



House of Representatives

General Assembly

File No. 411

February Session, 2008

Substitute House Bill No. 5903

House of Representatives, April 3, 2008

The Committee on Public Health reported through REP. SAYERS, P. of the 60th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING DRINKING WATER.

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

1 Section 1. Section 22a-352 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) The [Department of Environmental Protection, the Department
4 of Public Health and the Office of Policy and Management, shall
5 establish a continuing planning process and shall prepare and
6 periodically update jointly] Water Planning Council, established
7 pursuant to section 25-33o, shall develop a process and
8 implementation schedule that shall be utilized by said council for the
9 development, implementation and periodic update of a state-wide
10 long-range plan for the management of water company lands,
11 watershed lands and the water resources of the state. Such plan shall
12 be based on scientifically quantifiable data and shall establish a
13 method to: Effectively allocate water resources, prioritize water
14 apportionment among users, meet the needs and requirements of
15 industry, agriculture and public utilities, advance ecological

16 protections, enhance public health and public safety, and properly
17 manage flood control. In [carrying out such preparation the aforesaid
18 agencies] developing such long-range plan, the Water Planning
19 Council shall: (1) Design a unified planning program and budget; (2)
20 coordinate regional water and sewer facilities plans; [and provide
21 technical or financial assistance to regional planning agencies in the
22 preparation of regional water and sewer facilities plans which are
23 necessary as guidelines for the planning and designing of local and
24 interlocal facilities and which are required by the federal government
25 as a prerequisite for grants to municipalities for the construction of
26 certain water and sewer facilities] (3) seek involvement of interested
27 parties; (4) coordinate with the Office of Responsible Growth,
28 established by Executive Order No. 15 of Governor M. Jodi Rell; and
29 (5) integrate individual water utility coordinating committee plans, the
30 state plan of conservation and development, as described in section
31 16a-30, and any other planning documents deemed necessary by said
32 council.

33 (b) The [state-wide water resources] plan developed pursuant to
34 subsection (a) of this section shall: (1) Identify the quantities and
35 qualities of water that could be available to specific areas under
36 feasible distribution; (2) identify present and projected demands for
37 water for specific areas; (3) recommend the utilization of the state's
38 water resources, including surface and subsurface water, for their
39 greatest benefits; (4) make recommendations for such major
40 engineering works or special districts which may be necessary,
41 including the need, timing and general cost thereof; (5) recommend
42 land use and other measures where appropriate to insure the desired
43 quality and abundance of water; (6) take into account desired
44 recreational, agricultural, industrial and commercial use of water
45 bodies; (7) take into account the ecological and environmental impact
46 that implementation of the plan will have on the state; (8) include short
47 and long-range objectives and strategies to effectuate the purposes of
48 this section; and [(7)] (9) seek to incorporate regional and local plans
49 and programs for water use and management and plans for water and
50 sewerage facilities in the state-wide plan. Not later than January 1,

51 2009, the Water Planning Council shall submit such plan and
52 implementation schedule, in accordance with section 11-4a, to the joint
53 standing committees of the General Assembly having cognizance of
54 matters relating to public health, planning and development, the
55 environment, and public utilities for consideration and review by said
56 committees.

57 [(c) Upon completion of each planning document and when
58 adopted by the Commissioner of Environmental Protection, the
59 Commissioner of Public Health and the Secretary of the Office of
60 Policy and Management, said final plan shall be submitted to the
61 General Assembly.]

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2008	22a-352

PH *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 chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Department of Environmental Protection	GF - Cost	232,615	252,000
Public Health, Dept.	GF - Cost	124,600	123,550
Public Utility Control, Dept.	CC&PUCF - Cost	111,160	116,007
Comptroller Misc. Accounts (Fringe Benefits) ¹	GF - Cost	87,679	219,597
Policy & Mgmt., Off.	GF - None	None	None

Note: GF=General Fund; CC&PUCF=Consumer Counsel and Public Utility Control Fund

Municipal Impact: None

Explanation

Passage of this bill would result in costs to the Departments of Environmental Protection (DEP), Public Health (DPH) and Public Utility Control (DPUC); and fringe benefit costs to the Office of the State Comptroller (OSC).

DEP would incur costs of \$232,615 in FY 09 and \$252,000 in FY 10 for five additional Environmental Analysts. One Environmental Analyst would handle the bill's provisions related to municipal facilities; two positions would be dedicated to streamflow analysis; and two positions would work on newly required water diversion issues. There are currently five DEP staff working on water diversion programs, and the bill adds a requirement for a number of new scientific analyses, causing the need for additional skilled analysts.

¹ The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The first year fringe benefit costs for new positions do not include pension costs. The estimated first year fringe benefit rate as a percentage of payroll is 25.36%. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System (SERS). The SERS fringe benefit rate is 33.27%, which when combined with the rate for non-pension fringe benefits totals 58.63%.

Also DPH would incur costs of \$124,600 in FY 09 to hire two Environmental Analyst 2 positions needed to assist in the development of the long-range plan, well as other expenses and one-time equipment costs. The annualized cost of this staffing expansion would be \$123,550 in FY 10.

OSC fringe benefit costs resulting from the hiring of the seven positions identified above would be \$87,679 in FY 09 and \$219,597 in FY 10.

DPUC would require one Utilities Examiner 2 to assist in the planning effort, at an FY 09 cost of \$71,923 (including other expenses and one-time equipment costs). In FY 10, the annualized cost associated with this position would be \$73,500. Fringe benefit costs incurred by the Public Utility Control Fund would be \$39,237 in FY 09 and \$42,507 in FY 10.

The Office of Policy and Management would be able to perform duties specified in the bill within its normally budgeted resources.

No funding has been included within sHB 5021 (the Revised FY 09 Appropriations Act, as favorably reported by the Appropriations Committee) for DEP, DPH or DPUC to accomplish new duties within this bill. It should also be noted that sHB 5021 eliminates all DEP funding for its participation in the Water Planning Council.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5903*****AN ACT CONCERNING DRINKING WATER.*****SUMMARY:**

This bill adds the Department of Public Utility Control (DPUC) to those state agencies – the Environmental Protection and Public Health departments and the Office of Policy and Management – that must develop a statewide, long-range water resources management plan. It does this by making the Water Planning Council responsible for the plan’s development. (The chairperson or the chairperson’s designee of the Public Utility Control Authority (PUCA), the body that administers the DPUC, is a council member.)

The bill specifies that the plan cover management of water company lands and watershed lands; it already covers the state’s water resources. It requires the council to integrate into the statewide plan regional water utility coordination committee plans, the State Plan of Conservation and Development, and other planning documents as needed. It adds two plan elements: (1) accounting for how implementing the plan will affect the state’s ecology and environment and (2) short- and long-term objectives and strategies.

The bill eliminates the requirement that the agencies responsible for the plan provide technical and financial assistance to regional planning agencies preparing water and sewer plans.

EFFECTIVE DATE: October 1, 2008

STATEWIDE WATER RESOURCES PLAN***Plan Development***

Current law requires the Environmental and Public Health

departments and the Office of Policy and Management to establish a continuing planning process and prepare and periodically update a statewide, long-range plan for managing the state's water resources. The bill shifts this responsibility to the Water Planning Council, which is composed of these agencies' heads, or their designees, plus the PUCA chairperson or the chairperson's designee. It requires the council to develop a process and a schedule to develop, implement, and update this plan.

Plan Scope and Methodology

Currently, the plan covers the state's water resources. The bill specifies that it cover water company and watershed lands. It requires the plan to establish a method to (1) effectively allocate water resources; (2) set water apportionment priorities among users; (3) meet industry, agriculture, and public utility needs and requirements; (4) advance ecological protections; (5) enhance public health and safety; and (6) properly manage flood control. The bill requires the plan be based on scientifically quantifiable data.

In developing the plan, the bill requires the council to:

1. seek the involvement of interested parties;
2. coordinate with the Office of Responsible Growth; and
3. integrate the plan with individual water utility coordinating committee plans, the State Plan of Conservation and Development, and any other planning documents it deems necessary. The law already requires the plan to try to incorporate regional and local water use and management plans and plans for water and sewer facilities.

The bill eliminates the requirement that the responsible agencies provide technical and financial assistance to regional planning agencies preparing water and sewer plans needed as a prerequisite for federal water and sewer facility construction grants. It shifts to the council responsibility to (1) design a unified planning program and

budget and (2) coordinate regional water and sewer facility plans.

Plan Elements

The bill requires the plan to (1) account for the ecological and environmental effects its implementation will have and (2) include short- and long-term objectives and strategies to achieve the law's objectives.

Current law requires the plan, among other elements, to (1) identify present and projected water demand and water that could feasibly be distributed to specific areas; (2) recommend major engineering works and land use measures to ensure desired water quality and quantity; and (3) account for recreational, agricultural, industrial, and commercial use of water bodies.

Reporting

The bill requires the council to submit its plan and implementation schedule to the Public Health, Planning and Development, Environment, and Energy and Technology committees for their review. It must do this by January 1, 2009. Under current law, after the responsible agencies complete and adopt each plan, they must submit it to the General Assembly.

BACKGROUND

Water Planning Council

The law requires the council to study a variety of issues including:

1. water companies' financial viability, market structure, rates, customer service, and land use;
2. protection and appropriate allocation of the state's water resources,
3. the adequacy and quality of the state's drinking water supply to meet current and future needs;
4. the status of current and projected withdrawals, river flows, and

water users' future needs;

5. streamlining the water diversion permit process; and
6. procedures for coordinating public water supply system planning.

It must report annually on its findings and recommendations for legislation to the Public Health, Environment, and Energy and Technology committees.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 29 Nay 1 (03/17/2008)