



# Connecticut Department of Environmental Protection

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*Pachaug Falls, Griswold, CT*

***Report to the General Assembly on State Water Allocation  
Policies Pursuant to Public Act 98-224***

**JANUARY 2000**

# **Department of Environmental Protection**

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# I. INTRODUCTION

The allocation and preservation of water resources in the face of expanding and shifting water demands is an on-going challenge for Connecticut. While the state, through the actions of business and industry, governmental bodies and individual citizens, has made great strides in improving the *quality* of surface water and ground water in the past three decades, there is mounting concern and conflict regarding the *quantity* of water available to meet the state's needs. As Connecticut moves into the twenty-first century, more comprehensive management tools are needed to ensure adequate quantities of clean water for drinking, economic development, recreation, and maintenance of a healthy environment.

Connecticut's existing laws and policies concerning water supply, water management, and water allocation do not yet work in concert to effectively allocate water or plan for the needs of the future. Rather, the existing laws and policies create limited authorities in different government bodies for certain aspects of water supply planning and management, with no unified water allocation policy or water resource management. It is the goal of this report to identify the gaps in those laws and policies and recommend changes to create a comprehensive water allocation policy.

## A. Requirements of Public Act 98-224

This report was created in response to Public Act 98-224<sup>1</sup> (Appendix A), which required the Commissioner of Environmental Protection to deliver two reports to the General Assembly before January 1, 2000:

(1) **A Diversion Registration Inventory.** This inventory shall include: (a) an inventory of diversion registrations filed on or before July 1, 1983; (b) an inventory of the withdrawal quantities acknowledged for such registrants; and (c) an identification of those registrations which the registrants plan to use; and

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<sup>1</sup> An Act Concerning Water Diversion Policy and a Task Force on the Provision of Emergency Medical Services, Public Act No. 98-224

(2) **A Report on State Water Allocation Policies.** This report shall discuss: (a) the adequacy of state water allocation policies in protecting and preserving the integrity of water resources while providing for public drinking water needs, and (b) establishing a methodology for allocating water for other uses when consistent with protection of such resources.

### **B. Response to Legislative Requests**

In response to the legislative charge, the Department of Environmental Protection (“Department”) convened an in-house work group and continued our participation on the Water Allocation Task Force. The Water Allocation Task Force (“WATF”) is an ad hoc work group of the Rivers Advisory Committee. The WATF has not made final recommendations as of the date of this report. The Department also conducted discussions with the water industry and environmental groups.

(1) **Diversion Registration Inventory.** The inventory is attached as Appendix B. It includes (a) an inventory of 1,875 diversion registrations; and (b) an inventory of the withdrawal quantities acknowledged for such registrations. In response to subsection (c) of Public Act 98-224, appendices D and E provide the results of two pilot studies which investigate the extent to which registrants plan to use registered water within the Quinnipiac River Watershed and the Scantic River Basin. The Department did not have the resources to complete such studies statewide.

(2) **Report on State Water Allocation Policies.** The body of this report addresses the adequacy of Connecticut’s water allocation policies and proposes the development of an effective and comprehensive methodology for allocating water.

This report describes Connecticut’s water resources, discusses the current water allocation policies which exist in various state agencies, including the Connecticut Water Diversion Policy Act<sup>2</sup> (the “Diversion Act”), and the challenges involved in incorporating those policies into a comprehensive water allocation system. The report concludes with the Department’s proposals for development of a comprehensive water allocation system, including proposed legislation requiring the Commissioner of Environmental Protection (“Commissioner”)

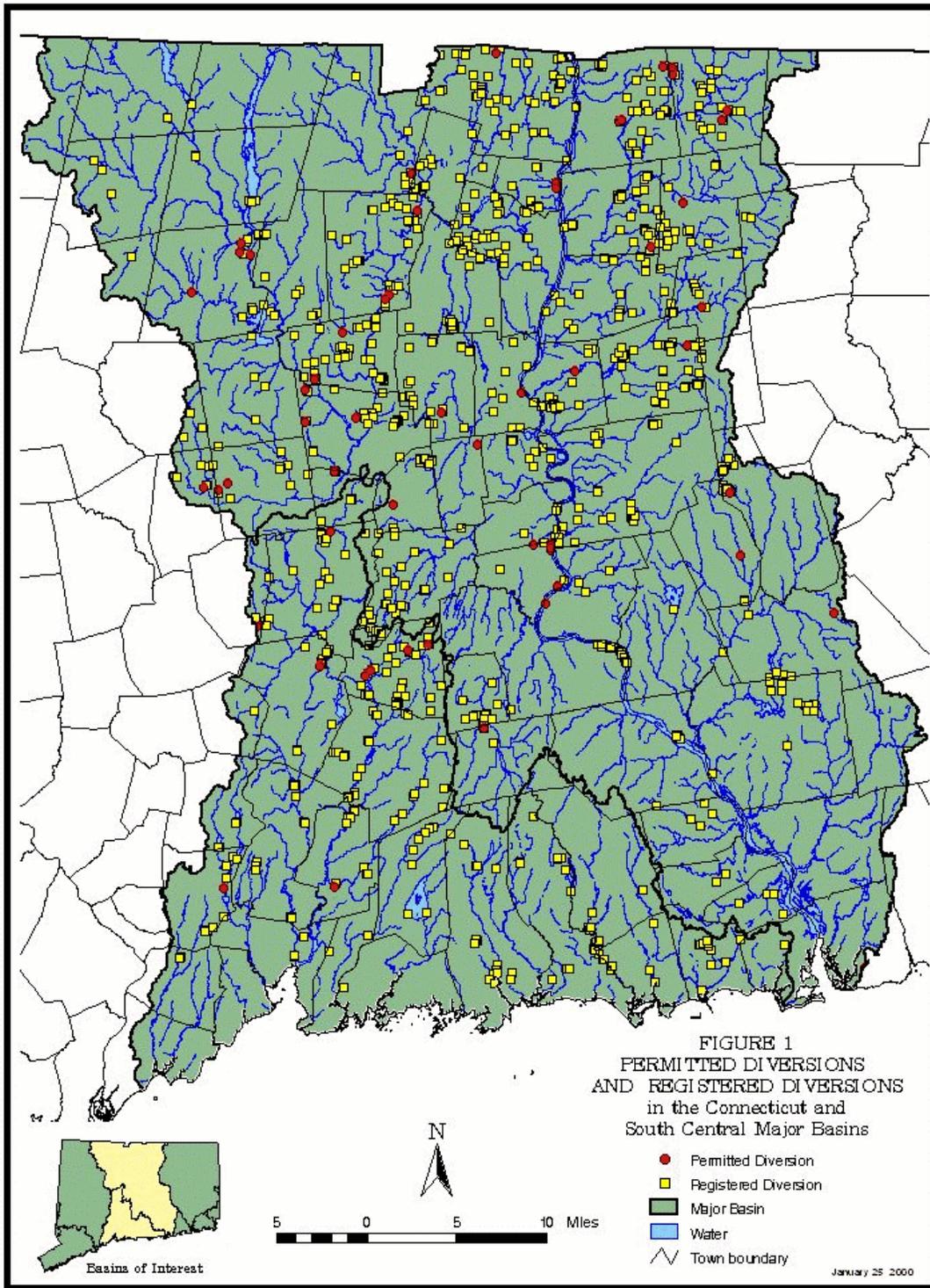
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<sup>2</sup> Connecticut General Statutes § 22a-365 to 22a-378.

to convene a task force to evaluate recommendations for developing and implementing this system, and to develop legislative authorities. The Department's conclusions are summarized below.

### **C. Conclusions**

1. Under present law, Connecticut does not have a comprehensive water allocation policy. A comprehensive water allocation policy would: (a) recognize the limits on available clean water; (b) prioritize the uses of water within watersheds; (c) divide available water among competing users; and (d) reserve an amount of water for future needs.
2. The permitting program of the Connecticut Water Diversion Policy Act, the primary management tool available to the Department for regulating water diversions commenced after July 1, 1982. Under that program, the Department considers an application for a diversion permit on a "first-come, first-serve basis". The Department evaluates the use of the proposed diversion and attempts to balance the need for that use with existing uses, including the needs of the environment, considering the costs and benefits of that proposal together with those of available alternatives to the proposal.
3. Because the vast majority of Connecticut's water diversions are grandfathered as "registered" and insulated from regulation, the State is currently prevented from developing and implementing a comprehensive water allocation program (See Figure 1).
4. Although Connecticut's water resources are generally sufficient to meet the state's needs, the water is not always available when or where it is needed.
5. Permit applications for non-consumptive activities such as stream channel modifications, installation of culverts, and storm water collection systems have been more readily permitted by the Department in comparison to those for consumptive uses which have the potential to diminish stream flow.
6. The permitting process for consumptive diversions has been a source of frustration for both the Department and the regulated community because of the length of time it takes to process an application for a diversion permit. There are two primary reasons for these



delays. First, the Department and the applicant often lacks essential information about the effects

of proposed and registered diversions on the particular water resource under consideration, resulting in lengthy delays as staff and the applicant attempt to gather such information. Second, the Department's diversion program has never been adequately staffed. Therefore, the Department seeks both the legislative authority to gather necessary data and support for the staffing required to more expeditiously process permit applications.

This report contains recommendations to move the State toward adoption of a comprehensive water allocation policy. Developing such a policy will require legislative changes as well as major planning efforts among the Department, other state agencies and additional stakeholders including the water utility industry, agriculture industry and environmental groups.

The Department has drafted proposed legislation to establish a Water Policy Task Force. This legislation will require the Commissioner to convene a task force consisting of interested parties and stakeholders to evaluate this report and develop legislative proposals to implement its recommendations and to assist in the development of a scientifically sound and predictable water allocation process.

## **II. CONNECTICUT'S WATER RESOURCES AND WATER USES**

A "water allocation methodology" is a means of dividing up available water among multiple users. Such a methodology balances the competing needs for water among all the users. Although Connecticut *as a whole* has sufficient water to meet drinking water needs, environmental requirements, and the demands of other water users, the water is not always available *where* or *when* it is needed. To help determine how water can be provided when and where it is needed, one must understand Connecticut's water resources.