



General Assembly

February Session, 2022

Raised Bill No. 248

LCO No. 2168



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

AN ACT CONCERNING THE CONNECTICUT DRINKING WATER SUPPLY.

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

1 Section 1. Subsection (a) of section 16-50k of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2022*):

4 (a) Except as provided in subsection (b) of section 16-50z, no person
5 shall exercise any right of eminent domain in contemplation of,
6 commence the preparation of the site for, commence the construction or
7 supplying of a facility, or commence any modification of a facility, that
8 may, as determined by the council, have a substantial adverse
9 environmental effect in the state without having first obtained a
10 certificate of environmental compatibility and public need, hereinafter
11 referred to as a "certificate", issued with respect to such facility or
12 modification by the council. Certificates shall not be required for (1) fuel
13 cells built within the state with a generating capacity of two hundred
14 fifty kilowatts or less, or (2) fuel cells built out of state with a generating
15 capacity of ten kilowatts or less. Any facility with respect to which a

16 certificate is required shall thereafter be built, maintained and operated
17 in conformity with such certificate and any terms, limitations or
18 conditions contained therein. Notwithstanding the provisions of this
19 chapter or title 16a, the council shall, in the exercise of its jurisdiction
20 over the siting of generating facilities, approve by declaratory ruling (A)
21 the construction of a facility solely for the purpose of generating
22 electricity, other than an electric generating facility that uses nuclear
23 materials or coal as fuel, at a site where an electric generating facility
24 operated prior to July 1, 2004, and (B) the construction or location of any
25 fuel cell, unless the council finds a substantial adverse environmental
26 effect, or of any customer-side distributed resources project or facility or
27 grid-side distributed resources project or facility with a capacity of not
28 more than sixty-five megawatts, as long as: (i) Such project meets air and
29 water quality standards of the Department of Energy and
30 Environmental Protection, (ii) the council does not find a substantial
31 adverse environmental effect, [and] (iii) for a solar photovoltaic facility
32 with a capacity of two or more megawatts, to be located on prime
33 farmland or forestland, excluding any such facility that was selected by
34 the Department of Energy and Environmental Protection in any
35 solicitation issued prior to July 1, 2017, pursuant to section 16a-3f, 16a-
36 3g or 16a-3j, the Department of Agriculture represents, in writing, to the
37 council that such project will not materially affect the status of such land
38 as prime farmland or the Department of Energy and Environmental
39 Protection represents, in writing, to the council that such project will not
40 materially affect the status of such land as core forest, and (iv) for a solar
41 photovoltaic facility disturbing more than one acre of forestland within
42 an aquifer protection area delineated pursuant to section 22a-354c or
43 public drinking water supply watershed, the Department of Public
44 Health represents, in writing, to the council that such project will not
45 have a significant adverse impact upon the purity and adequacy of the
46 public drinking water supply. In conducting an evaluation of a project
47 for purposes of subparagraph (B)(iii) of this subsection, the
48 Departments of Agriculture and Energy and Environmental Protection
49 may consult with the United States Department of Agriculture and soil
50 and water conservation districts. In conducting an evaluation of a

51 project for purposes of subparagraph (B)(iv) of subdivision (2) of this
52 subsection, the Department of Public Health shall consult with the
53 affected water company.

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

57 (b) When an application, petition, request or plan is filed with the
58 zoning commission, planning and zoning commission or zoning board
59 of appeals of any municipality concerning any project on any site that is
60 within the aquifer protection area delineated pursuant to section 22a-
61 354c or the watershed of a water company, the applicant or the person
62 making the filing shall: (1) Provide written notice of the application,
63 petition, request or plan to the water company and the Department of
64 Public Health; and (2) determine if the project is within the watershed
65 of a water company by consulting the maps posted on the department's
66 Internet web site showing the boundaries of the watershed. Such
67 applicant shall send such notice to the water company by certified mail,
68 return receipt requested, or by electronic mail if the water company has
69 provided instructions for transmittal of such notice by electronic mail
70 on its Internet web site and to the department by electronic mail to the
71 electronic mail address designated on its Internet web site for receipt of
72 such notice. Such applicant shall mail such notice not later than seven
73 days after the date of the application. Such water company and the
74 Commissioner of Public Health may, through a representative, appear
75 and be heard at any hearing on any such application, petition, request
76 or plan.

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

80 When an application is filed to conduct or cause to be conducted a
81 regulated activity upon an inland wetland or watercourse, any portion
82 of which is within the watershed of a water company as defined in

83 section 25-32a, the applicant shall: (1) Provide written notice of the
84 application to the water company and the Department of Public Health;
85 and (2) determine if the project is within the watershed of a water
86 company by consulting the maps posted on the department's Internet
87 web site showing the boundaries of the watershed. Such applicant shall
88 send such notice to the water company by certified mail, return receipt
89 requested, or by electronic mail if the water company has provided
90 instructions for transmittal of such notice by electronic mail on its
91 Internet web site and to the department by electronic mail to the
92 electronic mail address designated by the department on its Internet
93 web site for receipt of such notice. Such applicant shall mail such notice
94 not later than seven days after the date of the application. The water
95 company and the Commissioner of Public Health, through a
96 representative, may appear and be heard at any hearing on the
97 application.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2022</i>	16-50k(a)
Sec. 2	<i>October 1, 2022</i>	8-3i(b)
Sec. 3	<i>October 1, 2022</i>	22a-42f

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 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.]