

House of Representatives, April 1, 1998. The Committee on Environment reported through REP. STRATTON, 17th DIST., Chairman of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING NOTICE TO WATER COMPANIES OF PROJECTS WITHIN THE WATERSHED.

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

1 Section 8-3i of the general statutes is
2 repealed and the following is substituted in lieu
3 thereof:

4 (a) AS USED IN THIS SECTION "WATER COMPANY"
5 MEANS A WATER COMPANY AS DEFINED IN SECTION 25-32a
6 AND "PETITION" INCLUDES A PETITION OR PROPOSAL TO
7 CHANGE THE REGULATIONS, BOUNDARIES OR
8 CLASSIFICATIONS OF ZONING DISTRICTS.

9 (b) When an [applicant files] APPLICATION,
10 PETITION, REQUEST, PLAN OR PROPOSAL IS FILED with
11 the zoning commission, planning and zoning
12 commission or zoning board of appeals of any
13 municipality [an application, petition, request or
14 plan] concerning any project on any site which is
15 within the AQUIFER PROTECTION AREA DELINEATED
16 PURSUANT TO SECTION 22a-354c OR THE watershed of a
17 water company, [as defined in section 25-32a,] the
18 applicant OR THE PERSON MAKING THE FILING shall
19 provide written notice of the application,
20 petition, request, [or] plan OR PROPOSAL to the
21 water company, provided such water company has
22 filed a map showing the boundaries of the

23 watershed on the land records of the municipality
24 in which the application, petition, request or
25 plan is made and with the zoning commission,
26 planning and zoning commission or zoning board of
27 appeals of such municipality OR THE AQUIFER
28 PROTECTION AREA HAS BEEN DELINEATED IN ACCORDANCE
29 WITH SECTION 22a-354c, AS THE CASE MAY BE. Such
30 notice shall be made by certified mail, return
31 receipt requested, and shall be mailed within
32 seven days of the date of the application. Such
33 water company may, through a representative,
34 appear and be heard at any hearing on any such
35 application, petition, request or plan.

36 (c) NOTWITHSTANDING THE PROVISIONS OF
37 SUBSECTION (b) OF THIS SECTION, WHEN AN AGENT OF
38 THE ZONING COMMISSION, PLANNING AND ZONING
39 COMMISSION OR ZONING BOARD OF APPEALS IS
40 AUTHORIZED TO APPROVE AN APPLICATION, PETITION,
41 REQUEST OR PLAN CONCERNING ANY SITE WHICH IS
42 WITHIN THE AQUIFER PROTECTION AREA DELINEATED
43 PURSUANT TO SECTION 22a-354c OR THE WATERSHED OF A
44 WATER COMPANY WITHOUT THE APPROVAL OF THE ZONING
45 COMMISSION, PLANNING AND ZONING COMMISSION OR
46 ZONING BOARD OF APPEALS, AND SUCH AGENT DETERMINES
47 THAT THE PROPOSED ACTIVITY WILL NOT ADVERSELY
48 AFFECT THE PUBLIC WATER SUPPLY, THE APPLICANT
49 SHALL NOT BE REQUIRED TO NOTIFY THE WATER COMPANY.

50 STATEMENT OF LEGISLATIVE COMMISSIONERS: In
51 subsection (b), "PARTY FILING" was changed to
52 "PERSON MAKING THE FILING" for consistency with
53 the statutes and "PROPOSAL" was added for internal
54 consistency.

55 ENV COMMITTEE VOTE: YEA 22 NAY 0 JFS-LCO

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF 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 HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER sHB 5499

STATE IMPACT	None
MUNICIPAL IMPACT	None
STATE AGENCY(S)	None

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OLR BILL ANALYSIS

HB 5499

AN ACT CONCERNING NOTICE TO WATER COMPANIES OF PROJECTS WITHIN THE WATERSHED

SUMMARY: This bill expands the requirement that zoning applicants notify water companies of projects within their watersheds by requiring notice when such projects are within mapped groundwater supply aquifers. It also expands the zoning filings that trigger the notice requirement to include proposed zoning amendments. By law, notice must be by certified mail, return receipt requested, within seven days after the application. The bill specifies that parties filing applications or proposals on behalf of other parties are equally responsible for notifying affected water companies, which may include investor-owned, municipal, and regional companies serving two or more consumers or 25 or more individuals.

The bill establishes an exemption from the notice requirements in towns that allow zoning agents to approve an application, if the agent determines that the proposed activity will not adversely affect the public water supply.

The bill also makes technical changes.

EFFECTIVE DATE: October 1, 1998

FURTHER EXPLANATION

Notice of Activities Affecting Aquifers

By law, anyone filing an application, petition, request, or plan with the local zoning or zoning appeals authority for any site within a water company's watershed must notify the water company if it has filed a watershed map with the municipality. The bill extends the notice requirement to cover zoning filings that fall within groundwater supply aquifers mapped in accordance with existing law. Aquifers may underlie several watersheds.

Zoning Filings that Require Notice

The bill expands the zoning filings that require notice to affected water companies by defining "petitions" to include petitions or proposals to changed zoning district regulations, boundaries, or classifications. It also adds "proposals" to the list of filings that requires notice. (The bill does not define proposals or add it consistently throughout the bill.)

COMMITTEE ACTION

Environment Committee

Joint Favorable Report
Yea 22 Nay 0