



## LEGISLATIVE STATUS REPORT

June 6, 2017

### WATER SECURITY

**HB-7221 - ACT CONCERNING ACCESS TO WATER PLANNING INFORMATION** – Revamps the Freedom of Information Act (FOIA) exemption for certain water company records. Generally, it removes water company records from the coverage of an existing FOIA exemption that applies to all public agency records if reasonable grounds exist to believe that their release could pose a security risk. It instead identifies specific water company records filed with a public agency as confidential and not subject to disclosure under FOIA. In addition to these specified records, the bill also makes confidential any other water company record filed with a public agency if there are reasonable grounds to believe that disclosure may result in a safety risk. *Status: Approved by the House, awaiting action by the Senate. (CWWA negotiated language)*

### DROUGHT MANAGEMENT/WATER CONSERVATION

**SB-506 - AN ACT CONCERNING WATER USAGE AND CONSERVATION DURING DROUGHT CONDITIONS** – Requires the Water Planning Council to review state and local authorizations concerning drought events and make recommendations for: 1) standardizing the initiating of drought advisories, watches, warnings, and emergencies, including recommendations about the appropriate level of reservoir and public drinking water supply depletion for triggering an advisory, watch, warning, or emergency; 2) voluntary and mandatory water use restrictions for a drought advisory, watch, warning, and emergency; 3) a public notification system for a drought advisory, watch, warning, or emergency that (a) uses available water company and municipality websites and social media accounts and (b) recommends the appropriate drought level for using emergency notification systems and 4) the viability and effectiveness of ways to enforce mandatory water use restrictions. *Status: Approved by the Senate, awaiting action by the House. (CWWA opposed original bill)*

### WATER BOTTLING RELATED ISSUES

**SB-753 - AN ACT CONCERNING THE VIABILITY OF EXPANDING THE BOTTLED WATER INDUSTRY IN CONNECTICUT** – Requires stream flow regulations, which have already been adopted, to consider withdrawals, including withdrawals by commercial bottling operations; and requires the State Water Plan to include commercial bottling operations in considering industrial and commercial uses. *Status: Awaiting action by the Senate. (CWWA opposes)*



## PUBLIC HEALTH

**SB-951 - AN ACT REQUIRING BOARDS OF EDUCATION TO CONDUCT ANNUAL TESTING OF PUBLIC SCHOOL WATER SUPPLIES** – Requires boards of education to conduct tests to measure the levels of lead and copper in the drinking water supply in any school building or school facility that was constructed before July 1, 1986, and provide the results of such test to the Departments of Education and Public Health. It exempts from testing any local or regional board of education that has conducted such test within the preceding ten years and has not changed the water source for such school building or school facility since such test was conducted, provided such board provides the results of such prior test to the Department of Education and the Department of Public Health. A local or regional board of education may submit an application to the Department of Public Health for reimbursement of any costs associated with such test and be entitled to a school building project grant if such test reveals that the level of lead or copper in the drinking water supply of such school building or school facility fails to meet the applicable water quality standards required under state and federal law. *Status: Awaiting action by the Senate. (CWWA evaluating)*

**HB-7220 - AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS FOR SAFE DRINKING WATER** – 1) Requires, by January 1, 2020, certain water companies to submit to DPH a fiscal and asset management plan for all capital assets of each of their small community public water systems serving 1,000 or fewer residents; and 2) Requires DPH to publish on the department's website a schedule of civil penalties imposed under the safe drinking water statutes, rather than adopting them in regulations as under current law, and to notify the public at least six months before publishing the civil penalty schedule and hold a public hearing within 30 days after such notification. *Status: Approved by the House, awaiting action by the Senate. (CWWA opposed receivership provisions, which were stripped out)*

**HB-7222 - AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S VARIOUS REVISIONS TO THE PUBLIC HEALTH STATUTES** – Section 15 of the bill clarifies the time periods when a laboratory or firm must submit results to DPH regarding samples collected from a private well or well for semi-public use in conjunction with a real estate transaction. In addition, this section requires the delivery of bulk water to premises supplied by a private well or a well for semipublic use to be completed by a licensed bulk water hauler. *Status: Approved by the House and the Senate, sent to the Governor. (CWWA monitoring)*

## TAXES, FEES & RATES

**SB-797 - AN ACT IMPLEMENTING THE GOVERNOR'S BUDGET RECOMMENDATIONS FOR PUBLIC HEALTH PROGRAMS** – Implements a new public water system "license to operate program" to generate \$2.5 million in revenues. *Status: Died in the Public Health Committee, however, expected to be revisited in budget negotiations. (CWWA opposes)*

**SB-273 - AN ACT ELIMINATING THE SALES TAX PAID BY CUSTOMERS OF PRIVATE WATER COMPANIES** - Provides tax equity between private water companies and utilities. *Status: Died in*



*the Finance, Revenue and Bonding. (CWWA supports)*

**HB-7105 - AN ACT CONCERNING WATER COMPANY RATE ADJUSTMENT MECHANISMS** – Makes changes to the time frame used to determine when a public utility's excessive return requires the Public Utilities Regulatory Authority to determine the need for an interim rate decrease. *Status: Approved by the House and the Senate, sent to the Governor. (CWWA supports)*

## ENVIRONMENTAL REGULATION/PERMITTING

**HB- 5502 - AN ACT REQUIRING THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION TO DECIDE COMMERCIAL PROJECT APPLICATIONS WITHIN NINETY DAYS** – Requires the department to notify an applicant regarding any deficiencies in a permit application within 90 days rather than 60 days. *Status: Awaiting action by the House. (CWWA monitoring)*

**HB-7134 - AN ACT CONCERNING CONSENT ORDERS ENTERED INTO BY THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION** – Prohibits parties, including DEEP, from unilaterally revoking a consent order. *Status: Awaiting action by the House. (CWWA supports)*

**SB-285 - AN ACT PROVIDING FOR THE OFFSET OF CERTAIN ENVIRONMENTAL COSTS AND FINES THROUGH INVESTMENT IN ENVIRONMENTAL REMEDIATION** - Requires, with certain exceptions, the Department of Energy and Environmental Protection (DEEP) commissioner to suspend civil penalties imposed on businesses that violate environmental regulations if certain conditions are met, if: 1) it is the business's first violation of an environmental regulation; and 2) the business, no later than 30 days after the penalty is assessed, takes steps to ensure that it completely corrects the violation within six months of the assessment. *Status: Recommitted to the Environment Committee. (CWWA monitoring)*

**SB-835 - AN ACT CONCERNING MINOR REVISIONS TO ENVIRONMENT-RELATED STATUTES AFFECTING VARIOUS PROGRAMS OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION** – Includes provisions: 1) requiring the commissioner to hold a public hearing on a proposed reclassification of surface or groundwater only when he receives a written request to do so rather than when the reclassification is sought. In situations where the commissioner seeks a reclassification, the bill requires him to publish notice of his tentative determination and how to request a public hearing, rather than the time, date, and place of a public hearing. Similarly, in cases where another person seeks reclassification, the bill requires the commissioner to specify, in the newspaper notice the law already requires of his tentative determination, how a public hearing may be requested, instead of the time, date, and place of a public hearing; 2) By law, the commissioner may exempt persons or municipalities seeking certain water discharge permits from a requirement to submit certain plans and specifications. Current law requires him, by February 1, 2015, to adopt regulations exempting other discharge categories. The bill allows, rather than requires, the commissioner to adopt such regulations, and eliminates the outdated deadline; 3) eliminating a requirement that the commissioner submit annual written reports to the legislature on DEEP's development and implementation of a number of laws, including laws on well field mapping and aquifers. *Status: Approved by the Senate, awaiting action by the House. CWWA*



monitoring)

**SB-836 – AN ACT CONCERNING CIVIL PENALTY REGULATIONS OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION** – Expands the Department of Energy and Environmental Protection (DEEP) commissioner's authority to levy civil penalties to include penalties for violating the law on developing and implementing emergency action plans for high or significant hazard dams or similar structures. *Status: Approved by the Senate and the House, sent to the Governor. (CWWA monitoring)*

## LANDS/SOURCE WATER PROTECTION

**HB-5873 - AN ACT REQUIRING NOTICE PRIOR TO PESTICIDE APPLICATIONS BY RAILROAD COMPANIES AND REQUIRING VEGETATION MANAGEMENT PLANS BY SUCH COMPANIES.**  
*Status: Awaiting action by the House. (CWWA supports)*

**SB-754 - AN ACT PROHIBITING THE USE OF HERBICIDES ON STATE HIGHWAYS BY THE DEPARTMENT OF TRANSPORTATION** – Requires the Department of Transportation (DOT) commissioner to post a notice on the DOT website at least 48 hours before using, spraying, or applying any herbicide along a road or highway in the state. The notice must include the common or popular names of both the herbicide and the vegetation on which it is to be used, and the location where the herbicide is to be applied. The commissioner, at the same time as he posts the notice, must also (1) issue a press release on the planned herbicide use and (2) notify each state legislator representing the town where the herbicide is to be used. By law, a highway is any state or other public highway, road, street, avenue, alley, driveway, parkway, place or dedicated roadway for bus rapid transit service, under the control of the state or any of its political subdivisions, dedicated, appropriated, or opened to public travel or other use.  
*Status: Approved by the Senate, awaiting action by the House. (CWWA supports)*

**HB-6329 – AN ACT CONCERNING HYDRAULIC FRACTURING WASTE IN CONNECTICUT** – The bill, with a limited exception for research, permanently bans collecting, storing, handling, transporting, disposing, and using hydraulic fracturing (“fracking”) waste in Connecticut. Under current law, these activities are banned only until the Department of Energy and Environmental Protection (DEEP) commissioner adopts regulations to, among other things, control fracking waste as hazardous waste. *Status: Approved by the House, awaiting action by the Senate. (CWWA monitoring)*

**HB-5655 - AN ACT CONCERNING A PROPERTY OWNER'S LIABILITY FOR EXPENSES INCURRED AS A RESULT OF A FALLING TREE OR TREE LIMB** - Imposes liability on the owner of real property for the expenses of removing a tree or limb from a tree located on such property that falls on adjoining private real property, provided an arborist, as defined in section 23-61a of the general statutes, inspected the tree or tree limb and documented that such tree or tree limb was dead, hazardous or likely to fall on an adjoining private property's land. *Status: Approved by the House, awaiting action by the Senate. (CWWA monitoring/water companies are exempt)*



**HB-5415 – AN ACT REQUIRING DEEP TO PREPARE A PLAN FOR THE RAPID DETECTION AND ERADICATION OF NEWLY DISCOVERED TERRESTRIAL INVASIVE SPECIES.** *Status: Died in the Appropriations Committee. (CWWA supports)*

**SJ-39 - RESOLUTION APPROVING AN AMENDMENT TO THE STATE CONSTITUTION TO PROTECT REAL PROPERTY HELD OR CONTROLLED BY THE STATE** – Calls for an amendment to the constitution to prohibit a state agency from selling, transferring or otherwise disposing of any real property or interest in real property that is in the custody or control of such agency to any person or entity other than another state agency unless 1) the general assembly has held a public hearing; and 2) the sale, transfer or disposition is required by an act of the general assembly that is limited in subject matter to provisions concerning such sale, transfer or disposition and passed by a ye vote of at least two-thirds of the membership of each house. *Status: Awaiting action by the Senate. (CWWA monitoring)*

**HB-5871 - AN ACT AUTHORIZING FEES BY CONSERVATION DISTRICTS** – Redirects some of the proceeds from the state-imposed \$60 municipal land use application fee to soil and water conservation districts. It directs a portion of the fee to the Council on Soil and Water Conservation; increases the amount the municipality keeps; and reduces, by more than one-half, the amount remitted to the General Fund. *Status: Approved by the Environment Committee, sent to the House. (CWWA monitoring)*

## UTILITY OPERATIONS

**SB-975 – AN ACT CONCERNING MUNICIPALITIES AND UNMANNED AIRCRAFT** – Prohibits municipalities, except as state or federal law provides, from enacting or enforcing ordinances or resolutions regulating the ownership, possession, purchase, sale, use, transportation, or operation of unmanned aircraft (i.e., drones) unless the municipality is also a water company. *Status: Approved by the Senate and the House, awaiting the Governor's signature. (CWWA monitoring)*

**HB-7030 - AN ACT PROTECTING THE CREDIT OF CERTAIN UTILITY CUSTOMERS** - Increases, from 60 to 120, the number of days after a residential customer becomes delinquent before utilities may report the customer's nonpayment for service to credit rating agencies. Under the bill, utilities are electric distribution companies; gas or water companies; gas registrants; and municipal utilities that furnish electric, gas, or water service. *Status: Approved by the House, awaiting action by the Senate. (CWWA monitoring)*

**HB-6481- AN ACT CONCERNING THE APPRAISAL OF CERTAIN PROPERTIES** - Prior to the sale of any real property (1) owned by a municipality, (2) with an assessed value of more than \$250,000 or whose value has not been assessed by the town, and (3) that includes or is part of a watershed or encompasses a well or reservoir, such municipality shall cause an appraisal of the fair market value of such real property to be completed. Not later than sixty days prior to such sale, such municipality shall make such appraisal public on such municipality's Internet web site, or if no such Internet web site



exists, through other practicable means as determined by such municipality. *Status: Language incorporated in Section 13 of HB-7278, approved by the House, sent to the Senate. (CWWA opposes)*

**SB-413 - AN ACT MAKING MUNICIPAL UTILITY COMPANIES' BOOKS AND FINANCIALS SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT** – Limits the amount a municipal electric energy cooperative (i.e., the Connecticut Municipal Electric Energy Cooperative (CMEEC)) can charge to no more than the actual expenses it incurs to provide a service or act as an agent for a municipal electric utility. The bill establishes requirements and limits on CMEEC's records, expenses, and allocation of expenses to participants (e.g., municipal utilities). The bill also specifies that municipal electric utility company books and accounts are subject to the state's Freedom of Information Act (FOIA), except for commercially valuable, confidential, or proprietary information already exempt under existing law. *Status: Approved by the Senate, sent to the House. (CWWA monitoring)*

**SB-4 - AN ACT CONCERNING MUNICIPAL ELECTRIC UTILITY COOPERATIVES** - Prohibits municipal electric energy cooperatives (i.e., the Connecticut Municipal Electric Energy Cooperative (CMEEC)) from holding meetings, public hearings, strategic retreats, or similar activities outside of the state. It also requires CMEEC, its member utilities, and member utilities' municipalities to post notices, agendas, and minutes for meetings and public hearings on their websites. For strategic retreats and similar activities, the bill requires CMEEC's cooperative utility board to approve, at a meeting, the retreat or activity. The bill requires CMEEC to (1) have a forensic examination, conducted by a certified forensic auditor, that includes revenues and expenditures for the preceding five years, and (2) report annually to the Energy and Technology Committee on the forensic auditor's most recent reports, CMEEC's annual report, and employee positions and salaries, among other things. The bill establishes the position of municipal electric consumer advocate to act as an independent advocate for consumer interests in all matters affecting municipal electric energy cooperatives customers, including electric rates. *Status: Approved by the Senate and the House, sent to the Governor. (CWWA monitoring)*

**SB-642 - AN ACT CONCERNING THE LYMAN DRIVE WATER PROJECT IN TORRINGTON** - Extends the permissible bond amortization period for the Lyman Drive water main project in Torrington to thirty years. *Status: Awaiting action by the Senate. (CWWA monitoring)*

## WATER COMPANY GOVERNANCE

**HB-6008 - AN ACT AMENDING THE CHARTER OF THE METROPOLITAN DISTRICT COMMISSION TO ADD A CONSUMER ADVOCATE BOARD MEMBER** - Amends the charter of the Metropolitan District Commission to include a nonvoting member on the board of directors, who shall serve as a consumer advocate to provide information to the public, including the residents of said district. *Status: Signed by the Governor. (CWWA monitoring)*

**SB-945 - AN ACT CONCERNING THE SOUTH CENTRAL CONNECTICUT REGIONAL WATER AUTHORITY.** *Status: Approved by the Senate and the House, awaiting the Governor's signature. (CWWA monitoring)*





## ENERGY

**HB-6306 - AN ACT ESTABLISHING A GREEN BUILDING TASK FORCE** - Establishes a task force to study green building requirements which includes various members, including a member of the water management and conservation industry. *Status: Approved by the House, awaiting action by the Senate. (CWNA monitoring)*

**SB-943 - AN ACT CONCERNING THE INSTALLATION OF CERTAIN SOLAR FACILITIES ON PRODUCTIVE FARMLANDS** - Generally restricts the construction of solar photovoltaic facilities (solar facilities) of two or more megawatts on forest land or prime farmland by removing a requirement that the Connecticut Siting Council approve such facilities and creating a rebuttable presumption that they are not environmentally compatible. *Status: Amended and approved by the Senate, sent to the House. (CWNA monitoring)*

**SB- 106 - AN ACT CONCERNING THE DIVERSITY OF BASELOAD ENERGY SUPPLIES IN THE STATE AND ACHIEVING CONNECTICUT'S GREENHOUSE GAS EMISSIONS MANDATED LEVELS** - Includes provisions to require electric distribution companies to solicit long-term contracts for zero emission renewable energy credits and low-emission renewable energy credits for an additional year. *Status: Awaiting action by the Senate. (CWNA supports ZREC extension)*

**HB-6547 - AN ACT CONCERNING A CONNECTICUT GREEN PLAN AND LAND RESOURCE AND USE INVENTORY FOR ENERGY INFRASTRUCTURE** – Creates an advisory group to develop a land resource and use inventory. *Status: Approved by the Energy Committee, sent to the House. (CWNA seeking a water representative)*

**HB-7228 - AN ACT CONCERNING VIRTUAL NET METERING ON BROWNFIELDS** – Allows brownfields to host Virtual Net Metering. *Status: Awaiting action by the House. (CWNA monitoring)*