AN ACT CONCERNING THE CONNECTICUT DRINKING WATER SUPPLY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (a) of section 16-50k of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2022):

(a) Except as provided in subsection (b) of section 16-50z, no person shall exercise any right of eminent domain in contemplation of, commence the preparation of the site for, commence the construction or supplying of a facility, or commence any modification of a facility, that may, as determined by the council, have a substantial adverse environmental effect in the state without having first obtained a certificate of environmental compatibility and public need, hereinafter referred to as a "certificate", issued with respect to such facility or modification by the council. Certificates shall not be required for (1) fuel cells built within the state with a generating capacity of two hundred fifty kilowatts or less, or (2) fuel cells built out of state with a generating capacity of ten kilowatts or less. Any facility with respect to which a
certificate is required shall thereafter be built, maintained and operated in conformity with such certificate and any terms, limitations or conditions contained therein. Notwithstanding the provisions of this chapter or title 16a, the council shall, in the exercise of its jurisdiction over the siting of generating facilities, approve by declaratory ruling (A) the construction of a facility solely for the purpose of generating electricity, other than an electric generating facility that uses nuclear materials or coal as fuel, at a site where an electric generating facility operated prior to July 1, 2004, and (B) the construction or location of any fuel cell, unless the council finds a substantial adverse environmental effect, or of any customer-side distributed resources project or facility or grid-side distributed resources project or facility with a capacity of not more than sixty-five megawatts, as long as: (i) Such project meets air and water quality standards of the Department of Energy and Environmental Protection, (ii) the council does not find a substantial adverse environmental effect, [and] (iii) for a solar photovoltaic facility with a capacity of two or more megawatts, to be located on prime farmland or forestland, excluding any such facility that was selected by the Department of Energy and Environmental Protection in any solicitation issued prior to July 1, 2017, pursuant to section 16a-3f, 16a-3g or 16a-3j, the Department of Agriculture represents, in writing, to the council that such project will not materially affect the status of such land as prime farmland or the Department of Energy and Environmental Protection represents, in writing, to the council that such project will not materially affect the status of such land as core forest, and (iv) for a solar photovoltaic facility disturbing more than one acre of forestland within an aquifer protection area delineated pursuant to section 22a-354c or public drinking water supply watershed, the Department of Public Health represents, in writing, to the council that such project will not have a significant adverse impact upon the purity and adequacy of the public drinking water supply. In conducting an evaluation of a project for purposes of subparagraph (B)(iii) of this subsection, the Departments of Agriculture and Energy and Environmental Protection may consult with the United States Department of Agriculture and soil and water conservation districts. In conducting an evaluation of a
project for purposes of subparagraph (B)(iv) of subdivision (2) of this
subsection, the Department of Public Health shall consult with the
affected water company.

Sec. 2. Subsection (b) of section 8-3i of the 2022 supplement to the
general statutes is repealed and the following is substituted in lieu
thereof (Effective October 1, 2022):

(b) When an application, petition, request or plan is filed with the
zoning commission, planning and zoning commission or zoning board
of appeals of any municipality concerning any project on any site that is
within the aquifer protection area delineated pursuant to section 22a-
354c or the watershed of a water company, the applicant or the person
making the filing shall: (1) Provide written notice of the application,
petition, request or plan to the water company and the Department of
Public Health; and (2) determine if the project is within the watershed
of a water company by consulting the maps posted on the department's
Internet web site showing the boundaries of the watershed. Such
applicant shall send such notice to the water company by certified mail,
return receipt requested, or by electronic mail if the water company has
provided instructions for transmittal of such notice by electronic mail
on its Internet web site and to the department by electronic mail to the
electronic mail address designated on its Internet web site for receipt of
such notice. Such applicant shall mail such notice not later than seven
days after the date of the application. Such water company and the
Commissioner of Public Health may, through a representative, appear
and be heard at any hearing on any such application, petition, request
or plan.

Sec. 3. Section 22a-42f of the 2022 supplement to the general statutes
is repealed and the following is substituted in lieu thereof (Effective
October 1, 2022):

When an application is filed to conduct or cause to be conducted a
regulated activity upon an inland wetland or watercourse, any portion
of which is within the watershed of a water company as defined in
section 25-32a, the applicant shall: (1) Provide written notice of the application to the water company and the Department of Public Health; and (2) determine if the project is within the watershed of a water company by consulting the maps posted on the department's Internet web site showing the boundaries of the watershed. Such applicant shall send such notice to the water company by certified mail, return receipt requested, or by electronic mail if the water company has provided instructions for transmittal of such notice by electronic mail on its Internet web site and to the department by electronic mail to the electronic mail address designated by the department on its Internet web site for receipt of such notice. Such applicant shall mail such notice not later than seven days after the date of the application. The water company and the Commissioner of Public Health, through a representative, may appear and be heard at any hearing on the application.

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Statement of Purpose:
To protect the quality and availability of public water supplies to meet the state's public health, safety and economic development needs.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underlining, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]