



General Assembly

February Session, 2008

**Raised Bill No. 5683**

LCO No. 2341

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Referred to Committee on Energy and Technology

Introduced by:  
(ET)

**AN ACT CONCERNING WATER REUSE IN INDUSTRIAL COOLING  
AND PROCESS APPLICATIONS.**

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

1 Section 1. Section 22a-367 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 As used in sections 22a-365 to 22a-378, inclusive:

4 (1) "Commissioner" means the Commissioner of Environmental  
5 Protection;

6 (2) "Diversion" means any activity which causes, allows or results in  
7 the withdrawal from or the alteration, modification or diminution of  
8 the instantaneous flow of the waters of the state;

9 (3) "Divert" means to engage in any act of diversion;

10 (4) "Instantaneous flow" means the volume of water that would  
11 occur in waters at a given point at any given moment;

12 (5) "Interbasin transfer" means any transfer of waters for use from

13 one subregional drainage basin to another. Subregional drainage  
14 basins are those basins delineated on a map compiled by the  
15 Connecticut Geological and Natural History Survey and entitled  
16 "Natural Drainage Basins in Connecticut, 1981", as amended;

17 (6) "Municipality" means any metropolitan district, town,  
18 consolidated town and city, consolidated town and borough, city,  
19 borough, village, fire and sewer district, sewer district and any  
20 municipal organization authorized to levy and collect taxes or make  
21 charges;

22 (7) "Person" means any individual, partnership, association, firm,  
23 limited liability company, corporation or other entity, except a  
24 municipality, and includes the federal government, the state or an  
25 instrumentality of the state, and any officer or governing or managing  
26 body of a partnership, association, firm or corporation or any member  
27 or manager of a limited liability company;

28 (8) "Regional drainage basins" means those basins delineated on a  
29 map compiled by the Connecticut geological and natural history  
30 survey and entitled "Natural Drainage Basins in Connecticut, 1981", as  
31 amended;

32 (9) "Waters" means all tidal waters, harbors, estuaries, rivers,  
33 brooks, watercourses, waterways, wells, springs, lakes, ponds,  
34 marshes, drainage systems and all other surface or underground  
35 streams, bodies or accumulations of water, natural or artificial, public  
36 or private, which are contained within, flow through or border upon  
37 this state or any portion thereof; and

38 (10) "Gray water" means treated or recycled water from a municipal  
39 waste water treatment plant.

40 Sec. 2. Section 22a-371 of the general statutes is repealed and the  
41 following is substituted in lieu thereof (*Effective from passage*):

42 (a) Within one hundred eighty days of receipt of an application for a

43 permit, the commissioner shall determine if there is any additional  
44 information that he deems necessary to carry out the purposes of  
45 sections 22a-365 to 22a-378, inclusive. The applicant shall provide such  
46 information to the commissioner upon request.

47 (b) If the applicant does not furnish the requested information, the  
48 commissioner shall publish notice of his tentative determination on the  
49 application in accordance with section 22a-6h and shall hold or waive  
50 a public hearing in accordance with the provisions of subsection (f) of  
51 this section.

52 (c) If the commissioner finds that an application is complete, he shall  
53 notify the applicant by certified mail, return receipt requested. The  
54 commissioner shall also notify the applicant of the time, date and  
55 location of any public hearing to be held on the application.

56 (d) Upon notifying the applicant in accordance with subsection (c)  
57 of this section that the application is complete, the commissioner shall  
58 immediately provide notice of the application and a concise  
59 description of the proposed diversion to the Governor, the Attorney  
60 General, the speaker of the House of Representatives, the president pro  
61 tempore of the Senate, the Secretary of the Office of Policy and  
62 Management, the Commissioners of Public Health and Economic and  
63 Community Development, the chairperson of the Public Utility  
64 Control Authority, chief executive officer and chairmen of the  
65 conservation commission and wetlands agency of the municipality or  
66 municipalities in which the proposed diversion will take place or have  
67 effect, and to any person who has requested notice of such activities.

68 (e) As used in this section, "municipality" means a city, town or  
69 borough of the state.

70 (f) The commissioner shall hold a public hearing before approving  
71 or denying an application, except that, when the commissioner  
72 determines that the proposed diversion (1) is necessary, (2) will not  
73 significantly affect long-range water resource management or the

74 environment, and (3) will not impair proper management and use of  
75 the water resources of the state, he may waive the requirement for a  
76 hearing after publishing notice of his tentative decision regarding the  
77 application and of his intent to waive the requirement for a hearing in  
78 a newspaper having general circulation in the area where the proposed  
79 diversion will take place or have effect; provided the commissioner  
80 shall hold a hearing upon receipt, within thirty days after such notice  
81 is published or mailed, of a petition signed by at least twenty-five  
82 persons. If a hearing is to be held, the commissioner, at the applicant's  
83 expense, shall (A) cause notice of the time, date and location of the  
84 commencement of the hearing, a concise description of the proposed  
85 diversion, and the commissioner's tentative determination regarding  
86 the application to be published not less than thirty days prior to the  
87 commencement of the hearing in a newspaper having a general  
88 circulation in the area where the proposed diversion will take place or  
89 have effect, and (B) provide the same notice to the officials listed in  
90 subsection (d) of this section not less than thirty days prior to the  
91 commencement of the hearing.

92 (g) Not later than three hundred sixty days after receipt of an  
93 application from the owner or operator of a facility or proposed facility  
94 for a permit or permits for the diversion or use of gray water for  
95 cooling and industrial process in a facility, as defined in subdivision  
96 (3) of subsection (a) of section 16-50i, the commissioner shall issue or  
97 deny the requested permit or permits. If the commissioner fails to take  
98 action within such three-hundred-sixty-day period, the commissioner  
99 shall within fifteen days of the expiration of the three-hundred-sixty-  
100 day period, issue the requested permit or permits in accordance with  
101 the application.

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| This act shall take effect as follows and shall amend the following sections: |                     |         |
| Section 1   | <i>from passage</i> | 22a-367 |
| Sec. 2  | <i>from passage</i> | 22a-371 |

**Statement of Purpose:**

To conserve water and promote the efficient reuse of water by expediting the issuance of water diversion and water discharge permits.

*[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.]*