



House of Representatives

General Assembly

File No. 412

February Session, 2016

Substitute House Bill No. 5540

House of Representatives, April 4, 2016

The Committee on Public Health reported through REP. RITTER of the 1st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE STATE WATER PLAN.

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 Section 22a-352 of the general statutes is repealed and the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 October 1, 2016*):

3 (a) Not later than July 1, 2017, the Water Planning Council,
4 established pursuant to section 25-33o, as amended by this act, shall,
5 within available appropriations, prepare a state water plan for the
6 management of the water resources of the state. In developing such
7 state water plan, the Water Planning Council shall: (1) Design a unified
8 planning program and budget; (2) consider regional water and sewer
9 facilities plans; (3) identify the appropriate regions of the state for
10 comprehensive water planning; (4) identify the data needs and
11 develop a consistent format for submitting data to the council,
12 applicable state agencies and regional councils of governments for use
13 in planning and permitting; (5) consider the potential impact of climate
14 change on the availability and abundance of water resources and the
15 importance of climate resiliency; (6) seek involvement of interested

16 parties; (7) solicit input from the advisory group established pursuant
17 to section 25-33o, as amended by this act; (8) consider individual water
18 supply plans, water quality standards, stream flow classifications, as
19 described in regulations adopted pursuant to section 26-141b, water
20 utility coordinating committee plans, the state plan of conservation
21 and development, as described in section 16a-30, and any other
22 planning documents deemed necessary by the council; (9) promote the
23 adoption of municipal ordinances based on the State of Connecticut
24 Model Water Use Restriction Ordinance for municipal water
25 emergencies; and (10) examine appropriate mechanisms for resolving
26 conflicts related to the implementation of the state water plan.

27 (b) The state water plan developed pursuant to subsection (a) of this
28 section shall: (1) Identify the quantities and qualities of water that are
29 available for public water supply, health, economic, recreation and
30 environmental benefits on a regional basin scale considering both
31 surface water and groundwater; (2) identify present and projected
32 demands for water resources on a state-wide and regional basin scale;
33 (3) recommend the utilization of the state's water resources, including
34 surface and subsurface water, in a manner that balances public water
35 supply, economic development, recreation and ecological health; (4)
36 recommend steps to increase the climate resiliency of existing water
37 resources and infrastructure; (5) make recommendations for
38 technology and infrastructure upgrades, interconnections and such
39 major engineering works or special districts which may be necessary,
40 including the need, timing and general cost thereof; (6) recommend
41 land use and other measures, including an assessment of land
42 acquisition or land protection needs, where appropriate to ensure the
43 desired quality and abundance of water and to promote development
44 in concert with available water resources; (7) take into account desired
45 ecological, recreational, agricultural, industrial and commercial use of
46 water bodies; (8) inform residents of the state about the importance of
47 water-resource stewardship and conservation; (9) establish
48 conservation guidelines and incentives for consumer water
49 conservation with due consideration for energy efficiency; (10) develop
50 a water reuse policy with incentives for matching the quality of the

51 water to the use; (11) meet data collection and analysis needs to
52 provide for data driven water planning and permitting decisions; (12)
53 take into account the ecological, environmental, public health and
54 safety and economic impact that implementation of the state water
55 plan will have on the state; (13) include short and long-range objectives
56 and strategies to communicate and implement the plan; (14) seek to
57 incorporate regional and local plans and programs for water use and
58 management and plans for water and sewerage facilities in the state
59 water plan; (15) promote intraregional solutions and sharing of water
60 resources; (16) develop and recommend strategies to address climate
61 resiliency including the impact of extreme weather events; and (17)
62 identify modifications to laws and regulations that are necessary in
63 order to implement the recommendations of the state water plan.

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

83 (d) Not later than January 1, 2018, the Water Planning Council, in
84 accordance with section 11-4a, shall submit the state water plan to the

85 joint standing committees of the General Assembly having cognizance
86 of matters relating to the environment, public health, planning and
87 development and energy and technology for said committees'
88 approval [, revision] or disapproval [, in whole or in part] and any
89 recommendations for revisions to the plan. The council shall submit
90 such report to the Governor electronically.

91 (e) [Not later than forty-five days after the convening of the 2018
92 regular session of the General Assembly, said] Said joint standing
93 committees shall conduct a joint public hearing on the state water plan
94 [and] not later than forty-five days after receiving the plan pursuant to
95 subsection (d) of this section, provided the Water Planning Council
96 submits the plan at least sixty days prior to the end of the 2018 regular
97 session of the General Assembly. If the Water Planning Council does
98 not submit the plan at least sixty days prior to the end of the 2018
99 regular session, said joint standing committees shall conduct a joint
100 public hearing on the plan not later than forty-five days after the
101 convening of the 2019 regular session of the General Assembly. Not
102 later than forty-five days after the joint public hearing, said joint
103 standing committees shall either submit the plan with said joint
104 standing committees' joint recommendations for approval [,
105 modification or disapproval] to the General Assembly or return the
106 plan to the Water Planning Council indicating their disapproval and
107 any recommendations for revisions to the plan.

108 (f) If said joint standing committees return the state water plan with
109 recommendations for revisions, the Water Planning Council, in
110 consultation with its advisory group established pursuant to
111 subsection (c) of section 25-33o, shall consider the recommendations
112 and, not later than sixty days after its receipt, return a revised plan to
113 said joint standing committees for a joint public hearing on the revised
114 plan. The Water Planning Council shall make available the electronic
115 text of the revised plan on the Internet web site where the original
116 proposed plan was posted with a report summarizing: (1) The
117 recommendations for revisions made by said joint standing
118 committees pursuant to subsection (e) of this section; and (2) the

119 revisions made to the plan in response to such recommendations and
120 the reasons for such revisions.

121 (g) Not later than thirty days after receipt of the revised plan from
122 the Water Planning Council, said joint standing committees shall
123 conduct a joint public hearing on the revised plan, provided the Water
124 Planning Council submitted the revised plan at least forty-five days
125 prior to the end of the regular session of the General Assembly. If the
126 Water Planning Council does not submit the revised plan at least forty-
127 five days prior to the end of the regular session, said joint standing
128 committees shall hold a joint public hearing on the revised plan not
129 later than thirty days after the convening of the next regular session of
130 the General Assembly. Not later than thirty days after such hearing,
131 said joint standing committees shall recommend approval or
132 disapproval of the revised plan and forward it to the General
133 Assembly for action.

134 (h) The state water plan shall become effective when adopted by the
135 General Assembly as the state water plan for the state, [, provided if
136 the General Assembly fails to act on the plan on or before July 1, 2018,
137 such state water plan shall be deemed approved.] The General
138 Assembly shall take action to approve or disapprove the state water
139 plan or a revised state water plan during a regular session of the
140 General Assembly not later than thirty calendar days or fifteen session
141 days after its receipt, whichever is later, provided the plan is submitted
142 for action at least thirty days prior to the end of the regular session. If
143 said joint standing committees do not submit the plan to the General
144 Assembly at least thirty days prior to the end of the regular legislative
145 session, the General Assembly shall take action to approve or
146 disapprove the plan not later than thirty days after the convening of
147 the next regular session.

148 [(f)] (i) In the event that the General Assembly disapproves or fails
149 to act on the state water plan, in whole or in part, the state water plan
150 shall be deemed to be rejected and shall be returned to the Water
151 Planning Council for revisions and resubmittal to the [committees of

152 cognizance, not later than ninety days after such disapproval, for
153 approval or modification by said committees. In the event that said
154 committees fail to take action on such resubmitted plan not later than
155 sixty days after such resubmission, the plan shall be deemed to be
156 approved] General Assembly in accordance with the provisions of
157 subsection (f) of this section.

158 (j) If the General Assembly disapproves or fails to act on the revised
159 state water plan after its receipt from said joint standing committees,
160 the state water plan shall be deemed to be rejected and the Office of
161 Policy and Management, in consultation with the Water Planning
162 Council and the Water Planning Council Advisory Group, shall submit
163 any proposed legislation recommended in the plan to the General
164 Assembly for consideration. The Water Planning Council shall not be
165 precluded from submitting the state water plan or a revised state water
166 plan in a subsequent regular session of the General Assembly for
167 review in accordance with the provisions of this section.

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

179 Sec. 2. Subsection (d) of section 25-33o of the general statutes is
180 repealed and the following is substituted in lieu thereof (*Effective from*
181 *passage*):

182 (d) The council shall, not later than January 1, 2002, and annually
183 thereafter until January 1, 2015, report its preliminary findings and any
184 proposed legislative changes to the joint standing committees of the

185 General Assembly having cognizance of matters relating to public
 186 health, the environment and public utilities in accordance with section
 187 11-4a, except that not later than February 1, 2004, the council shall
 188 report its recommendations in accordance with this subsection with
 189 regard to (1) a water allocation plan based on water budgets for each
 190 watershed, (2) funding for water budget planning, giving priority to
 191 the most highly stressed watersheds, and (3) the feasibility of merging
 192 the data collection and regulatory functions of the Department of
 193 Energy and Environmental Protection's inland water resources
 194 program and the Department of Public Health's water supplies section.
 195 On and after January 1, 2016, the council shall report in accordance
 196 with subsection (k) of section 22a-352, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	22a-352
Sec. 2	from passage	25-33o(d)

Statement of Legislative Commissioners:

In Section 1 (a) and (k), ", as amended by this act" was added after "25-33o" for accuracy; in Section 1(h), "whichever is later," was added after "receipt," for clarity; and in Section 2, the effective date was changed to "Effective from passage" to conform to changes being made in the section.

PH *Joint Favorable Subst. -LCO*

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.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

Currently, the Water Planning Council (WPC) must prepare a state water plan by July 1, 2017 and submit it to various legislative committees by January 1, 2018 for approval, disapproval, or revision.

The bill modifies the legislative process for water plan approvals and timeframes for public hearings. It also requires the Office of Policy and Management (OPM) to consult with the WPC and the Water Planning Advisory Group, and submit legislative recommendations if a revised water plan is not approved.

These requirements do not result in a fiscal impact.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis

sHB 5540

AN ACT CONCERNING THE STATE WATER PLAN.

SUMMARY:

By law, the Water Planning Council (WPC) must prepare a state water plan by July 1, 2017 and submit it to the Energy and Technology, Environment, Planning and Development, and Public Health committees by January 1, 2018 for approval, disapproval, or revision.

This bill modifies this legislative process by, among other things:

1. modifying the timeframes in which the committees must hold joint public hearings on initial and revised water plans, approve or disapprove plans, and submit plans to the legislature for action;
2. requiring the legislature to send back to the WPC an initial water plan if it disapproves or fails to act on it;
3. deeming a revised water plan as rejected if the legislature disapproves or fails to act on it, instead of deeming it approved as under current law; and
4. requiring the Office of Policy and Management (OPM) to consult with the WPC and Water Planning Advisory Group and submit legislative recommendations to the legislature if the legislature disapproves a revised water plan.

The bill also makes minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2016 except that a conforming change to an annual reporting requirement takes effect upon passage.

LEGISLATIVE APPROVAL PROCESS

Initial Water Plan

The bill changes the timeframe within which the legislative committees must hold a joint public hearing on the state water plan as described in Table 1.

Table 1: Timeframe For Holding Joint Public Hearings

<i>Current Law</i>		<i>HB 5503</i>	
Date WPC Submits Plan	Date of Public Hearing	Date WPC Submits Plan	Date of Public Hearing
By January 1, 2018	Within 45 days after start of the 2018 regular legislative session	At least 60 days before the end of the 2018 regular legislative session	Within 45 days after receiving the plan
		Less than 60 days before the end of the 2018 regular legislative session	Within 45 days after start of the 2019 regular legislative session

Under the bill, the committees must either submit the plan to the General Assembly for approval or, if they disapprove it, return the plan to the WPC with recommended revisions. They must do so within 45 days after the joint public hearing.

Revised Water Plan

If the committees return the state water plan to the WPC with recommended revisions, the bill requires the WPC to consult with its advisory group and consider the recommendations. Within 60 days after receiving the recommendations, the WPC must submit a revised plan to the legislative committees for a joint public hearing.

The bill requires the WPC to post the revised state water plan on its website where the initial plan was posted with a report that summarizes the (1) committees' recommended revisions to the initial state water plan and (2) revisions made in response to these recommendations and the reasons for making them.

The bill requires the committees to hold a joint public hearing on the revised plan as follows:

1. If the WPC submits the plan within 45 days before the end of the regular legislative session, the hearing must be held within 30 days after the committees receive the revised plan.
2. If the WPC does not submit the plan within 45 days before the end of the regular legislative session, the hearing must be held within 30 days after the next regular legislative session convenes.

Final Legislative Action on Plan

By law, the state water plan takes effect when the General Assembly adopts it. The bill requires the General Assembly to approve or disapprove an initial or revised state water plan as follows:

1. If the legislative committees submit the plan for action at least 30 days before the end of the regular legislative session, the General Assembly must approve or disapprove the plan within 30 calendar days or 15 session days after its receipt, whichever is later.
2. If the legislative committees do not submit the plan for action at least 30 days before the end of the regular legislative session, the General Assembly must approve or disapprove the plan within 30 days after the start of the next regular legislative session.

Disapproval of Initial Plan

Under the bill, if the General Assembly disapproves or fails to act on the initial state water plan, it is deemed rejected and must be returned to the WPC for revisions and resubmission to the legislature as described above.

Under current law, if the General Assembly fails to act on the initial state water plan by July 1, 2018, it is deemed approved. If the General Assembly disapproves the plan, it must be returned to the WPC for revisions and resubmitted to the legislative committees within 90 days after its disapproval.

Disapproval of Revised Plan

Under the bill, if the General Assembly disapproves or fails to act on the revised state water plan after receiving it from the legislative committees, it is deemed rejected instead of approved as under current law. The bill requires OPM, in consultation with the WPC and Water Planning Council Advisory Group to submit recommended legislation proposed in the plan to the General Assembly for consideration.

The bill specifies that the WPC is not precluded from submitting the initial or revised state water plan in a subsequent regular legislative session for review.

Under current law, if the legislative committees fail to act on a revised state water plan within 60 days after the WPC resubmits it, the plan is deemed approved.

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).

COMMITTEE ACTION

Public Health Committee

Joint Favorable

Yea 27 Nay 0 (03/16/2016)