



General Assembly

Amendment

February Session, 2016

LCO No. 4193



Offered by:

SEN. BYE, 5th Dist.

SEN. COLEMAN, 2nd Dist.

REP. BARAM, 15th Dist.

REP. ZAWISTOWSKI, 61st Dist.

To: Senate Bill No. 422

File No. 450

Cal. No. 305

"AN ACT CONCERNING RESIDENTIAL WATER RATES, PUBLIC DRINKING WATER SUPPLY EMERGENCIES AND SELLERS OF BOTTLED WATER."

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

3 "Section 1. Subsection (b) of section 22a-352 of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective from*
5 *passage*):

6 (b) The state water plan developed pursuant to subsection (a) of this
7 section shall: (1) Identify the quantities and qualities of water that are
8 available for public water supply, health, economic, recreation and
9 environmental benefits on a regional basin scale considering both
10 surface water and groundwater; (2) identify present and projected
11 demands for water resources on a state-wide and regional basin scale;

12 (3) recommend the utilization of the state's water resources, including
13 surface and subsurface water, in a manner that balances public water
14 supply, economic development, recreation and ecological health; (4)
15 recommend steps to increase the climate resiliency of existing water
16 resources and infrastructure; (5) make recommendations for
17 technology and infrastructure upgrades, interconnections and such
18 major engineering works or special districts which may be necessary,
19 including the need, timing and general cost thereof; (6) recommend
20 land use and other measures, including an assessment of land
21 acquisition or land protection needs, where appropriate to ensure the
22 desired quality and abundance of water and to promote development
23 in concert with available water resources; (7) take into account desired
24 ecological, recreational, agricultural, industrial and commercial use of
25 water bodies; (8) inform residents of the state about the importance of
26 water-resource stewardship and conservation; (9) establish
27 conservation guidelines and incentives for consumer water
28 conservation with due consideration for energy efficiency; (10) develop
29 a water reuse policy with incentives for matching the quality of the
30 water to the use; (11) meet data collection and analysis needs to
31 provide for data driven water planning and permitting decisions; (12)
32 take into account the ecological, environmental, public health and
33 safety and economic impact that implementation of the state water
34 plan will have on the state; (13) include short and long-range objectives
35 and strategies to communicate and implement the plan; (14) seek to
36 incorporate regional and local plans and programs for water use and
37 management and plans for water and sewerage facilities in the state
38 water plan; (15) promote intraregional solutions and sharing of water
39 resources; (16) include recommendations regarding: (A) Water rates
40 charged to holders of licenses for the business of bottling water
41 pursuant to section 21a-136, (B) water company rates, rate setting
42 practices and rate structures, (C) water company consumer advocates
43 and public input regarding water company rates, including
44 recommendations regarding whether municipalities or entities should
45 charge holders of licenses for the business of bottling water issued
46 pursuant to section 21a-136 a clean water project charge rate less than

47 the residential consumer clean water project charge rate charged by the
48 municipality or entity; [(16)] (17) develop and recommend strategies to
49 address climate resiliency including the impact of extreme weather
50 events; [and (17)] (18) include recommended guidelines concerning
51 daily water volume restrictions, transport modes and the reduction of
52 negative environmental impacts of water diversions in excess of five
53 hundred thousand gallons per day that are registered or authorized
54 pursuant to sections 22a-365 to 22a-378, inclusive, and (19) identify
55 modifications to laws and regulations that are necessary in order to
56 implement the recommendations of the state water plan.

57 Sec. 2. (*Effective from passage*) Not later than September 30, 2017, the
58 Water Planning Council, in accordance with section 11-4a of the
59 general statutes, shall submit a report concerning the status of water
60 diversions registered or authorized pursuant to sections 22a-365 to
61 22a-378, inclusive, of the general statutes to the joint standing
62 committees of the General Assembly having cognizance of matters
63 relating to the environment, public health, planning and development
64 and energy and technology. Such report shall specify whether
65 modifications to such diversions are necessary to comply with the state
66 water plan prepared by the Water Planning Council pursuant to
67 section 22a-352 of the general statutes, as amended by this act.

68 Sec. 3. (NEW) (*Effective from passage*) (a) Notwithstanding any
69 provision of the general statutes or any charter or special act, each
70 water company, as defined in section 25-32a of the general statutes,
71 shall recognize and implement uniform drought metrics as specified in
72 the U.S. Drought Monitor maintained by The National Drought
73 Mitigation Center and such water companies shall comply with all
74 water use restrictions ordered by the Commissioner of Public Health
75 pursuant to a declaration of a public drinking water supply emergency
76 pursuant to section 25-32b of the general statutes, as amended by this
77 act.

78 (b) If the Commissioner of Public Health orders the implementation
79 of water use restrictions during a public drinking water supply

80 emergency declared pursuant to section 25-32b of the general statutes,
81 as amended by this act, said commissioner shall order that the sale of
82 water to residential consumers for essential residential use be
83 prioritized over the sale of water to commercial water bottling
84 companies exporting water out of the state for the duration of such
85 public drinking water supply emergency.

86 Sec. 4. Section 25-32b of the general statutes is repealed and the
87 following is substituted in lieu thereof (*Effective from passage*):

88 The Commissioner of Public Health, in consultation with the
89 Commissioner of Energy and Environmental Protection and the Public
90 Utilities Regulatory Authority, may declare a public drinking water
91 supply emergency upon receipt of information that a public water
92 supply emergency exists, is imminent or can reasonably be expected to
93 occur without the immediate implementation of conservation
94 practices. Notwithstanding any other provision of the general statutes
95 or regulations adopted thereunder, or special act or municipal
96 ordinance, the Commissioner of Public Health, upon such a
97 declaration, may authorize or order one or more of the following: (1)
98 The implementation of local, regional or state-wide water conservation
99 practices, including, but not limited to, water use restrictions, by a
100 public water system or the municipality in which such emergency
101 occurs, (2) the sale, supply or taking of any waters, including waters
102 into which sewage is discharged, or (3) the temporary interconnection
103 of water mains for the sale or transfer of water among water
104 companies. The Public Utilities Regulatory Authority, upon such a
105 declaration, shall determine the terms of the sale of any water sold
106 pursuant to this section if the water companies that are party to the
107 sale cannot determine such terms or if one of such water companies is
108 regulated by the authority. The authorization or order may be
109 implemented prior to such determination. Any authorization or order
110 shall be for an initial period of not more than thirty days but may be
111 extended for additional periods of thirty days up to one hundred fifty
112 days, consistent with the contingency procedures for a public drinking
113 water supply emergency in the plan approved pursuant to section 25-

114 32d, to the extent the Commissioner of Public Health deems
115 appropriate. Upon request by the Commissioner of Public Health, the
116 Commissioner of Energy and Environmental Protection, pursuant to
117 section 22a-378, shall suspend a permit issued pursuant to section 22a-
118 368 or impose conditions on a permit held pursuant to said section.
119 The time for such suspension or conditions shall be established in
120 accordance with subdivision (1) of subsection (a) of section 22a-378. As
121 used in this section and section 22a-378, "public drinking water supply
122 emergency" includes the contamination of water, the failure of a water
123 supply system or the shortage of water.

124 Sec. 5. Section 22a-368 of the general statutes is repealed and the
125 following is substituted in lieu thereof (*Effective from passage*):

126 (a) Any person or municipality maintaining a diversion prior to or
127 on July 1, 1982, shall register on or before July 1, 1983, with the
128 commissioner on a form prescribed by him the location, capacity,
129 frequency and rate of withdrawals or discharges of said diversion and
130 a description of the water use and water system. Any such diversion
131 which is not so registered may be subject to the permit requirements of
132 sections 22a-365 to 22a-378, inclusive.

133 (b) Notwithstanding any other provision of the general statutes or
134 any special act to the contrary, no person or municipality shall, after
135 July 1, 1982, commence to divert water from the waters of the state
136 without first obtaining a permit for such diversion from the
137 commissioner.

138 (c) No permit shall be transferred to another person or municipality
139 without the written approval of the commissioner.

140 (d) Notwithstanding any other provision of the general statutes or
141 any special act to the contrary, no person or municipality shall, after
142 June 1, 2017, commence to divert more than five hundred thousand
143 gallons of water per day from the waters of the state for the sale or
144 bottling of water, including any water previously registered as a
145 diversion pursuant to this section, without first obtaining a permit for

146 such diversion from the commissioner."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-352(b)
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	25-32b
Sec. 5	<i>from passage</i>	22a-368