



House of Representatives

File No. 877

General Assembly

January Session, 2011

(Reprint of File No. 228)

Substitute House Bill No. 5068
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
June 2, 2011

AN ACT CREATING A REBUTTABLE PRESUMPTION FOR THE APPROVAL OF AN INLAND WETLANDS PERMIT FOR A DRY HYDRANT.

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

1 Section 1. Section 22a-40 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) The following operations and uses shall be permitted in
4 wetlands and watercourses, as of right:

5 (1) Grazing, farming, nurseries, gardening and harvesting of crops
6 and farm ponds of three acres or less essential to the farming
7 operation, and activities conducted by, or under the authority of, the
8 Department of Environmental Protection for the purposes of wetland
9 or watercourse restoration or enhancement or mosquito control. The
10 provisions of this subdivision shall not be construed to include road
11 construction or the erection of buildings not directly related to the
12 farming operation, relocation of watercourses with continual flow,
13 filling or reclamation of wetlands or watercourses with continual flow,

14 clear cutting of timber except for the expansion of agricultural crop
15 land, the mining of top soil, peat, sand, gravel or similar material from
16 wetlands or watercourses for the purposes of sale;

17 (2) A residential home [(i)] (A) for which a building permit has been
18 issued, or [(ii)] (B) on a subdivision lot, provided the permit has been
19 issued or the subdivision has been approved by a municipal planning,
20 zoning or planning and zoning commission as of the effective date of
21 promulgation of the municipal regulations pursuant to subsection (b)
22 of section 22a-42a or as of July 1, 1974, whichever is earlier, and further
23 provided no residential home shall be permitted as of right pursuant
24 to this subdivision unless the permit was obtained on or before July 1,
25 1987;

26 (3) Boat anchorage or mooring;

27 (4) Uses incidental to the enjoyment and maintenance of residential
28 property, such property defined as equal to or smaller than the largest
29 minimum residential lot site permitted anywhere in the municipality,
30 provided in any town, where there are no zoning regulations
31 establishing minimum residential lot sites, the largest minimum lot site
32 shall be two acres. Such incidental uses shall include maintenance of
33 existing structures and landscaping but shall not include removal or
34 deposition of significant amounts of material from or onto a wetland
35 or watercourse or diversion or alteration of a watercourse;

36 (5) Construction and operation, by water companies as defined in
37 section 16-1 or by municipal water supply systems as provided for in
38 chapter 102, of dams, reservoirs and other facilities necessary to the
39 impounding, storage and withdrawal of water in connection with
40 public water supplies except as provided in sections 22a-401 and 22a-
41 403; [and]

42 (6) Maintenance relating to any drainage pipe which existed before
43 the effective date of any municipal regulations adopted pursuant to
44 section 22a-42a or July 1, 1974, whichever is earlier, provided such pipe
45 is on property which is zoned as residential but which does not

46 contain hydrophytic vegetation. For purposes of this subdivision,
47 "maintenance" means the removal of accumulated leaves, soil, and
48 other debris whether by hand or machine, while the pipe remains in
49 place; and

50 (7) Withdrawals of water for fire emergency purposes.

51 (b) The following operations and uses shall be permitted, as
52 nonregulated uses in wetlands and watercourses, provided they do not
53 disturb the natural and indigenous character of the wetland or
54 watercourse by removal or deposition of material, alteration or
55 obstruction of water flow or pollution of the wetland or watercourse:

56 (1) Conservation of soil, vegetation, water, fish, shellfish and
57 wildlife; [and]

58 (2) Outdoor recreation including play and sporting areas, golf
59 courses, field trials, nature study, hiking, horseback riding, swimming,
60 skin diving, camping, boating, water skiing, trapping, hunting, fishing
61 and shellfishing where otherwise legally permitted and regulated; and

62 (3) The installation of a dry hydrant by or under the authority of a
63 municipal fire department, provided such dry hydrant is only used for
64 firefighting purposes and there is no alternative access to a public
65 water supply. For purposes of this section, "dry hydrant" means a non-
66 pressurized pipe system that: (A) Is readily accessible to fire
67 department apparatus from a proximate public road, (B) provides for
68 the withdrawal of water by suction to such fire department apparatus,
69 and (C) is permanently installed into an existing lake, pond or stream
70 that is a dependable source of water.

71 (c) Any dredging or any erection, placement, retention or
72 maintenance of any structure, fill, obstruction or encroachment, or any
73 work incidental to such activities, conducted by a state agency, which
74 activity is regulated under sections 22a-28 to 22a-35, inclusive, or
75 sections 22a-359b to 22a-363f, inclusive, shall not require any permit or
76 approval under sections 22a-36 to 22a-45, inclusive.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	22a-40

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill (1) clarifies that withdrawals of water from wetlands and watercourses can be permitted for fire emergency purposes only, (2) that the installation of a dry hydrant can be performed by or under the authority of a municipal fire department, and (3) provides a definition of a dry hydrant. The bill is not anticipated to result in any costs to municipal fire departments.

House "A" strikes the underlying bill and results in the impact described above.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5068 (as amended by House "A")******AN ACT CREATING A REBUTTABLE PRESUMPTION FOR THE APPROVAL OF AN INLAND WETLANDS PERMIT FOR A DRY HYDRANT.*****SUMMARY:**

By law, the Department of Environmental Protection and municipal inland wetlands agencies have oversight of regulated activities on wetlands and watercourses.

This bill allows water to be withdrawn for fire emergency purposes from a wetland or watercourse without obtaining an inland wetlands permit. It also allows a municipal fire department to install a dry hydrant in an inland wetland or watercourse if: (1) the dry hydrant will be used for firefighting purposes only; (2) there is no available alternative access to a public water supply; and (3) installation will not involve the removal or deposition of material, alteration of water flow, or polluting the wetland or watercourse.

Under the bill, a dry hydrant is a non-pressurized pipe system that (1) is readily accessible to fire department apparatus from a nearby public road; (2) provides for water withdrawal by suction to the apparatus; and (3) is permanently installed into an existing lake, pond, or stream that is a dependable water source.

The bill also makes minor technical changes.

*House Amendment "A" replaces the original bill (File 228), which established a rebuttable presumption for the approval of applications to install a dry hydrant for firefighting purposes in an inland wetlands or watercourse.

EFFECTIVE DATE: October 1, 2011

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 26 Nay 0 (03/09/2011)

Planning and Development Committee

Joint Favorable

Yea 19 Nay 0 (04/11/2011)