



General Assembly

Amendment

January Session, 2011

LCO No. 5301

SB0102005301SD0

Offered by:

SEN. WILLIAMS, 29th Dist.
SEN. LOONEY, 11th Dist.
SEN. COLEMAN, 2nd Dist.
SEN. DOYLE, 9th Dist.
SEN. LEBEAU, 3rd Dist.

SEN. DUFF, 25th Dist.
SEN. SLOSSBERG, 14th Dist.
SEN. STILLMAN, 20th Dist.
REP. BERGER, 73rd Dist.

To: Subst. Senate Bill No. 1020

File No. 168

Cal. No. 135

"AN ACT CONCERNING WATER RESOURCES AND ECONOMIC DEVELOPMENT."

1 Strike section 1 in its entirety and insert the following in lieu thereof:

2 "Section 1. Section 26-141b of the general statutes is repealed and the
3 following is substituted in lieu thereof (*Effective July 1, 2011*):

4 (a) The Commissioner of Environmental Protection shall, on or
5 before December 31, [2006, and after consultation and cooperation]
6 2012, in concurrence with the Department of Public Health, the
7 Department of Economic and Community Development, the
8 Department of Agriculture and the Department of Public Utility
9 Control, and after consultation and cooperation with an advisory
10 group convened by the Commissioner of Environmental Protection,
11 and any other agency, board or commission of the state with which

12 said commissioner shall deem it advisable to consult and after
13 recognizing and providing for the needs and requirements of public
14 health, flood control, industry, public utilities, water supply, public
15 safety, agriculture and other lawful uses of such waters and further
16 recognizing and providing for stream and river ecology, the
17 requirements of natural aquatic life, natural wildlife and public
18 recreation, and after considering the natural flow of water into an
19 impoundment or diversion, and being reasonably consistent therewith,
20 shall adopt regulations, in accordance with the provisions of chapter
21 54, establishing flow regulations for all river and stream systems. Such
22 flow regulations shall: (1) Apply to all river and stream systems within
23 this state; (2) preserve and protect the natural aquatic life, including
24 anadromous fish, contained within such waters; (3) preserve and
25 protect the natural and stocked wildlife dependent upon the flow of
26 such water; (4) promote and protect the usage of such water for public
27 recreation; (5) be based, to the maximum extent practicable, on natural
28 variation of flows and water levels while providing for the needs and
29 requirements of public health, flood control, industry, public utilities,
30 water supply, public safety, agriculture and other lawful uses of such
31 waters; and (6) be based on the best available science, including, but
32 not limited to, natural aquatic habitat, biota, subregional basin
33 boundaries, areas of stratified drift, stream gages and flow data,
34 locations of registered, permitted, and proposed diversions and
35 withdrawal data reported pursuant to section 22a-368a, locations
36 where any dams or other structures impound or divert the waters of a
37 river or stream and any release made therefrom, and any other data for
38 developing such regulations or individual management plans. [Such
39 flow regulations may]

40 (b) The flow regulations adopted pursuant to subsection (a) of this
41 section shall not require any public water system, as defined in
42 subsection (a) of section 25-33d, to comply with reservoir release
43 requirements that will cause a reduction in safe yield, available supply
44 or margin of safety to levels that are not sufficient to meet the public
45 health, safety, agricultural and economic development needs of the

46 state and shall provide special conditions or exemptions including, but
47 not limited to, (1) an extreme economic hardship or other
48 circumstance, (2) an agricultural diversion, (3) a water quality
49 certification related to a license issued by the Federal Energy
50 Regulatory Commission, [or as necessary] (4) provisions to allow a
51 public water system, as defined in subsection (a) of section 25-33d, to
52 comply with the obligations of such system as set forth in the
53 regulations of Connecticut state agencies, or (5) instances where
54 compliance requires the expenditure of resources for the development
55 of new sources of water supplies or storage that is not technically
56 feasible or financially viable. Any flow management plan contained in
57 a resolution, agreement or stipulated judgment to which the state,
58 acting through the Commissioner of Environmental Protection, is a
59 party, or the management plan developed pursuant to section 3 of
60 public act 00-152, is exempt from any such flow regulations. Flow
61 regulations that were adopted pursuant to this section and sections 26-
62 141a and 26-141c prior to October 1, 2005, shall remain in effect until
63 the Commissioner of Environmental Protection adopts new
64 regulations pursuant to this section.

65 (c) The Commissioner of Environmental Protection, in consultation
66 with the Commissioner of Public Health, shall conduct an analysis of
67 all basins in Connecticut using existing data and resources to classify
68 ivers and streams, or segments thereof, according to their current and
69 proposed future use, and establish priorities for compliance with flow
70 regulations by the owner or operator of any dam or other structure
71 that impounds or instantaneously diverts a river or stream. In
72 establishing such priorities for compliance, said commissioners shall
73 solicit input from appropriate state agencies and stakeholders and
74 consider the potential impacts of compliance with the flow regulations
75 on economic development, brownfields remediation, the adequacy of
76 public water supplies to meet the current and future public health and
77 safety needs of the communities served, the ability of water companies
78 to maintain an adequate margin of safety, as determined by the
79 Department of Public Health, the impact on water rates and the

80 anticipated environmental benefits from compliance. No river or
81 stream adjacent to or immediately downstream of public water supply
82 sources, or located in areas of significance for economic development
83 shall be classified in a manner that would prevent human alteration of
84 the natural stream flow consistent with the continued use of such river
85 or stream for public water supply sources, or economic development."