
OLR Bill Analysis

sHB 5424

AN ACT CONCERNING THE RESPONSIBILITIES OF THE WATER PLANNING COUNCIL.

SUMMARY:

This bill requires the state's Water Planning Council (WPC) to prepare a state water plan by January 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).

Under the bill, the WPC must also (1) oversee the plan's implementation and periodic updates and (2) annually report on its development and implementation. The bill requires the WPC to enter into a memorandum of understanding with UConn to prepare a work plan on the method for developing the state water plan.

The bill also:

1. requires the WPC to develop a water emergency response plan that regional councils of government (COGS) must implement when the governor declares a major drought disaster;
2. authorizes the Department of Public Health (DPH) to permit the use of greywater during a major drought disaster;
3. transfers, from DPH to the governor, authority to declare a public drinking water supply emergency;
4. expands DPH's authority during such an emergency to include authorizing or ordering public water supply companies or

municipalities to conserve water;

5. requires DPH and the Department of Energy and Environmental Protection (DEEP) to conduct a feasibility study of licensing water professionals; and
6. eliminates the \$200,000 cap on the value of any DPH contract for water utility coordinating committee consultants (see BACKGROUND).

The bill also makes technical changes.

EFFECTIVE DATE: July 1, 2014

§ 1 — STATE WATER PLAN

Purpose

Under the bill, the WPC's state water plan replaces the current statewide long-range water resources management plan that DEEP, DPH, and the Office of Policy and Management (OPM) must prepare and periodically update as part of a continuing planning process.

The bill shifts, from the agencies to the WPC, responsibility to (1) design a uniform planning program and budget and (2) coordinate regional water and sewer facilities plans. It eliminates a requirement that the WPC provide technical or financial assistance to regional planning agencies (RPAs) in preparing such plans. It also requires the WPC to:

1. identify data needs and develop a consistent format for submitting data to RPAs for planning and permitting uses;
2. involve interested parties and solicit input from its advisory group;
3. integrate the plan with 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 the WPC considers necessary; and

4. update the model ordinance for municipal water emergencies.

Plan Content

The bill establishes the state water plan's required elements, including some that are generally the same as those current law requires for the long-range plan.

As with the long-range plan under current law, the state water plan must:

1. identify water quantities and qualities (specifically, resources available for public water supply, health, and environmental benefits, rather than those that could be feasibly distributed to specific areas);
2. identify current and future water demand;
3. recommend using the state's water resources for maximum benefit;
4. recommend major engineering works or special districts, as well as technology and infrastructure upgrades;
5. recommend land use and other measures to ensure the desired water quality and quantity;
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 conservation guidelines and incentives for consumer water conservation;

3. develop a water reuse policy;
4. meet data collection and analysis needs to provide for data-driven water planning and permitting decisions;
5. consider the plan's ecological, environmental, and economic impacts on Connecticut; and
6. include short- and long-range objectives and strategies to communicate and implement the plan.

Public Review and Comment

Before finalizing the plan, the bill requires the WPC to (1) provide the public with at least 120 days to review and comment on it and (2) consider all written and oral comments. (The bill refers to the WPC conducting a public hearing but it does not require one.)

The WPC must then make available:

1. the electronic text of the finalized plan or a website where the plan is posted 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

Under the bill, the WPC must 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 hold a joint public hearing on the plan within 45 days after the next regularly scheduled legislative session convenes. They may approve, disapprove, or revise the plan in whole or in part. Within 45 days after the hearing, they must submit the plan with their recommendations for approval or disapproval to the General Assembly.

The state water plan (1) becomes effective when the General Assembly adopts it or (2) is deemed approved if the General Assembly fails to do so by July 1, 2018.

If the General Assembly disapproves the plan, in whole or in part, the plan is deemed rejected and is returned to the WPC for “appropriate action.” The bill does not specify what action the WPC may take.

Annual Reports

Beginning January 1, 2016, the WPC must annually report on the plan’s development and implementation to the Energy and Technology, Environment, Planning and Development, and Public Health committees.

§ 4 — WATER EMERGENCY RESPONSE PLAN

The bill requires the WPC to develop a water emergency response plan, in consultation with the COGS.

Under the bill, if the governor declares a major disaster drought, COGS in the affected area must implement a response plan to restrict nonemergency water uses, such as lawn watering. The COGS must do this in consultation with DPH and DEEP.

The bill also authorizes DPH to permit the use of greywater, for uses other than drinking, in areas where the governor issues a major drought disaster. Greywater means wastewater other than sewage and includes sink drainage and washing machine discharge water.

§ 5 — PUBLIC DRINKING WATER SUPPLY EMERGENCY

The bill gives the governor, instead of the DPH commissioner in consultation with the DEEP commissioner and the Public Utilities Regulatory Authority (PURA), the authority to declare a public drinking water supply emergency. The bill specifies that the declaration may be for the whole state or part of it. By law, a public drinking water supply emergency includes water contamination, water shortage, or a water supply system failure (CGS § 25-32b).

The bill also allows the governor to declare such an emergency when one can reasonably be expected to occur unless conservation practices are immediately implemented. By law, the emergency may also be declared after receiving information that such an emergency exists or is imminent.

Existing law allows the DPH commissioner to, during a public drinking water supply emergency, permit 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 (1) a public water supply company or the municipality where the emergency occurs to implement water conservation practices or (2) permanent water main interconnections for selling or transferring water between water companies. The bill also permits her to take more than one of these actions or those authorized under existing law.

§ 3 — WATER PROFESSIONAL FEASIBILITY STUDY

The bill requires DPH and DEEP to study the feasibility of creating a program to license water professionals. The program would apply to people who are qualified to help DPH review and investigate water supply matters. The study must include the (1) desirable qualifications and appropriate responsibilities for the professionals and (2) cost to establish the program.

The departments must report on the study, by January 1, 2015, to the Energy and Technology, Environment, Planning and Development, and Public Health committees.

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 (CGS § 25-33o).

Water Utility Coordinating Committees (WUCCs)

The state is divided into seven management areas based on factors such as similarity of 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).

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 27 Nay 1 (03/21/2014)