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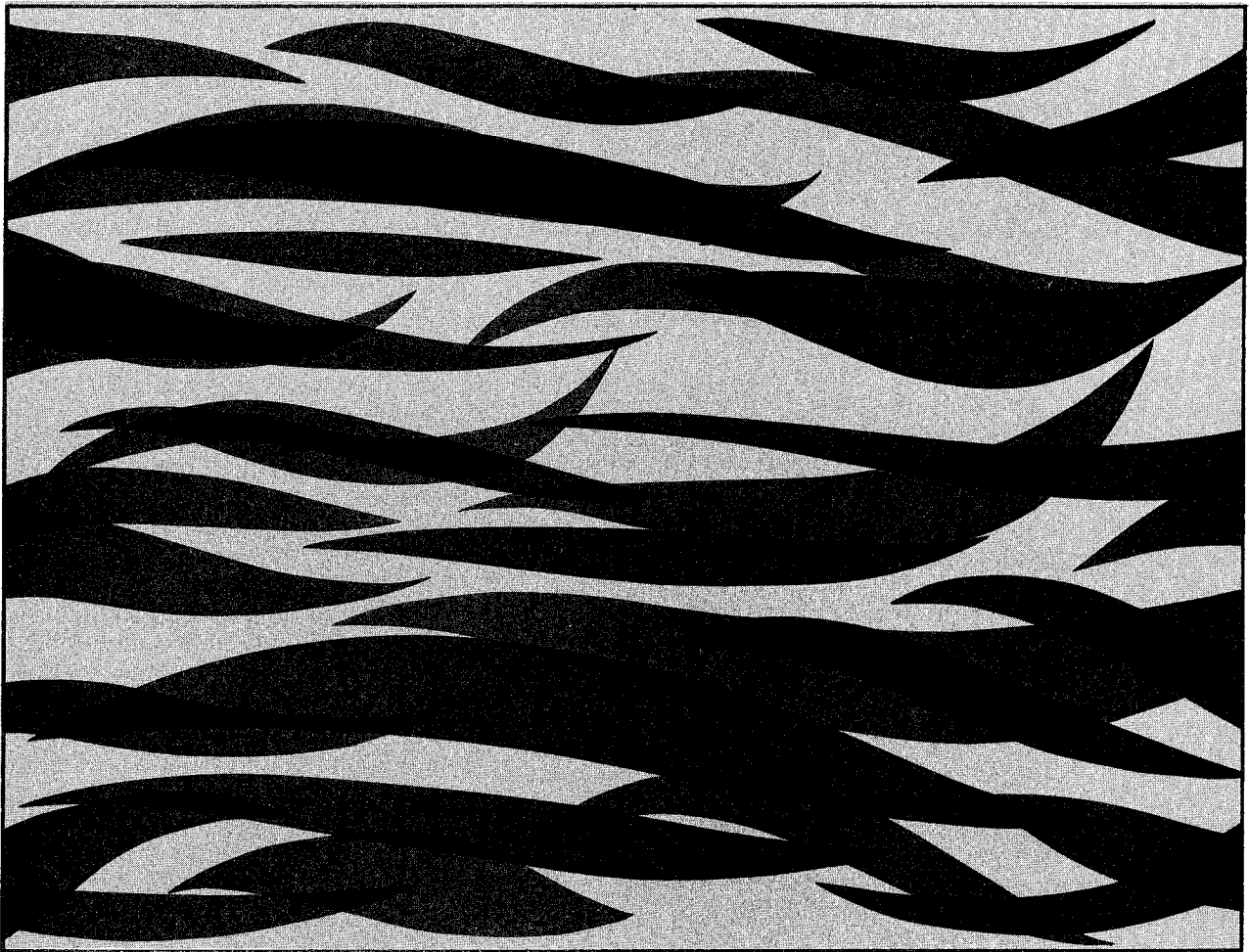
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CONNECTICUT WATER LAW: SUMMARY AND INDEX OF STATUTES

Report No. 22

October 1974



**INSTITUTE OF WATER RESOURCES
THE UNIVERSITY OF CONNECTICUT**

Report No. 22

October 1974

CONNECTICUT WATER LAW:

SUMMARY AND INDEX OF STATUTES

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Mr. Edwin Tucker of the School of Business Administration at the University of Connecticut offered many helpful suggestions and acted as a reviewer. Other reviewers were Dr. James W. Curlin of the Environmental Policy Division, Congressional Research Service, The Library of Congress, Washington, D. C. and Professor Robert Reis, Faculty of Law and Jurisprudence, State University of New York at Buffalo.

Ms. Lori DeTrude did an excellent job in typing the final manuscript.

FOREWARD

The interface between the needs of the people and the ability of the environment to meet these needs continues to grow in complexity. Legislation tries to define and to mediate the form which this interface will take. For that portion of the environment which is concerned with water, the Institute of Water Resources encourages improved understanding, and is pleased to help disseminate information about the law.

This report makes available to all persons concerned with the proper administration and use of water resources in the State of Connecticut clear and concise abstracts of each of the relevant statutes using the chapter and section numbers from the General Statutes. The second portion of the report contains an index by subject which is needed to locate particular topics within the statutes.

The Institute of Water Resources has long been concerned with the need for this report and is extremely pleased with the fine presentation made herein by Mr. Deitchman.

August 12, 1974

Victor E. Scottron
Director
Institute of Water Resources

INTRODUCTION

The legislative mandates and policies of the State of Connecticut are largely contained in a series of documents--the Connecticut General Statutes. These are the fundamental laws for the State and give the framework in which the powers delegated to the state operate for society. The executive and judicial branches of government seek to implement and define, respectively, the laws, and thus there is the separation of powers and a balancing of the legislative mandate and actions. Laws are continually rewritten, added, dismantled or repealed by the General Assembly.

In the area of water resources policies, the executive and judicial branches have much input. With the General Assembly, the laws are easily available, clearly delineated, and excellently organized in coherent volumes. The judicial branch depends upon these statutes and common law remedies for water resource decisions. A strong body of case law exists (see Connecticut Water Law: Judicial Allocation of Water Resources, by Robert Reis; Report No. 4, Institute of Water Resources, University of Connecticut, 1967) for consistency in this area; though subject to criticism for the lack of comprehensiveness in the judicial proceedings and final verdicts. The major administrative-executive agencies concerned with water in Connecticut are the Department of Environmental Protection and the Department of Health. To understand their operation, a

detailed study of their operating procedures, agency regulations and organization would be necessary.

BACKGROUND AND CONTEXT OF STATE WATER LAWS

As water use has increased, the need for state institutions to provide centralized control over water resources in order to facilitate proper distribution to those entitled to water use, to regulate water quality, and to protect environmental and social values of water became apparent. While the western United States administer water rights through the appropriation doctrine, many of the eastern states traditionally have been without any statutory procedures to implement some measure of state control over water use, though all of them have enacted water pollution control legislation. Public regulation of water in the eastern states is not so extensive because water supply historically has greatly exceeded demand. In recent years some scarcity has been experienced and there has been heightened interest in the area of water pollution control. The current trend in the eastern states is to increase public regulation of both surface and groundwater uses, as well as to control water quality.

Precipitation averages some 45 inches per year in Connecticut and in general is spread uniformly throughout the year and throughout the state. Even with the losses due to evapotranspiration and run-off, the stochastic properties of precipitation causing

floods or droughts, and seasonal differences, water supply has not been a serious problem in Connecticut. There have been few conflicts over water rights or competing uses and no sophisticated body of case law has developed. The state has not found it necessary to create any administrative agencies to supervise water allocation, distribution, or use. There are some permit systems for such activities as diversions of streams for municipal uses and well drilling. While the General Statutes do not specify water rights, there are several sections that have a strong bearing on water use. There are specific laws prohibiting the pollution of water supplies, regulations to set pollution control standards, supervision of dams, fishing, and protection of wetland areas. There are also laws concerning tax considerations of water resources and the procedure for using municipal bonds to raise capital for structural improvements to water resource systems.

As efforts of the general public and environmental scientists have become more closely meshed with the evolution of public policy, there is a developing need for effective exchange of information. Unlike most other information sources, the Statutes are not readily available nor indexed for easy retrieval. For these reasons, this report will attempt to provide the necessary information to begin to understand the Statutes and to provide easy access to a preliminary search for specific laws.

APPROACH

Through the use of the publication, Connecticut General Statutes Annotated, (West Publishing Company, St. Paul, Minnesota), a list of laws relevant to water resources was made. This publication, in several volumes, contains the exact phrasing of each law along with sections on legislative history, amendments, and court decisions on the Statutes. Though Chapter 25 of the General Statutes is entitled water resources, this is not complete as to the comprehensive definition and framework of water resources in which the Institute of Water Resources operates. Thus additional chapters are included in this Institute report.

After selecting the relevant chapters of each statute, a careful abstracting and key wording system was completed. Examples of this system follow:

Example of statute abstract

16-260⁽¹⁾

Any water company supplying water to the inhabitants of any city, town, village, or borough for domestic, manufacturing, or fire protection purposes may refuse to furnish water except by metered measurement at established rate.⁽²⁾

(1) - This notation means this statute is found in Chapter 16, Section 260 of the Connecticut General Statutes. (Titles of individual sections are not included in this report.)

(2) - This is a short abstract of the actual statute. The abstract tries to give a short, concise meaning of the law but the actual code should be checked for further verification.

Example of index subjects

DIVERSIONS⁽¹⁾

3-126⁽²⁾, 3-127, 25-3, 25-8a

(1) - This is a subject key word.

(2) - It can be found, for instance, in Chapter 3, Section 126 of the Connecticut General Statutes.

This publication is intended just as a summary of the Connecticut water law statutes. Therefore, any definite conclusions must also be resolved by checking specific judicial decisions, the actual wording of the statute, and any administrative actions or regulations relevant to the issue.

STATUTE ABSTRACTS

2-20a.

Bills for the incorporation and franchise of water companies must be first filed with the public utilities commission, the state department of health, and the department of environmental protection before being heard by the general assembly. These reports shall contain information from investigations with respect to the financial conditions of the proposed company, the nature of the system and the adequacy of the water supply, the potability of the water supply, the adequacy of the water supply to serve present and future customers, the effect on water supplies of other systems, and other such information deemed pertinent.

3-126.

The attorney general is authorized to investigate and, with the approval of the governor, to take such action as is deemed necessary to protect the state from damage by diversion or other interference with water from streams without the state which enter or are tributary to streams flowing within the state.

3-127.

The attorney general is authorized, with the approval of the governor, to negotiate and contract, in the name of the state, with any commission or authorized agent of another state concerning the use, allocation, or diversion of any waters from streams or tributaries without the state, of streams which in their natural course flow through, into or across the state.

7-234.

Any town, city or borough, or district organized for municipal purposes may acquire, construct, and operate a municipal water supply system where there is no existing private system or the private system owners are willing to sell their interest to the municipality. Any such municipality may pay for acquisition, construction, extension, enlargement, and maintenance of any such system by issuing general obligation bonds or revenue bonds.

7-235.

The legislative body of a municipality, after estimating costs and interest, may issue revenue bonds. The municipality is obli-

gated only to pay such bonds from the revenue of the waterworks system and such bonds are not part of the general indebtedness of a municipality within any statutory limitation.

7-239.

The legislative body shall establish the rates and charges for the use of the waterworks system to be paid by the owner of each lot or building which is connected and uses the system. The rates and charges should be sufficient to cover the expenses of operation, repair, replacement, and maintenance and for payment of sums to the sinking fund for the cost of bonds. Hearings will be held to explore rates and rate charges. Rates can be established for classes of users and the municipality shall be subject to the same rates or charges as other users of the waterworks system. Court decisions have explored the questions of absolute rates, discrimination in rates, and liens for unpaid water use.

7-245.

The following definitions are given:

acquire a sewerage system- obtain title to all or any part of the system by purchase, grant, gift, lease, rental, or otherwise.
construct a sewerage system- to acquire land, easements, rights-of-way or any other real or personal property or plan, construct, reconstruct, equip, extend, and enlarge all or any part of the system.
municipality- any metropolitan district, town, consolidated town and city, consolidated town and borough, city, borough, village, fire and sewer district, sewer district, and each municipal organization having authority to levy and collect taxes.
sewage- any substance, liquid or solid, which may contaminate or pollute or affect the cleanliness or purity of any water.
sewage system- any device, equipment, appurtenance, facility, and method for collecting, transporting, receiving, treating, disposing of or discharging sewage.

7-247.

Any municipality by its sewer authority may acquire, construct, and operate sewage systems. The municipality can take and hold by purchase, condemnation, or otherwise in terms of real property which is necessary for the system. Rules and regulations for supervision, management, control, operation, and use may be developed by the municipality.

7-248.

Whenever the sewer authority is unable to agree with a property owner as to the compensation for the taking of such property, the sewer authority in the name of the municipality may petition the court of common pleas or a judge of that court to determine such compensation.

7-249.

A municipality through its sewer authority may levy benefit assessments upon the land and buildings in the municipality which are especially benefited by a sewer system.

7-257.

The sewer authority may order the owner of any building to which a sewage system is available to connect with the system.

7-270.

Any municipality for all or part of its sewage system may exercise any authority of this chapter relating to the operation and financing of the system.

7-272.

Any two or more municipalities may enter into and revise from time to time, and may fulfill, contracts jointly to acquire, construct or operate all or any part of a sewage system.

7-324.

District means any fire district, sewer district, fire and sewer district, lighting district, village, beach or improvement association and any other district or association, except a school district, wholly within a town and having the power to make appropriations or to levy taxes.

7-328.

The territorial limits of the district shall constitute a

separate taxing district and the town assessors shall separate the property within the district from other property in the town. The district may issue bonds and the board of directors may pledge the credit of the district for any money borrowed for the construction of public works projects. The district may adopt ordinances, with penalties to secure their enforcement, for the purpose of regulating the carrying out of their statutory authority.

7-329a.

Any town may establish a port district which shall embrace such town.

7-329b.

Port facilities mean wharfs, docks, piers, air or bus terminals, railroad tracks or terminals, etc. used in the handling of freight, passengers and vehicles.

8-146.

Finding substandard, unsanitary, deteriorated, deteriorating, or blighted areas because of the floods of August and October, 1955 or because areas are flood-prone, the use of state financial assistance is a public use and purpose for which public moneys may be expended and this falls under the public interest.

8-147.

The methods of state financial assistance are state guaranties of temporary loan notes, state grant-in-aids, or state guaranty of bonds issued by the municipality. These are for any declared redevelopment area from the flood of August or October, 1955.

8-148.

The state treasurer shall issue bonds of the state to an amount not exceeding \$2,450,000.

8-150.

The Connecticut development commission may make and enforce regulations and determine the allocation of state financial aid among the municipalities.

10-203.

Each schoolhouse shall be kept in a clean and sanitary condition with a suitable number of flush toilets and handwashing facilities.

12-412.

The sale, furnishing, or service of water when delivered to consumers through mains, lines, or pipes, to the extent of the first ten dollars per month in value, shall not have taxes imposed.

12-258c.

There shall be allowed as credit against the tax imposed in any income year an amount equal to five percent of the amount of expenditures paid or incurred during such income year for the construction, rebuilding, acquisition, or expansion of facilities for the treatment of industrial waste, including the planning, approved as such by the commissioner of environmental protection.

12-264.

Every municipality, department, or agency thereof, or district operating a system of water works for selling and distributing water for domestic or power purposes shall pay an annual tax based upon gross earnings from such operations in this state.

12-265.

Each company and municipal utility included in section 12-264 shall be taxed at the rate of five percent upon the amount of gross earnings in each tax year, but several opportunities for deductions may be used.

12-265c.

There shall be allowed as a credit against the tax on gross earnings an amount equal to five percent of the amount of expenditures paid or incurred during the income year of the construction, rebuilding, acquisition, or expansion of facilities for the treatment of industrial waste including such planning activities necessary.

15-1.

The governor shall appoint every three years a harbor master for the harbors of New Haven, Norwich, Bridgeport, Stamford, Norwalk, Stonington, New London, and Branford. Harbor masters shall have the general care and supervision of the harbors over which they have jurisdiction subject to the direction and control of the commissioner of transportation.

15-8.

Each harbor master may station all vessels riding at anchor in the navigable waters of the harbor and all vessels or obstructions so moored or anchored that by the action of wind or tide may be carried into the navigable waters, as long as they are not employed in receiving or discharging their cargoes, to make room for the passage of other vessels up or down such navigable waters.

15-11.

Any person or corporation owning lands adjoining any navigable stream or water, except New Haven or Bridgeport harbors, upon which wharves or piers exist or may be constructed may dig channels to the main channel of such stream or water so that boats and vessels may have free access to such wharves and piers.

15-12.

The selectmen of any town bordering upon navigable waters shall have removed all obstructions and structures from the shore, beaches, or other such land in the town adjacent to waters which the public has been accustomed to use, occupy, or enjoy unless there is a legal right to maintain an obstruction or structure. The selectmen may, in the name of the town, have equitable relief by way of injunction.

15-18.

Each proprietor or charterer of any steamer or vessel, from which any furnace refuse is thrown into the waters of any harbor or river in this state, shall be fined for the first offense one hundred dollars and for each subsequent offense two hundred dollars.

15-22.

Any person who deposits any substance except oyster shells in boundaries of New Haven, Bridgeport, Stamford, or off Greenwich harbor shall be fined or imprisoned, or both, but the provisions of this section shall not prevent the owners of land adjacent to these harbors from building wharves therein.

15-26a.

There shall be a Five Mile River commission consisting of two electors from each of the towns of Norwalk and Darien. The Five Mile River commission shall concern itself with the navigation, pollution, and conservation of the Five Mile River and its drainage basin. The Commission shall bring to the attention of appropriate bodies violations in the law, propose regulations and procedures for the control of moorings and for safe and orderly navigation, and with consent apply to federal authorities for the designation of the Five Mile River estuary as a "special anchorage area".

15-32.

Persons employed under an act of the Congress of the United States, passed February 10, 1807 with supplements, may enter upon any land within this state, for any purposes which may be necessary to effect the objects of this act (coast survey) and to erect therein works, stations, buildings, or appendages doing no unnecessary injury.

16-260.

Any water company supplying water to the inhabitants of any city, town, village, or borough for domestic, manufacturing, or fire protection purposes may refuse to furnish water except by metered measurement at established rates.

16-262a.

The board of directors of each water company shall include at least one member who is a resident of the service area and not an officer or employee of the company. In lieu of this requirement,

a company may establish an area advisory council of three or more members, appointed by the company, who are residents of the area served.

19-83.

The director of health of a town, city, or borough contiguous to any stream or body of water, which is not wholly within its limits shall have jurisdiction over the stream or body of water and the islands situated therein.

19-85.

Any building, room, or premises used by the public must have a toilet maintained under sanitary conditions. The local health departments can inspect these facilities and can fine offenders.

19-86.

When there exists upon any premises swampy or wet places or depressions in which a foul and unhealthy condition arising, from natural causes, permanently exists, the health department, upon written complaint that these areas are dangerous to public health, may cause such places or depressions to be filled with suitable material or drained.

19-99.

Unless otherwise provided, the local health departments shall have the power to make orders and regulations controlling the time and manner in which manure and other fertilizers may be unloaded from vessels.

19-101.

The local director of health may designate limits within the navigable waters of the state within which houseboats or other vessels used as dwelling places be anchored or moored.

19-300u.

The commissioner of environmental protection may issue permits for the introduction of chemicals into the waters of the state for the control of aquatic vegetation, fish populations, or other aquatic organisms. No permit is issued without prior approval if the proposed application of chemicals involves areas tributary to reservoirs, lakes, ponds, or streams used for public water supply. The commissioner, acting with the state department of health, may establish regulations governing the use of pesticides in the waters of the state including the marine district.

20-358.

As used in this chapter, environmental health means the study, art and technique of applying scientific knowledge for the improvement of the environment of man for his health and welfare and sanitarian means a person trained in environmental health who is qualified to carry out educational and investigational duties in the fields of environmental health such as investigations of air, water, sewage, foodstuffs, housing, and refuse by observing, sampling, testing, and reporting.

22A-1.

The general assembly finds that the growing population and expanding economy of the state have had a profound impact on the life-sustaining natural environment. The air, water, land and other natural resources, taken for granted since the settlement of the state, are now recognized as finite and precious. It is now understood that human activity must be guided by and in harmony with the system of relationships among the elements of nature. Therefore the general assembly hereby declares that the policy of the state of Connecticut is to conserve, improve and protect its natural resources and environment and to control air, land and water pollution in order to enhance the health, safety and welfare of the people of the state, It shall further be the policy of the state to improve and coordinate the environmental plans, functions, powers and programs of the state, in cooperation with the federal government regions, local governments, other public and private organizations and concerned individuals, and to manage the basic resources of air, land and water to the end that the state may fulfill its responsibility as trustee of the environment for the present and future generations.

22a-2.

There shall be a department of environmental protection which shall have jurisdiction over all matters relating to the preservation and protection of the air, water and other natural resources of the state. Said department shall be under the direction of a commissioner of environmental protection.

22a-5a.

The commissioner shall carry out the environmental policies of the state and use all powers necessary and convenient to faithfully discharge this duty. In addition to, and consistent with the environment policy of the state the commissioner shall:

(a) promote and coordinate management of water, land and air resources to assure their protection, enhancement and proper allocation and utilization;

(b) provide for the protection and management of plants, trees, fish, shellfish, wildlife and other animal life of all types, including the preservation of endangered species;

(c) provide for the protection, enhancement and management of the public forests, parks, open spaces and natural area preserves;

(d) provide for the protection, enhancement and management of inland, marine and coastal water resources, including, but not limited to, wetlands, rivers, estuaries and shorelines;

(e) provide for the prevention and abatement of all water, land and air pollution including, but not limited to, that related to particulates, gases, dust, vapors, noise, radiation, odors, nutrients and cooled or heated liquids, gases and solids;

(f) provide for control of pests and regulate the use, storage and disposal of pesticides and other chemicals which may be harmful to man, sea life, animals, plant life or natural resources;

(g) regulate the disposal of solid waste and liquid waste, including but not limited to, domestic and industrial refuse, junk motor vehicles, litter and debris, which methods shall be consistent with sound health, scenic environmental quality and land use practices;

(h) regulate the storage, handling and transportation of solids, liquids and gases which may cause or contribute to pollution; and

(i) provide for minimum state-wide standards for the mining, extraction or removal of earth materials of all types.

22a-6.

The commissioner may

(a) adopt, amend or repeal environmental standards, criteria and regulations to carry out the purposes and provisions of this title. No adoption, amendment or repeal of any standard, criteria or regulation shall take effect except after a public hearing, thirty days prior notice of the date, time, place and subject matter of which shall be published in the Connecticut Law Journal;

(b) enter into contracts with any person, firm, corporation or association to do all things necessary or convenient to carry out the functions, powers and duties of the department;

(c) by himself or his designated agent, initiate and receive complaints as to any actual or suspected source of pollution or for the purpose of ascertaining compliance or noncompliance with any provision of the general statutes or regulation which may be promulgated pursuant to this title. The commissioner or his designated agent shall have the power to hold hearings, administer oaths, take testimony and subpoena witnesses and evidence, enter orders and institute legal proceedings including, but not limited to, suits for injunctions, for the enforcement of his orders and regulations in accordance with this title or of any of said chapters or sections;

(d) by himself or his designated agent, enter at all reasonable times upon any public or private property, except a private residence, for the purpose of inspection and investigation to ascertain possible violations of this title or of any of said chapters or sections or of regulations made hereunder, in accordance with constitutional limitations, and the owner, managing agent or occupant of any such property shall permit such entry, provided any information relating to secret processes or methods of manufacture or production ascertained by the commissioner or his agents during, or as a result of any inspection, investigation, hearing or otherwise shall be kept confidential and shall not be disclosed;

(e) undertake any studies, inquiries, surveys or analyses he may deem relevant, through the personnel of the department or in cooperation with any public or private agency, to accomplish the purposes of this title or any of said chapters or sections.

In all cases wherein the commissioner of environmental protection is required to hold hearings, public or otherwise, on any matter within his jurisdiction, he may hold such hearings or may designate a member of his staff to act as a hearing examiner, such hearing examiner to hold such hearing at a time and place designated by the commissioner. The commissioner or the hearing examiner may issue subpoenas, administer oaths and cause the attendance of witnesses and the production of evidence and testimony in any proceeding pending before him. The hearing examiner shall, after each hearing, file with the commissioner a report including a finding of fact and recommendations. After considering the report of the hearing examiner and testimony of the hearing, the com-

missioner shall issue such order or permit as is applicable to the particular proceeding.

22a-7.

The commissioner, whenever he finds after investigation that any person, firm, corporation or association is causing, engaging in or maintaining any condition or activity which, in his judgment, will result in or is likely to result in irreversible or irreparable damage to the environment and it appears prejudicial to the interests of the people of the state to delay action until an opportunity for a hearing can be provided, may, without prior hearing, issue a cease and desist order in writing to such person, firm, corporation or association to discontinue, abate or alleviate the condition or activity. Upon receipt of the order the person, firm, corporation or association shall immediately discontinue, abate or alleviate the condition or activity. The commissioner shall, within ten days of the order, hold a hearing to provide the person, firm, corporation or association an opportunity to be heard and show that the condition does not exist.

22a-8.

The commissioner shall formulate and from time to time revise a statewide environmental plan for the management and protection of the quality of the environment and the natural resources of the state in furtherance of the legislative policy and purpose of this title.

22a-11.

There shall be a council on environmental quality which shall be an autonomous body and within the department of environmental protection for fiscal and budgetary purposes only. The council shall consist of nine members.

22a-12.

(a) The council shall submit annually to the governor an environmental quality report which shall set forth:

- (1) The status of the major environmental categories including, but not limited to, the air, the water and the land environment;
- (2) current and foreseeable trends in the quality, management

and utilization of the environment and the effects of such trends on the social, economic and health requirements of the state;

(3) the adequacy of available natural resources of fulfilling human and economic requirements of the state in the light of projected population pressures;

(4) a review of the programs and activities of the state and local governments and private organizations, with particular reference to their effect on the environment and on the conservation, development and utilization of natural resources; and

(5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

(b) The council shall have the authority to require submission by all state agencies, at all stages of development, of construction plans for review and comment by the council which shall include, but not be limited to, all plans of the department of transportation which anticipate the paving or building upon land not previously paved or built upon, and location or expansion of noise-producing facilities such as airports; and all plans of the department of public works which anticipate the paving or building upon land not previously paved or built upon, the construction of structures occupying a substantially greater air space than predecessor structures in the same location, and the location or expansion of noise or pollution-producing facilities such as heating plants; provided the function of the council with respect to such plans shall be advisory and consultative only.

22a-13

The council is empowered to receive and investigate citizen complaints alleging violation of any statute or regulation in respect to environmental quality. When the chairman of the council determines that matters alleged in a citizen complaint cannot be resolved by referring the complaint to another appropriate regulatory agency, he shall so inform the commissioner of environmental protection who may hold a hearing concerning such complaint, giving appropriate written notice and opportunity to be heard to all interested parties.

22a-15

It is hereby found and declared that there is a public trust in the air, water and other natural resources of the state of Connecticut and that each person is entitled to the protection,

preservation and enhancement of the same. It is further found and declared that it is in the public interest to provide all persons with an adequate remedy to protect the air, water and other natural resources from unreasonable pollution, impairment or destruction.

22a-16.

The attorney general, any political subdivision of the state, any instrumentality or agency of the state or of a political subdivision thereof, any person, partnership, corporation, association, organization or other legal entity may maintain an action in the superior court for declaratory and equitable relief against the state, any political subdivision, any instrumentality or agency of the state or of a political subdivision, any person, partnership, corporation, association, organization or other legal entity, acting alone, or in combination with others, for the protection of the public trust in the air, water and other natural resources of the state from unreasonable pollution, impairment or destruction.

22a-17.

When the plaintiff in any such action has made a prima facie showing that the conduct of the defendant, acting alone, or in combination with others, has, or is reasonably likely unreasonably to pollute, impair or destroy the public trust in the air, water or other natural resources of the state, the defendant may rebut the prima facie showing by the submission of evidence to the contrary. The defendant may also prove, by way of an affirmative defense, that, considering all relevant surrounding circumstances and factors, there is no feasible and prudent alternative to the defendant's conduct and that such conduct is consistent with the reasonable requirements of the public health, safety and welfare.

22a-18.

(a) The court may grant temporary and permanent equitable relief, or may impose such conditions on the defendant as are required to protect the public trust in the air, water and other natural resources of the state from unreasonable pollution, impairment or destruction.

(b) If administrative, licensing or other such proceedings are required or available to determine the legality of the

defendant's conduct, the court in its discretion may remand the parties to such proceedings. In so remanding the parties the court may grant temporary equitable relief where necessary for the protection of the public trust in the air, water and other natural resources of the state from unreasonable pollution, impairment or destruction and the court shall retain jurisdiction of the action pending completion of administrative action for the purpose of determining whether adequate consideration by the agency has been given to the protection of the public trust in the air, water or other natural resources of the state from unreasonable pollution, impairment or destruction and whether the agency's decision is supported by competent material and substantial evidence on the whole record.

(c) If the agency's consideration has not been adequate, and notwithstanding that the agency's decision is supported by competent material and substantial evidence on the whole record, the court shall adjudicate the impact of the defendant's conduct on the public trust in the air, water or other natural resources of the state.

(d) Where, as to any administrative, licensing or other proceeding, judicial review thereof is available, the court originally taking jurisdiction shall maintain jurisdiction for purposes of judicial review.

22a-19.

(a) In any administrative, licensing or other proceeding, and in any judicial review made available by law, the attorney general, any political subdivision of the state, any instrumentality or agency of the state or of a political subdivision, any person, partnership, corporation, association, organization or other legal entity may intervene as a party on the filing of a verified pleading asserting that the proceeding or action for judicial review involves conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state.

(b) In any administrative, licensing or other proceeding, the agency shall consider the alleged unreasonable pollution, impairment or destruction of the public trust in the air, water or other natural resources of the state and no conduct shall be authorized or approved which does, or is reasonably likely to, have such effect so long as, considering all relevant surrounding circumstances and factors, there is a feasible and prudent alternative consistent with the reasonable requirements of the public health, safety and welfare.

22a-20.

Nothing in this section shall prevent the granting of interim equitable relief where required and for so long as is necessary to protect the rights recognized. Any person entitled to maintain an action under these sections may intervene as a party in all such procedures. In any judicial review the court shall be bound by the provisions, standards and procedures of these sections and may order that additional evidence be taken with respect to the environmental issues involved.

22a-22.

(a) The commissioner of environmental protection is designated as administrative agent of the state to apply for any funds or other aid, cooperate and enter into contracts and agreements with the federal government relating to the planning, acquisition, development, maintenance, operation, conservation or preservation of outdoor recreation resources or other natural resources of the state.

(b) The commissioner of environmental protection may enter into and administer agreements with the United States or any appropriate agency thereof for planning, acquisition and development projects involving participating federal aid funds relating to outdoor recreation and natural resources on behalf of the state or on behalf of any municipality or regional authority.

22a-25.

The commissioner of environmental protection may acquire in the name of the state and for the benefit of the public, by purchase, lease, gift, devise or exchange, land, waters and rights in land or waters or interests or may take the same by right of eminent domain for any purpose or activity relating to or compatible with the functions of the department of environmental protection.

22a-28.

It is declared that much of the wetlands of this state have been lost or despoiled by unregulated dredging, dumping, filling, and other activities and that the remaining wetlands of this state are all in jeopardy of being lost or despoiled by these and other activities; that such loss or degradation will adversely affect, if not entirely eliminate, the value of such wetlands as sources

of nutrients to finfish, crustacea and shellfish of significant economic value; that such loss or despoliation will destroy such wetlands as habitats for plants and animals of significant economic value and will eliminate or substantially reduce marine commerce, recreation and aesthetic enjoyment; and that such loss or despoliation will, in most cases, disturb the natural ability of tidal wetlands to reduce flood damage and adversely affect the public health and welfare; that such loss or despoliation will substantially reduce the capacity of such wetlands to absorb silt and will result in the increased silting of channels and harbor areas to the detriment of free navigation. Therefore, it is declared to be the public policy of this state to preserve the wetlands and to prevent the despoliation and destruction thereof.

22a-30.

The commissioner or his authorized representative shall have the right to enter upon any public or private property at reasonable times to carry out the provisions. The commissioner shall promptly make an inventory of all tidal wetlands within the state. The boundaries of such wetlands shall be shown on suitable reproductions or aerial photographs to a scale of one inch equals two hundred feet with such accuracy that they will represent a class D survey. Such lines shall generally define the areas that are at or below an elevation of one foot above local extreme high water. Such maps shall be prepared to cover entire subdivisions of the state as determined by the commissioner. If, before the maps are prepared, the commissioner finds that an area is in immediate danger of being despoiled by any activity which would require a permit if such area were designated as wetland and that such area shall probably be so designated when such maps are completed, the commissioner may designate such area as wetland, provided, if such map of such area is not completed within sixty days, such designation shall be void. Upon completion of the tidal wetlands boundary maps for each subdivision, the commissioner shall hold a public hearing. The commissioner shall give notice of such hearing to each owner of record of all lands designated as such wetlands as shown on such maps by registered mail not less than thirty days prior to the date set for such hearing. The commissioner shall also cause notice of such hearing to be published. After considering the testimony given at such hearing and any other facts which may be deemed pertinent and after considering the rights of affected property owners, the commissioner shall establish by order the bounds of each of such wetlands. A copy of the order, together with a copy of the map depicting such boundary lines, shall be

filed in the town clerk's office of all towns affected.

22a-32.

No regulated activity shall be conducted upon any wetland without a permit. Any person proposing to conduct or cause to be conducted a regulated activity upon any wetland shall file an application for a permit with the commissioner, in such form and with such information as the commissioner may prescribe. Such application shall include a detailed description of the proposed work and a map showing the area of wetland directly affected, with the location of the proposed work, together with the names of the owners of record of adjacent land and known claimants of water rights in or adjacent to the wetland of whom the applicant has notice. No sooner than thirty days and not later than sixty days of the receipt of such application, the commissioner or his duly designated hearing officer shall hold a public hearing on such application.

22a-33.

In granting, denying or limiting any permit the commissioner or his duly designated hearing officer shall consider the effect of the proposed work with reference to the public health and welfare, marine fisheries, shell-fisheries, wildlife, the protection of life and property from flood, hurricane and other natural disasters, and the public policy. The commissioner may require a bond in an amount and with surety and conditions satisfactory to him securing to the state compliance with the conditions and limitations set forth in the permit. The commissioner may suspend or revoke a permit if the commissioner finds that the applicant has not complied with any of the conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application. The commissioner may suspend a permit if the applicant fails to comply with the terms and conditions set forth in the application. The commissioner shall state, upon his record, his findings and reasons for all actions taken pursuant to this section.

22a-34.

(a) An appeal may be taken by the applicant or any person or corporation, municipal corporation or interested community group

other than the applicant who has been aggrieved by such order from the denial, suspension or revocation of a permit or the issuance of a permit or conditional permit within thirty days after publication of such issuance, denial, suspension or revocation of any such permit to the court of common pleas for Hartford county. If the court finds that the action appealed from is an unreasonable exercise of the police power, it may set aside the order. If the court so finds that the action appealed from constitutes the equivalent of taking without compensation, and the land so regulated meets the interests and objectives, it may at the election of the commissioner (1) set aside the order or (2) proceed to award damages.

(b) Such appeal shall be brought by a complaint in writing, stating fully the reasons therefor, with a proper citation, signed by a competent authority, and shall be served upon the commissioner and upon all parties having an interest adverse to the appellant.

22a-36.

The inland wetlands and water courses of the state of Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed. The wetlands and water courses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of ground water; and to the existence of many forms of animal, aquatic and plant life. Many inland wetlands and water courses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted and eliminated wetlands and water courses. Such unregulated activity has had and will continue to have, a significant, adverse impact on the environment and ecology of the state of Connecticut and has and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic and recreational values and benefits of the state for its citizens now and forever more. The preservation and protection of the wetlands and water courses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the state.

22a-40.

The following operations and uses shall be permitted in wetlands and water courses, as of right except as they involve regulated activities:

(a) Conservation of soil, vegetation, water, fish, shellfish and wildlife;

(b) Outdoor recreation including play and sporting areas, golf courses, field trails, nature study, hiking, horseback riding, swimming, skin diving, camping, boating, water skiing, trapping, hunting, fishing and shellfishing where otherwise legally permitted and regulated;

(c) Construction and operation of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies or private dams and water control devices, including temporary authorization or diversion of water levels, or circulation for emergency maintenance, or aquaculture purposes;

(d) Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds, three acres or less;

(e) Boat anchorage or mooring;

(f) Uses incidental for the enjoyment and maintenance of residential property, such property defined as the largest minimum lot site permitted by each municipality; and

(g) A residential home on a subdivision lot which subdivision has been approved as of the date of the promulgation of the municipal regulations.

22a-41.

The commissioner shall take into consideration all relevant facts and circumstances, including but not limited to:

(a) The environmental impact of the proposed action;

(b) The alternatives to the proposed action;

(c) The relationship between short-term uses of the environment and the maintenance and enhancement of long-term productivity;

(d) Irreversible and irretrievable commitments of resources which would be involved in the proposed activity;

(e) The character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened; and

(f) The suitability or unsuitability of such activity to the area for which it is proposed when concerned with inland wetland policies.

22a-44.

Any person who commits, takes part in, or assists in any violation, including regulations promulgated by the commissioner and ordinances and regulations promulgated by municipalities or districts pursuant of the grant of authority herein contained, shall be fined not more than one thousand dollars for each offense. Each violation of said sections shall be a separate and distinct offense, and, in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense.

22a-45.

Any owner of wetlands and water courses who may be denied a license in connection with a regulated activity affecting such wetlands and water courses, shall upon written application to the assessor, or board of assessors, of the municipality, be entitled to a revaluation of such property to reflect the fair market value thereof in light of the restriction placed upon it by the denial of such license or permit, effective with respect to the next succeeding assessment list of such municipality, provided no such revaluation shall be effective retroactively and the municipality may require as a condition therefor the conveyance of a less than fee interest to it of such land.

23-9a.

The commissioner of environmental protection may acquire by purchase, lease, gift, or condemnation such land, easements, or rights-of-way as are needed in connection with maintenance, repairs, reconstruction or remodeling of state-owned dams.

24-6.

The weather control board may conduct and promote the conduct of research and development activities relating to weather modification, utilization of weather modification and control, and the protection of life and property during research and operational activities.

24-7.

The weather control board may establish advisory committees

to advise and make recommendations to the board concerning such topics as legislation, policies, research and administration; establish standards and instructions to govern research in weather modification and control; and represent the state in all matters pertaining to plans, procedure, or negotiations for interstate compacts relating to weather modification and control.

25-2.

The commissioner of environmental protection may use the facilities of the Connecticut Agricultural Experiment Station. The department of environmental protection may, at any reasonable time, enter any premises while engaged in the performance of duty under the provisions of this title.

25-3.

The commissioner of environmental protection is authorized, as the representative of the State of Connecticut, to negotiate, cooperate and enter into agreements with other states or interstate compacts relative to flood control, river and harbor improvements or obstructions, navigation, pollution of interstate waters, diversion of interstate waters, which would tend to increase the hazards for flood damages or interfere with navigation during low flows. With respect to matters relating to river and harbor improvement and navigation, the commissioner of transportation shall review and make recommendations.

The commissioner of environmental protection shall be considered the designated shore erosion agency of the state. Investigations and studies of conditions along the shore line, harbors, rivers, and islands shall be carried out in order to promote and encourage healthful recreation, and preventing and correcting shore erosion and damage to public and private property.

25-3b.

The commissioner of environmental protection shall conduct a study of the growth and cause of algae and other plant life in the inland waters of the state and undertake programs of algae abatement and weed control.

25-3d.

The commissioner of environmental protection shall have the power and authority, after a public hearing and issuance of a permit of the corps of engineers of the U. S. Army, to designate and lay out channels and boat basins in lands under tidal and coastal waters for the purpose of providing access to and from deep water to uplands adjacent to or bordering on tidal and coastal waters and for the improvement of coastal and inland navigation. The commissioner shall give written notice and consider the recommendations of the commissioner of transportation.

25-4.

No agreement or compact shall be entered into by the commissioner of environmental protection until approved by the governor and shall not be effective until ratified by the general assembly.

25-4a.

The commissioner of environmental protection shall establish, along any waterway or flood-prone area considered for stream clearance, channel improvement, or any form of flood control, lines beyond which no obstruction or encroachment shall be placed unless authorized by the commissioner. The commissioner shall issue or deny permits based upon flood-carrying capacity of the waterways, flood heights and hazards to life and property, and results of other encroachments established along the waterway.

25-4b.

The commissioner, in establishing such encroachment lines, shall base their location of the boundaries of the area which would be inundated by a flood similar in size to one or more recorded floods which have caused extensive damages in such area or on a size of flood computed by accepted methods applicable generally throughout the state or a region thereof. The determination of the size of the flood and the boundaries of the inundated area shall take into consideration the effects of probable future developments. The position of the lines may vary from the boundaries of the inundated area so as to minimize the area of land to be regulated when a portion of the inundated area does not contribute to the flood-carrying capacity of the waterway. The position of the

lines shall, insofar as practical, equitably affect riparian properties and interests depending upon existing topography and shall be interdependent throughout the reaches of the waterway, and shall conform with the requirements of the federal government imposed as conditions for the construction of flood control projects. When the existing waterway, because of natural or man-made constrictions is such that such lines cannot be established by standard engineering methods, a channel may be adopted, whereby the removal of such constrictions may be anticipated so that reasonable lines can be established by methods applicable to the state generally.

25-4c.

The commissioner or a hearing examiner, designated by him, shall hold a public hearing to review the proposed encroachment lines along any waterway of flood-prone area.

25-4e.

After the commissioner has established such lines on any waterway or flood plain, any obstruction, encroachment or hindrance of any nature placed within such lines in the direction of the waterway, without specific authorization of the commissioner, shall be considered a public nuisance.

25-5.

The commissioner of environmental protection shall make a comprehensive study of all conditions, wherever located, in any way relating to:

(a) The control of flood waters, the establishment of encroachment limits along waterways to provide reasonable flood discharge capacity, the flood control features of existing and future dams and reservoirs, the removal of stream obstructions caused by flood waters, the extent of damage caused by flood waters to property of the state, its political subdivisions industry and agriculture and any necessary means or method by which such damage may be repaired or provided against in case of future floods;

(b) river and harbor improvements, obstructions or encroachments in any of the navigable waters or tributaries within the state.

25-5a.

(a) The commissioner of environmental protection is authorized to carry out a ten-year program of detailed geological and hydrological studies and ground-water investigations and reports throughout the state by means of test drillings, observation wells and any other means necessary to determine ground-water resources, quality and potential supplies, and establish a complete inventory of ground-water resources of the entire state. The commissioner shall endeavor to gather and utilize any data or information obtained by any other state or federal agency or any municipal or private utility with a view toward coordination of all work of such similar nature.

(b) The commissioner is authorized to carry out a program of studies and investigations necessary to establish a complete inventory of surface-water resources of the entire state and shall collect, utilize and coordinate the data and activities of any other state or federal agency or municipal or private utility or corporation.

25-5b.

(a) The department of environmental protection, the state department of health and the office of state planning shall prepare jointly a statewide long-range plan for the management of the water resources of the state. In carrying out such preparation the aforesaid agencies shall:

- (1) Design a unified planning program and budget;
- (2) coordinate regional water and sewer facilities plans and provide technical or financial assistance to regional planning agencies in the preparation of regional water and sewer facilities plans which are necessary as guidelines for the planning and designing of local and interlocal facilities and which are required by the federal government as a prerequisite for grants to municipalities for the construction of certain water and sewer facilities.

(b) The statewide water resources plan shall:

- (1) Identify the quantities and qualities of water that could be available to specific areas under feasible distribution;
- (2) identify present and projected demands for water for specific areas;
- (3) recommend the utilization of the state's water resources, including surface and subsurface water, for their greatest benefits;
- (4) make recommendations for such major engineering works or special districts which may be necessary, including the need, timing and general cost thereof;

(5) recommend land use and other measures where appropriate to insure the desired quality and abundance of water;

(6) take into account desired recreational, agricultural, industrial and commercial use of water bodies; and

(7) seek to incorporate regional and local plans and programs for water use and management and plans for water and sewerage facilities in the statewide plan.

25-7a.

(a) Whenever any public water system has water reserves in excess of those required to maintain an abundant supply of water to inhabitants of its service area, such system may sell such excess water to any other public water system upon approval of the commissioner of environmental protection.

25-7b.

The commissioner of environmental protection shall regulate the erection of structures, and work incidental thereto, in the tidal, coastal or navigable waters of the state with due regard for the prevention or alleviation of shore erosion, the use and development of adjoining upland, the improvement of coastal and inland navigation for all vessels, including small craft for recreational purposes, the use and development of adjacent lands and properties and the interests of the state, including pollution control and recreational use of public waters, with proper regard for the rights and interests of all persons.

25-8.

The commissioner of environmental protection is directed to establish, operate and maintain stream gauging stations in connection with the investigation of the water resources of the state in cooperation with the United States geological survey.

25-8a.

Any town, city, borough or corporation authorized by law to supply pure water for public or domestic use shall have the power to divert and use water from any river for public or domestic use after making written application for and obtaining a permit from the commissioner of environmental protection.

25-10.

The commissioner of environmental protection shall regulate the taking and removal of sand, gravel and other materials from lands under tidal and coastal waters with due regard for the prevention or alleviation of shore erosion, the protection of necessary shell-fish grounds and fin-fish habitats, the preservation of necessary wildlife habitats, the development of adjoining uplands, the rights of riparian property owners, the creation and improvement of channels and boat basins, the improvement of coastal and inland navigation for all vessels including small craft for recreational purposes and the improvement, protection or development of uplands bordering upon tidal and coastal waters, with due regard for the rights and interests of all persons concerned.

25-11.

Except for purposes of maintaining existing channels, turning basins, vessel berths, mooring areas and other waterfront facilities, no person, firm or corporation, public or private, shall remove sand, gravel or other material lying below the mean high water mark of the tidal and coastal waters of the state unless such person, firm or corporation first obtains a permit from the commissioner and agrees to comply with the conditions prescribed in such permit, including a certification by the commissioner that payment for such sand, gravel and other materials shall be made to the state, the amount of any such payment and the time or times of payment, when such materials are disposed of for commercial purposes.

25-14.

The creation, widening, deepening or lengthening of channels in, across or upon state lands under tidal and coastal waters is hereby declared to be affected with the public interest. In addition to his other powers and duties and in conformity with the purposes thereof, the commissioner shall have the power and authority, after a public hearing subject to the issuance of a permit by the corps of engineers of the United States Army, to designate and lay out channels across state lands under tidal and coastal waters for the purpose of providing access to and from deep water to uplands adjacent to or bordering state lands under tidal and coastal waters and for the improvement of coastal and inland navigation by vessels, including small craft for recreational purposes.

25-26.

No person, corporation or municipality shall place in or permit to be placed in, or directly or indirectly discharge or permit to flow into, any of the waters of the state, any sewage prejudicial to public health. The commissioner of environmental protection shall investigate all points of sewage discharge which may directly or indirectly result in pollution of the waters of the state, and shall examine all existing or proposed public sewerage systems, and shall compel their operation in a manner which shall protect the public health and shall order their alteration, extension and replacement when necessary for the protection of public health, and the qualifications of the operators of sewage treatment plants shall be subject to the approval of said commissioner. No public sewerage system shall be built until the plan or design of the same and the method of operation thereof have been filed with said commissioner and approved by him, and no such system or plant shall be extended or replaced, until the plan for the same has been approved by him.

25-32.

The state department of health shall have jurisdiction over all matters concerning the purity and adequacy of any source of water or ice supply used by any municipality, public institution or water or ice company for obtaining water or ice, the safety of any distributing plant and system for public health purposes, the adequacy of methods used to assure water purity, and such other matters relating to the construction and operation of such distributing plant and system as may affect public health. The qualifications of the operators of plants for the treatment of water furnished or intended to be furnished to any such water supply shall be subject to the approval of said department. The term "source of water or ice supply" includes all springs, streams, water courses, brooks, rivers, lakes, ponds, wells or underground waters from which water or ice is taken, and all springs, streams, water courses, brooks, rivers, lakes, ponds, wells or underground waters tributary thereto and all lands drained thereby.

25-32a.

"Consumer" means any private dwelling, hotel, motel, boarding house, apartment, store, office building, institution, mechanical or manufacturing establishment or other place of business or industry to which water is supplied by a water company; "water company" means any individual, partnership, association, corporation, municipality or other entity, or the lessee thereof, who or which

owns, maintains, operates, manages, controls or employes any pond, lake, reservoir, well stream or distributing plant or system for the purpose of supplying water to two or more consumers.

25-34.

The state department of health may, and upon complaint shall, investigate any system of water supply or source of water or ice supply from which water or ice used by the public is obtained, and, if it finds any pollution or threatened pollution which in its judgment is prejudicial to public health, it shall notify the owner or operator of such water company or system of ice supply, or the person or corporation causing or permitting such pollution or threatened pollution, and the commissioner of environmental protection, of its findings and after hearing shall make such orders as it deems necessary to protect such water or ice supply and render such water or ice safe for domestic use.

25-39.

Any person who puts anything into a well, spring, fountain, cistern or other place from which water is procured for drinking or other purposes, with the intent to injure the quality of such water, shall be fined not more than five hundred dollars or imprisoned not more than six months.

25-41.

No cemetery or place of sepulture shall be located or established within one-half mile of any reservoir from which the inhabitants of a town, city or borough are supplied with water, nor shall such reservoir be located or established within one-half mile of a cemetery or place of sepulture unless the superior court for the county where the cemetery, place of sepulture, or reservoir is located, upon application and notice, finds that the location is of public convenience and necessity and will not be detrimental to the public health.

25-42.

Any town, city, borough or corporation authorized by law to supply the inhabitants of any town, city or borough with pure water for public or domestic use may take and use such lands, springs, streams or ponds, or such rights or interests therein, as the

superior court, or any judge thereof in vacation, on application, deems necessary for the purposes of such supply. For the purpose of preserving the purity of such water and preventing any contamination thereof, such town, city, borough or corporation may take such lands or rights as the superior court, or any judge thereof in vacation, on application, deems necessary therefor. In any case in which the law requires compensation to be made to any person whose rights, interests or property may be injuriously affected by such orders, the court or judge shall appoint a committee of three disinterested property owners of the county who shall determine and award the amount to be paid by such authorities before such order is carried into effect.

25-43.

Any person who bathes or swims in any reservoir from which the inhabitants of any town, city or borough are supplied with water, or in any lake, pond or stream tributary to any distribution reservoir, or in any part of any lake, pond or stream tributary to any storage reservoir which part is distant less than two miles measured along the flow of water from any part of such storage reservoir, and any person who casts any filthy or impure substance into any such reservoir, whether distribution or storage, or any of its tributaries, or commits any nuisance in or about it or them, shall be fined not more than one hundred dollars or imprisoned not more than six months, or both. A storage reservoir is defined as an artificial impoundment of substantial amounts of water, used or designed for the storage of a public water supply and the release to a distribution reservoir, defined as a reservoir from which water is directly released into pipes or pipelines leading to treatment or purification facilities or connected directly with distribution mains of a public water system.

25-45.

The legislative body of any city or borough may make, alter and repeal ordinances to regulate or prevent fishing, trespassing or any nuisance in or upon any property of such city or borough or of any subdivision.

25-46.

For the purpose of protecting the purity of interstate waters used or intended for use by any municipality, public institution

or water company of this or of any adjoining state or states as sources of drinking water supply, and with a view to reciprocal action by adjoining states for the benefit of this state, the state department of health is authorized, at the request of the department of health, or the official body having similar powers and duties, of an adjoining state, to provide in the sanitary code regulations for the protection of the purity of the waters of any lakes, ponds, streams and reservoirs, within any specified drainage area in this state, tributary to any such drinking water supply of an adjoining state.

25-54a.

It is found and declared that the pollution of the waters of the state is inimical to the public health, safety and welfare of the inhabitants of the state, is a public nuisance and is harmful to wildlife, fish and aquatic life and impairs domestic, agricultural, industrial, recreational and other legitimate beneficial uses of water, and that the use of public funds and the granting of tax exemptions for the purpose of controlling and eliminating such pollution is a public use and purpose for which public monies may be expended and tax exemptions granted, and the necessity and public interest for the enactment of this chapter and the elimination of pollution is hereby declared as a matter of legislative determination.

25-54b.

As used in this chapter: "commissioner" means the commissioner of environmental protection; "waters" means all tidal waters, harbors, estuaries, rivers, brooks, watercourses, waterways, wells, springs, lakes, ponds, marshes, drainage systems, and all other surface or underground streams, bodies or accumulations of water, natural or artificial, public or private, which are contained within, flow through or border upon this state or any portion thereof; "wastes" means sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the waters of the state; "pollution" means harmful thermal effect or the contamination or rendering unclean or impure or prejudicial to public health of any waters of the state by reason of any wastes or other material discharged or deposited therein by any public or private sewer or otherwise so as directly or indirectly to come in contact with any waters; "rendering unclean or impure" means any alteration of the physical, chemical or biological properties of any of the waters of the state including but not limited to, change in odor,

color, turbidity or taste; "harmful thermal effect" means any significant change in the temperature of any waters resulting from a discharge therein, the magnitude of which temperature change does or is likely to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life; "person" means any individual, partnership, association, firm, corporation or other entity, except a municipality, and includes any officer or governing or managing body of any partnership, association, firm or corporation; "community pollution problem" means the existence of pollution which, in the sole discretion of the commissioner, can best be abated by the action of a municipality; "municipality" means any metropolitan district, town, consolidated town and city, consolidated town and borough, city borough, village, fire and sewer district, sewer district and each municipal organization having authority to levy and collect taxes or make charges for its authorized function; "discharge" means the emission of any water, substance or material into the waters of the state, whether or not such substance causes pollution; "pollution abatement facility" means treatment works which are used in the treatment of waters including the necessary intercepting sewers, outfall sewers, pumping, power and other equipment, and their appurtenances, and includes any extensions, improvements, remodeling, additions and alterations thereof; "disposal system" means a system for disposing of or eliminating wastes, either by surface or underground methods, and includes sewage systems, pollution abatement facilities, disposal wells and other systems; "federal water pollution control act" means the Federal Water Pollution Control Act, 33 U.S.C. section 466 et seq., including amendments thereto and regulations thereunder; "order to abate pollution" includes an order to abate existing pollution or to prevent reasonably anticipated sources of pollution.

25-54c.

The commissioner shall have the following powers and duties:

(a) To exercise general supervision of the administration and enforcement of this chapter;

(b) to develop comprehensive programs for the prevention control and abatement of new or existing pollution of the waters of the state;

(c) to advise, consult and cooperate with other agencies of the state, the federal government, other states and interstate agencies and with affected groups, political subdivisions and industries in furtherance of the purposes of this chapter;

(d) to submit plans for the prevention and control of water pollution and to render reports and accounts to the United States secretary of the interior, the federal water pollution control administration and to any other federal officer or agency on such forms containing such information as the said secretary and the federal water pollution control administration, or any other federal officer or agency, may reasonably require, in order to qualify the state and its municipalities for grants from the United States government;

(e) to encourage, participate in or conduct studies, investigations, research and demonstrations and collect and disseminate information, relating to water pollution and the causes, prevention, control and abatement thereof;

(f) to issue, modify or revoke orders prohibiting or abating pollution of the waters of the state, or requiring the construction, modification, extension or alteration of pollution abatement facilities or any parts thereof, or adopting such other remedial measures as are necessary to prevent, control or abate pollution;

(g) to hold such hearings as may be required under the provisions of this chapter, for which he shall have the power to issue notices by certified mail, administer oaths, take testimony and subpoena witnesses and evidence;

(h) to require the submission of plans, specifications and other necessary data for, and inspect the construction of, pollution abatement facilities and disposal systems in connection with the issuance of such permits or approvals as may be required by this chapter;

(i) to issue, continue in effect, revoke, modify or deny permits, under such conditions as he may prescribe, for the discharge of any water, substance or material into the waters of the state, or orders for or approval of the installation, modification or operation of pollution abatement facilities;

(j) to require proper maintenance and operation of disposal systems;

(k) to exercise all incidental powers necessary to carry out the purposes of this chapter.

25-54d.

The commissioner may require any person or municipality to maintain such records relating to pollution, possible pollution or the operation of pollution abatement facilities as he deems necessary to carry out the provisions of this chapter.

25-54e.

(a) The commissioner of environmental protection shall adopt, and may thereafter amend, standards of water quality applicable to the various waters of the state. Such standards shall be consistent with the federal water pollution control act and shall be for the purpose of qualifying the state and its municipalities for available federal grants and for the purpose of providing clear and objective public policy statements of a general program to improve the water resources of the state; provided no standard of water quality adopted shall plan for, encourage or permit any wastes to be discharged into any of the waters of the state without having first received the treatment available and necessary for the elimination of pollution. Such standards of quality shall:

(1) Apply to interstate waters or portions thereof within the state;

(2) apply to such other waters within the state as the commissioner may determine is necessary;

(3) protect the public health and welfare and promote the economic development of the state;

(4) preserve and enhance the quality of state waters for present and prospective future use for public water supplies, propagation of fish and aquatic life and wildlife, recreational purposes and agricultural, industrial and other legitimate uses;

(5) be consistent with health standards as established by the state department of health.

(b) Prior to adopting, amending or repealing standards of water quality, the commissioner shall conduct a public hearing.

(c) The commissioner shall monitor the quality of the subject waters to demonstrate the results of his program to abate pollution.

25-54f.

No person or municipality shall cause pollution of any of the waters of the state or maintain a discharge of any treated or untreated wastes in violation of any provision of this chapter.

25-54g.

If the commissioner finds that any municipality is causing pollution of the waters of the state, or that a community pollution problem exists, or that pollution by a municipality or a community pollution problem can reasonably be anticipated in the future, he shall issue to the municipality an order to abate pollution. If

the commissioner, after giving due regard to regional factors, determines that such pollution can best be abated by the action of two or more adjacent municipalities, he may issue his order jointly or severally to such municipalities. If a community pollution problem exists in, or if pollution is caused by, a municipality geographically located all or partly within the territorial limits of another municipality, the municipality shall be ordered to abate the pollution or shall, after giving due regard to regional factors, issue an order to both of such municipalities jointly to provide the facilities necessary to abate the pollution. Any order issued pursuant to this section shall include a time schedule for action by the municipality or municipalities, as the case may be, which may require, but is not limited to, the following steps to be taken by such municipality or municipalities:

- (a) Submission of an engineering report outlining the problem and recommended solution therefor for approval by the commissioner;
- (b) submission of contract plans and specifications for approval by the commissioner;
- (c) arrangement of financing;
- (d) acceptance of state and federal construction grants;
- (e) advertisement for construction bids;
- (f) start of construction;
- (g) placing in operation.

25-54h.

If the commissioner finds that any person prior to May 1, 1967, has caused pollution of any of the waters of the state, which pollution recurs or continues after said date, he shall issue an order to abate pollution to such person. The order shall include a time schedule for the accomplishment of the necessary steps leading to the abatement of the pollution.

25-54i.

(a) No person shall, after May 1, 1967, initiate, create or originate any new discharge of water, substance or material into the waters of the state without first obtaining a permit for such discharge from the commissioner. Application for such permit shall be on a form prescribed by the commissioner and shall include such information as the commissioner may require.

(b) No sooner than thirty days and not later than sixty days after the receipt of an application for a permit as required in subsection (a), the commissioner shall hold a public hearing on such application.

(c) The permits issued pursuant to this section shall be for a period of five years, except that any such permit shall be subject to the provisions of section 25-54j. Such permit:

(1) Shall specify the manner, nature and volume of discharge;

(2) shall require proper operation and maintenance of any pollution abatement facility required by such permit;

(3) may be renewable for like periods in accordance with procedures and requirements established by the commissioner; and

(4) shall be subject to such other requirements and restrictions as the commissioner deems necessary to comply fully with the purposes of this chapter.

25-54j.

The commissioner shall periodically investigate and review those sources of discharge which are operating pursuant to any order, permit, directive or decision issued by the water resources commission or the commissioner before or after May 1, 1967, and, if he determines that there has been any substantial change in the manner, nature or volume of such discharge which will cause or threaten pollution to any of the waters of the state, or if he finds that the system treating such discharge, or the operation no longer insures or adequately protects against pollution of the waters of the state, the commissioner shall issue an order to abate such pollution to such person or municipality. Such order shall include a time schedule for the accomplishment of the necessary steps leading to the abatement of the pollution.

25-54k.

If the commissioner finds that any person is maintaining any facility or condition which reasonably can be expected to create a source of pollution to the waters of the state, he shall issue an order to such person maintaining such facility or condition to take the necessary steps to correct such potential source of pollution.

25-54l.

Whenever the commissioner issues an order to abate pollution, and the commissioner finds that such person is not the owner of the land from which such source of pollution emanates, he may issue a like order to the owner of such land or shall send a certified copy of such order, by certified mail, return receipt requested, to the

owner at his last-known post-office address. When the commissioner issues an order to an owner, the owner and the person causing such pollution shall be jointly and severally responsible.

25-54m.

When the commissioner issues an order to any person to abate pollution, he may cause a certified copy thereof to be filed on the land records in the town wherein the land is located, and such order shall constitute a notice to the owner's heirs, successors and assigns. When the order has been fully complied with, the commissioner shall issue a certificate showing such compliance, which certificate the commissioner shall cause to be recorded on the land records in the town wherein the order was previously recorded.

25-54n.

If any person or municipality fails to comply with any order to abate pollution, or any part, and no request for a hearing on such order or appeal therefrom is pending and the time for making such request or taking such appeal has expired, the commissioner shall request the attorney general to bring an action in the superior court for Hartford county to enjoin such person or municipality from maintaining such pollution and to comply fully with such order or any part.

25-54q.

Any person or municipality which knowingly violates any provision of this chapter shall forfeit to the state a sum not to exceed one thousand dollars, to be fixed by the court, for each offense. Each violation shall be a separate and distinct offense and, in case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense.

25-54r.

The commissioner shall make a grant to any municipality which, after May 1, 1967, constructs, rebuilds, expands or acquires a pollution abatement facility. In the case of a municipality which, on said date, is in the process of constructing, rebuilding, expanding or acquiring such a facility, such grant shall apply only to that part of the facility constructed, rebuilt, expanded or acquired

after said date. The grants under this section shall be subject to the following conditions:

(1) No grant shall be made for any pollution abatement facility unless such facility, and the plans and specifications therefor, are approved by the commissioner, and such facility is constructed in accordance with a time schedule of the commissioner, and subject to such requirements as the commissioner shall impose. If the commissioner requires that the facility be approved by the federal water pollution control administration, such grant shall be conditioned upon the municipality complying with all of the requirements of said water pollution control administration;

(2) no grant shall be made until the municipality has agreed to pay that part of the total cost of the facility which is in excess of the applicable state and federal grants;

(3) the grant to each municipality shall equal thirty per cent of the cost of such facility, which cost shall be that cost which the federal water pollution control administration uses or would use in making a federal grant, except that where the commissioner has approved plans for a facility exceeding the requirements of the federal act, the grant shall be thirty per cent of the actual cost provided the percentage of the cost which is the grant under this section shall be reduced so that the total federal and state grants available to the municipality shall not exceed ninety per cent of the cost of such facility;

(4) the state grant under this section shall be paid to the municipality in partial payments similar to the time schedule that such payments are or would be provided to the municipality by the federal water pollution control administration;

(5) no grant shall be made unless the municipality assures the commissioner of the proper and efficient operation and maintenance of the pollution abatement facility after construction;

(6) no grant shall be made unless the municipality has filed properly executed forms and applications prescribed by the commissioner;

(7) any municipality receiving state or federal grants for pollution abatement facilities shall keep separate accounts by project for the receipt and disposal of such eligible project funds.

25-54s.

The commissioner may provide a grant of thirty per cent to a municipality for the cost of those projects which it determines to be essential to a storm and sanitary sewer separation program when he finds that such project is primarily for the separation of storm and sanitary sewage and will eliminate a substantial source of pollution. The cost of the project used to determine the state grant

in this section shall not include any cost for the acquisition of land rights or interests.

25-54t.

The commission shall make a grant to any municipality which, prior to May 1, 1967, constructed, rebuilt, acquired or expanded a pollution abatement facility, which grant shall be thirty per cent of the principal amount of bond or note obligations of such municipality, issued to finance such construction, rebuilding, acquisition or expansion and outstanding on said date, exclusive of all interest costs and for which grant application is made prior to October 1, 1969.

25-54u.

If federal funds are not available to the municipality at the time of its scheduled construction of a pollution abatement facility, the commissioner shall advance to such municipality, in addition to the state contribution, that sum of money which would equal the amount of the federal grant, provided the municipality shall agree that any federal contribution thereafter made for the project shall be forwarded to the state as reimbursement for the funds expended under this section.

25-54x.

The commissioner of environmental protection is designated as the officer of the state to manage, administer and control funds appropriated by the general assembly or authorized by the state bond commission to carry out the provisions of this chapter.

25-54y.

The commissioner of environmental protection is designated as the administrative agency of the state to apply for and accept any funds or other aid and to cooperate and enter into contracts and agreements with the federal government relating to the planning, developing, maintaining and enforcing of the program to provide clean water and pollution abatement of the waters of the state, or for any other related purpose which the congress of the United States has authorized or may authorize.

25-54z.

(a) The state bond commission is empowered to authorize the issuance of bonds of the state in one or more series in an aggregate principal amount not exceeding three hundred twenty-five million dollars. The proceeds of the sale of said bonds shall be used for the making of advances and grants and for the payment of expenses incurred by the department of environmental protection in carrying out the provisions of this chapter which are not otherwise provided for from the state general fund.

25-54bb.

"Oil" means floating oil of any kind or in any form including but not limited to fuel oil, sludge, oil refuse and oil mixed with other matter.

25-54cc.

(a) The commissioner of environmental protection shall, to the extent possible, immediately, whenever there is discharge, spillage, seepage or filtration of oil or petroleum or chemical liquids or products upon any land or into any of the waters of the state or into any offshore or coastal waters, which may result in damage to beaches or coastal areas, cause such discharge, spillage, seepage or filtration to be contained and removed by whatever method the commissioner considers best and most expedient under the circumstances. The commissioner shall also determine the person, firm or corporation responsible for causing such discharge, spillage, seepage or filtration.

(b) The commissioner shall

(1) license all terminals in the state for the loading or discharge of petroleum or chemical liquids or products from vessels and shall issue reasonable regulations in connection therewith for the purposes of protecting the public safety and for preventing the discharge or spilling of oil or petroleum or chemical liquids or products into the waters of the state.

(2) provide by regulations for the establishment and maintenance in operating condition and position of suitable equipment to contain as far as possible any oil, petroleum or chemical liquids or products spilled or discharged into the waters of the state,

(3) inspect periodically all hoses, gaskets, tanks, pipelines and other equipment used in connection with the transfer, transportation or storage of oil, petroleum or chemical liquids or products to make certain that they are in good operating condition, and shall order the renewal of any of such equipment found unfit

for further use,

(4) require by regulations that suitable equipment be readily available and in operating position to remove from the waters of the state any oil, petroleum or chemical liquids or products spilled or discharged.

(5) require the payment of reasonable fees by any person, firm or corporation which directly or indirectly transfers, transports or stores any oil, petroleum or chemical liquids or products and such fees shall be used to reimburse the state for the cost of inspections.

Any person, firm or corporation which operates any such terminal in this state after January 1, 1970, without a license to do so, issued by the commissioner, shall be fined one hundred dollars per day during any period of unlicensed operation of such terminal.

25-54dd.

The master of any ship, boat, barge or other vessel, or the person in charge of any terminal for the loading or discharge of any oil, petroleum or chemical liquids or products, or the person in charge of any establishment, or the operator of any vehicle, trailer or other machine which by accident, negligence or otherwise causes the discharge, spillage, seepage, filtration or other pollution or contamination of the waters of this state with oil or other petroleum or chemical liquids or products, shall immediately report such facts as the commissioner by regulation may require to the state police who shall, upon receipt of such report, take such action as the commissioner may require. Such report shall also be made to the United States Coast Guard, except that if the pollution and contamination does not occur in or affect the coastal waters of the state or any river or stream which flows into such waters and from the circumstances there is no possibility that such pollution or contamination will affect any such river or stream or coastal waters, the report required by this section may be made to the state police only.

25-54ee.

Any person, firm or corporation which directly or indirectly causes pollution and contamination of any land or waters of the state through the discharge, spillage, seepage, filtration or otherwise of oil or any petroleum or chemical liquid or product which pollution or contamination will result in damages in excess of five thousand dollars, as estimated by the commissioner, shall be liable for all costs and expenses incurred by said commissioner in containing and removing such pollution and contamination, pro-

vided, if such pollution or contamination was negligently caused, such person, firm or corporation may, at the discretion of the court, be liable for damages equal to one and one-half times the costs and expenses incurred by said commissioner.

25-54ff.

(a) Any person, firm or corporation which removes oil or petroleum or chemical liquids or products from the waters of this state or adjoining shorelines or beaches shall be entitled to reimbursement from any other person, firm or corporation for the reasonable costs expended for the removal, if such oil or petroleum or chemical liquids or products pollution or contamination resulted from the negligence or other actions of such other person, firm or corporation. When such pollution or contamination results from the joint negligence or other actions of two or more persons, firms or corporations, each shall be liable to the others for his or its pro rata share of the costs of containing and removing the same and for all damage caused thereby.

25-54hh.

No person shall engage in the business of collecting waste oil or petroleum or chemical liquids or products or of acting as a contractor to contain or remove spills of such material or shall dispose of waste oil or petroleum or chemical liquids or products in any waters of the state, without a permit from the commissioner.

25-54ii.

No individual, partnership, association, firm, corporation or other entity shall operate any ship, boat, barge or other vessel, whether or not self-propelled, in or entering upon the waters of this state with the purpose of discharging or receiving any cargo of any oil or bulk petroleum product in this state unless such individual, partnership, association, firm, corporation or other entity has posted with the secretary of the state a bond in the sum of fifty thousand dollars payable to the state.

25-54ll.

Notwithstanding any provision of the general statutes, any special act or municipal charter provision to the contrary, the

legislative body of any municipality ordered by the commissioner of environmental protection to construct sewers or a disposal plant in order to abate or control water pollution shall establish a sewer authority and authorize the necessary funds to undertake and complete such construction project.

25-54nn.

(a) "Synthetic detergent" or "detergent" means any cleaning compound which is available for household use, laundry use, other personal uses or industrial use which is composed of organic and inorganic compounds, including soaps, water softeners, surface active agents, dispersing agents, foaming agents, buffering agents, builders, fillers, dyes, enzymes and fabric softeners, whether in the form of crystals, powders, flakes, bars, liquids, sprays or any other form;

(b) "polyphosphate builder" or "phosphorus" means a water softening and soil suspending agent made from condensed phosphates, including pyrophosphates, triphosphates, tripolyphosphates, metaphosphates and glassy phosphates, used as a detergent ingredient, but shall not include "polyphosphate builders" or "phosphorus" which is essential for medical, scientific or special engineering use under such conditions and regulations as may be prescribed by the public health council;

(c) "recommended use level" means the amount of synthetic detergent or detergent which the manufacturer thereof recommends for use per wash load, at which level such synthetic detergent or detergent will effectively perform its intended function;

(d) "machine dishwasher" means equipment manufactured for the purpose of cleaning dishes, glassware and other utensils involved in food preparation, consumption or use, using a combination of water agitation and high temperatures;

(e) "dairy equipment," "beverage equipment" and "food processing equipment" mean that equipment used in the production of milk and dairy products, foods, and beverages, including the processing, preparation or packaging thereof for consumption;

(f) "industrial cleaning equipment" means machinery and other tools used in cleaning processes during the course of industrial manufacturing, production and assembly.

25-54oo.

No person, firm or corporation shall sell, offer or expose for sale, give or furnish any synthetic detergent or detergent, whether in the form of crystals, powders, flakes, bars, liquids, sprays or any other form, in the state of Connecticut on and after February 1, 1972, unless the container, wrapper or other packaging thereof shall be clearly labeled with respect to its polyphosphate builder or phosphorus ingredient content clearly and legibly set forth thereon in terms of percentage of phosphorus by weight, expressed as elemental phosphorus per container, wrapper or other packaging, as well as grams of phosphorus, expressed as elemental phosphorus, per recommended use level.

25-54pp.

No person, firm or corporation shall sell, offer or expose for sale, give or furnish any synthetic detergent or detergent containing more than eight and seven-tenths per cent of phosphorus by weight, expressed as elemental phosphorus, within the state of Connecticut from and after February 1, 1972. No person, firm or corporation shall sell, offer or expose for sale, give or furnish any synthetic detergent or detergent which requires a recommended use level of such synthetic detergent or detergent which contains more than seven grams of phosphorus by weight expressed as elemental phosphorus, within the state of Connecticut from and after February 1, 1972. Notwithstanding the foregoing provisions of this subsection, synthetic detergents or detergents manufactured for use in machine dishwashers, dairy equipment, beverage equipment, food processing equipment and industrial cleaning equipment shall not be subject to the limitations herein set forth.

25-56.

Whereas, The tremendous growth of population and the development of the territory surrounding and adjacent to the harbor of New York has resulted in recent years in an increasingly serious pollution of the harbor, coastal and tidal waters in such area and the tributary waters therein; and

Whereas, Such pollution constitutes a grave menace to the health, welfare and recreational facilities of the people living in such area and is occasioning great economic loss; and

Whereas, The control of future pollution and the abatement of existing pollution in the waters in such area is of prime importance to the people living in such area and can best be accomplished through the cooperation of the states of New Jersey and New York and Connecticut by and through a joint or common agency;

Now, therefore, The state of New York and the state of New Jersey and the state of Connecticut do agree and are bound as follows:

ARTICLE I

1. Each of the signatory states pledges each to the other faithful cooperation in the control of future pollution and agrees to provide for the abatement of existing pollution in the tidal and coastal waters in the adjacent portions of the signatory states defined herein as coming within the district, and consistent with such object, to enact adequate legislation which will enable each of the signatory states to put and maintain the waters thereof in a satisfactory sanitary condition and particularly to protect public health; to render safe such waters as are now used or may later become available for bathing and recreational purposes; to abate and eliminate such pollution as becomes obnoxious or causes a nuisance; to permit the maintenance of major fish life, shellfish and marine life in waters now available or that may, by practicable means, be made available for the development of such fish, shellfish or marine life; to prevent oil, grease or solids from being carried on the surface of the water; to prevent the formation of sludge deposits along the shores or in the waterways; and, with the fulfillment of these objectives to abate and avoid incurring unnecessary economic loss by safeguarding the rights of the public in its varied legitimate uses of the waters of the district.

ARTICLE IV

1. The commission shall consist of five commissioners from each state, each of whom shall be a resident voter of the state from which he is appointed. The commissioners shall be chosen in the manner and for the terms provided by law of the state from

which they shall be appointed, and each commissioner may be removed or suspended from office as provided by the law of the state from which he shall be appointed.

ARTICLE VI

1. It is recognized by the signatory states that, where tidal waters are used for such varied purposes as bathing, navigation, shellfish culture, the development of fish life and the disposal of wastes, no single standard of purity is practicable in all parts of the district. In order to attain the objects of this compact, the commission, after proper study and after conducting public hearings upon due notice, shall group the designated waters of the district into classes. Where local conditions shall have changed in the future to such an extent that changes in classification become necessary, the commission may, after conducting public hearings upon due notice, adopt such changes.

Two general classifications shall be used:

(1) Class "A," in which the designated water areas are expected to be used primarily for recreational purposes, shellfish culture or the development of fish life;

(2) Class "B," in which the designated water areas are not expected to be used primarily for recreational purposes, shellfish culture or the development of fish life.

ARTICLE VII

1. It is agreed between the signatory states that no sewage or other polluting matters shall be discharged or permitted to flow into, or to be placed in, or permitted to fall or move into the tidal waters of the district, except under the following conditions and restrictions:

(1) All sewage discharged or permitted to flow into class "A" waters of the district shall first have been so treated as (a) to remove all floating solids and at least sixty per centum (60%) of the suspended solids; and (b) to effect a reduction of organisms of the E. coli group (intestinal bacilli) so that the probable number of such organisms shall not exceed one per cubic centimeter in more than fifty per centum (50%) of the samples of sewage effluent tested by the partially confirmed test; provided, however, that in the case of discharge into waters used primarily for bathing this bacterial standard need not be required except during the bathing season; and (c) to effect a reduction in the oxygen demand of the sewage effluent sufficient to maintain an average dissolved oxygen content in the tidal waters of the district and in the general vicinity of the point of discharge of the sewage into those waters, at a depth of about five feet below the surface, of not less than fifty per centum (50%) saturation during any week of the year.

2. All sewage discharged or permitted to flow into class "B" waters of the district shall first have been so treated as (a) to remove all floating solids and at least ten per centum (10%) of

the suspended solids, or such additional percentage as may, by reason of local conditions, be necessary to avoid the formation of sludge deposits in the class "B" waters of the district; and (b) to effect a reduction in the oxygen demand of the sewage effluent sufficient to maintain an average dissolved oxygen content in the tidal waters of the district and in the general vicinity of the point of discharge of the sewage into those waters, at a depth of about five feet below the surface, of not less than thirty per centum (30%) saturation during any week of the year.

ARTICLE VIII

1. Each of the signatory states agrees that, in so far as waters within its jurisdiction may flow into any portion of the district, all sewage discharged or permitted to flow into any stream tributary to the tidal waters of the district shall be treated to that extent, if any, which may be necessary to maintain such tributary immediately above its confluence with the tidal waters of the district in a sanitary condition at least equal to the classification requirements determined by the commission for the tidal waters of the district into which it discharges. The waters of the Hudson river, immediately above the mouth of the Sparkhill creek on the westerly side and the New York-New Jersey boundary extended on the easterly side of the river, shall be maintained in a sanitary condition at ebb tide at least equal to the sanitary condition prevailing in the waters of the river immediately below said boundary at flood tide.

ARTICLE IX

1. Nothing in this compact shall be construed to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any signatory state imposing any additional conditions and restrictions to further lessen or prevent the pollution of waters within its jurisdiction.

ARTICLE XI

1. Each of the signatory states agrees that it will prohibit the pollution of the said waters within the district in accordance with the several articles of this compact, and that it will enact suitable and adequate legislation which will accomplish effectively the objects of this compact and which will enable its officers, departments, boards and agents to accomplish satisfactorily the obligations and duties assumed by the state under the terms of this compact, and it is further agreed that the courts of the several states shall have jurisdiction to enforce as against any person, corporation, municipality or other entity or any employee, department or subdivision of the respective signatory states any and all provisions of this compact. The commission shall have authority to investigate and determine if the requirements of the compact and/or the orders of the commission pursuant thereto are complied with and if satisfactory progress has not been made, to

bring action in its own name in the proper court or courts to compel the enforcement of any and all the provisions of this compact, and/or the orders of the commission pursuant thereto.

ARTICLE XII

1. In order that future pollution be controlled and existing pollution be abated with the greatest possible economy and efficiency, the commission shall cooperate and advise with the respective state and district authorities having jurisdiction over stream pollution, with a view to coordinating their activities and securing the most satisfactory results at lower cost. For such purpose the commission may prepare a general plan of the most practicable and economical method of securing conformity with the standards herein set forth, having in view the future growth and development of the district. Such plan when completed shall be submitted to the governor and the legislature of each state and to the state agency or agencies or district agencies in charge of sewage problems.

ARTICLE XIII

1. Terms used in this compact are defined as follows:

"District" means the area more particularly described in article two of this compact.

"Commission" means the Interstate Sanitation Commission.

"Municipality" means any city, incorporated village, borough, county, town, township, district, or any municipality governed by an improvement commission, any joint sewer commission, or any other sub-division of any one of the signatory states, located within the district.

"Rule" or "Regulation" means any rule or regulation established by the commission not inconsistent with the constitution of the United States or of any signatory state, promulgated by the commission touching the abatement of pollution of the waters of the district.

"Tidal waters" means all those waters which ebb and flow within the designated district.

"Dissolved oxygen" is the gaseous oxygen held in solution by the water at any given time. It is expressed as a percentage of the maximum amount of oxygen that would be required to saturate the water under the existing conditions of temperature and salinity.

"Pollution" is any foreign matter which renders waters unfit to sustain fish life and unsatisfactory for bathing.

"Sewage effluent" means the treated sewage discharged from a treatment plant.

"Suspended solids" means those solid particles carried in suspension in the untreated sewage or sewage effluent.

"Entity" means any organization or association owning, controlling

or operating a sewerage system or treatment plant within a municipality.

25-68.

Whereas, The growth of population and the development of the territory of the New England states has resulted in serious pollution of certain interstate streams, ponds and lakes, and of tidal waters ebbing and flowing past the boundaries of two or more states; and

Whereas, Such pollution constitutes a menace to the health, welfare and economic prosperity of the people living in such area; and

Whereas, The abatement of existing pollution and the control of future pollution in the interstate waters of the New England area are of prime importance to the people and can best be accomplished through the cooperation of the New England states in the establishment of an interstate agency to work with the states in the field of pollution abatement;

Now, therefore, The states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont do agree and are bound as follows:

ARTICLE I

It is agreed between the signatory states that the provisions of this compact shall apply to streams, ponds and lakes which are contiguous to two or more signatory states or which flow through two or more signatory states or which have a tributary contiguous to two or more signatory states or flowing through two or more signatory states, and also shall apply to tidal waters ebbing and flowing past the boundaries of two states.

ARTICLE II

There is hereby created the New England Interstate Water Pollution Control Commission (hereinafter referred to as the commission) which shall be a body corporate and politic, having the powers, duties and jurisdiction herein enumerated and such other and additional powers as shall be conferred upon it by the act or acts of a signatory state concurred in by the others.

ARTICLE III

The commission shall consist of five commissioners from each signatory state, each of whom shall be a resident voter of the state from which he is appointed. The commissioners shall be

chosen in the manner and for the terms provided by law of the state from which they shall be appointed. For each state there shall be on the commission a member representing the state health department, a member representing the state water pollution control board (if such exists), and, except where a state in its enabling legislation decides that the best interests of the state will be otherwise served, a member representing municipal interests, a member representing industrial interests, and a member representing an agency acting for fisheries or conservation.

ARTICLE V

It is recognized, owing to such variable factors as location, size, character and flow and the many varied uses of the waters subject to the terms of this compact, that no single standard of sewage and waste treatment and no single standard of quality of receiving waters is practical and that the degree of treatment of sewage and industrial wastes should take into account the classification of the receiving waters according to present and proposed highest use, such as for drinking water supply, industrial and agricultural uses, bathing and other recreational purposes, maintenance and propagation of fish life, shellfish culture, navigation and disposal of wastes.

The commission shall establish reasonable physical, chemical and bacteriological standards of water quality satisfactory for various classifications of use. It is agreed that each of the signatory states through appropriate agencies will prepare a classification of its interstate waters in entirety or by portions according to present and proposed highest use and for this purpose technical experts employed by state departments of health and state water pollution control agencies are authorized to confer on questions relating to classification of interstate waters affecting two or more states. Each signatory state agrees to submit its classification of its interstate waters to the commission for approval. It is agreed that after such approval all signatory states through their appropriate state health departments and water pollution control agencies will work to establish programs of treatment of sewage and industrial wastes which will meet standards established by the commission for classified waters. The commission may from time to time make such changes in definitions of classifications and in standards as may be required by changed conditions or as may be necessary for uniformity.

ARTICLE VI

Each of the signatory states pledges to provide for the abatement of existing pollution and for the control of future pollution of interstate inland and tidal waters as described in Article I,

and to put and maintain the waters thereof in a satisfactory condition consistent with the highest classified use of each body of water.

ARTICLE XII

1. The state of Connecticut reaffirms its support of the cooperative approach to the abatement and control of water pollution as embodied in the New England interstate water pollution control compact. In view of the increases in population concentrations, the growing need of industry and agriculture for water of reasonable quality, and the quality requirements of water based recreation and other uses, the New England Interstate Water Pollution Control Commission shall develop and maintain its programs, including research on water quality problems, at such levels, including, to the extent necessary, levels above those originally provided when this state first enacted the compact, as may be appropriate.

3. The State of Connecticut hereby concurs in the conferring of any powers or duties on the New England Interstate Water Pollution Control Commission by other states, in addition to those conferred by provision of the New England interstate water pollution control compact. This concurrence is pursuant to Article II of the compact. This concurrence is subject to the following limitations:

(a) Unless this state specifically confers a power or duty on the commission, other than one conferred by the compact itself, no financial or other burden or duties shall be placed upon this state, or any agency, officer or subdivision thereof by reason of the conferring or exercise of the power or duty. At any time the governor, the attorney general or the auditors of public accounts shall have the power to make inquiry of the commission and to examine its books and records in order to ascertain the state of compliance with this section.

(b) The rights, privileges and responsibilities of this state with respect to the New England interstate water pollution control compact and the commission established thereby shall not be limited or impaired.

(c) The commission shall include in its annual report to the governor and the legislature of this state a full account of any additional powers or duties administered by it.

4. The New England Interstate Water Pollution Control Commission, hereinafter called "the commission," may develop standards for the training, educational and experience requirements for operating personnel necessary to the proper operation of sewage and other waste treatment plants. The commission may administer programs of training and certification for such personnel, and may make classifications thereof. Any certificate issued by the commission shall be accepted by this state and all agencies and sub-

divisions thereof as conclusive evidence that the holder has the training, education and experience necessary for certification for the class of position or responsibility described therein. The state department of health may impose and administer any other requirements for certification within any applicable provisions of law, but it shall not reexamine or reinvestigate the applicant for a certificate with respect to his training, education or experience qualifications. The commission shall keep a record of all certificates issued by it, and in response to any inquiry concerning such a certificate the commission shall inform the inquirer concerning its issuance and validity. The commission shall annul any certificate issued by it, if the commission finds that the certificate was obtained by misrepresentation of any material fact relating to the education, training or experience of the applicant. Such annulment shall be pursuant to rules and regulations of the commission which shall afford due notice to the certificate holder and an opportunity to present relevant evidence for consideration by the commission. Nothing contained in this section shall limit or abridge the authority of the commission to revise its standards and to issue new or additional certificates. In any such case the state department of health may require an applicant for a certificate to present a certificate or certificates which evidence training, education and experience meeting the current standards of the commission. Certificates issued by the commission shall be recognized and given in connection with personnel employed in or having responsibilities for plants discharging into any waters of this state. Nothing in this section shall be construed to require any person to have a certificate in order to be employed in the operation of a sewage or other waste treatment plant. Such requirements, if any, shall be as set forth in or pursuant to other laws of this state, provided that in any case where a certificate is required, an appropriate certificate issued by the commission shall be accepted in lieu of any certificate otherwise required. To the extent that the authority conferred upon the commission by this section is not otherwise exercisable by the commission under the provisions of the New England interstate water pollution control compact, the commission shall not require the financial or other support of the program or programs authorized hereby by any state not having enacted legislation substantially similar to this section.

5. (a) The New England Interstate Water Pollution Control Commission, in cooperation with the State of Connecticut and such other states signatory to the New England interstate water pollution control compact as may participate in such work, shall establish and maintain a water quality sampling and testing network. The network shall, to the fullest extent practicable, rely upon the sampling and testing programs of this state, and such other participating states, and upon information available from agencies of the federal

government, and shall not duplicate any of their activities. However, if the sampling and testing programs of this state and other states, and the information available from agencies of the federal government are insufficient to provide the commission with records of water quality adequate for its needs, the commission may supplement the sampling and testing otherwise available to it.

(b) Sampling pursuant to this section shall be at points at or near the places where waters cross a boundary of this state, and the samples shall be tested in order to determine their quality. The sampling and testing provided for herein shall be scheduled by the commission or in accordance with its requests, and shall include such factors or elements as the commission shall request. Any sampling and testing done by the water resources commission of this state as part of the activities of the commission's network shall be reported fully and promptly by such agency to the commission together with the results thereof.

6. (a) If the commission ascertains that particular waters at or near a boundary of this state do not comply with the standards of the commission made pursuant to Article V of the New England interstate water pollution control compact, or are not otherwise of a quality complying with state law, the commission shall inform the water resources commission of this state and of any other state concerned and shall afford such agencies an opportunity to verify, explain, supplement or correct the information in the possession of the commission and if the facts warrant to take or secure the taking of any necessary remedial action.

(b) If such remedial action is not taken or secured in timely fashion, the commission may hold a public hearing on due notice as provided in its rules and regulations in order to ascertain all the relevant facts and circumstances.

(c) Following public hearing pursuant to subsection (b), the commission may issue an order directed to the source or sources of waste discharge causing or contributing to the deteriorated water quality. Such order or orders may require reduction or cessation of waste discharges or the improvement of their quality. No order of the commission pursuant to this subsection shall be valid, unless supported by substantial evidence adduced at the public hearing.

25-69.

It is hereby found and declared that, because of the occurrence of severe storms accompanied by winds up to hurricane force, abnormal high tides and tide flooding, the lives and property of residents and other persons within areas exposed to such hazards are endangered, and that, in the interest of public health, safety and general welfare, it is necessary to minimize and as far as possible

to prevent, loss of life, property and revenue to municipalities and the state from taxation by the construction of protective works on or near shores and beaches within such areas. As title to the land between high and low watermark is vested in the state, it is further found and declared to be in the public interest to secure such exposed areas by the most economical and effective means for safeguarding life and protecting property and, because it is uneconomical and ineffective for the general purpose for an individual landowner to attempt to maintain protective installations separated from and lacking co-extension with those of abutting properties, that it is in the public interest to provide the ways and means for collective and cooperative action to alleviate the dangers and destruction common to such exposed areas. It is further found and declared that because of the recurrence of severe flooding of many of the waterways of the state and their tributaries, taking a huge toll in life and property, extensive flood protection measures must be inaugurated. It is, therefore, found and declared to be in the public interest that encroachment limits along waterways be established and any flood control features at dams and reservoirs be utilized as a part of the construction and installation of any flood control project.

25-70.

Land areas fronting on the ocean, or on bays, inlets and coves, or bordering on rivers in which tides occur, that are subject to the full force of storms; or land areas in direct contact with storm waves, including banks, bluffs, cliffs, promontories and headlands or similar topographical or geological formations, that are subject to erosion through wave action; or open beach areas, including spits, dunes and barrier beaches, that are subject to loss of sand through high waves, strong currents or scouring wave action; or land areas subject to inundation during storms or vulnerable to storm damage because of geographical situation, may be classed as exposed areas.

25-71.

The commissioner of environmental protection is authorized to provide for the payment by the state of the total cost of any flood or erosion control system when such system is for the benefit of state parks or state-owned land. When such system is for the benefit of municipally-owned littoral or riparian property or littoral or riparian property held by the municipality under lease for a term not less than twenty-five years, the commissioner is authorized to pay two-thirds of the cost of the system and the remaining one-third shall

be the obligation of the local authority. If the project will benefit privately-owned littoral or riparian property, the cost shall be prorated on the basis of two-thirds of the total cost to such local authority and one-third of the cost to the state. If the system involves benefit to both municipally-owned or leased and private littoral or riparian property, said commissioner shall determine the extent of the financial participation of the state as well as that of the local authority on a shore-front or stream-front percentage basis for each type of property benefited.

25-80.

The commissioner of environmental protection is authorized to give assurances satisfactory to the secretary of the army as provided in section 701c, chapter 15, title 33 of the United States Code Annotated that the state will

(a) provide without cost to the United States all lands, easements and rights-of-way necessary for the construction of any flood control project and pay for the cost of acquisition of earthen material required for the construction of such project;

(b) hold and save the United States free from damages due to the construction works, and

(c) maintain and operate all the works after completion in accordance with regulations prescribed by the secretary of the army. The commissioner, in the name of the state, may purchase land or any interest, or take the same by right of eminent domain.

25-83a.

Whenever the construction of any flood control project, including its reservoirs, for which the state has agreed to provide the necessary lands, easements and rights-of-way, requires the readjustment, relocation or removal of any public service facility, located within, on, along, over or under any land comprising the right-of-way of a public highway, the commissioner of environmental protection shall issue an appropriate order to the company, corporation or municipality owning or operating such facility and such company, corporation or municipality shall readjust, relocate or remove promptly in accordance with such order, and the cost of such readjustment, relocation or removal, including the cost of installing and constructing a facility of equal capacity in a new location, shall be borne by the state. In establishing the cost to be borne by the state, there shall be deducted from the cost of the readjusted, relocated or removed facilities a sum based on a consideration of the value of materials salvaged from existing installations, the cost of the original installation, the life expectancy of the original facility and the unexpired term of

such life use. When any facility is removed from the right-of-way of a public highway to a private right-of-way, the state shall not pay for such private right-of-way.

25-84.

Any municipality may, by vote of its legislative body, adopt the provisions of this section and exercise through a flood and erosion control board the powers granted. In each town, except as otherwise provided by special act, the flood and erosion control board shall consist of five members, who shall be electors of the town and whose method of selection and terms of office shall be determined by local ordinance, except that in towns having a population of less than twenty-five thousand the selectmen may be empowered by such ordinance to act as such flood and erosion control board.

25-85.

Such board shall have authority, within the limits of appropriations from time to time made by the municipality, to plan, lay out, acquire, construct, reconstruct, repair, maintain, supervise and manage a flood or erosion control system. "Flood erosion control system" means any dike, berm, groin, jetty, sea wall, embankment, revetment, tide-gate, water storage area, ditch, drain or other structure or facility useful in preventing or ameliorating damage from floods or erosion, whether caused by fresh or salt water, and shall include any easements, rights of way and riparian rights which may be required in furtherance of any such system.

25-86.

Such board is authorized to enter upon and to take and hold, by purchase, condemnation or otherwise, any real property or interest which it determines is necessary for use in connection with the flood or erosion control system. Whenever the board is unable to agree with the owner of any such property as to the compensation to be paid for the taking thereof the board, in the name of the municipality, may bring condemnation proceedings in accordance with the procedure provided by chapter 835 for condemnation by municipal corporations generally.

25-94.

Any flood and erosion control board, any board or commission established by special act or any district having as one of its powers and purposes the right to construct or maintain a flood and erosion control system, acting through its officers, is authorized to negotiate, cooperate and enter into agreements with

- (1) the United States,
- (2) the United States and the state of Connecticut or
- (3) the state of Connecticut in order to satisfy the conditions imposed by the United States or the state of Connecticut in authorizing any system for the improvement of navigation of any harbor or river and for protection of property against damage by floods or by erosion, provided such system shall have been approved by the commissioner of environmental protection.

25-99.

Approval is hereby given to a compact in the following form:
CONNECTICUT RIVER FLOOD CONTROL COMPACT

Whereas, the federal government exercises jurisdiction over the nation's navigable rivers and their tributaries through passage of the flood control act of nineteen hundred and thirty-six and various other acts amendatory thereto; and

Whereas, these acts provide for construction by the United States of dams for flood control and, where feasible, in addition to flood control for storage of water to be used for irrigation, recreation or hydroelectric power or for any of these purposes; and

Whereas the Connecticut is an interstate river and control of major floods on it can be obtained only by the construction of dams by the United States under authorization of the above mentioned acts; and

Whereas, the Commonwealth of Massachusetts and the States of Connecticut, New Hampshire and Vermont recognize that it is in the interest of their general welfare that the United States construct in the Connecticut River Valley a comprehensive system of local protection works and dams and reservoirs to control floods and prevent loss of life and property, the disruption of orderly processes and the impairment of commerce between the aforesaid states;

Whereas, it is believed that such a comprehensive flood control system should include dams and reservoirs controlling flood run-off from approximately twenty-five per cent of the total drainage area of the Connecticut River above Hartford, Connecticut, and strategically located in reference to characteristics of tributaries and to damage centers;

Whereas, it is highly desirable that any flood control dam and reservoir constructed by the United States in the Connecticut River Valley have the approval of the state wherein it is located and that states benefiting from construction of such dam and reservoir make reimbursement for such loss of taxes and for such hardships; and

Whereas, a comprehensive system for the prevention of destructive floods and for water resources utilization in the Connecticut River Valley can best be accomplished by cooperation between the several states in the valley and by and through a common and joint agency of said several states.

ARTICLE I

The principal purposes of this compact are: (a) to promote interstate comity among and between the signatory states; (b) to assure adequate storage capacity for impounding the waters of the Connecticut River and its tributaries for the protection of life and property from floods; (c) to provide a joint or common agency through which the signatory states, while promoting, protecting and preserving to each the local interest and sovereignty of the respective signatory states, may more effectively cooperate in accomplishing the object of flood control and water resources utilization in the basin of the Connecticut River and its tributaries.

ARTICLE II

There is hereby created "The Connecticut River Valley Flood Control Commission," hereinafter referred to as the "commission," which shall consist of twelve members, three of whom shall be residents of the Commonwealth of Massachusetts; three of whom shall be residents of the State of Connecticut; three of whom shall be residents of the state of New Hampshire; and three of whom shall be residents of the state of Vermont.

25-100.

There shall be three members of the Connecticut River Valley Flood Control Commission appointed from this state. On or before May first in the odd-numbered years the governor, with the advice and consent of the senate, shall appoint one member of the commission whose term of office shall be for six years.

25-101.

The governor on behalf of this state is authorized to enter into a compact, substantially in the following form, with the

commonwealth of Massachusetts:

ARTICLE I

The principal purposes of this compact are: (a) To promote interstate comity among and between the signatory states; (b) to assure adequate storage capacity for impounding the waters of the Thames River and its tributaries for the protection of life and property from floods; (c) to provide a joint or common agency through which the signatory states, while promoting, protecting and preserving to each the local interest and sovereignty of the respective signatory states, may more effectively cooperate in accomplishing the object of flood control and water resources utilization in the basin of the Thames River and its tributaries.

ARTICLE II

There is hereby created "The Thames River Valley Flood Control Commission," hereinafter referred to as the "commission," which shall consist of six members, three of whom shall be residents of the commonwealth of Massachusetts; three of whom shall be residents of the state of Connecticut.

ARTICLE V

The State of Connecticut agrees to reimburse the Commonwealth of Massachusetts forty (40) percent of the amount of taxes lost to their political subdivisions by reason of acquisition and ownership by the United States of lands, rights or other property therein for construction in the future of any flood control dam and reservoir and also for any other flood control dam and reservoir hereafter constructed by the United States in the Thames River Valley in Massachusetts.

25-102.

There shall be three members of the Thames River Valley Flood Control Commission appointed from Connecticut who shall act as commissioners for the state of Connecticut to execute, with representatives of the commonwealth of Massachusetts, the Thames River Valley Flood Control Compact and shall have the powers and duties provided in the compact.

25-104.

The commissioner of environmental protection may
(a) make or cause to be made surveys, investigations and research

concerning the problems of soil and water erosion and its control and publish his findings and disseminate information concerning the subject;

(b) assist individuals with soil and water erosion problems and in the formation of voluntary associations for mutual assistance in the control of soil and water erosion;

(c) cooperate with or enter into agreements with any state agency or any owner or occupant of land in this state to carry out the provisions of this section;

(d) obtain options upon or acquire, by purchase, exchange, lease, gift, grant, bequest or devise, any property, real or personal, or rights or interests maintain, administer and improve any property acquired, and receive income from the property and expend the income in carrying out the purposes of this section; and may sell, lease or otherwise dispose of any such property or interest for these purposes;

(e) accept contributions in money, services, materials or otherwise from the United States or from this state or from any person, firm, or corporation for such purposes; and

(f) as a condition to extending of any material benefits to landowners, under this section, require contributions to any operations upon such land and require landowners who have consented to such work being done on their land to enter into and perform such agreements as to long-term use of such lands as will tend to prevent erosion.

25-106.

"Works of improvement" means any undertaking for:

(a) Flood prevention, including structural and land-treatment measures,

(b) the conservation, development, utilization and disposal of water, including fish and wildlife or recreational developments, or

(c) any multiple purpose or open space use and access for any of the uses, in watershed or subwatershed areas not exceeding two hundred and fifty thousand acres and not including any single structure which provides more than five thousand acre-feet of flood water detention capacity, and more than twenty-five thousand acre-feet of total capacity.

The commissioner of environmental protection is authorized to act as a "local organization," as that term is defined in public Law 566, 83rd Congress, as amended, for the purpose of cooperating with the secretary of agriculture in planning and carrying out any of the works of improvement authorized by Public Law 566, as amended.

25-107.

The legislative body of any town, city or borough may vote to request the commissioner of environmental protection for advice and assistance in initiating a soil conservation and flood prevention project for the watershed or subwatershed area in which the municipality is located. The commissioner, after receiving such request, shall designate to such legislative body any other municipality or municipalities which, for the purposes of such a project, would be included in such area, and may prepare an application requesting the secretary of agriculture to furnish assistance in planning and carrying out such project under the provisions of said Public Law 566, as amended.

25-108a.

Whenever the construction of any works of improvement, for which the state has agreed to provide the necessary land, easements and rights-of-way, requires the readjustment, relocation or removal of any public service facility, the commissioner of environmental protection shall issue an appropriate order to the company, corporation or municipality owning or operating such facility, and such company, corporation or municipality shall readjust, relocate or remove the same promptly in accordance with such order and the cost of such readjustment, relocation or removal, including the cost of installing and constructing a facility of equal capacity in a new location, together with the cost of acquiring such rights in other land as may be necessary to relocate said facilities, shall be borne by the state.

25-109b.

(a) The commissioner of environmental protection, with the advice and consent of the commissioner of finance and control, may sell, lease and convey in the name of the state, or otherwise dispose of, or enter into agreements concerning, any land, buildings and real property owned by the state and obtained for or in connection with works of improvement.

25-110.

All dams, dikes, reservoirs and other similar structures, with their appurtenances, without exception and without further definition, which, by breaking away or otherwise, might endanger life or property, shall be subject to the jurisdiction conferred by this chapter. The commissioner of environmental protection shall formulate all rules,

definitions and regulations necessary to carry out the provisions of this chapter. The commissioner or his authorized representatives may enter upon private property to make such investigations and gather such data concerning dams, watersheds, sites, structures and general conditions as may be necessary in the public interest for a proper inspection, review and study of the design and construction of the structures. The commissioner may, when necessary, employ or make such agreements with geologists, other engineers, expert consultants and such assistants as may be reasonably necessary to carry out the provisions of this chapter.

25-112.

Before any person, firm or corporation constructs, alters, adds to, replaces or removes any such structure, the person, firm or corporation shall apply to the commissioner for a permit to undertake such work.

25-120.

ARTICLE I FINDINGS

The northeastern part of the United States is by virtue of geographic location and other characteristics a great natural resource area which, with more intense use of natural resources, increasingly requires coordinated planning as a basic ingredient of effective resource management and orderly growth of the region. The work of the New England-New York Interagency Committee demonstrated that a continuation and furtherance of activities such as those undertaken by it would be of great value. To this end, it is the intent of this compact to establish and provide for the operation of a joint agency for the Northeast.

ARTICLE II PURPOSE

It is the purpose of this compact to provide, in the northeastern region, improved facilities and procedures for the coordination of the policies, programs, and activities of the United States, the several states, and private persons or entities, in the field of water and related land resources, and to study, investigate and plan the development and use and conservation of water and related land resources; to provide means by which conflicts may be resolved; and to provide procedures for coordination of the interests of all public

and private agencies, persons and entities in the field of water and related land resources; and to provide an organization for cooperation in such coordination on both the federal and state levels of government.

ARTICLE V
FUNCTIONS

It shall be the responsibility of the commission to recommend to the states and the United States, or any intergovernmental agency, changes in law or policy which would promote coordination, or resolution of problems, in the field of water and related land resources. The efforts of the commission in coordination of work and resolution of conflicts may be directed towards all state and federal activities involved in water and related land resources development responsibilities and shall include coordination of the following:

- (1) Collection and interpretation of basic data
- (2) Investigation and planning of water and related land resources projects
- (3) Programming (including scheduling) of water and related land resources construction and development
- (4) Encouraging of the referral of plans or proposals for resources projects to the commission.

The commission shall use qualified public and private agencies to make investigations and conduct research in the field of water and related land resources, but if it is unable to secure the undertaking of such investigations or original research by a qualified public or private agency, it shall have the power to make its own investigations and conduct its own research. The commission may make contracts with any public or private agencies or private persons or entities for the undertaking of such investigations, or original research within its purview.

25-126.

- (1) "Well" means an artificial excavation or opening in the ground, by which ground water can be obtained or through which it flows under natural pressure or is artificially withdrawn;
- (2) "abandoned well" means a well whose use has been permanently discontinued;
- (3) "ground water" means subsurface water;
- (4) "well drilling" means and includes the industry, procedure and all operations engaged in by any person, full time or part time, for compensation or otherwise, to obtain water from a well or wells by drilling, or other methods, for any purpose or use;
- (5) "well driller" means a person who engages in well drilling;
- (6) "person" includes an individual, partnership, corporation,

association or organization, or any combination thereof;

(7) "board" means the Connecticut well drilling board.

25-127.

(a) There shall continue to be a board to be known as the Connecticut well drilling board. The board shall consist of seven residents of the state appointed by the governor for terms of five years each. At all times four members of the board shall be active well drillers who shall have had at least ten years' experience as such, each from a different section of the state; one member shall be an employee of the state department of health; one member shall be an experienced geologist or professional engineer experienced in well construction; and one member shall be an employee of the department of environmental protection. Four members shall constitute a quorum.

25-128.

(a) For the purpose of safeguarding the public health, the board shall promote and encourage cooperation among well drillers and governmental agencies in the development and protection of records of underground water formations and resources. The board shall prepare and print such bulletins as may be necessary for the benefit of the industry, and furnish copies to the industry and to the public upon request.

(b) (1) The board shall promulgate regulations for the well drilling industry in cooperation with the state department of health and the department of environmental protection, with due regard for the preservation of public health, the preservation, allocation and management of the ground water of the state, the protection of the consuming public and the maintenance of geological and other scientific data. The regulations, together with the regulatory provisions of this chapter and the section of the public health code relating to wells, shall be collectively known as the Connecticut well drilling code. From time to time the board shall similarly adopt amendments or additions to regulations as are necessary and proper governing the construction, repair and abandonment of water wells.

25-130.

Before commencing work on any well, the registered well driller shall apply to the board for a permit to drill such well. A fee of four dollars shall accompany the application. If the well conforms to the well drilling code, the board shall issue such permit which shall contain the name and address of the well driller, the date of issuance and the approximate location of the well.

26-3.

The commissioner of environmental protection shall enforce all of the laws relating to wildlife, fish, crustacea, game and nongame birds, waterfowl and game and fur-bearing animals of the state and shall possess all powers necessary to fulfill the duties prescribed by law with respect to and to bring actions in the proper courts of this state for the enforcement of the laws and the orders and regulations adopted and promulgated by him.

26-3a.

The commissioner of environmental protection may acquire by purchase, lease or gift, or by condemnation in the manner provided by chapter 835, the lands, easements or rights-of-way as are needed in connection with maintenance, repairs, reconstruction or remodeling of state-owned dams.

26-14.

The state hereby assents to the provisions of Public Law 681, 81st Congress, entitled "An act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," approved August 9, 1950, and the commissioner of environmental protection is directed to perform such acts as may be necessary to the conduct and establishment of cooperative fish restoration projects, as defined in the act, in compliance with the act and rules and regulations promulgated by the secretary of the interior, and no funds accruing to the state from license fees paid by fishermen shall be diverted for any other purpose than the protection, propagation, preservation and investigation of fish and game and administration of the functions of the department.

26-17a.

(a) For the purposes of this section, "tidal wetlands" means any land contiguous with, adjacent to or adjoining waters which are subject to tidal action at any time. The department of environmental protection shall establish a program for the protection, preservation, acquisition and improvement of the tidal wetlands of the state.

(b) The commissioner of environmental protection may, by purchase, exchange, condemnation, gift, devise, lease or otherwise, acquire tidal wetlands or any easements, interests or rights, or enter into covenants and agreements with owners of tidal wetlands to maintain, improve, protect, limit the future use of or otherwise

conserve such tidal wetlands. The commissioner may also enter into leases with an option to buy tidal wetlands, provided the term of any such lease shall not exceed ten years.

(c) The commissioner is authorized to take land or any interests by right of eminent domain. All of the owners of different tracts of land which are included in the same tidal wetlands area may be joined in the same action.

(d) When the municipal property tax on any tidal wetlands is unpaid for a period of six years, the tax collector of the municipality in which the tidal wetlands are located shall notify the commissioner of environmental protection. The commissioner may direct the municipality to take title to such tidal wetlands by foreclosure of its tax liens and, upon payment to the municipality of a sum equal to the amount of the tax liens foreclosed and the expenses incurred by it in the foreclosure action, the municipality shall convey title of the wetlands to the state.

26-20.

The commissioner shall erect a sign or signs on the right of way to each pond or stream owned or leased by the state for the use of sport fishermen, which sign or signs shall clearly indicate the location and limits of such right of way.

26-22.

The commissioner may, after investigation has indicated that such measures are in the interest of fisheries management, use chemical, electrical or mechanical means to remove undesirable plants or animals from the waters of the state or may add substances to the waters of the state for the purpose of increasing the production of fish food organisms in waters. Where waters are used for a water supply furnished to the public or are tributary to the water supply, the addition of chemicals and substances to such waters shall be subject to the approval of the state department of health.

26-99.

The commissioner may establish state fish and game refuges and may, in the name and for the use of the state, lease any tract of land, stream, lake, pond in the state suitable for the propagation and preservation of fish and game and may accept any gift of any interest in any land, stream, lake, pond or any personal property to be used for the purpose of propagating or protecting wildlife

upon conditions agreed upon between the donor and the commissioner, subject to the approval of the attorney general, concerning any condition in relation to the use of the principal of any such gift or any income, and the commissioner may exercise all of the authority of any owner of any such property for such purposes. No provision of this section shall be construed as limiting the right of the donor to exercise all of the rights incident to ownership of such property, except as such rights may be limited by the conditions of his gift.

26-101.

The commissioner may establish wildlife refuges, closed areas and safety zones on public lands and waters and, with the consent of the owner, on private lands and waters, and close such areas to hunting, trapping, fishing and trespassing. Any person who violates any provision of any regulation issued by the commissioner pursuant to the provisions of this section shall be fined not more than two hundred dollars or be imprisoned not more than sixty days or both.

26-102.

The commissioner may establish fish spawning areas and refuges on any waters; and he may establish closed areas and safety zones on public lands and waters and, with the consent of the owner, on private lands and waters, and close any such area to fishing and trespassing. The commissioner shall have emergency authority to declare a closed season on any species of fish threatened with undue depletion from any cause. The commissioner shall have the additional emergency power to establish prescribed conditions for the operation of such commercial fishing activity, or suspend or prohibit the right of such person, firm or corporation to operate within such waters for a period of time as the commissioner deems necessary. The commissioner may, if he deems it necessary, close any waters in the inland district to fishing for limited periods of time.

26-150.

No person shall use any boat or vessel to take any fish with a beam or otter trawl, gill net or similar device from the waters of the marine district without first registering the boat or vessel with the commissioner or use any boat or vessel to take fish or crabs for the purpose of sale from any of the waters of the marine district or use any boat or vessel to take or attempt to take any

lobsters from waters until he has registered the boat or vessel with the commissioner.

26-192.

The state shall exercise jurisdiction and control over all shellfisheries which are located in the state, and the commissioner of agriculture shall prepare a map of the area and shall keep the same on file for public inspection in his office. All shell-fisheries not within the area shall be within the jurisdiction and control of the towns in which they are located.

26-194.

The commissioner of agriculture may lease in the name of the state, under such regulations as he may prescribe and for a period not longer than ten years, all shell-fish areas that have been conveyed to the state or placed under state jurisdiction by the town of West Haven and any undesignated grounds, within the exclusive jurisdiction of the state, for the purpose of planting and cultivating shellfish.

26-221.

Before any person engages in removing mud or refuse material by boat from any harbor of which oyster grounds are located and designated, he shall notify the commissioner of agriculture by written or printed notice.

52-446.

When any person who has set up or desires to set up a water mill on his own land, or on land of another with his consent, desires to build or raise a dam on any land of his own, or of another with his consent, in order to create or improve a waterpower by means of a pond or reservoir, for the benefit of the mill which dam would flow water upon land belonging to any other person, or to secure the right to build or improve discharge-ditches, to carry off the water flowing from his mill; or when any owner of any water mill, on any stream flowing out of a natural pond, desires, with the consent of the owner of the outlet of such pond, to build or raise a dam across such stream or outlet for working such mill; or when the owner of any waterpower and dam desires to conduct the water from such dam across the land of another to some point on his own land for milling purposes; or when

the owner of any mill desires to deepen any watercourse below his mill, or the raceway conducting the water from such mill, in such a way as not to affect the interests of any other owner of any dam, mill or mill privilege situated on or receiving water from such watercourse; then, if such person, desiring to make any such erections or improvements, cannot agree with the owner of any land which will be affected by the same, as to the damages to be paid to him, he may bring his petition against such owner to the superior court for the county where the land to be overflowed or taken, or any part of it, lies; which petition shall contain such a description of the land to be overflowed or taken, and of the dam or other improvement proposed, its location and proposed height and dimensions, that the record will show with certainty the matter to be determined. Mesne process on any such petition shall be a writ of summons, describing the parties, the court to which it is returnable and the time and place of appearance, and shall be signed as in other civil actions and may run into any county.

52-448.

No such dam shall be erected, or watercourse made or altered, to the injury of any mill lawfully existing on such watercourse, or on the stream upon which such dam is to be erected, or from or into which such watercourse flows or to the injury of any mill site on the same on which a mill or mill-dam has been lawfully erected and used, unless the right to maintain a mill on such last-mentioned site has been lost or defeated by abandonment or otherwise.

52-453.

An assessment of damages made shall be final and conclusive on the parties, their heirs and assigns, and give the petitioner, his heirs and assigns, forever, the right to keep up such dam as established; but the damages assessed, together with the costs, shall be paid to the respondent, or deposited for his use with the state treasurer, before the water is flowed upon such lands and within sixty days after the proceedings on such petition have been ended. If such damages and costs are not so paid or deposited, the whole proceedings shall be of no effect.

52-461.

When any low lands have been drained by a ditch or current running in a natural course through the land of an adjoining proprietor and cannot advantageously be drained in any other course, and such

drainage becomes obstructed, the owner of such low lands may give written notice to such adjoining owner to remove such obstruction so as to allow the water to pass off in its former accustomed manner. If such adjoining owner neglects to do so for thirty days after such notice, the owner of such low lands may call out two selectmen of the town wherein such lands lie, who shall view the same, having first given written notice to all parties interested of the time of their meeting for such purpose and, if they find the drainage of such low lands necessary and proper and that such drainage has become obstructed as said, they shall give written notice to such adjoining owner to remove such obstruction, in such manner as they may direct and upon such terms as to expense as may seem just. If such owner neglects to comply with such order to the acceptance of such selectmen for thirty days, such selectmen may perform the work so ordered or direct the owner of such low lands to do it to the acceptance of such selectmen, and the expense thereof as certified by such selectmen, including reasonable compensation for their services, shall be paid by such of the parties in interest and in such time as such selectmen may determine, to be recovered by any party entitled by an action on this statute.

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