicts over the use of such supplies, and consistency with  
585 the goals of sections 25-33c to 25-33j, inclusive.]

586 (c) The Commissioner of Public Health shall adopt regulations in  
587 accordance with the provisions of chapter 54 establishing (1) the  
588 contents of a plan, (2) the time schedule for development of the plan,  
589 (3) operating and governing procedures and criteria for the water  
590 utility coordinating committees, and (4) criteria and a procedure for  
591 approval or amendment [to] of the regional water supply plan. The  
592 water utility coordinating committee shall base its decisions on the

593 consensus of participating members and shall submit any unresolved  
594 disputes between committee members concerning service area claims  
595 or the regional supply plan to the commissioner for resolution.

596 (d) The Department of Public Health shall hold a public hearing  
597 prior to approving the regional water supply plan, except that the  
598 department may waive the requirement for a public hearing after  
599 publishing notice of the intent to waive the requirement for a hearing  
600 in a newspaper having general circulation in the management area and  
601 in the Environmental Monitor pursuant to subsection (d) of section  
602 22a-1b, provided the Commissioner of Public Health shall hold a  
603 hearing upon receipt, not later than thirty days after such notice is  
604 published, of a petition signed by at least twenty-five persons  
605 requesting a public hearing. Prior to publishing notice of intent to  
606 adopt or amend regulations authorized by this section, the department  
607 shall solicit comments on such proposed regulations from the  
608 Departments of Environmental Protection and Public Utility Control  
609 and the Office of Policy and Management.

610 (e) After approval of the regional water supply plan, the water  
611 utility coordinating committee shall convene at least every two years  
612 to update the regional water supply map to reflect any subsequent  
613 changes to the exclusive service area boundaries.

614 Sec. 15. Section 25-33i of the general statutes is repealed and the  
615 following is substituted in lieu thereof (*Effective October 1, 2006*):

616 (a) Any permit issued by the Commissioner of Public Health  
617 pursuant to this chapter shall, to the extent feasible, be consistent with  
618 any [coordinated] regional water supply plan adopted pursuant to  
619 section 25-33h, as amended by this act.

620 (b) [No] A new public water supply system may be [approved]  
621 created within a public water supply management area after the  
622 Commissioner of Public Health has convened a water utility  
623 coordinating committee [unless (1) an existing public water supply

624 system is unable to provide water service or (2) the committee  
625 recommends such approval] when the area requiring water service has  
626 not been assigned as part of a public water system's exclusive service  
627 area, or when the public water system with the exclusive service area  
628 responsibility is unable to provide service via a main extension,  
629 satellite management or a mutual arrangement with another public  
630 water system and the committee recommends such approval or the  
631 commissioner approves the system. If the public water system with the  
632 exclusive service area responsibility is unwilling to serve a project in  
633 its exclusive service area via a main extension, satellite management or  
634 a mutual arrangement with another public water system, the  
635 commissioner may change the exclusive service area boundaries of  
636 that public water system and reassign all, or a portion of, the exclusive  
637 service area to another responsible party, in accordance with section  
638 25-33g, as amended by this act. All new public water systems shall be  
639 in compliance with section 16-262m, as amended by this act.

640 Sec. 16. Section 25-33j of the general statutes is repealed and the  
641 following is substituted in lieu thereof (*Effective October 1, 2006*):

642 The Commissioner of Public Health may enter into contracts with  
643 consultants to provide services to water utility coordinating  
644 committees. [The amount of any contract shall not exceed two hundred  
645 thousand dollars.] Any appropriation made to the Department of  
646 Public Health for the purposes of this section shall not lapse until [The  
647 Department] the Commissioner of Public Health has [completed the  
648 planning process] approved the regional water supply plan for a water  
649 utility coordinating committee.

650 Sec. 17. Section 26-141b of the 2006 supplement to the general  
651 statutes is repealed and the following is substituted in lieu thereof  
652 (*Effective October 1, 2006*):

653 The Commissioner of Environmental Protection shall, on or before  
654 December 31, 2006, and after consultation and cooperation with the  
655 Department of Public Health, the Department of Public Utility Control,

656 an advisory group convened by the Commissioner of Environmental  
657 Protection, and any other agency, board or commission of the state  
658 with which said commissioner shall deem it advisable to consult and  
659 after recognizing and providing for the needs and requirements of  
660 public health, flood control, industry, public utilities, water supply,  
661 public safety, agriculture and other lawful uses of such waters and  
662 further recognizing and providing for stream and river ecology, the  
663 requirements of natural aquatic life, natural wildlife and public  
664 recreation, and after considering the natural flow of water into an  
665 impoundment or diversion, and being reasonably consistent therewith,  
666 shall adopt regulations, in accordance with the provisions of chapter  
667 54, establishing flow regulations for all river and stream systems. Such  
668 flow regulations shall: (1) Apply to all river and stream systems within  
669 this state; (2) preserve and protect the natural aquatic life, including  
670 anadromous fish, contained within such waters; (3) preserve and  
671 protect the natural and stocked wildlife dependent upon the flow of  
672 such water; (4) promote and protect the usage of such water for public  
673 recreation; (5) be based, to the maximum extent practicable, on natural  
674 variation of flows and water levels while providing for the needs and  
675 requirements of public health, flood control, industry, public utilities,  
676 water supply, public safety, agriculture and other lawful uses of such  
677 waters; and (6) be based on the best available science, including, but  
678 not limited to, natural aquatic habitat, biota, subregional basin  
679 boundaries, areas of stratified drift, stream gages and flow data,  
680 locations of registered, permitted, and proposed diversions and  
681 withdrawal data reported pursuant to section 22a-368a, locations  
682 where any dams or other structures impound or divert the waters of a  
683 river or stream and any release made therefrom, and any other data for  
684 developing such regulations or individual management plans. Such  
685 flow regulations may provide special conditions or exemptions  
686 including, but not limited to, an extreme economic hardship or other  
687 circumstance, an agricultural diversion, a water quality certification  
688 related to a license issued by the Federal Energy Regulatory  
689 Commission or as necessary to allow a public water system, as defined

690 in [subsection (a) of] section 25-33d, to comply with the obligations of  
 691 such system as set forth in the regulations of Connecticut state  
 692 agencies. Any flow management plan contained in a resolution,  
 693 agreement or stipulated judgment to which the state, acting through  
 694 the Commissioner of Environmental Protection, is a party, or the  
 695 management plan developed pursuant to section 3 of public act 00-  
 696 152\*, is exempt from any such flow regulations. Flow regulations that  
 697 were adopted pursuant to this section and sections 26-141a, as  
 698 amended, and 26-141c, as amended, prior to October 1, 2005, shall  
 699 remain in effect until the Commissioner of Environmental Protection  
 700 adopts new regulations pursuant to this section.

701       Sec. 18. Section 25-33n of the general statutes is repealed. (*Effective*  
 702 *October 1, 2006*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	16-262m
Sec. 2	<i>October 1, 2006</i>	19a-37a(a)
Sec. 3	<i>October 1, 2006</i>	20-330(9)
Sec. 4	<i>October 1, 2006</i>	22a-354h
Sec. 5	<i>October 1, 2006</i>	22a-354p(e)
Sec. 6	<i>October 1, 2006</i>	22a-354x
Sec. 7	<i>October 1, 2006</i>	22a-451(d)
Sec. 8	<i>October 1, 2006</i>	22a-478(h)
Sec. 9	<i>October 1, 2006</i>	25-33c
Sec. 10	<i>October 1, 2006</i>	25-33d
Sec. 11	<i>October 1, 2006</i>	25-33e
Sec. 12	<i>October 1, 2006</i>	25-33f(b)
Sec. 13	<i>October 1, 2006</i>	25-33g
Sec. 14	<i>October 1, 2006</i>	25-33h
Sec. 15	<i>October 1, 2006</i>	25-33i
Sec. 16	<i>October 1, 2006</i>	25-33j
Sec. 17	<i>October 1, 2006</i>	26-141b
Sec. 18	<i>October 1, 2006</i>	Repealer section

***Statement of Purpose:***

To streamline the application process for non-community public water supplies, to better link this application process with the drinking water supply planning process and to improve and streamline the operations of the water utility coordinating committee's water planning process.

*[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.]*