



General Assembly

**Substitute Bill No. 5424**

February Session, 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 Section 22a-352 of the general statutes is repealed and the  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  
7 January 1, 2017, the Water Planning Council, established pursuant to  
8 section 25-33o, shall prepare a state water plan for the management of  
9 the water resources of the state. In [carrying out such preparation, the  
10 aforesaid agencies] developing such state water plan, the Water  
11 Planning Council shall: (1) Design a unified planning program and  
12 budget; (2) coordinate regional water and sewer facilities plans; [and  
13 provide technical or financial assistance to regional planning agencies  
14 in the preparation of regional water and sewer facilities plans which  
15 are necessary as guidelines for the planning and designing of local and  
16 interlocal facilities and which are required by the federal government  
17 as a prerequisite for grants to municipalities for the construction of  
18 certain water and sewer facilities] (3) identify the data needs and  
19 develop a consistent format for submitting data to regional planning

20 agencies for use in planning and permitting; (4) seek involvement of  
21 interested parties; (5) solicit input from the advisory group established  
22 pursuant to section 25-33o; (6) integrate individual water supply plans,  
23 water quality standards, stream flow classifications, as described in  
24 regulations adopted pursuant to section 26-141b, water utility  
25 coordinating committee plans, the state plan of conservation and  
26 development, as described in section 16a-30, and any other planning  
27 documents deemed necessary by the council; and (7) update the model  
28 ordinance for municipal water emergencies.

29 (b) The [state-wide water resources plan] state water plan  
30 developed pursuant to subsection (a) of this section shall: (1) Identify  
31 the quantities and qualities of water that [could be available to specific  
32 areas under feasible distribution] are available for public water supply,  
33 health and environmental benefits; (2) identify present and projected  
34 demands for water [for specific areas] resources; (3) recommend the  
35 utilization of the state's water resources, including surface and  
36 subsurface water, for their greatest public water supply, health and  
37 environmental benefits; (4) make recommendations for technology and  
38 infrastructure upgrades and such major engineering works or special  
39 districts which may be necessary, including the need, timing and  
40 general cost thereof; (5) recommend land use and other measures  
41 where appropriate to insure the desired quality and abundance of  
42 water; (6) take into account desired ecological, recreational,  
43 agricultural, industrial and commercial use of water bodies; (7) inform  
44 residents of the state about the importance of water-resource  
45 stewardship and conservation; (8) establish conservation guidelines  
46 and incentives for consumer water conservation; (9) develop a water  
47 reuse policy; (10) meet data collection and analysis needs to provide  
48 for data driven water planning and permitting decisions; (11) take into  
49 account the ecological, environmental and economic impact that  
50 implementation of the state water plan will have on the state; (12)  
51 include short and long-range objectives and strategies to communicate  
52 and implement the plan; and [(7)] (13) seek to incorporate regional and  
53 local plans and programs for water use and management and plans for

54 water and sewerage facilities in the [state-wide] state water plan.

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

60 (c) In adopting the state water plan, the Water Planning Council  
61 shall provide a time period of not less than one hundred twenty days  
62 for public review and comment prior to finalizing such plan. After  
63 such public hearing, the council shall fully consider all written and oral  
64 comments concerning the proposed state water plan. The council shall  
65 make available the electronic text of the finalized state water plan or an  
66 Internet web site where the finalized state water plan shall be posted  
67 and a report summarizing: (1) All public comments received pursuant  
68 to this subsection, and (2) the changes made to the finalized state water  
69 plan in response to such comments and the reasons for such changes.

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

77 (e) Not later than forty-five days after the convening of the next  
78 regularly scheduled session of the General Assembly following  
79 submission of such plan, said joint standing committees shall conduct  
80 a joint public hearing on the state water plan. Not later than forty-five  
81 days after completion of such joint public hearing, said joint standing  
82 committees shall submit the plan with said committees'  
83 recommendations for approval or disapproval to the General  
84 Assembly. The state water plan shall become effective when adopted  
85 by the General Assembly as the state water plan for the state, provided

86 if the General Assembly fails to adopt the plan on or before July 1,  
87 2018, such state water plan shall be deemed approved.

88 (f) In the event that the General Assembly disapproves the state  
89 water plan, in whole or in part, the state water plan shall be deemed to  
90 be rejected and shall be returned to the Water Planning Council for  
91 appropriate action.

92 (g) The Water Planning Council shall oversee the implementation  
93 and periodic updates of the state water plan. On or before January 1,  
94 2016, and annually thereafter, the Water Planning Council shall submit  
95 a report, in accordance with section 11-4a, to the joint standing  
96 committees of the General Assembly having cognizance of matters  
97 relating to the environment, public health, planning and development  
98 and energy and technology on the status of the development and  
99 implementation of the state water plan.

100 Sec. 2. Section 25-33j of the general statutes is repealed and the  
101 following is substituted in lieu thereof (*Effective July 1, 2014*):

102 The Commissioner of Public Health may enter into contracts with  
103 consultants to provide services to water utility coordinating  
104 committees. [The amount of any contract shall not exceed two hundred  
105 thousand dollars.] Any appropriation made to the Department of  
106 Public Health for the purposes of this section shall not lapse until [The]  
107 the Department of Public Health has completed the planning process  
108 for a water utility coordinating committee.

109 Sec. 3. (NEW) (*Effective July 1, 2014*) The Department of Public  
110 Health and the Department of Energy and Environmental Protection  
111 shall study the feasibility of creating a licensure program for water  
112 professionals who are qualified by reason of their knowledge to assist  
113 the Department of Public Health in carrying out the provisions of  
114 sections 25-32, 25-33 and 25-34 of the general statutes. Such study shall  
115 include, but not be limited to, desired professional qualifications for  
116 such water professionals, appropriate responsibilities for such water

117 professionals and any cost to establish such licensure program. Not  
118 later than January 1, 2015, said departments shall submit a report, in  
119 accordance with section 11-4a of the general statutes, to the joint  
120 standing committees of the General Assembly having cognizance of  
121 matters relating to the environment, public health, planning and  
122 development and energy and technology concerning such study.

123 Sec. 4. Section 28-9 of the general statutes is amended by adding  
124 subsection (c) as follows (*Effective July 1, 2014*):

125 (NEW) (c) (1) The Water Planning Council, in consultation with the  
126 regional councils of government, shall develop a water emergency  
127 response plan.

128 (2) Whenever the Governor declares a major disaster due to a  
129 drought, the regional councils of government in the affected area of the  
130 state shall implement a response plan, in consultation with the  
131 Departments of Energy and Environmental Protection and Public  
132 Health, to restrict nonemergency water uses, including, but not limited  
133 to, the watering of lawns.

134 (3) In any area of the state where the Governor declares a major  
135 disaster due to a drought, the Department of Public Health may  
136 authorize the use of greywater for purposes other than for the  
137 provision of drinking water. For the purposes of this subsection,  
138 "greywater" means wastewater other than sewage. "Greywater"  
139 includes water from sink drainage and washing machine discharge.

140 Sec. 5. Section 25-32b of the general statutes is repealed and the  
141 following is substituted in lieu thereof (*Effective July 1, 2014*):

142 [The Commissioner of Public Health, in consultation with the  
143 Commissioner of Energy and Environmental Protection and the Public  
144 Utilities Regulatory Authority,] The Governor may declare a public  
145 drinking water supply emergency, for the state or a portion of the  
146 state, upon receipt of information that a public water supply  
147 emergency exists, [or] is imminent or can reasonably be expected to

148 occur without the immediate implementation of conservation  
149 practices. Notwithstanding any other provision of the general statutes  
150 or regulations adopted thereunder, or special act or municipal  
151 ordinance, the Commissioner of Public Health, upon such a  
152 declaration by the Governor, may authorize or order one or more of  
153 the following: (1) The implementation of water conservation practices,  
154 including, but not limited to, water use restrictions, by a public water  
155 supply company or the municipality in which such emergency occurs,  
156 (2) the sale, supply or taking of any waters, including waters into  
157 which sewage is discharged, or (3) the temporary or permanent  
158 interconnection of water mains for the sale or transfer of water among  
159 water companies. The Public Utilities Regulatory Authority, upon such  
160 a declaration by the Governor, shall determine the terms of the sale of  
161 any water sold pursuant to this section if the water companies that are  
162 party to the sale cannot determine such terms or if one of such water  
163 companies is regulated by the authority. The authorization or order  
164 may be implemented prior to such determination. Any authorization  
165 or order shall be for an initial period of not more than thirty days but  
166 may be extended for additional periods of thirty days up to one  
167 hundred fifty days, consistent with the contingency procedures for a  
168 public drinking water supply emergency in the plan approved  
169 pursuant to section 25-32d, to the extent the Commissioner of Public  
170 Health deems appropriate. Upon request by the Commissioner of  
171 Public Health, the Commissioner of Energy and Environmental  
172 Protection, pursuant to section 22a-378, shall suspend a permit issued  
173 pursuant to section 22a-368 or impose conditions on a permit held  
174 pursuant to said section. The time for such suspension or conditions  
175 shall be established in accordance with subdivision (1) of subsection (a)  
176 of section 22a-378. As used in this section and section 22a-378, "public  
177 drinking water supply emergency" includes the contamination of  
178 water, the failure of a water supply system or the shortage of water.

179       Sec. 6. (*Effective July 1, 2014*) The Water Planning Council shall enter  
180 into a memorandum of understanding with The University of  
181 Connecticut for the development of a work plan that establishes a

182 method for undertaking the development of the state water plan by the  
183 council.

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>July 1, 2014</i>	25-33j
Sec. 3	<i>July 1, 2014</i>	New section
Sec. 4	<i>July 1, 2014</i>	28-9
Sec. 5	<i>July 1, 2014</i>	25-32b
Sec. 6	<i>July 1, 2014</i>	New section

**ENV**      *Joint Favorable Subst.*