

Substitute House Bill No. 7644

PUBLIC ACT NO. 85-535

AN ACT CONCERNING A CONNECTICUT PLAN FOR PUBLIC WATER SUPPLY COORDINATION.

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

Section 1. (NEW) The general assembly finds that an adequate supply of potable water for domestic, commercial and industrial use is vital to the health and well-being of the people of the state. Readily available water for use in public water systems is limited and should be developed with a minimum of loss and waste. In order to maximize efficient and effective development of the state's public water supply systems and to promote public health, safety and welfare, the department of health services shall administer a procedure to coordinate the planning of public water supply systems.

Sec. 2. (NEW) As used in this act:

(a) "Public water system" means any private, municipal or regional utility supplying water to fifteen or more service connections or twenty-five or more persons;

(b) "Public water supply management area" means a region determined by the commissioner of health services to have similar water supply problems and characteristics;

(c) "Exclusive service area" means an area where public water is supplied by one system;

(d) "Commissioner" means the commissioner of health services;

(e) "Satellite management" means management of a public water supply system by another water company;

(f) "Coordinated water system plan" means (1) the individual water system plans of each public water system within a public water supply management area, filed pursuant to section 25-323 of the general statutes, and (2) an areawide supplement to such plans developed pursuant to section 6 of this act which addresses water system concerns pertaining to the public water supply management area as a whole.

Sec. 3. (NEW) (a) Not more than six months after the effective date of this act, the commissioner of health services, in consultation with the department of public utility control, the commissioner of environmental protection and the secretary of the office of policy and management, shall delineate the preliminary boundaries of

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public water supply management areas and establish preliminary priorities for initiation in such areas of the planning process established in sections 4 to 6, inclusive, of this act. Not more than one year after the effective date of this act, the commissioner, after a hearing, shall delineate the final boundaries of such areas. In making such delineation, the commissioner shall consider the following: (1) The similarity of water supply problems among water companies operating in the preliminary management area; (2) population density and distribution in the area; (3) the location of existing sources of public water supply, service areas or franchise areas; (4) existing interconnections between public water systems; (5) municipal and regional planning agency boundaries; (6) natural drainage basins; (7) topographic and geologic characteristics; and (8) any other factor he deems relevant.

(b) Not more than one year after the effective date of this act, the commissioner, after hearing, shall establish the final priorities for initiation of the planning process. In establishing such priorities the commissioner shall consider the existence and severity of the following in each management area: (1) Uncoordinated planning, (2) inadequate water supply, (3) unreliable water service; and (4) any other factor he deems relevant.

Sec. 4. (NEW) (a) The commissioner of health services, following the final priorities established pursuant to section 3 of this act, shall convene a water utility coordinating committee for each public water supply management area to implement the planning process established by this section and sections 5 and 6 of this act.

(b) A water utility coordinating committee shall consist of one representative from each public water system with a source of water supply or a service area within the public water supply management area and one representative from each regional planning agency within such area, elected by majority vote of the chief elected officials of the municipalities that are members of such regional planning agency. Each committee shall elect a chairman, adopt and amend, as required, a work plan and schedule for a coordinated plan and adopt rules, including, but not limited to, rules for publication of meeting times and agendas, and for public comment, including notice of a comment period and documentation of responses to comments.

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Sec. 5. (NEW) (a) Each water utility coordinating committee, in consultation with the commissioners of health services and environmental protection, the secretary of the office of policy and management and the department of public utility control authority shall develop a preliminary assessment of water supply conditions and problems within the public water supply management area. The committee shall solicit comments on the preliminary assessment from municipalities, regional planning agencies, state agencies and other interested parties and respond to any comment received. The committee shall thereafter prepare a final assessment.

(b) The committee shall establish preliminary exclusive service area boundaries, based on the final assessment, for each public water system within the management area. The committee shall solicit comments on such boundaries from municipalities, regional planning agencies, the commissioners of environmental protection and health services, the department of public utility control, the secretary of the office of policy and management and other interested persons within the management area and respond to any comment received. If there is no agreement by the committee on such boundaries, the committee shall consult with the department of public utility control. If there is no agreement by the committee after such consultation, the commissioner of health services shall establish exclusive service area boundaries taking into consideration any water company rights established by statute, special act or administrative decisions. In establishing such boundaries the commissioner shall maintain existing service areas and consider the orderly and efficient development of public water supplies.

Sec. 6. (NEW) (a) Each water utility coordinating committee shall prepare a coordinated water system plan in the public water supply management area. Such plan shall be submitted to the commissioner of health services for his approval not more than two years after the first meeting of the committee. The plan shall promote cooperation among public water systems and include, but not be limited to, provisions for (1) integration of public water systems, consistent with the protection and enhancement of public health and well-being; (2) integration of water company plans; (3) exclusive service areas; (4)

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joint management or ownership of services; (5) satellite management services; (6) interconnections between public water systems; (7) integration of land use and water system plans; (8) minimum design standards; and (9) the impact on other uses of water resources.

(b) The plan shall be adopted in accordance with the provisions of this section. The committee shall prepare a draft of the plan and solicit comments thereon from the commissioners of health services and environmental protection, the department of public utility control, the secretary of the office of policy and management and any municipality, regional planning agency or other interested party within the management area. The municipalities and regional planning agencies shall comment on, but shall not be limited to commenting on, the consistency of the plan with local and regional land use plans and policies. The department of public utility control shall comment on, but shall not be limited to commenting on, the cost-effectiveness of the plan. The secretary of the office of policy and management shall comment on, but shall not be limited to commenting on, the consistency of the plan with state policies. The commissioner of environmental protection shall comment on, but shall not be limited to commenting on, the availability of water for any proposed diversion. The commissioner of health services shall comment on, but shall not be limited to commenting on, the availability of pure and adequate water supplies, potential conflicts over the use of such supplies, and consistency with the goals of this act.

(c) The commissioner of health services shall adopt regulations in accordance with the provisions of chapter 54 of the general statutes establishing the contents of a plan and a procedure for approval.

Sec. 7. (NEW) (a) Any permit issued by the commissioner of health services pursuant to chapter 474 of the general statutes shall, to the extent feasible, be consistent with any coordinated plan adopted pursuant to section 6 of this act.

(b) No public water supply system may be approved within a public water supply management area after the commissioner of health services has convened a water utility coordinating committee unless (1) an existing public water supply system

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is unable to provide water service or (2) the committee recommends such approval.

Sec. 8. (NEW) The commissioner of health services may enter into one contract per year with a consultant to provide services to a water utility coordinating committee. The amount of any contract shall not exceed one hundred thousand dollars. Any appropriation made to the department of health services for the purposes of this section shall not lapse until June thirtieth of the second year following the year for which the appropriation was made.

Sec. 9. Three hundred thirty-four thousand dollars of the amount appropriated to the capital projects account, for capital outlay, in section 1 of special act 85-53, shall be transferred to the department of health services for the purposes of sections 1 to 8, inclusive, of this act.

Sec. 10. One hundred sixty-three thousand dollars of the amount appropriated to the capital projects account, for capital outlay, in section 1 of special act 85-53, shall be transferred to the department of environmental protection for the purposes of sections 1 to 8, inclusive, of this act.

Sec. 11. Fifty-three thousand dollars of the amount appropriated to the capital projects account, for capital outlay, in section 1 of special act 85-53, shall be transferred to the department of public utility control for the purposes of sections 1 to 8, inclusive of this act.

Sec. 12. One hundred fifty thousand dollars of the amount appropriated to the capital projects account, for capital outlay, in section 1 of special act 85-53, shall be transferred to the PAC-acts without appropriations account, for PAC-

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1985 acts without appropriations.

Sec. 13. This act shall take effect July 1, 1985.

Certified as correct by

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*Legislative Commissioner.*

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*Clerk of the Senate.*

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*Clerk of the House.*

Approved \_\_\_\_\_, 1985

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*Governor, State of Connecticut.*