



General Assembly

Amendment

February Session, 2014

LCO No. 4578

HB0542404578HDO

Offered by:

REP. HAMPTON, 16th Dist.
REP. GENTILE, 104th Dist.
SEN. MEYER, 12th Dist.
REP. MUSHINSKY, 85th Dist.
REP. ALBIS, 99th Dist.
REP. MILLER, 36th Dist.
REP. ROJAS, 9th Dist.
REP. STEINBERG, 136th Dist.
REP. HADDAD, 54th Dist.
REP. BOWLES, 42nd Dist.
REP. ROSE, 118th Dist.
REP. RITTER E., 38th Dist.
REP. WRIGHT E., 41st Dist.

REP. KINER, 59th Dist.
REP. DEMICCO, 21st Dist.
REP. SIMANSKI, 62nd Dist.
REP. ALEXANDER, 58th Dist.
REP. CUEVAS, 75th Dist.
REP. MARONEY, 119th Dist.
REP. CAMILLO, 151st Dist.
REP. HWANG, 134th Dist.
REP. JOHNSON, 49th Dist.
REP. CASE, 63rd Dist.
SEN. WITKOS, 8th Dist.
SEN. GERRATANA, 6th Dist.

To: Subst. House Bill No. 5424

File No. 467

Cal. No. 275

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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 Section 22a-352 of the general statutes is repealed and the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

5 (a) [The Department of Energy and Environmental Protection, the

6 Department of Public Health and the Office of Policy and Management
7 shall establish a continuing planning process and shall prepare and
8 periodically update jointly a state-wide long-range] Not later than July
9 1, 2017, the Water Planning Council, established pursuant to section
10 25-33o, as amended by this act, shall, within available appropriations,
11 prepare a state water plan for the management of the water resources
12 of the state. In [carrying out such preparation, the aforesaid agencies]
13 developing such state water plan, the Water Planning Council shall: (1)
14 Design a unified planning program and budget; (2) [coordinate]
15 consider regional water and sewer facilities plans; [and provide
16 technical or financial assistance to regional planning agencies in the
17 preparation of regional water and sewer facilities plans which are
18 necessary as guidelines for the planning and designing of local and
19 interlocal facilities and which are required by the federal government
20 as a prerequisite for grants to municipalities for the construction of
21 certain water and sewer facilities.] (3) identify the appropriate regions
22 of the state for comprehensive water planning; (4) identify the data
23 needs and develop a consistent format for submitting data to the
24 council, applicable state agencies and regional councils of government
25 for use in planning and permitting; (5) consider the potential impact of
26 climate change on the availability and abundance of water resources
27 and the importance of climate resiliency; (6) seek involvement of
28 interested parties; (7) solicit input from the advisory group established
29 pursuant to section 25-33o, as amended by this act; (8) consider
30 individual water supply plans, water quality standards, stream flow
31 classifications, as described in regulations adopted pursuant to section
32 26-141b, water utility coordinating committee plans, the state plan of
33 conservation and development, as described in section 16a-30, and any
34 other planning documents deemed necessary by the council; (9)
35 promote the adoption of municipal ordinances based on the State of
36 Connecticut Model Water Use Restriction Ordinance for municipal
37 water emergencies; and (10) examine appropriate mechanisms for
38 resolving conflicts related to the implementation of the state water
39 plan.

40 (b) The [state-wide water resources plan] state water plan
41 developed pursuant to subsection (a) of this section shall: (1) Identify
42 the quantities and qualities of water that [could be available to specific
43 areas under feasible distribution] are available for public water supply,
44 health, economic, recreation and environmental benefits on a regional
45 basin scale considering both surface water and groundwater; (2)
46 identify present and projected demands for water [for specific areas]
47 resources on a state-wide and regional basin scale; (3) recommend the
48 utilization of the state's water resources, including surface and
49 subsurface water, [for their greatest benefits] in a manner that balances
50 public water supply, economic development, recreation and ecological
51 health; (4) recommend steps to increase the climate resiliency of
52 existing water resources and infrastructure; (5) make
53 recommendations for technology and infrastructure upgrades,
54 interconnections and such major engineering works or special districts
55 which may be necessary, including the need, timing and general cost
56 thereof; [(5)] (6) recommend land use and other measures, including an
57 assessment of land acquisition or land protection needs, where
58 appropriate to [insure] ensure the desired quality and abundance of
59 water and to promote development in concert with available water
60 resources; [(6)] (7) take into account desired ecological, recreational,
61 agricultural, industrial and commercial use of water bodies; [and (7)]
62 (8) inform residents of the state about the importance of water-
63 resource stewardship and conservation; (9) establish conservation
64 guidelines and incentives for consumer water conservation with due
65 consideration for energy efficiency; (10) develop a water reuse policy
66 with incentives for matching the quality of the water to the use; (11)
67 meet data collection and analysis needs to provide for data driven
68 water planning and permitting decisions; (12) take into account the
69 ecological, environmental, public health and safety and economic
70 impact that implementation of the state water plan will have on the
71 state; (13) include short and long-range objectives and strategies to
72 communicate and implement the plan; (14) seek to incorporate
73 regional and local plans and programs for water use and management
74 and plans for water and sewerage facilities in the [state-wide plan]

75 state water plan; (15) promote intra-regional solutions and sharing of
76 water resources; (16) develop and recommend strategies to address
77 climate resiliency including the impact of extreme weather events; and
78 (17) identify modifications to laws and regulations that are necessary
79 in order to implement the recommendations of the state water plan.

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

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

104 (d) Not later than January 1, 2018, the Water Planning Council, in
105 accordance with section 11-4a, shall submit the state water plan to the
106 joint standing committees of the General Assembly having cognizance
107 of matters relating to the environment, public health, planning and

108 development and energy and technology for said committees'
109 approval, revision or disapproval, in whole or in part. The council
110 shall submit such report to the Governor electronically.

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

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

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

139 Sec. 2. (NEW) (*Effective October 1, 2014*) The Department of Public

140 Health, in consultation with the Water Planning Council, shall, within
141 available appropriations, study the feasibility of creating a licensure or
142 certification program for water professionals who are qualified by
143 reason of their knowledge to assist the Department of Public Health in
144 carrying out the primacy requirements of the Safe Drinking Water Act
145 and the state's legal requirements in the oversight of safe and adequate
146 public drinking water. Such study shall include, but not be limited to,
147 desired professional qualifications for such water professionals, review
148 of other states' public drinking water primacy programs, review of the
149 appropriate level of responsibilities for such water professionals and
150 any cost and funding source available to establish such licensure or
151 certification program. Not later than July 1, 2016, said department shall
152 submit a report, in accordance with section 11-4a of the general
153 statutes, to the joint standing committees of the General Assembly
154 having cognizance of matters relating to the environment, public
155 health, planning and development and energy and technology
156 concerning such study.

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

159 The Commissioner of Public Health, in consultation with the
160 Commissioner of Energy and Environmental Protection and the Public
161 Utilities Regulatory Authority, may declare a public drinking water
162 supply emergency upon receipt of information that a public water
163 supply emergency exists, [or] is imminent or can reasonably be
164 expected to occur without the immediate implementation of
165 conservation practices. Notwithstanding any other provision of the
166 general statutes or regulations adopted thereunder, or special act or
167 municipal ordinance, the Commissioner of Public Health, upon such a
168 declaration, may authorize or order one or more of the following: (1)
169 The implementation of water conservation practices, including, but not
170 limited to, water use restrictions, by a public water system or the
171 municipality in which such emergency occurs, (2) the sale, supply or
172 taking of any waters, including waters into which sewage is

173 discharged, or (3) the temporary interconnection of water mains for the
174 sale or transfer of water among water companies. The Public Utilities
175 Regulatory Authority, upon such a declaration, shall determine the
176 terms of the sale of any water sold pursuant to this section if the water
177 companies that are party to the sale cannot determine such terms or if
178 one of such water companies is regulated by the authority. The
179 authorization or order may be implemented prior to such
180 determination. Any authorization or order shall be for an initial period
181 of not more than thirty days but may be extended for additional
182 periods of thirty days up to one hundred fifty days, consistent with the
183 contingency procedures for a public drinking water supply emergency
184 in the plan approved pursuant to section 25-32d, to the extent the
185 Commissioner of Public Health deems appropriate. Upon request by
186 the Commissioner of Public Health, the Commissioner of Energy and
187 Environmental Protection, pursuant to section 22a-378, shall suspend a
188 permit issued pursuant to section 22a-368 or impose conditions on a
189 permit held pursuant to said section. The time for such suspension or
190 conditions shall be established in accordance with subdivision (1) of
191 subsection (a) of section 22a-378. As used in this section and section
192 22a-378, "public drinking water supply emergency" includes the
193 contamination of water, the failure of a water supply system or the
194 shortage of water.

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

202 Sec. 5. Subsection (c) of section 25-33o of the general statutes is
203 repealed and the following is substituted in lieu thereof (*Effective July*
204 *1, 2014*):

205 (c) The council may establish an advisory group that shall serve at

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

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

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

236 (b) The plan shall be adopted in accordance with the provisions of
237 this section. The committee shall prepare a draft of the plan and solicit
238 comments thereon from the Commissioners of Public Health and

239 Energy and Environmental Protection, the Public Utilities Regulatory
240 Authority, the Secretary of the Office of Policy and Management and
241 any municipality, regional planning agency or other interested party
242 within the management area. The municipalities and regional planning
243 agencies shall comment on, but shall not be limited to commenting on,
244 the consistency of the plan with local and regional land use plans and
245 policies. The Public Utilities Regulatory Authority shall comment on,
246 but shall not be limited to commenting on, the cost-effectiveness of the
247 plan. The Secretary of the Office of Policy and Management shall
248 comment on, but shall not be limited to commenting on, the
249 consistency of the plan with state policies. The Commissioner of
250 Energy and Environmental Protection shall comment on, but shall not
251 be limited to commenting on, the availability of water for any
252 proposed diversion, water quality, flood management, recreation and
253 aquatic habitat issues. The Commissioner of Public Health shall
254 comment on, but shall not be limited to commenting on the availability
255 of pure and adequate water supplies, potential conflicts over the use of
256 such supplies, and consistency with the goals of sections 25-33c to 25-
257 33j, inclusive.

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

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

272 11-4a of the general statutes, to the joint standing committees of the
 273 General Assembly having cognizance of matters relating to public
 274 health and the environment concerning such study."

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|---|------------------------|-------------|
| 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 |