



General Assembly

February Session, 2014

Raised Bill No. 5424

LCO No. 1911



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

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

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 Section 22a-352 of the general statutes is repealed and the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 July 1, 2014*):

3 (a) [The Department of Energy and Environmental Protection, the
4 Department of Public Health and the Office of Policy and Management
5 shall establish a continuing planning process and shall prepare and
6 periodically update jointly a state-wide long-range] Not later than
7 January 1, 2017, the Water Planning Council, established pursuant to
8 section 25-33o, shall prepare a state water plan for the management of
9 the water resources of the state. In [carrying out such preparation, the
10 aforesaid agencies] developing such state water plan, the Water
11 Planning Council shall: (1) Design a unified planning program and
12 budget; (2) coordinate regional water and sewer facilities plans [and
13 provide technical or financial assistance to regional planning agencies
14 in the preparation of regional water and sewer facilities plans which
15 are necessary as guidelines for the planning and designing of local and

16 interlocal facilities and which are required by the federal government
17 as a prerequisite for grants to municipalities for the construction of
18 certain water and sewer facilities] (3) seek involvement of interested
19 parties; (4) solicit input from the advisory group established pursuant
20 to section 25-33o; (5) integrate individual water utility coordinating
21 committee plans, the state plan of conservation and development, as
22 described in section 16a-30, and any other planning documents
23 deemed necessary by the council; and (6) update the model ordinance
24 for municipal water emergencies.

25 (b) The [state-wide water resources plan] state water plan
26 developed pursuant to subsection (a) of this section shall: (1) Identify
27 the quantities and qualities of water that could be available to specific
28 areas under feasible distribution; (2) identify present and projected
29 demands for water for specific areas; (3) recommend the utilization of
30 the state's water resources, including surface and subsurface water, for
31 their greatest benefits; (4) make recommendations for technology and
32 infrastructure upgrades and such major engineering works or special
33 districts which may be necessary, including the need, timing and
34 general cost thereof; (5) recommend land use and other measures
35 where appropriate to insure the desired quality and abundance of
36 water; (6) take into account desired recreational, agricultural,
37 industrial and commercial use of water bodies; (7) inform residents of
38 the state about the importance of water-resource stewardship; (8)
39 establish conservation guidelines and incentives for consumer water
40 conservation; (9) foster intergovernmental communication on water
41 conservation and planning, including, but not limited to, the
42 development of a water reuse policy; (10) meet data collection and
43 analysis needs to provide for data driven water planning and
44 permitting decisions; (11) take into account the ecological,
45 environmental and economic impact that implementation of the state
46 water plan will have on the state; (12) include short and long-range
47 objectives and strategies to effectuate the purposes of this section; and
48 [(7)] (13) seek to incorporate regional and local plans and programs for

49 water use and management and plans for water and sewerage facilities
50 in the [state-wide] state water plan.

51 [(c) Upon completion of each planning document and when
52 adopted by the Commissioner of Energy and Environmental
53 Protection, the Commissioner of Public Health and the Secretary of the
54 Office of Policy and Management, said final plan shall be submitted to
55 the General Assembly.]

56 (c) Not later than January 1, 2017, the Water Planning Council, in
57 accordance with section 11-4a, shall submit the state water plan to the
58 joint standing committees of the General Assembly having cognizance
59 of matters relating to the environment, public health, planning and
60 development and energy and technology for said committees'
61 approval, revision or disapproval, in whole or in part.

62 (d) Not later than forty-five days after the convening of the next
63 regularly scheduled session of the General Assembly said joint
64 standing committees shall conduct a joint public hearing on the state
65 water plan. Not later than forty-five days after completion of such joint
66 public hearing, said joint standing committees shall submit the plan
67 with said committees' recommendations for approval or disapproval
68 to the General Assembly. The state water plan shall become effective
69 when adopted by the General Assembly as the state water plan for the
70 state.

71 (e) In the event that the General Assembly disapproves the state
72 water plan in whole or in part the state water plan shall be deemed to
73 be rejected and shall be returned to the Water Planning Council for
74 appropriate action.

75 (f) The Water Planning Council shall oversee the implementation
76 and periodic updates of the state water plan. On or before January 1,
77 2015, and annually thereafter, the Water Planning Council shall submit
78 a report, in accordance with section 11-4a, to the joint standing
79 committees of the General Assembly having cognizance of matters

80 relating to the environment, public health, planning and development
81 and energy and technology on the status of the development and
82 implementation of the state water plan.

83 Sec. 2. Section 25-33a of the 2014 supplement to the general statutes
84 is repealed and the following is substituted in lieu thereof (*Effective July*
85 *1, 2014*):

86 (a) The State Bond Commission shall have power, from time to time
87 to authorize the issuance of bonds of the state in one or more series
88 and in principal amounts not exceeding in the aggregate [four million
89 one hundred fifty-one thousand five hundred ninety-nine dollars] fifty
90 thousand dollars per year, for the purposes of providing funds for [(1)
91 grants to municipally-owned water companies for the planning,
92 design, modification or construction of drinking water facilities of such
93 companies made necessary by the requirements of the Safe Water Act
94 of 1974, or by an order of the Department of Public Health deeming the
95 water supplied by such companies to be inadequate, which facilities
96 shall include, but need not be limited to, collection facilities, treatment
97 facilities, wells, tanks, mains, pumps, transmission facilities and any
98 other machinery and equipment necessary to meet the requirements of
99 said act, (2) grants in accordance with the provisions of section 22a-471
100 to water companies, as defined in section 25-32a, which have less than
101 ten thousand customers, as defined in said section 25-32a, for the
102 treatment of a contaminated water supply well which is owned,
103 maintained, operated, managed, controlled or employed by the water
104 company, and (3) water supply emergency assistance grants to
105 investor-owned water companies which supply water to at least
106 twenty-five but less than one thousand customers for repair,
107 rehabilitation, interconnection or replacement, in the event that such
108 company has ceased to provide water as a result of equipment or
109 facility failure and the Commissioner of Economic and Community
110 Development, upon recommendation of the Department of Public
111 Health and in consultation with the Public Utilities Regulatory
112 Authority, makes a determination that the company is financially

113 unable to immediately restore service and there is no alternative water
114 company reasonably able to immediately supply water] grants to
115 eligible public water systems, as defined in section 22a-475, for eligible
116 drinking water projects, as defined in section 22a-475. The grants shall
117 be made in accordance with terms and conditions as provided in
118 regulations to be promulgated by the [Commissioner of Economic and
119 Community Development, subject to approval by the] Commissioner
120 of Public Health, provided the amount of any such grant [under
121 subdivision (1) of this subsection shall not exceed one hundred
122 thousand dollars or] shall not exceed thirty per cent of the cost of the
123 eligible drinking water project being funded by the grant. [, whichever
124 is greater. For the purposes of this section, planning costs shall include,
125 but need not be limited to, fees and expenses of architects, engineers,
126 attorneys, accountants and other professional consultants, and costs of
127 preparing surveys, studies, site plans and plans and specifications for
128 eligible drinking water facilities. Not more than four million dollars of
129 the proceeds of such bonds shall be allocated to the municipally
130 owned water companies grant program under subdivision (1) of this
131 subsection, not more than two million dollars of the proceeds of such
132 bonds shall be allocated for the treatment of contaminated water
133 supply wells which are owned, maintained, operated, managed,
134 controlled or employed by a water company under subdivision (2) of
135 this subsection, and not more than seven hundred thousand dollars of
136 the proceeds of such bonds shall be allocated to the investor-owned
137 emergency assistance grant program under subdivision (3) of this
138 subsection.]

139 (b) All provisions of section 3-20 or the exercise of any right or
140 power granted thereby which are not inconsistent with the provisions
141 of this section and sections 12-75, 12-76 and 25-33b are hereby adopted
142 and shall apply to all bonds authorized by the State Bond Commission
143 pursuant to this section, and temporary notes in anticipation of the
144 money to be derived from the sale of any such bonds so authorized
145 may be issued in accordance with said section 3-20 and from time to

146 time renewed. Such bonds shall mature at such time or times not
147 exceeding twenty years from their respective dates as may be provided
148 in or pursuant to the resolution or resolutions of the State Bond
149 Commission authorizing such bonds. None of said bonds shall be
150 authorized except upon a finding by the State Bond Commission that
151 there has been filed with it a request for such authorization, which is
152 signed by or on behalf of the Commissioner of [Economic and
153 Community Development] Public Health and states such terms and
154 conditions as said commission, in its discretion, may require. Said
155 bonds issued pursuant to this section shall be general obligations of the
156 state and the full faith and credit of the state of Connecticut are
157 pledged for the payment of the principal of and interest on said bonds
158 as the same become due, and accordingly and as part of the contract of
159 the state with the holders of said bonds, appropriation of all amounts
160 necessary for punctual payment of such principal and interest is
161 hereby made, and the Treasurer shall pay such principal and interest
162 as the same become due.

163 (c) Each grant made pursuant to subsection (a) of this section shall
164 be authorized by [Connecticut Innovations, Incorporated or, if the
165 corporation so determines, by a committee of the corporation
166 consisting of the chairman and either one other board member of the
167 corporation or its chief executive officer. Connecticut Innovations,
168 Incorporated] the Commissioner of Public Health. The Commissioner
169 of Public Health shall charge reasonable application and other fees to
170 be applied to the administrative expenses incurred in carrying out the
171 provisions of this section, to the extent such expenses are not paid by
172 the [corporation or from moneys appropriated to the department]
173 Department of Public Health. Each such payment shall be made by the
174 Treasurer upon certification by the Commissioner of [Economic and
175 Community Development] Public Health that the payment is
176 authorized under the provisions of this section under the applicable
177 rules and regulations of the department, and under the terms and
178 conditions established by the [corporation or the duly appointed

179 committee thereof] commissioner in authorizing the making of the
180 grant.

181 Sec. 3. Section 25-33b of the general statutes is repealed and the
182 following is substituted in lieu thereof (*Effective July 1, 2014*):

183 The Commissioner of [Economic and Community Development]
184 Public Health shall adopt regulations in accordance with chapter 54
185 which specify the terms and conditions of [low-interest loans and
186 grants to water companies and any additional requirements necessary
187 to carry out the purposes of section 12-76] grants made to eligible
188 water systems for eligible water projects, as defined in section 22a-475.

189 Sec. 4. Subsection (a) of section 25-33h of the general statutes is
190 repealed and the following is substituted in lieu thereof (*Effective*
191 *January 1, 2015*):

192 (a) Each water utility coordinating committee shall prepare a
193 coordinated water system plan in the public water supply
194 management area. Such plan shall be submitted to the Commissioner
195 of Public Health for his approval not more than two years after the first
196 meeting of the committee. The plan shall promote cooperation among
197 public water systems and include, but not be limited to, provisions for
198 (1) integration of public water systems, consistent with the protection
199 and enhancement of public health and well-being; (2) integration of
200 water company plans; (3) exclusive service areas; (4) joint management
201 or ownership of services; (5) satellite management services; (6)
202 interconnections between public water systems; (7) integration of land
203 use and water system plans; (8) minimum design standards; (9) water
204 conservation and environmental protection; (10) the impact on other
205 uses of water resources; and (11) acquisition of land surrounding wells
206 proposed to be located in stratified drifts.

207 Sec. 5. Section 25-33j of the general statutes is repealed and the
208 following is substituted in lieu thereof (*Effective July 1, 2014*):

209 The Commissioner of Public Health may enter into contracts with
210 consultants to provide services to water utility coordinating
211 committees. [The amount of any contract shall not exceed two hundred
212 thousand dollars.] Any appropriation made to the Department of
213 Public Health for the purposes of this section shall not lapse until The
214 Department of Public Health has completed the planning process for a
215 water utility coordinating committee.

216 Sec. 6. (NEW) (*Effective July 1, 2014*) (a) The Department of Public
217 Health may employ agents and engineers to carry out the provisions of
218 sections 25-32, 25-33 and 25-34 of the general statutes, at such expense
219 as may be approved by the Secretary of the Office of Policy and
220 Management.

221 (b) The Department of Public Health may use licensed water
222 professionals, at the expense of the party submitting the application or
223 other request, to review and certify the sufficiency of applications and
224 other submittals to the department for approval or to comply with any
225 orders of the department, or effectuate the department's discharge of
226 the provisions of sections 25-32, 25-33 and 25-34 of the general statutes.
227 As used in this section "licensed water professional" means any person
228 who is qualified by reason of his or her knowledge, as specified by the
229 Department of Public Health, to assist the department in carrying out
230 the provisions of sections 25-32, 25-33 and 25-34 of the general statutes.

231 (c) The Department of Public Health shall identify activities that a
232 licensed water professional may perform as an agent of the
233 department or such applications or submittals that, upon filing by a
234 licensed water professional, require no further review and approval by
235 the department. For any other application or submittal, the department
236 shall notify the party, in writing, not later than fifteen days after
237 receipt of a request for a determination whether review and approval
238 of an application or submittal by the department is required, or
239 whether a licensed water professional may verify that the application
240 or submittal was prepared in accordance with standards established by

241 the department. In determining whether review and approval of the
242 application or submittal by the department is required, or whether a
243 licensed water professional may verify that the application or
244 submittal was prepared in accordance with the standards established
245 by the department, the department shall consider the potential risk to
246 public health and water quality posed by such application or
247 submittal.

248 (d) The Commissioner of Public Health may issue a water
249 professional license, for the purpose of performing the duties
250 described in subsection (b) of this section, upon receipt of a completed
251 application, on a form as prescribed by the commissioner. Any such
252 license shall be valid for a period of three years from the date of
253 issuance. Any such application shall require the submission of an
254 application fee, as established by the commissioner. The commissioner
255 may renew any such license for an additional three years upon receipt
256 of a completed renewal application, on a form prescribed by the
257 commissioner. Any such renewal application shall require the
258 submission of a renewal fee, as established by the commissioner.

259 (e) The Commissioner of Public Health may adopt regulations, in
260 accordance with the provisions of chapter 54 of the general statutes, to
261 implement the provisions of this section.

262 Sec. 7. Section 28-9 of the general statutes is amended by adding
263 subsection (c) as follows (*Effective July 1, 2014*):

264 (NEW) (c) (1) Whenever the Governor declares a major disaster due
265 to a drought, the regional councils of government in the affected area
266 of the state shall develop and implement a response plan, in
267 consultation with the Departments of Energy and Environmental
268 Protection and Public Health, to restrict nonemergency water uses,
269 including, but not limited to, the watering of lawns.

270 (2) In any area of the state where the Governor declares a major
271 disaster due to a drought, the Department of Public Health may

272 authorize the use of greywater for purposes other than for the
273 provision of drinking water. For the purposes of this subsection,
274 "greywater" means wastewater other than sewage. "Greywater"
275 includes water from sink drainage and washing machine discharge.

276 Sec. 8. (*Effective July 1, 2014*) (a) The sum of five hundred thousand
277 dollars is appropriated to the Office of Policy and Management, from
278 the General Fund, for the fiscal year ending June 30, 2015, for the
279 purpose of providing the Water Planning Council with the requisite
280 staff to develop the state water plan in accordance with section 22a-352
281 of the general statutes, as amended by this act.

282 (b) The sum of one million dollars is appropriated to the
283 Department of Public Health, from the General Fund, for the fiscal
284 year ending June 30, 2015, for the purpose of entering contracts with
285 consultants to provide services to water utility coordinating
286 committees pursuant to section 25-33j, as amended by this act.

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>July 1, 2014</i>	25-33a
Sec. 3	<i>July 1, 2014</i>	25-33b
Sec. 4	<i>January 1, 2015</i>	25-33h(a)
Sec. 5	<i>July 1, 2014</i>	25-33j
Sec. 6	<i>July 1, 2014</i>	New section
Sec. 7	<i>July 1, 2014</i>	28-9
Sec. 8	<i>July 1, 2014</i>	New section

Statement of Purpose:

To facilitate the development of a state water plan and implement legislative recommendations of the Water Summit Working Group.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, 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.]