



# House of Representatives

**File No. 733**

General Assembly

February Session, 2014

**(Reprint of File No. 467)**

Substitute House Bill No. 5424  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 1, 2014

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

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 Section 22a-352 of the general statutes is repealed and the  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 July 1, 2014*):

3 (a) [The Department of Energy and Environmental Protection, the  
4 Department of Public Health and the Office of Policy and Management  
5 shall establish a continuing planning process and shall prepare and  
6 periodically update jointly a state-wide long-range] Not later than July  
7 1, 2017, the Water Planning Council, established pursuant to section  
8 25-33o, as amended by this act, shall, within available appropriations,  
9 prepare a state water plan for the management of the water resources  
10 of the state. In [carrying out such preparation, the aforesaid agencies]  
11 developing such state water plan, the Water Planning Council shall: (1)  
12 Design a unified planning program and budget; (2) [coordinate]  
13 consider regional water and sewer facilities plans; [and provide  
14 technical or financial assistance to regional planning agencies in the  
15 preparation of regional water and sewer facilities plans which are

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

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

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

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

83 (c) The Water Planning Council shall provide a time period of not

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

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

109 (e) Not later than forty-five days after the convening of the 2018  
110 regular session of the General Assembly, said joint standing  
111 committees shall conduct a joint public hearing on the state water plan  
112 and submit the plan with said committees' joint recommendations for  
113 approval, modification or disapproval to the General Assembly. The  
114 state water plan shall become effective when adopted by the General  
115 Assembly as the state water plan for the state, provided if the General  
116 Assembly fails to act on the plan on or before July 1, 2018, such state  
117 water plan shall be deemed approved.

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

126 (g) The Water Planning Council shall oversee the implementation  
127 and periodic updates of the state water plan. On or before January 1,  
128 2016, and annually thereafter, the Water Planning Council shall submit  
129 a report, in accordance with section 11-4a, to the joint standing  
130 committees of the General Assembly having cognizance of matters  
131 relating to the environment, public health, planning and development  
132 and energy and technology on the status of the development and  
133 implementation of the state water plan and any updates to such plan.  
134 On and after January 1, 2016, the report required by this subsection  
135 shall supplant the requirement for an annual report as required  
136 pursuant to section 25-33o, as amended by this act.

137 Sec. 2. (NEW) (*Effective October 1, 2014*) The Department of Public  
138 Health, in consultation with the Water Planning Council, shall, within  
139 available appropriations, study the feasibility of creating a licensure or  
140 certification program for water professionals who are qualified by  
141 reason of their knowledge to assist the Department of Public Health in  
142 carrying out the primacy requirements of the Safe Drinking Water Act  
143 and the state's legal requirements in the oversight of safe and adequate  
144 public drinking water. Such study shall include, but not be limited to,  
145 desired professional qualifications for such water professionals, review  
146 of other states' public drinking water primacy programs, review of the  
147 appropriate level of responsibilities for such water professionals and  
148 any cost and funding source available to establish such licensure or  
149 certification program. Not later than July 1, 2016, said department shall  
150 submit a report, in accordance with section 11-4a of the general  
151 statutes, to the joint standing committees of the General Assembly

152 having cognizance of matters relating to the environment, public  
153 health, planning and development and energy and technology  
154 concerning such study.

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

157 The Commissioner of Public Health, in consultation with the  
158 Commissioner of Energy and Environmental Protection and the Public  
159 Utilities Regulatory Authority, may declare a public drinking water  
160 supply emergency upon receipt of information that a public water  
161 supply emergency exists, [or] is imminent or can reasonably be  
162 expected to occur without the immediate implementation of  
163 conservation practices. Notwithstanding any other provision of the  
164 general statutes or regulations adopted thereunder, or special act or  
165 municipal ordinance, the Commissioner of Public Health, upon such a  
166 declaration, may authorize or order one or more of the following: (1)  
167 The implementation of water conservation practices, including, but not  
168 limited to, water use restrictions, by a public water system or the  
169 municipality in which such emergency occurs, (2) the sale, supply or  
170 taking of any waters, including waters into which sewage is  
171 discharged, or (3) the temporary interconnection of water mains for the  
172 sale or transfer of water among water companies. The Public Utilities  
173 Regulatory Authority, upon such a declaration, shall determine the  
174 terms of the sale of any water sold pursuant to this section if the water  
175 companies that are party to the sale cannot determine such terms or if  
176 one of such water companies is regulated by the authority. The  
177 authorization or order may be implemented prior to such  
178 determination. Any authorization or order shall be for an initial period  
179 of not more than thirty days but may be extended for additional  
180 periods of thirty days up to one hundred fifty days, consistent with the  
181 contingency procedures for a public drinking water supply emergency  
182 in the plan approved pursuant to section 25-32d, to the extent the  
183 Commissioner of Public Health deems appropriate. Upon request by  
184 the Commissioner of Public Health, the Commissioner of Energy and  
185 Environmental Protection, pursuant to section 22a-378, shall suspend a

186 permit issued pursuant to section 22a-368 or impose conditions on a  
187 permit held pursuant to said section. The time for such suspension or  
188 conditions shall be established in accordance with subdivision (1) of  
189 subsection (a) of section 22a-378. As used in this section and section  
190 22a-378, "public drinking water supply emergency" includes the  
191 contamination of water, the failure of a water supply system or the  
192 shortage of water.

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

200 Sec. 5. Subsection (c) of section 25-33o of the general statutes is  
201 repealed and the following is substituted in lieu thereof (*Effective July*  
202 *1, 2014*):

203 (c) The council may establish an advisory group that shall serve at  
204 the pleasure of the council. The advisory group shall be balanced  
205 between consumptive and nonconsumptive interests. The advisory  
206 group may include representatives of (1) regional and municipal water  
207 utilities, (2) regional councils of government, (3) investor-owned water  
208 utilities, [(3)] (4) a wastewater system, [(4)] (5) agricultural interests,  
209 [(5)] (6) electric power generation interests, [(6)] (7) business and  
210 industry interests, [(7)] (8) environmental land protection interests,  
211 [(8)] (9) environmental river protection interests, [(9)] (10) boating  
212 interests, [(10)] (11) fisheries interests, [(11)] (12) recreational interests,  
213 [(12)] (13) endangered species protection interests, [and (13)] (14)  
214 members of academia with expertise in stream flow, public health and  
215 ecology, and (15) a public health district.

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

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

234 (b) The plan shall be adopted in accordance with the provisions of  
235 this section. The committee shall prepare a draft of the plan and solicit  
236 comments thereon from the Commissioners of Public Health and  
237 Energy and Environmental Protection, the Public Utilities Regulatory  
238 Authority, the Secretary of the Office of Policy and Management and  
239 any municipality, regional [planning agency] councils of government  
240 or other interested party within the management area. The  
241 municipalities and regional [planning agencies] councils of  
242 government shall comment on, but shall not be limited to commenting  
243 on, the consistency of the plan with local and regional land use plans  
244 and policies. The Public Utilities Regulatory Authority shall comment  
245 on, but shall not be limited to commenting on, the cost-effectiveness of  
246 the plan. The Secretary of the Office of Policy and Management shall  
247 comment on, but shall not be limited to commenting on, the  
248 consistency of the plan with state policies. The Commissioner of  
249 Energy and Environmental Protection shall comment on, but shall not  
250 be limited to commenting on, the availability of water for any  
251 proposed diversion, water quality, flood management, recreation and

252 aquatic habitat issues. The Commissioner of Public Health shall  
 253 comment on, but shall not be limited to commenting on the availability  
 254 of pure and adequate water supplies, potential conflicts over the use of  
 255 such supplies, and consistency with the goals of sections 25-33c to 25-  
 256 33j, inclusive.

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

260 Sec. 7. (*Effective July 1, 2014*) The Department of Public Health, in  
 261 consultation with the Water Planning Council, shall study the  
 262 feasibility of establishing a general permit for activities that are  
 263 determined to be minor and that will: (1) Cause minimal  
 264 environmental and public health effects when conducted separately,  
 265 (2) cause only minimal cumulative environmental and public health  
 266 effects, and (3) have no adverse effect on existing or potential uses of  
 267 water or water bodies. Such study shall provide a listing of activities  
 268 that may be conducted subject to such general permit and the  
 269 circumstances for conducting such activities. Not later than July 1,  
 270 2015, the department shall submit a report, in accordance with section  
 271 11-4a of the general statutes, to the joint standing committees of the  
 272 General Assembly having cognizance of matters relating to public  
 273 health and the environment concerning such study.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2014</i>	22a-352
Sec. 2	<i>October 1, 2014</i>	New section
Sec. 3	<i>July 1, 2014</i>	25-32b
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>July 1, 2014</i>	25-33o(c)
Sec. 6	<i>July 1, 2014</i>	25-33h
Sec. 7	<i>July 1, 2014</i>	New section

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.

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### ***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

### ***Explanation***

The bill requires the Water Planning Council (WPC) to prepare a state water plan by January 1, 2017, within available appropriations.

It also (1) allows the Office of Policy and Management (OPM), within available appropriations, to enter into memoranda of understanding (MOUs) with independent consultants for advice or assistance in developing and compiling the plan, and (2) requires the Department of Public Health (DPH) to conduct feasibility studies on (a) licensing water professionals and (b) establishing a general permit for certain minor activities. These requirements are not anticipated to result in a fiscal impact.

House "A" replaces the underlying bill with the impact described above.

### ***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

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**OLR Bill Analysis****sHB 5424 (as amended by House "A")\******AN ACT CONCERNING THE RESPONSIBILITIES OF THE WATER PLANNING COUNCIL.*****SUMMARY:**

This bill requires the state's Water Planning Council (WPC) to, within available appropriations, prepare a state water plan by July 1, 2017, replacing the state's long-range water resources management plan, which was never developed. It (1) prescribes the WPC's tasks in developing the plan, (2) establishes the plan's required content, (3) creates a procedure for public notice and comment, and (4) requires the plan to be submitted to the General Assembly for review and approval (see BACKGROUND).

The bill requires the WPC to (1) oversee the plan's implementation and periodic updates and (2) annually report on its development and implementation and any updates to it. It allows the Office of Policy and Management (OPM), on the WPC's behalf and within available appropriations, to enter into memoranda of understanding (MOUs) with independent consultants for advice or assistance in developing and compiling the plan, which may include data collection, storage, and organization, as the WPC considers necessary.

The bill also:

1. expands the Department of Public Health (DPH) commissioner's authority to declare a public drinking water supply emergency (§ 3);
2. requires the Department of Energy and Environmental Protection (DEEP) commissioner to comment on water quality, flood management, recreation, and aquatic habitat issues in draft

Water Utility Coordinating Committee (WUCC) coordinated water system plans (see BACKGROUND) (§ 6);

3. expands the allowed composition of the WPC's advisory group to include representatives of (a) regional councils of government and (b) a public health district (§ 5);
4. requires DPH to conduct feasibility studies on (a) licensing water professionals and (b) establishing a general permit for certain minor activities (§§ 2 & 7).

The bill also makes technical changes.

\*House Amendment "A" (1) replaces provisions in the original file (File 467) with similar ones on (a) preparing and approving the state water plan, (b) studying water professional licensing, and (c) drinking water supply emergencies; (2) eliminates the provisions on WUCC consultants and water emergency response plans; and (3) adds the provisions on (a) WUCC plans, (b) the WPC advisory council, and (c) a general permit study.

EFFECTIVE DATE: July 1, 2014, except for the water professional licensing feasibility study provision, which takes effect October 1, 2014, and the MOU provision, which takes effect upon passage.

## **§ 1 — STATE WATER PLAN**

### ***Purpose***

The state water plan the WPC must prepare under the bill replaces the current statewide long-range water resources management plan that DEEP, DPH, and OPM must prepare and periodically update as part of a continuing planning process.

The bill shifts, from these agencies to the WPC, responsibility to design a uniform planning program and budget. And under the bill, the WPC must consider, instead of coordinate, regional water and sewer facilities plans. It eliminates the requirement that the WPC provide technical or financial assistance to regional planning agencies

(RPAs) in preparing such plans.

The bill also requires the WPC to:

1. identify appropriate regions in the state for comprehensive water planning;
2. identify data needs and develop a consistent format for submitting data to it, applicable state agencies, and regional councils of government for planning and permitting use;
3. consider the (a) potential impact of climate change on the availability and abundance of water resources and (b) importance of climate resiliency;
4. involve interested parties and solicit input from its advisory group;
5. consider individual water supply plans, water quality standards, stream flow classifications, water utility coordinating committee plans, the State Plan of Conservation and Development, and other planning documents it considers necessary; and
6. promote the adoption of municipal ordinances based on the State of Connecticut Model Water Use Restriction Ordinance for municipal water emergencies (see BACKGROUND); and
7. examine appropriate ways to resolve conflicts on implementing the state water plan.

***Plan Content***

The bill specifies the state water plan's required elements, including some that are based on those current law requires for the long-range plan.

Related to the requirements for the long-range plan under current law, the state water plan must:

1. identify water quantities and qualities (specifically, surface and groundwater resources available for public water supply, health, economic, recreation, and environmental benefits on a regional basin scale, rather than those that could be feasibly distributed to specific areas);
2. identify current and future water demand on a statewide and regional basin scale, instead of for specific areas;
3. recommend using the state's water resources to, instead of maximize benefits, balance public water supply, economic development, recreation, and ecological health;
4. recommend major engineering works or special districts, as well as technology and infrastructure upgrades and interconnections;
5. recommend land use and other measures, that include assessing land acquisition or land protection needs, to ensure the desired water quality and quantity, as well as promoting development based on available water resources;
6. consider desired recreational, agricultural, industrial, and commercial uses, as well as ecological uses; and
7. try to incorporate regional and local water use and management plans and programs and water and sewerage facilities plans.

The bill also requires the state water plan to:

1. inform residents about the importance of water-resource stewardship and conservation;
2. establish guidelines and incentives for consumer water conservation, considering energy efficiency;
3. develop a water reuse policy that incentivizes matching water quality to use;

4. meet data collection and analysis needs to provide for data-driven water planning and permitting decisions;
5. consider the plan's ecological, economic, environmental, public health, and safety impacts on Connecticut;
6. include short- and long-range objectives and strategies to communicate and implement the plan;
7. promote intra-regional solutions and sharing water resources;
8. develop and recommend strategies to address climate resiliency including the impact of extreme weather events;
9. recommend steps to increase the climate resiliency of existing water resources and infrastructure; and
10. identify changes to laws and regulations needed to implement the plan's recommendations.

### ***Public Review and Comment***

Before finalizing the plan, the WPC must provide the public with at least 120 days to review and comment on it. The DEEP and DPH commissioners, Public Utilities Regulatory Authority (PURA) chairperson, and OPM secretary must post the draft plan and information about the public comment period in a conspicuous location on their websites. The Council on Environmental Quality must do the same in the *Environmental Monitor*.

The WPC must (1) advertise and hold at least one public hearing during the public comment period and (2) consider all written and oral comments about the plan once the public comment period ends.

The WPC must then make available:

1. the electronic text of the finalized plan on a website and
2. a report summarizing the (a) public comments and (b) changes

to the plan based on the comments and the reasons for the changes.

### ***Legislative Review and Approval***

The bill requires the WPC to, within available appropriations, prepare the state water plan by July 1, 2017. The WPC must then submit the state water plan, by January 1, 2018, to the Energy and Technology, Environment, Planning and Development, and Public Health committees for their approval, revision, or disapproval. The WPC must also electronically submit the plan to the governor.

The committees must, within 45 days after the 2018 regular legislative session convenes, (1) hold a joint public hearing on the plan and (2) submit it to the General Assembly with their joint recommendations for approval, modification, or disapproval. The recommendations may apply to the entire plan or parts of it.

Under the bill, the state water plan (1) becomes effective when the General Assembly adopts it or (2) is deemed approved if the General Assembly fails to act on the plan by July 1, 2018.

But if the General Assembly disapproves the plan, in whole or in part, the plan is deemed rejected and is returned to the WPC to be revised and resubmitted to the above legislative committees for their approval or modification. The resubmission must occur within 90 days after the plan's disapproval. And under the bill, if the committees fail to act on the resubmitted plan within 60 days after receiving it, the resubmitted plan is deemed approved.

### ***Annual Reports***

By January 1, 2016, and then annually, the WPC must report on the plan's development and implementation, and any updates to it, to the Energy and Technology, Environment, Planning and Development, and Public Health committees. Beginning January 1, 2016, this annual report replaces the annual report on water issues the WPC's must submit under current law.

**§ 3 — PUBLIC DRINKING WATER SUPPLY EMERGENCY**

By law, the DPH commissioner, in consultation with the DEEP commissioner and PURA, is authorized to declare a public drinking water supply emergency. The bill allows the commissioner to declare one if, based on information she receives, it is reasonably expected to occur without immediately implementing conservation practices. The law already allows her to make the declaration if the emergency exists or is imminent. By law, a public drinking water supply emergency includes water contamination, water shortage, or a water supply system failure (CGS § 25-32b).

Existing law allows the commissioner to, during a public drinking water supply emergency, allow or order the (1) sale, supply, or taking of waters or (2) temporary interconnection of water mains to sell or transfer water between water companies. The bill expands the commissioner's authority to include allowing or ordering a public water system or the municipality where the emergency occurs to implement water conservation practices. It also permits her to take more than one of these actions or those authorized under existing law.

**§ 6 — WUCC PLAN COMMENTS**

By law, each WUCC must prepare a coordinated water system plan in the public water supply management area. These plans must promote cooperation between public water systems and include provisions for, among other things, the impact on other water resources uses. The bill specifies that the impact includes such things as water quality, flood management, recreation, and aquatic habitat issues.

Under existing law, each WUCC must first prepare a draft plan and seek comments on it from certain parties. Current law requires a regional planning agency within the management area to comment on the plan's consistency with regional land use plans and policies. The bill instead requires regional councils of government to provide the comment. And by law, the DEEP commissioner must comment on the availability of water for proposed diversions. Under the bill, he must

also comment on water quality, flood management, recreation, and aquatic habitat issues.

#### **§ 5 — WPC ADVISORY GROUP MEMBERSHIP**

By law, the WPC is authorized to establish an advisory group, balanced between consumptive and nonconsumptive water interests. The bill expands the interests that may be represented on the advisory group to include members from (1) regional councils of government and (2) a public health district. Existing law allows the group to have representatives of:

1. regional and municipal and investor-owned water utilities;
2. a wastewater system;
3. academia with expertise in streamflow, public health, and ecology; and
4. agricultural, electric power generation, business and industry, environmental land or river protection, boating, fisheries, recreation, and endangered species protection interests.

#### **§§ 2 & 7 — FEASIBILITY STUDIES**

##### ***Water Professional Licensing or Certification***

The bill requires DPH, in consultation with the WPC, to study the feasibility of creating a program to license or certify water professionals. The study must be conducted within available appropriations.

The program must apply to people who are qualified based on knowledge to help DPH carry out the main requirements of the (1) federal Safe Drinking Water Act and (2) state's laws on overseeing safe and adequate public drinking water. The study must include:

1. the desired qualifications for the professionals,
2. a review of other state's public drinking water programs,

3. a review of the appropriate responsibilities for the professionals, and
4. cost and funding sources available to establish the program.

DPH must report on the study, by July 1, 2016, to the Energy and Technology, Environment, Planning and Development, and Public Health committees.

### ***General Permits***

The bill also requires DPH, in consultation with the WPC, to study the feasibility of establishing a general permit for minor activities that will have:

1. minimal environmental and public health effects when conducted separately,
2. minimal cumulative environmental and public health effects, and
3. no adverse effect on existing or potential uses of water or water bodies.

The study must list activities that may be conducted under this general permit and the circumstances for conducting them. DPH must report on the study to the Environment and Public Health committees by July 1, 2015.

## **BACKGROUND**

### ***Water Planning Council***

The council consists of the PURA chairperson, DEEP and DPH commissioners, and the OPM secretary, or their designees. It is charged with addressing issues involving water companies, water resources, and state drinking water supply policies. It also has an advisory group to help with researching and analyzing water industry issues (CGS § 25-33o).

### ***Water Utility Coordinating Committees (WUCCs)***

The state is divided into seven management areas based on factors such as similarity of water supply problems, proliferation of small water systems, groundwater contamination, and over-allocated water resources. DPH convenes a WUCC for a particular management area to address these issues. A WUCC consists of one representative from each public water system with a source of supply or service area within the public water supply management area and one representative from each RPA within the management area (CGS §§ 25-33d to 25-33j).

***State of Connecticut Model Water Use Restriction Ordinance***

This is a model ordinance provided by the state for use in developing municipal ordinances to restrict the use of water supplied by a water company. It is for communities seeking to set enforceable limits on using water during emergencies and temporary periods of high water demand.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 27 Nay 1 (03/21/2014)

Planning and Development Committee

Joint Favorable

Yea 18 Nay 0 (04/21/2014)