



**Substitute House Bill No. 5424**

**Public Act No. 14-163**

**AN ACT CONCERNING THE RESPONSIBILITIES OF THE WATER PLANNING COUNCIL.**

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

Section 1. Section 22a-352 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) [The Department of Energy and Environmental Protection, the Department of Public Health and the Office of Policy and Management shall establish a continuing planning process and shall prepare and periodically update jointly a state-wide long-range] Not later than July 1, 2017, the Water Planning Council, established pursuant to section 25-33o, as amended by this act, shall, within available appropriations, prepare a state water plan for the management of the water resources of the state. In [carrying out such preparation, the aforesaid agencies] developing such state water plan, the Water Planning Council shall: (1) Design a unified planning program and budget; (2) [coordinate] consider regional water and sewer facilities plans; [and provide technical or financial assistance to regional planning agencies in the preparation of regional water and sewer facilities plans which are necessary as guidelines for the planning and designing of local and interlocal facilities and which are required by the federal government as a prerequisite for grants to municipalities for the construction of

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certain water and sewer facilities.] (3) identify the appropriate regions of the state for comprehensive water planning; (4) identify the data needs and develop a consistent format for submitting data to the council, applicable state agencies and regional councils of government for use in planning and permitting; (5) consider the potential impact of climate change on the availability and abundance of water resources and the importance of climate resiliency; (6) seek involvement of interested parties; (7) solicit input from the advisory group established pursuant to section 25-33o, as amended by this act; (8) consider individual water supply plans, water quality standards, stream flow classifications, as described in regulations adopted pursuant to section 26-141b, water utility coordinating committee plans, the state plan of conservation and development, as described in section 16a-30, and any other planning documents deemed necessary by the council; (9) promote the adoption of municipal ordinances based on the State of Connecticut Model Water Use Restriction Ordinance for municipal water emergencies; and (10) examine appropriate mechanisms for resolving conflicts related to the implementation of the state water plan.

(b) The [state-wide water resources plan] state water plan developed pursuant to subsection (a) of this section shall: (1) Identify the quantities and qualities of water that [could be available to specific areas under feasible distribution] are available for public water supply, health, economic, recreation and environmental benefits on a regional basin scale considering both surface water and groundwater; (2) identify present and projected demands for water [for specific areas] resources on a state-wide and regional basin scale; (3) recommend the utilization of the state's water resources, including surface and subsurface water, [for their greatest benefits] in a manner that balances public water supply, economic development, recreation and ecological health; (4) recommend steps to increase the climate resiliency of existing water resources and infrastructure; (5) make

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recommendations for technology and infrastructure upgrades, interconnections and such major engineering works or special districts which may be necessary, including the need, timing and general cost thereof; [(5)] (6) recommend land use and other measures, including an assessment of land acquisition or land protection needs, where appropriate to [insure] ensure the desired quality and abundance of water and to promote development in concert with available water resources; [(6)] (7) take into account desired ecological, recreational, agricultural, industrial and commercial use of water bodies; [and (7)] (8) inform residents of the state about the importance of water-resource stewardship and conservation; (9) establish conservation guidelines and incentives for consumer water conservation with due consideration for energy efficiency; (10) develop a water reuse policy with incentives for matching the quality of the water to the use; (11) meet data collection and analysis needs to provide for data driven water planning and permitting decisions; (12) take into account the ecological, environmental, public health and safety and economic impact that implementation of the state water plan will have on the state; (13) include short and long-range objectives and strategies to communicate and implement the plan; (14) seek to incorporate regional and local plans and programs for water use and management and plans for water and sewerage facilities in the [state-wide plan] state water plan; (15) promote intra-regional solutions and sharing of water resources; (16) develop and recommend strategies to address climate resiliency including the impact of extreme weather events; and (17) identify modifications to laws and regulations that are necessary in order to implement the recommendations of the state water plan.

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

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(c) The Water Planning Council shall provide a time period of not less than one hundred twenty days for public review and comment prior to finalizing such plan. The Commissioners of Public Health and Energy and Environmental Protection, the chairperson of the Public Utilities Regulatory Authority and the Secretary of the Office of Policy and Management shall post such draft plan and information concerning such comment period in a conspicuous location on their respective web sites. The Council on Environmental Quality shall post such draft plan and information concerning such comment period in the Environmental Monitor. The Water Planning Council shall advertise and hold not less than one public hearing during such public review and comment period. After such public comment period, the council shall fully consider all written and oral comments concerning the proposed state water plan. The council shall make available the electronic text of the finalized state water plan on an Internet web site where the finalized state water plan shall be posted and a report summarizing: (1) All public comments received pursuant to this subsection, and (2) the changes made to the finalized state water plan in response to such comments and the reasons for such changes.

(d) Not later than January 1, 2018, the Water Planning Council, in accordance with section 11-4a, shall submit the state water plan to the joint standing committees of the General Assembly having cognizance of matters relating to the environment, public health, planning and development and energy and technology for said committees' approval, revision or disapproval, in whole or in part. The council shall submit such report to the Governor electronically.

(e) Not later than forty-five days after the convening of the 2018 regular session of the General Assembly, said joint standing committees shall conduct a joint public hearing on the state water plan and submit the plan with said committees' joint recommendations for approval, modification or disapproval to the General Assembly. The

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state water plan shall become effective when adopted by the General Assembly as the state water plan for the state, provided if the General Assembly fails to act on the plan on or before July 1, 2018, such state water plan shall be deemed approved.

(f) In the event that the General Assembly disapproves the state water plan, in whole or in part, the state water plan shall be deemed to be rejected and shall be returned to the Water Planning Council for revisions and resubmittal to the committees of cognizance, not later than ninety days after such disapproval, for approval or modification by said committees. In the event that said committees fail to take action on such resubmitted plan not later than sixty days after such resubmission, the plan shall be deemed to be approved.

(g) The Water Planning Council shall oversee the implementation and periodic updates of the state water plan. On or before January 1, 2016, and annually thereafter, the Water Planning Council shall submit a report, in accordance with section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to the environment, public health, planning and development and energy and technology on the status of the development and implementation of the state water plan and any updates to such plan. On and after January 1, 2016, the report required by this subsection shall supplant the requirement for an annual report as required pursuant to section 25-33o, as amended by this act.

Sec. 2. (NEW) (*Effective October 1, 2014*) The Department of Public Health, in consultation with the Water Planning Council, shall, within available appropriations, study the feasibility of creating a licensure or certification program for water professionals who are qualified by reason of their knowledge to assist the Department of Public Health in carrying out the primacy requirements of the Safe Drinking Water Act and the state's legal requirements in the oversight of safe and adequate public drinking water. Such study shall include, but not be limited to,

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desired professional qualifications for such water professionals, review of other states' public drinking water primacy programs, review of the appropriate level of responsibilities for such water professionals and any cost and funding source available to establish such licensure or certification program. Not later than July 1, 2016, said department shall submit a report, in accordance with section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to the environment, public health, planning and development and energy and technology concerning such study.

Sec. 3. Section 25-32b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

The Commissioner of Public Health, in consultation with the Commissioner of Energy and Environmental Protection and the Public Utilities Regulatory Authority, may declare a public drinking water supply emergency upon receipt of information that a public water supply emergency exists, [or] is imminent or can reasonably be expected to occur without the immediate implementation of conservation practices. Notwithstanding any other provision of the general statutes or regulations adopted thereunder, or special act or municipal ordinance, the Commissioner of Public Health, upon such a declaration, may authorize or order one or more of the following: (1) The implementation of water conservation practices, including, but not limited to, water use restrictions, by a public water system or the municipality in which such emergency occurs, (2) the sale, supply or taking of any waters, including waters into which sewage is discharged, or (3) the temporary interconnection of water mains for the sale or transfer of water among water companies. The Public Utilities Regulatory Authority, upon such a declaration, shall determine the terms of the sale of any water sold pursuant to this section if the water companies that are party to the sale cannot determine such terms or if

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one of such water companies is regulated by the authority. The authorization or order may be implemented prior to such determination. Any authorization or order shall be for an initial period of not more than thirty days but may be extended for additional periods of thirty days up to one hundred fifty days, consistent with the contingency procedures for a public drinking water supply emergency in the plan approved pursuant to section 25-32d, to the extent the Commissioner of Public Health deems appropriate. Upon request by the Commissioner of Public Health, the Commissioner of Energy and Environmental Protection, pursuant to section 22a-378, shall suspend a permit issued pursuant to section 22a-368 or impose conditions on a permit held pursuant to said section. The time for such suspension or conditions shall be established in accordance with subdivision (1) of subsection (a) of section 22a-378. As used in this section and section 22a-378, "public drinking water supply emergency" includes the contamination of water, the failure of a water supply system or the shortage of water.

Sec. 4. (*Effective from passage*) Within available appropriations, the Office of Policy and Management, on behalf of the Water Planning Council, may enter into one or more memoranda of understanding with independent consultants for advice or assistance in developing and compiling the state water plan. Such assistance may include, but need not be limited to, data collection, storage and organization of data as deemed necessary by the Water Planning Council.

Sec. 5. Subsection (c) of section 25-33o of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(c) The council may establish an advisory group that shall serve at the pleasure of the council. The advisory group shall be balanced between consumptive and nonconsumptive interests. The advisory group may include representatives of (1) regional and municipal water

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utilities, (2) regional councils of government, (3) investor-owned water utilities, [(3)] (4) a wastewater system, [(4)] (5) agricultural interests, [(5)] (6) electric power generation interests, [(6)] (7) business and industry interests, [(7)] (8) environmental land protection interests, [(8)] (9) environmental river protection interests, [(9)] (10) boating interests, [(10)] (11) fisheries interests, [(11)] (12) recreational interests, [(12)] (13) endangered species protection interests, [and (13)] (14) members of academia with expertise in stream flow, public health and ecology, and (15) a public health district.

Sec. 6. Section 25-33h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) Each water utility coordinating committee shall prepare a coordinated water system plan in the public water supply management area. Such plan shall be submitted to the Commissioner of Public Health for his approval not more than two years after the first meeting of the committee. The plan shall promote cooperation among public water systems and include, but not be limited to, provisions for (1) integration of public water systems, consistent with the protection and enhancement of public health and well-being; (2) integration of water company plans; (3) exclusive service areas; (4) joint management or ownership of services; (5) satellite management services; (6) interconnections between public water systems; (7) integration of land use and water system plans; (8) minimum design standards; (9) water conservation; (10) the impact on other uses of water resources including water quality, flood management, recreation and aquatic habitat issues; and (11) acquisition of land surrounding wells proposed to be located in stratified drifts.

(b) The plan shall be adopted in accordance with the provisions of this section. The committee shall prepare a draft of the plan and solicit comments thereon from the Commissioners of Public Health and Energy and Environmental Protection, the Public Utilities Regulatory

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Authority, the Secretary of the Office of Policy and Management and any municipality, regional [planning agency] councils of government or other interested party within the management area. The municipalities and regional [planning agencies] councils of government shall comment on, but shall not be limited to commenting on, the consistency of the plan with local and regional land use plans and policies. The Public Utilities Regulatory Authority shall comment on, but shall not be limited to commenting on, the cost-effectiveness of the plan. The Secretary of the Office of Policy and Management shall comment on, but shall not be limited to commenting on, the consistency of the plan with state policies. The Commissioner of Energy and Environmental Protection shall comment on, but shall not be limited to commenting on, the availability of water for any proposed diversion, water quality, flood management, recreation and aquatic habitat issues. The Commissioner of Public Health shall comment on, but shall not be limited to commenting on the availability of pure and adequate water supplies, potential conflicts over the use of such supplies, and consistency with the goals of sections 25-33c to 25-33j, inclusive.

(c) The Commissioner of Public Health shall adopt regulations in accordance with the provisions of chapter 54 establishing the contents of a plan and a procedure for approval or amendment to the plan.

Sec. 7. (*Effective July 1, 2014*) The Department of Public Health, in consultation with the Water Planning Council, shall study the feasibility of establishing a general permit for activities that are determined to be minor and that will: (1) Cause minimal environmental and public health effects when conducted separately, (2) cause only minimal cumulative environmental and public health effects, and (3) have no adverse effect on existing or potential uses of water or water bodies. Such study shall provide a listing of activities that may be conducted subject to such general permit and the

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circumstances for conducting such activities. Not later than July 1, 2015, the department shall submit a report, in accordance with section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to public health and the environment concerning such study.

Approved June 11, 2014