June 20, 2018

Gov. Malloy Signs Order Implementing the State Water Plan

On June 14, Connecticut Governor Dannel P. Malloy signed Executive Order No. 66, directing the Connecticut Water Planning Council (WPC) to immediately be guided by and implement the State Water Plan, as submitted to the Connecticut General Assembly in January 2018 (the Plan).

The Plan states that it was "prepared to help planners, regulators, and lawmakers make decisions about managing Connecticut's waters in a manner that is consistent throughout the state." [1] To develop the final draft that was submitted to the General Assembly in January 2018, the WPC put the Plan through various iterations as they evaluated input from the public and stakeholders through a process that included extensive and multiple opportunities for public comment.

The Plan was created pursuant to Public Act No. 14-163, "An Act Concerning the Responsibilities of the Water Planning Council" (the Act). Per the Act, the WPC was charged to prepare a state water plan that met 17 objectives, including:

- recommend the utilization of the state's water resources, including surface and subsurface water, in a manner that balances public water supply, economic development, recreation and ecological health;
- recommend steps to increase the climate resiliency of existing water resources and infrastructure;
- make recommendations for technology and infrastructure upgrades, interconnections and such major engineering works or special districts which may be necessary, including the need, timing and general cost thereof;
- recommend land use and other measures, including an assessment of land acquisition or land protection needs, where appropriate to ensure the desired quality and abundance of water and to promote development in concert with available water resources;
- include short- and long-range objectives and strategies to communicate and implement the plan; and
- seek to incorporate regional and local plans and programs for water use and management and plans for water and sewerage facilities in the state water plan.

As required by the Act, the Plan was submitted to standing committees of the Connecticut General Assembly for legislative review in January 2018. On April 17, 2018, a public hearing was held jointly by the General Assembly's bicameral committees on Environment; Public Health; Planning and Development; and Energy and Technology. No action was taken on the Plan by the legislature before the end of the 2018 regular legislative session on May 9, 2018. Per Section 22a-352(h) of the Connecticut General Statutes, the Plan was to be forwarded to the governor for adoption or rejection if the General Assembly failed to adopt the Plan by an affirmative vote within 24 months of the submittal of the Plan to the joint standing committees, or by January 2020.

The Executive Order of June 14, 2018 directs the WPC to coordinate and work with the WPC Advisory Group, established by the WPC pursuant to Section 25-33o(c) of the Connecticut General Statutes, to help implement the State Water Plan, as submitted in January 2018. The WPC Advisory Group serves at the pleasure of the WPC and is comprised of representatives of consumptive and non-consumptive interests. The Executive Order further orders the WPC to resubmit the Plan to the Connecticut General Assembly for its review and approval by December 1, 2018.

The Plan is the first plan of its type in Connecticut. Should you have any questions regarding the issues discussed above, please feel free to contact any of the attorneys listed in the sidebar.

[1] A copy of the State Water Plan is available here.

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