

**Source Water Protection Measures**

- (3) The following data shall be provided to the department:
    - (A) historic long term production records encompassing a representative dry period, including average day, maximum month average day, and peak day withdrawal rates; and
    - (B) available information as listed in subdivision (11) of subsection (a) of this section and subdivision (4) of subsection (b) of this section.
  - (d) Safe yield analyses previously performed that substantially meet the requirements of this section may be submitted in lieu of the study required by this section and shall be reviewed by the department on a case by case basis.
  - (e) The reduction in safe yield imposed by any constraints such as hydraulic considerations, system losses, treatment limitations, or interference effects shall be considered in the calculation of available water for all active sources.
  - (f) Other methods may be used provided that they are approved by the Department of Public Health and the Department of Environmental Protection and ensure an adequate water supply.
- (Added effective August 10, 2000.)

**25-32d-5. Submittal, completeness and approval**

- (a) Plan submittal
  - (1) The water company shall submit to the department three copies of the initial plan, revised plan or modified plan.
  - (2) At the time of plan submittal the water company shall also provide four copies of the initial plan, revised plan or modified plan to the commissioner of Environmental Protection, two copies to the executive secretary of the Department of Public Utility Control, one copy to the secretary of the Office of Policy and Management, and one copy to each regional planning organization covering any portion of the company's existing or proposed source or service area.
  - (3) The department shall notify each chief elected official, local health official and regional planning organization covering any portion of the company's existing or proposed source or service area of the existence of the plan and the opportunity to comment thereon.
  - (4) A copy of the initial plan, revised plan or modified plan shall be maintained on file by the water company, at a water company business office located nearest to the sources of supply and service areas considered in the plan, for review by interested persons during normal business hours. The water company shall notify the department at the time of submission as to the location and hours that the plan is available for public review.
- (b) Mechanism for determining plan completeness
  - (1) The Department of Environmental Protection and the Department of Public Utility Control, in the case of any plan which may impact any water company regulated by the Department of Public Utility Control, shall have sixty days upon receipt of the initial plan, revised plan or modified plan to comment to the department on the completeness of the plan. Failure of either the Department of Environmental Protection or the Department of Public Utility Control, in the case of any plan which may impact any water company regulated by the Department of Public Utility Control, to comment within sixty days shall be deemed acceptance that the plan is complete as submitted.
  - (2) The commissioner shall notify the water company in writing if a plan is deemed to be incomplete and shall request additional information necessary to deem the plan complete. The schedule for submission of modifications shall be determined by the commissioner.
  - (3) When the commissioner makes a determination and notifies the water company that the plan is complete, the commissioner shall concurrently send notice of the determination of completeness to the Department of Environmental Protection, the Department of Public Utility Control and the Office of Policy and Management.
- (c) Process for plan approval, modification, or rejection
  - (1) The Department of Environmental Protection and the Department of Public Utility Control, in the case of any plan which may impact any water company regulated by the

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Department of Public Utility Control, shall have ninety (90) days upon notice that a plan is deemed complete to comment on the plan. In the event that either the Department of Environmental Protection or the Department of Public Utility Control, in the case of any plan which may impact any water company regulated by the Department of Public Utility Control, fails to provide written comments within ninety (90) days, the Department of Public Health shall notify, in writing, both department of such failure, and in sixty (60) days from issuance of such notice, the Department of Public Health shall make a determination on approval, modification, or rejection of the plan using all available information. If within sixty (60) days following the issuance of such notice, the Department of Public Utility Control or the Department of Environmental Protection provides written comments on such plan, the Department of Public Health shall approve or reject such plan as appropriate based on such comments. If within sixty (60) days of the issuance of the above notice, the Department of Public Utility Control or the Department of Environmental Protection fails to provide written comments on such plan, such department shall upon expiration of such sixty (60) day period issue a letter concurring with such plan and the Department of Public Health shall approve or reject such plan as the Department of Public Health deems appropriate. Notwithstanding the above, the Department of Public Health may reject any plan deemed acceptable to the Department of Public Utility Control and the Department Environmental Protection.

- (2) The department in making a decision to approve, modify or reject a plan shall consider the following:
    - (A) the ability of the company to provide a pure, adequate and reliable water supply for present and projected future customers;
    - (B) adequate provision for the protection of the quality of future and existing sources;
    - (C) comments from state agencies; and
    - (D) consistency with state regulations and statutes.
  - (3) Within sixty days after the Department of Environmental Protection and the Department of Public Utility Control, in the case of a water company regulated by that agency, have commented to the department regarding whether a plan should be approved, or in no case more than one hundred and fifty days after written notice that the plan has been deemed complete, the commissioner shall advise the water company whether the plan is rejected, approved or approved with conditions.
  - (4) If the commissioner fails to approve or reject the plan within the timeframes required by Section 25-32d(c) of the Connecticut General Statutes and this subsection. the plan shall be deemed approved as submitted.
  - (5) If the commissioner rejects the plan, he shall advise the water company in writing that the plan is being rejected and the reason the plan cannot be approved as submitted.
  - (6) Appeal procedures. The water company may appeal to the commissioner the department's determination that a plan is not complete or the department's decision to modify or reject a plan, in accordance with Chapter 54 of the Connecticut General Statutes.
- (d) Approved plan distribution. The company shall submit ten copies of the final approved plan or approved modified pages to the department, which shall distribute copies to the Department of Environmental Protection, the Department of Public Utility Control and the Office of Policy and Management. The company shall submit one copy of the approved plan or approved modified pages to each regional planning organization and notice of the approved plan to all local health departments, and municipal planning departments or agencies, covering any portion of the existing or proposed source or service areas. One copy of the approved plan shall be provided by the water company to any such agency requesting a copy.

(Added effective August 10, 2000.)

**25-32d-6. Failure to submit a plan**

Any failure to submit a water supply plan in accordance with Sections 25- 32d-1a through 25-32d-5, inclusive, of the Regulations of Connecticut State Agencies shall be subject to civil penalties in