



**STATE OF CONNECTICUT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**



To: Connecticut's Municipal Inland Wetlands Agencies

From: Betsey Wingfield  
Bureau Chief  
Bureau of Water Protection and Land Reuse

Dated: February 1, 2007

Re: 2006 Legislation and Regulations Advisory

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The 2006 Legislature amended Section 22a-42f of the Inland Wetlands and Watercourses Act (IWWA) with the passage of Section 2 of Public Act 06-53. The change requires that the Commissioner of Public Health receive a notice of application when such application involves the watershed of a water company. Section 2 of Public Act 06-53 goes into effect on October 1, 2006.

To assist Municipal Inland Wetlands Agencies in amending their regulations, we are providing the Public Act language with the suggested revisions to the Inland Wetlands and Watercourses Model Regulations (IWWMR).

Inland Wetlands Agencies should plan to revise their regulations in the near future to conform to the new statute. The provisions of Section 2 of Public Act 06-53 govern until such time that your municipal regulations are amended.

In addition, we are providing a reminder regarding training requirements for municipal inland wetlands agency members and staff.

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Please note that new text has been underlined.

Public Act 06-53- An Act Concerning Protection of Public Water Supply Sources

Section 2 of this Public Act repealed section 22a-42f of the IWWA and substituted the following:

When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in section 25-32a, the applicant shall provide written notice of the application to the water company and the

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Commissioner of Public Health in a format prescribed by said commissioner, provided such water company or said commissioner has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application is made and with the inland wetlands agency of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed not later than seven days after the date of the application. The water company and the Commissioner of Public Health, through a representative, may appear and be heard at any hearing on the application.

In order to conform to these revisions, the following changes to the IWWMR are made:

Section 8.3 of the IWWMR is deleted and replaced with the following:

8.3 When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in section 25-32a, the applicant shall provide written notice of the application to the water company and the Commissioner of Public Health in a format prescribed by said commissioner, provided such water company or said commissioner has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application is made and with the inland wetlands agency of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed not later than seven days after the date of the application. The water company and the Commissioner of Public Health, through a representative, may appear and be heard at any hearing on the application.

A copy of Public Act 06-53 is enclosed. Should you have any further questions regarding the above changes, please feel free to contact Darcy Winther or Steven Tessitore of the Wetlands Management Section at (860) 424 - 3019.

**REMINDER: TRAINING REQUIREMENTS FOR MUNICIPAL INLAND  
WETLANDS AGENCY MEMBERS AND STAFF**

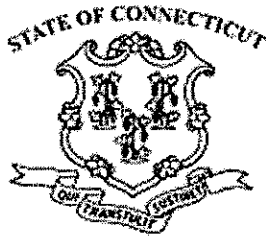
The Connecticut Inland Wetlands and Watercourses Act (Act), pursuant to Section 22a-42(d), requires that at least one member of the inland wetlands agency or staff of the agency complete the annual Municipal Inland Wetland Commissioners Training Program developed by DEP. The Act also mandates that each inland wetlands agency hold a meeting at least once annually at which information from the training program be shared with other agency members and staff.

Training requirements for both agency members and staff are limited to the paragraph stated above EXCEPT when an inland wetlands agency wishes to delegate to a duly authorized agent the ability to approve or extend a permit for certain regulated activities pursuant to Section 22a-42a(c)(2) of the Act. In order to be authorized four requirements MUST be met:

1. The municipal inland wetlands agency must vote to delegate this authority to the duly authorized agent;
2. The duly authorized agent must complete the annual Municipal Inland Wetland Commissioners Training Program offered by DEP;
3. The activity must not be located in a wetland or watercourse;
4. The activity must have no greater than a minimal impact on any wetland or watercourse.

The DEP has determined that completion of an annual program since 1995 to the present meets the training prerequisite stated in requirement number two (2) above. Receipt of a certificate of program completion provides proof of meeting this requirement.

If there are additional questions regarding this issue please contact Darcy Winther or Steven Tessitore at (860) 424-3019.



**Substitute Senate Bill No. 313**

**Public Act No. 06-53**

**AN ACT CONCERNING PROTECTION OF PUBLIC WATER SUPPLY SOURCES.**

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

Section 1. Section 8-3i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(a) As used in this section "water company" means a water company, as defined in section 25-32a, and "petition" includes a petition or proposal to change the regulations, boundaries or classifications of zoning districts.

(b) When an application, petition, request or plan is filed with the zoning commission, planning and zoning commission or zoning board of appeals of any municipality concerning any project on any site [which] that is within the aquifer protection area delineated pursuant to section 22a-354c or the watershed of a water company, the applicant or the person making the filing shall provide written notice of the application, petition, request or plan to the water company and the Commissioner of Public Health in a format prescribed by said commissioner, provided such water company or said commissioner has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application, petition, request or plan is made and with the planning commission, zoning commission, planning and zoning commission or zoning board of appeals of such municipality or the aquifer protection area has been delineated in accordance with section 22a-354c, as the case may be. Such notice shall be made by certified mail, return receipt requested, and shall be mailed [within] not later than seven days [of] after the date of the application. Such water company and the Commissioner of Public Health may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

(c) Notwithstanding the provisions of subsection (b) of this section, when an agent of the zoning commission, planning and zoning commission or zoning board of appeals is authorized to approve an application, petition, request or plan concerning any site [which] that is within the aquifer protection area delineated pursuant to section 22a-354c or the watershed of a water company without the approval of the zoning commission, planning and zoning commission or zoning board of appeals, and such agent determines that the

authority under the provisions of sections 7-244g to 7-244s, inclusive, and subject to the provision of said sections 7-244g to 7-244s, inclusive, an authority shall have the same rights, privileges and powers related to the issuance of bonds as are granted to a municipality or town, as such terms are defined in chapter 109. Where said chapter 109 authorizes or requests action by a municipal or town official, officer or body, the board of directors of an authority shall designate an official, officer or body of such authority to take such action on behalf of such authority, except that the provisions of sections 7-373 to 7-374a, inclusive, [7-347c] 7-374c, 7-378b, 7-378d and 7-378f do not apply to such authority. For purposes of this section, references in said chapter 109 to "taxes" or "taxation" mean charges or assessments by an authority.

Sec. 6. (*Effective from passage*) (a) The Commissioners of Environmental Protection and Public Health shall study the costs and benefits of using ethanol as a gasoline additive in this state as a means of meeting the requirements of the federal Clean Air Act. Such study shall examine (1) the public health implications of exposure to unsafe levels of ethanol and other toxics unique to ethanol-blended gasoline, (2) how using ethanol as a gasoline additive affects motor vehicle emissions and impacts on the state's implementation plan under the federal Clean Air Act, and (3) health risks associated with chronic exposure to ethanol or ethanol-blended gasoline.

(b) Not later than December 31, 2006, the Commissioner of Environmental Protection shall, within available appropriations and in accordance with section 11-4a of the general statutes, report the findings of the study authorized in subsection (a) of this section to the joint standing committees of the General Assembly having cognizance of matters relating to public health and the environment. In addition to such findings, such report shall include (1) an analysis of any reports or recommendations made by the Northeast States for Coordinated Air Use Management and the New England Interstate Water Pollution Control Commission, (2) an analysis of whether Connecticut should continue to use ethanol as a gasoline additive and, if not, an analysis of the process for seeking a waiver from the United States Environmental Protection Agency in order to discontinue the use of ethanol as a gasoline additive in this state, (3) an analysis of the effect of ethanol on the state's air quality, (4) an update on the status of any action taken by other states regarding the use of ethanol as a gasoline additive, (5) recommendations for new ethanol exposure standards for gasoline-related occupations and for sensitive population subgroups, and (6) specific recommendations on alternative or supplemental air pollution reduction programs such as alternative motor vehicle fuel incentives, mass transit and employee commuter programs.

