



General Assembly

January Session, 2007

**Raised Bill No. 7183**

LCO No. 4094

\*04094\_\_\_\_\_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 Section 21a-86a of the general statutes is repealed and the  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, 2007*):

3 (a) [On or before October 1, 1990, the] The Commissioner of  
4 Consumer Protection, in consultation with the Secretary of the Office  
5 of Policy and Management, the chairperson of the Public Utilities  
6 Control Authority, the State Building Inspector and the  
7 Commissioners of Public Health and Environmental Protection, shall  
8 adopt regulations in accordance with the provisions of chapter 54  
9 establishing minimum efficiency standards for plumbing fixtures [and  
10 other water-using devices, as appropriate] and automatic lawn  
11 sprinkler systems in 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, 2007, 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, 2007*):

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, 2007, 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, 2007*):

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, shall  
78 constitute a Water Planning Council to address issues involving the  
79 water companies, water resources and state policies regarding the  
80 future of the state's drinking water supply. [The chairperson of the  
81 Public Utility Control Authority shall convene the first meeting of the

82 council.] On or after July 1, 2007, and each year thereafter, the  
83 chairperson of the Water Planning Council shall be elected by the  
84 members of the Water Planning Council.

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

107 (c) The council may establish an advisory group that shall serve at  
108 the pleasure of the council. The advisory group shall be balanced  
109 between consumptive and nonconsumptive interests. The advisory  
110 group may include representatives of (1) regional and municipal water  
111 utilities, (2) investor-owned water utilities, (3) a wastewater system, (4)  
112 agricultural interests, (5) electric power generation interests, (6)  
113 business and industry interests, (7) environmental land protection  
114 interests, (8) environmental river protection interests, (9) boating

115 interests, (10) fisheries interests, (11) recreational interests, (12)  
116 endangered species protection interests, and (13) members of academia  
117 with expertise in stream flow, public health and ecology.

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, 2007*) (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 the goals of the  
135 Water Planning Council developed prior to October 1, 2007;

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

138 (3) Establish a mechanism to perform an in-depth analysis of  
139 existing statutes and regulations of the Department of Environmental  
140 Protection, the Department of Public Health and the Department of  
141 Public Utility Control for areas of overlapping and conflicting or  
142 inefficient procedures;

143 (4) Review and summarize other states' regulatory programs and  
144 structures, relating to water resource planning, including, but not

145 limited to, their approaches to water allocation;

146 (5) Identify processes and funding needs for the evaluation of  
147 existing water diversion data and approaches to basin planning  
148 projects and coordinate water data collection from, and analysis  
149 among, the Department of Environmental Protection, the Department  
150 of Public Health, the Department of Public Utility Control, the Office  
151 of Policy and Management and the United States Geological Survey,  
152 and recommend supplemental data collection, as appropriate;

153 (6) Evaluate existing water conservation programs and make  
154 recommendations to enhance water conservation programs to promote  
155 a water conservation ethic and to provide for appropriate drought  
156 response and enforcement capabilities; and

157 (7) Identify funding requirements and mechanisms for ongoing  
158 efforts in water resources planning in the state.

159 (b) Not later than April 1, 2008, and annually thereafter, the bureau  
160 shall submit a report, in accordance with the provisions of section 11-  
161 4a of the general statutes, on its progress toward accomplishing its  
162 duties in accordance with this section, along with any recommended  
163 legislative revisions, to the joint standing committees of the General  
164 Assembly having cognizance of matters relating to the environment,  
165 public utilities and public health.

166 Sec. 5. Subsection (a) of section 16-43 of the general statutes is  
167 repealed and the following is substituted in lieu thereof (*Effective from*  
168 *passage*):

169 (a) A public service company shall obtain the approval of the  
170 Department of Public Utility Control to directly or indirectly (1) merge,  
171 consolidate or make common stock with any other company, or (2)  
172 sell, lease, assign, mortgage, except by supplemental indenture in  
173 accord with the terms of a mortgage outstanding May 29, 1935, or  
174 otherwise dispose of any essential part of its franchise, plant,

175 equipment or other property necessary or useful in the performance of  
176 its duty to the public. Any such disposition of an essential part of such  
177 other real property of a public service company shall be by public  
178 auction or other procedure for public sale, provided such auction or  
179 public sale shall be conducted upon notice of auction or sale published  
180 at least once each week for two weeks preceding the date of such  
181 auction or sale in a newspaper having a substantial circulation in the  
182 county in which such property is located. The public service company  
183 shall submit evidence to the department of the notice given. On a  
184 showing of good cause by such company to use a means of disposal  
185 other than by public auction or other procedure for public sale, the  
186 department may, on a finding of such good cause, authorize the use of  
187 an alternative sales process. No public auction or public sale procedure  
188 shall be required for the sale or other disposition of real property by a water  
189 company to a municipality, the state or a land conservation organization if at  
190 least seventy per cent of the area of the real property sold or disposed of is to  
191 be used for open space or recreational purposes, as defined in subsection (f)  
192 of section 16-50d, and if the consideration received for such sale or  
193 disposition is not less than the appraised value of such property. A public  
194 service company other than a water company may sell, lease, assign,  
195 mortgage or otherwise dispose of improved real property with an  
196 appraised value of two hundred fifty thousand dollars or less or  
197 unimproved real property with an appraised value of fifty thousand  
198 dollars or less without such approval. The department shall follow the  
199 procedures in section 16-50c for transactions involving unimproved  
200 land owned by a public service company other than a water company.  
201 A water company supplying water to more than five hundred  
202 consumers may sell, lease, assign, mortgage, or otherwise dispose of  
203 real property, other than public watershed or water supply lands, with  
204 an appraised value of fifty thousand dollars or less without such  
205 approval. The department shall not accept an application to sell  
206 watershed or water supply lands until the Commissioner of Public  
207 Health issues a permit pursuant to section 25-32. The condemnation by  
208 a state department, institution or agency of any land owned by a  
209 public service company shall be subject to the provisions of this

210 subsection. On February 1, 1996, and annually thereafter, each public  
211 service company shall submit a report to the Department of Public  
212 Utility Control of all real property sold, leased, assigned, mortgaged,  
213 or otherwise disposed of without the approval of said department  
214 during the previous calendar year. Such report shall include for each  
215 transaction involving such property, without limitation, the appraised  
216 value of the real property, the actual value of the transaction and the  
217 accounting journal entry which recorded the transaction.

218 Sec. 6. Section 29-265b of the general statutes is repealed. (*Effective*  
219 *October 1, 2007*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	21a-86a
Sec. 2	<i>October 1, 2007</i>	21a-86b
Sec. 3	<i>October 1, 2007</i>	25-33o
Sec. 4	<i>October 1, 2007</i>	New section
Sec. 5	<i>from passage</i>	16-43(a)
Sec. 6	<i>October 1, 2007</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.]*