



General Assembly

February Session, 2022

**Raised Bill No. 224**

LCO No. 1774



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:  
(PD)

**AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR MINOR AND TECHNICAL REVISIONS TO STATUTES CONCERNING PLANNING AND DEVELOPMENT.**

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

1 Section 1. Section 7-255 of the 2022 supplement to the general statutes  
2 is repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2022*):

4 (a) The water pollution control authority may establish and revise fair  
5 and reasonable charges for connection with and for the use of a  
6 sewerage system. The owner of property against which any such  
7 connection or use charge is levied shall be liable for the payment thereof.  
8 Municipally-owned and other tax-exempt property which uses the  
9 sewerage system shall be subject to such charges under the same  
10 conditions as are the owners of other property, but nothing herein shall  
11 be deemed to authorize the levying of any property tax by any  
12 municipality against any property exempt by the general statutes from  
13 property taxation. No charge for connection with or for the use of a

14 sewerage system shall be established or revised until after a public  
15 hearing before the water pollution control authority at which the owner  
16 of property against which the charges are to be levied shall have an  
17 opportunity to be heard concerning the proposed charges. Such hearing  
18 may be conducted in person or by means of electronic equipment.  
19 Notice of the time, place and purpose of such hearing shall be published  
20 at least ten days before the date thereof in a newspaper having a general  
21 circulation in the municipality and on the Internet web site of the  
22 municipality. A copy of the proposed charges shall be on file in the office  
23 of the clerk of the municipality and available for inspection by the public  
24 for at least ten days before the date of such hearing. When the water  
25 pollution control authority has established or revised such charges, it  
26 shall file a copy thereof in the office of the clerk of the municipality and,  
27 not later than five days after such filing, shall cause the same to be  
28 published in a newspaper having a general circulation in the  
29 municipality and on the Internet web site of the municipality. Such  
30 publication shall state the date on which such charges were filed and the  
31 time and manner of paying such charges and shall state that any appeals  
32 from such charges must be taken within twenty-one days after such  
33 filing. In establishing or revising such charges the water pollution  
34 control authority may classify the property connected or to be connected  
35 with the sewer system and the users of such system, including  
36 categories of industrial users, and may give consideration to any factors  
37 relating to the kind, quality or extent of use of any such property or  
38 classification of property or users including, but not limited to, (1) the  
39 volume of water discharged to the sewerage system, (2) the type or size  
40 of building connected with the sewerage system, (3) the number of  
41 plumbing fixtures connected with the sewerage system, (4) the number  
42 of persons customarily using the property served by the sewerage  
43 system, (5) in the case of commercial or industrial property, the average  
44 number of employees and guests using the property, and (6) the quality  
45 and character of the material discharged into the sewerage system. The  
46 water pollution control authority may establish minimum charges for  
47 connection with and for the use of a sewerage system. Any person  
48 aggrieved by any charge for connection with or for the use of a sewerage

49 system may appeal to the superior court for the judicial district wherein  
50 the municipality is located and shall bring any such appeal to a return  
51 day of said court not less than twelve or more than thirty days after  
52 service thereof. The judgment of the court shall be final.

53 (b) Any municipality may, by ordinance, provide for the payment to  
54 the water pollution control authority by such municipality of the whole  
55 or a portion of such charges for specified classifications of property or  
56 users, provided such classifications are established by the water  
57 pollution control authority in accordance with the provisions of  
58 subsection (a) of this section and meet the requirements of the federal  
59 Water Pollution Control Act Amendments of 1972, P.L. 92-500, as  
60 amended from time to time.

61 (c) Any municipality may, by ordinance, provide for optional  
62 methods of payment of sewer use charges to the water pollution control  
63 authority by (1) elderly taxpayers who are eligible for tax relief under  
64 the provisions of section 12-129b, section 12-170aa or a plan of tax relief  
65 for elderly taxpayers provided by such municipality in accordance with  
66 section 12-129n, or (2) any taxpayer under the age of sixty-five who is  
67 eligible for tax relief under the provisions of a plan for tax relief  
68 provided by such municipality in accordance with subdivision (2) of  
69 section 12-129n.

70 Sec. 2. Section 8-2p of the 2022 supplement to the general statutes is  
71 repealed and the following is substituted in lieu thereof (*Effective October*  
72 *1, 2022*):

73 The zoning commission or combined planning and zoning  
74 commission, as applicable, of a municipality, by a two-thirds vote, may  
75 initiate the process by which such municipality opts out of the provision  
76 of subdivision (9) of subsection (d) of section 8-2 regarding limitations  
77 on parking spaces for dwelling units, provided such commission: (1)  
78 First holds a public hearing in accordance with the provisions of section  
79 8-7d on such proposed opt-out, (2) affirmatively decides to opt out of  
80 the provision of said subsection within the period of time permitted

81 under section 8-7d, (3) states upon its records the reasons for such  
82 decision, and (4) publishes notice of such decision in a newspaper  
83 having a substantial circulation in the municipality not later than fifteen  
84 days after such decision has been rendered. Thereafter, the  
85 municipality's legislative body or, in a municipality where the  
86 legislative body is a town meeting, its board of selectmen, by a two-  
87 thirds vote, may complete the process by which such municipality opts  
88 out of the provision of subdivision (9) of subsection (d) of section 8-2.

89 Sec. 3. Subsection (c) of section 8-26c of the 2022 supplement to the  
90 general statutes is repealed and the following is substituted in lieu  
91 thereof (*Effective October 1, 2022*):

92 (c) In the case of a subdivision plan approved on or after October 1,  
93 1977, failure to complete all work within such five-year period or any  
94 extension thereof shall result in automatic expiration of the approval of  
95 such plan provided the commission shall file on the land records of the  
96 town in which such subdivision is located notice of such expiration and  
97 shall state such expiration on the subdivision plan on file in the office of  
98 the town clerk of such town, and no additional lots in the subdivision  
99 shall be conveyed by the subdivider or his successor in interest as such  
100 subdivider except with approval by the commission of a new  
101 application for subdivision of the subject land. If lots have been  
102 conveyed during such five-year period or any extension thereof, the  
103 municipality shall call the bond or other surety on said subdivision to  
104 the extent necessary to complete the bonded improvements and utilities  
105 required to serve those lots. "Work" for purposes of this section means  
106 all physical improvements required by the approved plan, other than  
107 the staking out of lots, and includes, but is not limited to, the  
108 construction of roads, storm drainage facilities and water and sewer  
109 lines, the setting aside of open space and recreation areas, installation of  
110 telephone and electric services, planting of trees or other landscaping,  
111 and installation of retaining walls or other structures.

112 Sec. 4. Subdivision (3) of subsection (a) of section 2-79a of the general  
113 statutes is repealed and the following is substituted in lieu thereof

114 (Effective October 1, 2022):

115 (3) On and after July 1, 2019, the commission shall consist of the  
116 president pro tempore of the Senate, the speaker of the House of  
117 Representatives, the minority leader of the Senate, the minority leader  
118 of the House of Representatives, the Secretary of the Office of Policy and  
119 Management, the Commissioner of Education, the Commissioner of  
120 Energy and Environmental Protection and the Commissioner of  
121 Economic and Community Development, or their designees, and  
122 seventeen additional members as follows: (A) Six municipal officials  
123 appointed by the Governor, four of whom shall be selected from a list  
124 of nominees submitted to the Governor by the Connecticut Conference  
125 of Municipalities and two of whom shall be selected from a list  
126 submitted by the Council of Small Towns. One of such six officials shall  
127 be from a town having a population of ten thousand or less persons, one  
128 shall be from a town having a population of more than ten thousand but  
129 less than twenty thousand persons, two shall be from towns having  
130 populations of more than twenty thousand but less than sixty thousand  
131 persons and two shall be from towns having populations of sixty  
132 thousand or more persons; (B) two local public education officials  
133 appointed by the Governor, one of whom shall be selected from a list of  
134 nominees submitted to the Governor by the Connecticut Association of  
135 Boards of Education and one of whom shall be selected from a list  
136 submitted by the Connecticut Association of Public School  
137 Superintendents; (C) one representative of a regional council of  
138 governments appointed by the Governor from a list of nominees  
139 submitted to the Governor by the Connecticut Association of Councils  
140 of Governments; (D) one representative of organized labor appointed  
141 by the Governor from a list of nominees submitted to the Governor by  
142 the Connecticut AFL-CIO; (E) five persons who do not hold elected or  
143 appointed office in state or local government, one of whom shall be  
144 appointed by the Governor, one of whom shall be appointed by the  
145 president pro tempore of the Senate, one of whom shall be appointed by  
146 the speaker of the House of Representatives, one of whom shall be  
147 appointed by the minority leader of the Senate and one of whom shall

148 be appointed by the minority leader of the House of Representatives; (F)  
149 one representative of the Connecticut Conference of Municipalities  
150 appointed by said conference; and (G) one representative of the Council  
151 of Small Towns appointed by said council.

152 Sec. 5. Subsection (a) of section 7-131e of the general statutes is  
153 repealed and the following is substituted in lieu thereof (*Effective October*  
154 *1, 2022*):

155 (a) Grant award decisions under the protected open space and  
156 watershed land acquisition grant program established under section 7-  
157 131d or under the Charter Oak open space grant program established  
158 under section 7-131t shall be made by the Commissioner of Energy and  
159 Environmental Protection at least semiannually. All complete and  
160 eligible grant applications shall be acted upon by the commissioner as  
161 soon as practicable. A single project may receive a grant in more than  
162 one grant cycle, subject to future availability of funds and subject to the  
163 limitations set forth in this section and sections 23-78, 12-498 and 7-131d.  
164 Up to five per cent of the grant funds may be used for administrative  
165 expenses including, but not limited to: (1) Contractors to assist the  
166 Department of Energy and Environmental Protection in the review and  
167 evaluation of grant proposals and baseline data collection for  
168 conservation easements; (2) appraisals or appraisal reviews; and (3)  
169 preparation of legal and other documents. Administrative expenses  
170 may not be used for staff salaries. Not later than September 1, 1998, for  
171 the protected open space and watershed land acquisition grant program  
172 established under section 7-131d, and not later than September 1, 2000,  
173 for the Charter Oak open space grant program account established  
174 under section 7-131t, the commissioner shall develop written guidelines  
175 and a ranking system for consistency and equity in the distribution of  
176 grant awards under the protected open space and watershed land  
177 acquisition grant program established under section 7-131d or under the  
178 Charter Oak open space grant program account established under  
179 section 7-131t based on the criteria listed in subsections (b) and (c) of  
180 section 7-131d. Consistent with such criteria, additional consideration

181 shall be given to: (A) Protection of lands adjacent to and complementary  
182 to adjacent protected open space land or class I or class II water  
183 company lands; (B) equitable geographic distribution of the grants; (C)  
184 proximity of a property to urban areas with growth and development  
185 pressures or to areas with open space deficiencies and underserved  
186 populations; (D) protection of land particularly vulnerable to  
187 development incompatible with its natural resource values including  
188 the protection of a public water supply source; (E) consistency with the  
189 [state's] state plan of conservation and development; (F) multiple  
190 protection elements, such as water quality and supply protection, scenic  
191 preservation and farmland preservation; (G) the extent to which the  
192 presence of already constructed buildings or other man-made  
193 improvements diminish or overshadow the natural resource value of a  
194 proposed acquisition, or its value relative to its cost; and (H)  
195 preservation of forest lands and bodies of water which naturally absorb  
196 significant amounts of carbon dioxide.

197 Sec. 6. Subsection (d) of section 12-217ii of the general statutes is  
198 repealed and the following is substituted in lieu thereof (*Effective October*  
199 *1, 2022*):

200 (d) The commissioner shall determine whether (1) the taxpayer  
201 making the application is eligible for the tax credit, and (2) the proposed  
202 job growth (A) is economically viable only with use of the tax credit, (B)  
203 would provide a net benefit to economic development and employment  
204 opportunities in the state, and (C) conforms to the state plan of  
205 conservation and development prepared pursuant to [section 16a-24]  
206 part I of chapter 297. The commissioner may require the applicant to  
207 submit such additional information as may be necessary to evaluate the  
208 application.

209 Sec. 7. Section 16a-25 of the general statutes is repealed and the  
210 following is substituted in lieu thereof (*Effective October 1, 2022*):

211 As used in this chapter:

212 (1) "Process" means the procedure for adopting, amending, revising  
213 and implementing a state plan of conservation and development;

214 (2) "Existing plan" means the plan promulgated by Executive Order  
215 No. 28, September 27, 1974;

216 (3) "Secretary" means the Secretary of the Office of Policy and  
217 Management;

218 (4) "Committee" means the continuing legislative committee on state  
219 planning and development established pursuant to section 4-60d;

220 (5) "Adoption year" means the calendar year which is no later than  
221 five years subsequent to the year in which the plan was last adopted in  
222 accordance with the process established in this chapter;

223 (6) "Revision year" means the calendar year immediately preceding  
224 the adoption year;

225 (7) "Prerevision year" means the calendar year immediately  
226 preceding the revision year;

227 (8) "State agency" means any state department, institution, board,  
228 commission or official; and

229 (9) "Plan", when referring to the state plan [for] of conservation and  
230 development, means the text of such plan and any accompanying  
231 locational guide map.

232 Sec. 8. Subsection (a) of section 16a-32 of the general statutes is  
233 repealed and the following is substituted in lieu thereof (*Effective October*  
234 *1, 2022*):

235 (a) Each revision of the state plan of conservation and development  
236 shall be initiated by the secretary and shall be undertaken in accordance  
237 with the process outlined in this chapter.

238 Sec. 9. Subdivision (8) of subsection (a) of section 22a-92 of the general



239 statutes is repealed and the following is substituted in lieu thereof  
240 (*Effective October 1, 2022*):

241 (8) To coordinate the activities of public agencies to ensure that state  
242 expenditures enhance development while affording maximum  
243 protection to natural coastal resources and processes in a manner  
244 consistent with the state plan [for] of conservation and development  
245 adopted pursuant to part I of chapter 297;

246 Sec. 10. Subsection (a) of section 22a-100 of the general statutes is  
247 repealed and the following is substituted in lieu thereof (*Effective October*  
248 *1, 2022*):

249 (a) All major state plans, other than the state plan [for] of conservation  
250 and development adopted pursuant to part I of chapter 297, which affect  
251 the coastal area shall be consistent with the goals and policies stated in  
252 section 22a-92, as amended by this act, and existing state plans, other  
253 than the state plan [for] of conservation and development adopted  
254 pursuant to part I of chapter 297, which affect the coastal area shall, on  
255 or before July 1, 1981, be revised, if necessary, to [insure] ensure  
256 consistency with this chapter. Agencies responsible for revising state  
257 plans, other than the state plan [for] of conservation and development  
258 adopted pursuant to part I of chapter 297, shall consult with the  
259 commissioner in making such revisions.

260 Sec. 11. Subsection (a) of section 22a-352 of the general statutes is  
261 repealed and the following is substituted in lieu thereof (*Effective October*  
262 *1, 2022*):

263 (a) Not later than July 1, 2017, the Water Planning Council,  
264 established pursuant to section 25-33o, shall, within available  
265 appropriations, prepare a state water plan for the management of the  
266 water resources of the state. In developing such state water plan, the  
267 Water Planning Council shall: (1) Design a unified planning program  
268 and budget; (2) consider regional water and sewer facilities plans; (3)  
269 identify the appropriate regions of the state for comprehensive water

270 planning; (4) identify the data needs and develop a consistent format for  
271 submitting data to the council, applicable state agencies and regional  
272 councils of governments for use in planning and permitting; (5) consider  
273 the potential impact of climate change on the availability and  
274 abundance of water resources and the importance of climate resiliency;  
275 (6) seek involvement of interested parties; (7) solicit input from the  
276 advisory group established pursuant to section 25-330; (8) consider  
277 individual water supply plans, water quality standards, stream flow  
278 classifications, as described in regulations adopted pursuant to section  
279 26-141b, water utility coordinating committee plans, the state plan of  
280 conservation and development, as described in [section 16a-30] part I of  
281 chapter 297, and any other planning documents deemed necessary by  
282 the council; (9) promote the adoption of municipal ordinances based on  
283 the State of Connecticut Model Water Use Restriction Ordinance for  
284 municipal water emergencies; and (10) examine appropriate  
285 mechanisms for resolving conflicts related to the implementation of the  
286 state water plan.

287 Sec. 12. Subsection (k) of section 22a-430 of the general statutes is  
288 repealed and the following is substituted in lieu thereof (*Effective October*  
289 *1, 2022*):

290 (k) The commissioner shall not deny a permit under this section if the  
291 basis for such denial is a determination by the commissioner that the  
292 proposed activity for which application has been made is inconsistent  
293 with the state plan of conservation and development adopted under  
294 [section 16a-30] part I of chapter 297.

295 Sec. 13. Subdivision (9) of subsection (b) of section 22a-471 of the  
296 general statutes is repealed and the following is substituted in lieu  
297 thereof (*Effective October 1, 2022*):

298 (9) Notwithstanding any provision of this section and the [cost  
299 sharing] cost-sharing formula established in section 22a-471-1 of the  
300 regulations of Connecticut state agencies, for any area of a municipality  
301 that is adjacent to a site listed on the State of Connecticut Superfund

302 Priority List where a water line extension component to such project has  
303 been installed by a municipal or private water company, the minimum  
304 size water main required to address pollution may be upgraded in order  
305 to carry fire flow or address public water supply needs that are  
306 consistent with an adopted municipal plan of conservation and  
307 development and the municipality shall only be responsible to pay the  
308 incremental project cost, which may be funded by such water company,  
309 another person or available local, state or federal funds.

310 Sec. 14. Subsection (h) of section 22a-478 of the general statutes is  
311 repealed and the following is substituted in lieu thereof (*Effective October*  
312 *1, 2022*):

313 (h) The Department of Public Health shall establish and maintain a  
314 priority list of eligible drinking water projects and shall establish a  
315 system setting the priority for making project loans to eligible public  
316 water systems. In establishing such priority list and ranking system, the  
317 Commissioner of Public Health shall consider all factors which he  
318 deems relevant, including but not limited to the following: (1) The  
319 public health and safety; (2) protection of environmental resources; (3)  
320 population affected; (4) risk to human health; (5) public water systems  
321 most in need on a per household basis according to applicable state  
322 affordability criteria; (6) compliance with the applicable requirements of  
323 the federal Safe Drinking Water Act and other related federal acts; (7)  
324 applicable state and federal regulations. The priority list of eligible  
325 drinking water projects shall include a description of each project and  
326 its purpose, impact, cost and construction schedule, and an explanation  
327 of the manner in which priorities were established. The Commissioner  
328 of Public Health shall adopt an interim priority list of eligible drinking  
329 water projects for the purpose of making project loans prior to adoption  
330 of final regulations, and in so doing may utilize existing rules and  
331 regulations of the department relating to the program. To the extent  
332 required by applicable federal law, the Department of Public Health  
333 shall prepare any required intended use plan with respect to eligible  
334 drinking water projects; (8) consistency with the state plan of

335 conservation and development; (9) consistency with the policies  
336 delineated in section 22a-380; and (10) consistency with the coordinated  
337 water system plan in accordance with subsection (f) of section 25-33d.

338 Sec. 15. Subsection (d) of section 25-68d of the general statutes is  
339 repealed and the following is substituted in lieu thereof (*Effective October*  
340 *1, 2022*):

341 (d) Any state agency proposing an activity or critical activity within  
342 or affecting the floodplain may apply to the commissioner for  
343 exemption from the provisions of subsection (b) of this section. Such  
344 application shall include a statement of the reasons why such agency is  
345 unable to comply with said subsection and any other information the  
346 commissioner deems necessary. The commissioner, at least thirty days  
347 before approving, approving with conditions or denying any such  
348 application, shall publish once in a newspaper having a substantial  
349 circulation in the affected area notice of: (1) The name of the applicant;  
350 (2) the location and nature of the requested exemption; (3) the tentative  
351 decision on the application; and (4) additional information the  
352 commissioner deems necessary to support the decision to approve,  
353 approve with conditions or deny the application. There shall be a  
354 comment period following the public notice during which period  
355 interested persons and municipalities may submit written comments.  
356 After the comment period, the commissioner shall make a final  
357 determination to either approve the application, approve the  
358 application with conditions or deny the application. The commissioner  
359 may hold a public hearing prior to approving, approving with  
360 conditions or denying any application if in the discretion of the  
361 commissioner the public interest will be best served thereby, and the  
362 commissioner shall hold a public hearing upon receipt of a petition  
363 signed by at least twenty-five persons. Notice of such hearing shall be  
364 published at least thirty days before the hearing in a newspaper having  
365 a substantial circulation in the area affected. The commissioner may  
366 approve or approve with conditions such exemption if the  
367 commissioner determines that (A) the agency has shown that the

368 activity or critical activity is in the public interest, will not injure persons  
369 or damage property in the area of such activity or critical activity,  
370 complies with the provisions of the National Flood Insurance Program,  
371 and, in the case of a loan or grant, the recipient of the loan or grant has  
372 been informed that increased flood insurance premiums may result  
373 from the activity or critical activity. An activity shall be considered to be  
374 in the public interest if it is a development subject to environmental  
375 remediation regulations adopted pursuant to section 22a-133k and is in  
376 or adjacent to an area identified as a regional center, neighborhood  
377 conservation area, growth area or rural community center in the [State  
378 Plan of Conservation and Development] state plan of conservation and  
379 development pursuant to chapter 297, or (B) in the case of a flood control  
380 project, such project meets the criteria of subparagraph (A) of this  
381 subdivision and is more cost-effective to the state and municipalities  
382 than a project constructed to or above the base flood or base flood for a  
383 critical activity. Following approval for exemption for a flood control  
384 project, the commissioner shall provide notice of the hazards of a flood  
385 greater than the capacity of the project design to each member of the  
386 legislature whose district will be affected by the project and to the  
387 following agencies and officials in the area to be protected by the project:  
388 The planning and zoning commission, the inland wetlands agency, the  
389 director of civil defense, the conservation commission, the fire  
390 department, the police department, the chief elected official and each  
391 member of the legislative body, and the regional council of  
392 governments. Notice shall be given to the general public by publication  
393 in a newspaper of general circulation in each municipality in the area in  
394 which the project is to be located.

395       Sec. 16. Subsection (b) of section 25-102gg of the general statutes is  
396 repealed and the following is substituted in lieu thereof (*Effective October*  
397 *1, 2022*):

398       (b) The assembly shall, from time to time, review, and may, after  
399 public hearing of which at least fifteen [days] days notice has been given  
400 in a newspaper or newspapers having a circulation in the conservation

401 zone, revise the standards established pursuant to special act 79-77, as  
402 amended by special act 81-1. Such revisions shall be consistent with the  
403 state plan [for] of conservation and development adopted pursuant to  
404 part I of chapter 297 and the purposes of this chapter. A copy of the  
405 proposed revisions shall be furnished at least fifteen days prior thereto  
406 to the conservation commission, zoning commission, the planning  
407 commission or combined planning and zoning commission of the  
408 municipalities to be affected thereby and shall be filed at least ten days  
409 prior to the hearing in the office of the town or city clerk of the  
410 municipalities affected thereby.

411 Sec. 17. Section 25-201 of the general statutes is repealed and the  
412 following is substituted in lieu thereof (*Effective October 1, 2022*):

413 For the purposes of sections 25-200 to 25-210, inclusive:

414 (1) "Approved map" means a map approved by the commissioner  
415 pursuant to section 25-205;

416 (2) "Approved river corridor protection plan" means a river corridor  
417 protection plan approved by the commissioner pursuant to section 25-  
418 205;

419 (3) "Clear cutting" means removal of all standing woody vegetation  
420 greater than one inch diameter at breast height within a designated river  
421 corridor;

422 (4) "Commissioner" means the Commissioner of Energy and  
423 Environmental Protection or his agent;

424 (5) "Designation" means designation, by act of the General Assembly,  
425 of a river corridor for protection and preservation in accordance with an  
426 approved river corridor protection plan and the provisions of sections  
427 25-200 to 25-210, inclusive;

428 (6) "Designated river corridor" means that portion of a river corridor  
429 defined on a map prepared in accordance with section 25-204, as

430 amended by this act, and which has been designated by the General  
431 Assembly pursuant to sections 25-200 to 25-210, inclusive;

432 (7) "Eligible river corridor" means a river corridor which is included  
433 on the list adopted by the commissioner pursuant to section 25-202;

434 (8) "Local drainage basin" means a local drainage basin referenced on  
435 a map entitled "Natural Drainage Basins of Connecticut", published by  
436 the Department of Energy and Environmental Protection, 1981;

437 (9) "Member municipality" means a municipality which is a member  
438 of a river committee established pursuant to section 25-203;

439 (10) "Major state plan" means the plan for development of outdoor  
440 recreation adopted pursuant to section 22a-21, the state-wide solid  
441 waste management plan adopted pursuant to section 22a-228, the state-  
442 wide plan for the management of water resources adopted pursuant to  
443 section 22a-352, as amended by this act, the state-wide environmental  
444 plan adopted pursuant to section 22a-8, the plan for the disposal of  
445 dredged material for Long Island Sound, the historic preservation plan  
446 adopted under the National Historic Preservation Act, as amended, the  
447 state-wide facility and capital plan adopted pursuant to section 4b-23,  
448 the water quality management plan adopted under the federal Clean  
449 Water Act, the marine resources management plan, the plan for  
450 managing forest resources, the wildlife management plans and the  
451 salmon restoration plan;

452 (11) "Person" means "person" as defined in section 22a-2;

453 (12) "River corridor" means any river, river segment or river system,  
454 together with its floodplains, wetlands and uplands, contributing  
455 overland runoff to such river, river segment or river system;

456 (13) "River committee" means a river committee established pursuant  
457 to section 25-203;

458 (14) "River system" means a river, its tributaries and any lands

459 draining into such river or its tributaries;

460 (15) "Secretary" means the Secretary of the Office of Policy and  
461 Management or his agent;

462 (16) "State rivers assessment data base" means the state-wide  
463 assessment of the state's rivers prepared by the commissioner pursuant  
464 to subdivision (3) of subsection (c) of section 25-102qq;

465 (17) ["State plan for conservation and development"] "State plan of  
466 conservation and development" means the state plan [for] of  
467 conservation and development prepared pursuant to part I of chapter  
468 297;

469 (18) "Subregional drainage basin" means a subregional drainage  
470 basin as depicted on a map entitled "Natural Drainage Basins of  
471 Connecticut", published by the Department of Energy and  
472 Environmental Protection, 1981; and

473 (19) "Water-dependent use" means a use which, by its nature or  
474 function, requires direct access to, or location in or immediately adjacent  
475 to, water and which therefore cannot be located upland and shall  
476 include such recreational uses as riverside trails and bicycle paths.

477 Sec. 18. Subsection (e) of section 25-204 of the general statutes is  
478 repealed and the following is substituted in lieu thereof (*Effective October*  
479 *1, 2022*):

480 (e) After adoption pursuant to subsection (d) of this section of an  
481 inventory, statement of objectives and map, the river committee shall  
482 prepare a report on all federal, state and municipal laws, plans,  
483 programs and proposed activities which may affect the river corridor  
484 defined in such map. Such laws shall include regulations adopted  
485 pursuant to chapter 440 and zoning, subdivision and site plan  
486 regulations adopted pursuant to section 8-3. Such plans shall include  
487 plans of conservation and development adopted pursuant to section 8-  
488 23, the state plan [for] of conservation and development adopted under



489 part I of chapter 297, water utility supply plans adopted pursuant to  
490 section 25-32d, coordinated water system plans adopted pursuant to  
491 section 25-33h, municipal open space plans, the commissioner's fish and  
492 wildlife plans, and publicly-owned wastewater treatment facility plans.  
493 State and regional agencies shall, within available resources, assist the  
494 river committee in identifying such laws, plans, programs and proposed  
495 activities. The report to be prepared pursuant to this section shall  
496 identify any conflicts between such federal, state, regional and  
497 municipal laws, plans, programs and proposed activities and the river  
498 committee's objectives for river corridor protection and preservation as  
499 reflected in the statement of objectives. If conflicts are identified, the  
500 river committee shall notify the applicable state, regional or municipal  
501 agencies and such agencies shall, within available resources, attempt  
502 with the river commission to resolve such conflicts.

503       Sec. 19. Subsection (d) of section 25-206 of the general statutes is  
504 repealed and the following is substituted in lieu thereof (*Effective October*  
505 *1, 2022*):

506       (d) (1) Every major state plan other than the state plan [for] of  
507 conservation and development, to the extent that it affects a designated  
508 river corridor, shall be consistent with the approved river corridor  
509 protection plan for such corridor, and any state plan which is  
510 inconsistent with such approved river corridor protection plan shall be  
511 modified accordingly. Such modifications shall be made in consultation  
512 with the commissioner at the next scheduled revision of such plan.

513       (2) If the commissioner finds that the state plan [for] of conservation  
514 and development is inconsistent with an approved river corridor  
515 protection plan for a designated river corridor, he shall apply to the  
516 secretary for a revision pursuant to section 16a-32, as amended by this  
517 act.

518       (3) Every regional plan of conservation and development adopted  
519 pursuant to section 8-35a, to the extent that it affects a designated river  
520 corridor, shall be consistent with the approved river corridor protection

521 plan for such corridor and any regional plan of conservation and  
522 development which is inconsistent with such approved river corridor  
523 protection plan shall be modified accordingly. Such modifications shall  
524 be made in consultation with the commissioner.

525 (4) Every municipal plan of conservation and development adopted  
526 pursuant to section 8-23, to the extent that it affects a designated river  
527 corridor, shall be consistent with the approved river corridor protection  
528 plan for such corridor and any municipal plan of conservation and  
529 development which is inconsistent with such approved river corridor  
530 protection plan shall be modified accordingly. Such modifications shall  
531 be made in consultation with the commissioner.

532 (5) The commissioner may notify any applicable federal agency of the  
533 designation of a river corridor and may take any other appropriate  
534 action to assure consideration of such designation in federal programs  
535 or activities.

536 Sec. 20. Section 25-231 of the general statutes is repealed and the  
537 following is substituted in lieu thereof (*Effective October 1, 2022*):

538 As used in sections 25-230 to 25-238, inclusive:

539 (1) "Approved river corridor management plan" means a river  
540 corridor management plan approved by the commissioner pursuant to  
541 section 25-235;

542 (2) "Commissioner" means the Commissioner of Energy and  
543 Environmental Protection or his agent;

544 (3) "Local drainage basin" means a local drainage basin as referenced  
545 on a map entitled "Natural Drainage Basins of Connecticut", published  
546 by the Department of Energy and Environmental Protection, 1981;

547 (4) "Major state plan" means any of the following: The plan for  
548 development of outdoor recreation adopted pursuant to section 22a-21,  
549 the state-wide solid waste management plan adopted pursuant to

550 section 22a-228, the state-wide plan for the management of water  
551 resources adopted pursuant to section 22a-352, as amended by this act,  
552 the state-wide environmental plan adopted pursuant to section 22a-8,  
553 the historic preservation plan adopted under the National Historic  
554 Preservation Act, 16 USC 470 et seq., the state-wide facility and capital  
555 plan adopted pursuant to section 4b-23, the state's consolidated plan for  
556 housing and community development prepared pursuant to section 8-  
557 37t, the water quality management plan adopted under the federal  
558 Clean Water Act, 33 USC 1251 et seq., any plans for managing forest  
559 resources adopted pursuant to section 23-20 and the Connecticut River  
560 Atlantic Salmon Compact adopted pursuant to section 26-302;

561 (5) "Member municipality" means a municipality which is a member  
562 of a river commission established pursuant to section 25-232;

563 (6) "Person" means person, as defined in section 22a-2;

564 (7) "River advisory board" means any of the following: The Five Mile  
565 River Commission established pursuant to section 15-26a, the  
566 Connecticut River Gateway Commission established pursuant to  
567 section 25-102e, the Connecticut River Assembly established pursuant  
568 to section 25-102dd, the Bi-State Pawcatuck River Commission  
569 established pursuant to section 25-161, the Niantic River Gateway  
570 Commission established pursuant to section 25-109e, the Housatonic  
571 Estuary Commission established pursuant to section 25-170, the  
572 Farmington River Coordinating Committee established pursuant to the  
573 National Wild and Scenic Rivers Act, 16 USC 1274 et seq., the Shepaug-  
574 Bantam River Board or a river committee established pursuant to  
575 section 25-203;

576 (8) "River corridor" means any river, river segment or river system,  
577 together with its floodplains, wetlands and uplands, contributing  
578 overland runoff to such river, river segment or river system;

579 (9) "River commission" means a river commission established  
580 pursuant to section 25-232;

581 (10) "River system" means a river, its tributaries and any lands  
582 draining into such river or its tributaries;

583 (11) "Secretary" means the Secretary of the Office of Policy and  
584 Management or his agent;

585 (12) "State rivers assessment database" means the state-wide  
586 assessment of the state's rivers prepared by the commissioner pursuant  
587 to subdivision (3) of subsection (c) of section 25-102qq;

588 (13) ["State plan for conservation and development"] "State plan of  
589 conservation and development" means the state plan [for] of  
590 conservation and development prepared pursuant to part I of chapter  
591 297;

592 (14) "Subregional drainage basin" means a subregional drainage  
593 basin as referenced on a map entitled "Natural Drainage Basins of  
594 Connecticut", published by the Department of Energy and  
595 Environmental Protection, 1981;

596 (15) "Water-dependent use" means a use which, by its nature or  
597 function, requires direct access to, or location in or immediately adjacent  
598 to, water and which therefore cannot be located upland, and includes  
599 such recreational uses as riverside trails and bicycle paths;

600 (16) "Use" means agriculture, public and private water supply, power  
601 generation, waste assimilation, transportation, recreation, including,  
602 but not limited to, boating, swimming, fishing, camping and hiking and  
603 residential, commercial, industrial and other water-dependent uses; and

604 (17) "Resource" means any riparian waters of the state, related  
605 fisheries and wildlife habitat and adjacent shorelands, both developed  
606 and undeveloped; any vegetation, fish and wildlife; endangered and  
607 threatened species, species of special concern and essential habitat  
608 identified by the commissioner pursuant to chapter 495; tidal and inland  
609 wetlands; unique geologic features; scenic areas; forest lands, as defined  
610 in section 23-65f; agricultural lands, as defined in section 22-26bb; and

611 archaeological and other historical resources.

612 Sec. 21. Subsection (e) of section 25-234 of the general statutes is  
613 repealed and the following is substituted in lieu thereof (*Effective October*  
614 *1, 2022*):

615 (e) After adoption of an inventory, statement of objectives and map,  
616 pursuant to subsection (d) of this section, the river commission shall  
617 prepare a report on all federal, state, regional and municipal laws, plans,  
618 programs and proposed activities that may affect the river corridor  
619 defined in such map. Such federal, state, regional and municipal laws  
620 shall include regulations adopted pursuant to chapter 440, and zoning,  
621 subdivision and site plan regulations adopted pursuant to section 8-3.  
622 Such federal, state, regional and municipal plans shall include plans of  
623 development adopted pursuant to section 8-23, the state plan [for] of  
624 conservation and development adopted under part I of chapter 297,  
625 water utility supply plans submitted pursuant to section 25-32d,  
626 coordinated water system plans submitted pursuant to section 25-33h,  
627 plans prepared by regional planning organizations, as defined in section  
628 4-124i, and plans of publicly owned wastewater treatment facilities  
629 whose discharges may affect the subject river corridor. State and  
630 regional agencies shall, within available resources, assist the river  
631 commission in identifying such laws, plans, programs and proposed  
632 activities. The report to be prepared pursuant to this section shall  
633 identify any conflicts between such federal, state, regional and  
634 municipal laws, plans, programs and proposed activities and the river  
635 commission's objectives for river corridor management as reflected in  
636 the statement of objectives. If conflicts are identified, the river  
637 commission shall notify the applicable state, regional or municipal  
638 agencies and such agencies shall, within available resources and in  
639 consultation with the river commission, attempt to resolve such  
640 conflicts.

641 Sec. 22. Subdivisions (1) and (2) of subsection (e) of section 25-236 of  
642 the general statutes are repealed and the following is substituted in lieu  
643 thereof (*Effective October 1, 2022*):

644 (e) (1) Every major state plan, other than the state plan [for] of  
 645 conservation and development, to the extent that such major state plan  
 646 affects any river corridor for which the commissioner has approved a  
 647 river corridor management plan, shall be consistent with such  
 648 management plan. Any major state plan, other than the state plan [for]  
 649 of conservation and development, which is inconsistent with a river  
 650 corridor management plan shall be modified accordingly. Such  
 651 modifications shall be made in consultation with the commissioner at  
 652 the next scheduled revision of such plan.

653 (2) If all the member municipalities of a river commission have  
 654 amended their applicable laws and plans pursuant to subsection (b) of  
 655 this section and if the commissioner finds that the state plan [for] of  
 656 conservation and development is inconsistent with the subject river  
 657 corridor management plan, he shall apply to the secretary for a revision  
 658 pursuant to section 16a-32, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2022	7-255
Sec. 2	October 1, 2022	8-2p
Sec. 3	October 1, 2022	8-26c(c)
Sec. 4	October 1, 2022	2-79a(a)(3)
Sec. 5	October 1, 2022	7-131e(a)
Sec. 6	October 1, 2022	12-217ii(d)
Sec. 7	October 1, 2022	16a-25
Sec. 8	October 1, 2022	16a-32(a)
Sec. 9	October 1, 2022	22a-92(a)(8)
Sec. 10	October 1, 2022	22a-100(a)
Sec. 11	October 1, 2022	22a-352(a)
Sec. 12	October 1, 2022	22a-430(k)
Sec. 13	October 1, 2022	22a-471(b)(9)
Sec. 14	October 1, 2022	22a-478(h)
Sec. 15	October 1, 2022	25-68d(d)
Sec. 16	October 1, 2022	25-102gg(b)
Sec. 17	October 1, 2022	25-201
Sec. 18	October 1, 2022	25-204(e)

Sec. 19	<i>October 1, 2022</i>	25-206(d)
Sec. 20	<i>October 1, 2022</i>	25-231
Sec. 21	<i>October 1, 2022</i>	25-234(e)
Sec. 22	<i>October 1, 2022</i>	25-236(e)(1) and (2)

**PD**      *Joint Favorable*