











May 15, 2020 CBIA E2

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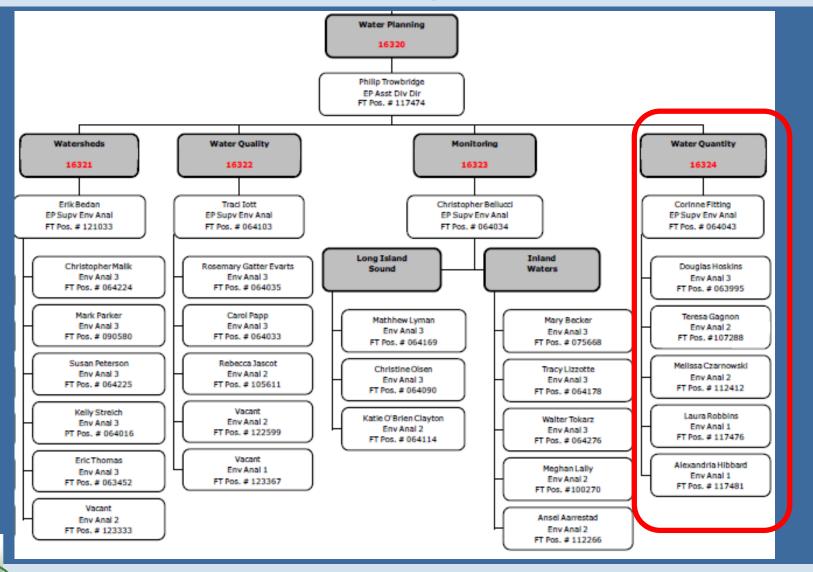


Agenda

- Description of DEEP's Water Quantity Unit
- What is a Consumptive Diversion?
- Why require reporting registrations now?
- Review of current reporting program
- Enabling statute
- New reporting form review
- Live online form demonstration
- FAQ's
- Questions



DEEP's Water Quantity Unit





What is a Registered Diversion?

- "Diversion" (22a-367 CGS)
 - Any activity which causes, allows or results in the withdrawal from or the alteration, modification or diminution of the instantaneous flows of the waters of the state
 - Consumptive/non-consumptive
 - <50,000 gallons per day exempt</p>
- Registered "grandfathered" as of 1983





Why Now?

- Top priority in Water Planning Council's recent State Water Plan
- Will identify inactive and abandoned registrations
- Will provide more accurate water usage data
- Could vastly improve current and future watershed planning efforts





Past/Current Reporting

- Currently receiving approximately 260 annual daily water use reports as required by diversion permit condition
- Early 2000's registrants reported monthly use data for a 4-year period





Reporting Statute – 22a-368a

Sec. 22a-368a. Reporting of current operating data. (a) The Commissioner of Energy and Environmental Protection shall publish a dated notice of (1) the availability of forms for the reporting of operating data for diversions pursuant to this section, and (2) a deadline for submission of such forms. Such forms shall be developed pursuant to subsection (b) of this section.

(b) Any person or municipality maintaining a diversion that was registered in accordance with the provisions of section 22a-368 and which continues to be in use as of July 1, 2001, shall report to the Commissioner of Energy and Environmental Protection current operating data for such diversion not later than six months after the publication of notice pursuant to subsection (a) of this section and annually thereafter not later than January thirty-first. Such data shall be provided on forms developed by the Commissioner of Energy and Environmental Protection, in consultation with the Commissioners of Public Health and Agriculture, the chairperson of the Public Utilities Regulatory Authority and the working group established pursuant to subsection (f) of this section. Such forms shall be in a format determined by the Commissioner of Energy and Environmental Protection. Such data shall include the most detailed available monitoring data collected for each subsequent calendar year, provided such data shall not be required to be detailed more frequently than daily. Engineering estimates of withdrawals or discharges may be permitted in the absence of a meter. A person or municipality maintaining a diversion exclusively for agricultural purposes may report estimated water use for the reporting period. The provisions of this subsection shall not apply to an owner or operator of an existing electric generating facility utilizing fossil fuel, provided the diversion is used to comply with state and federal environmental laws, and further provided such owner or operator reports to the Commissioner of Energy and Environmental Protection an estimate of future water use necessary to comply with state and federal environmental laws.

(c) Any person or municipality maintaining a diversion that was eligible for registration in accordance with section 22a-368 but failed to so register, which diversion continues to be in use as of July 1, 2001, shall report to the commissioner the operating data for such diversion not later than six months after the publication of notice pursuant to subsection (a) of this section. Such data shall be provided on a form developed by the Commissioner of Energy and Environmental Protection, in consultation with the Commissioners of Public Health and Agriculture and the chairperson of the Public Utilities Regulatory Authority. Such data shall include (1) the location, capacity, frequency and rate of withdrawals or discharges of such diversion as of July 1, 1982, (2) a description of the water use and water system on or before July 1, 1982, including information to evidence its operation at that time, and (3) the monthly data for the calendar years 1997 to 2001, inclusive, (A) for the actual frequency and actual rate of water withdrawals or discharges of such diversion if such diversion is metered, or (B)

that estimates the withdrawals or discharges in the absence of a meter. A person or municipality maintaining a diversion exclusively for agricultural purposes may report estimated water use for the reporting period in subdivision (3) of this subsection.

(d) Any person or municipality maintaining a diversion that was not eligible for registration in accordance with section 22a-368 and is not currently authorized by permit issued by the commissioner pursuant to said section, which diversion is in use as of July 1, 2001, shall report to the Commissioner of Energy and Environmental Protection operating data for the diversion not later than six months after the publication of notice pursuant to subsection (a) of this section. Such data shall be provided on a form developed by the Commissioner of Energy and Environmental Protection, in consultation with the Commissioners of Public Health and Agriculture and the chairperson of the Public Utilities Regulatory Authority. Such data shall include (1) information as to when the diversion was initiated, (2) a description of the water use and water system operation, and (3) the monthly data for the calendar years 1997 to 2001, inclusive, (A) for the location, capacity, actual frequency and actual rate of water withdrawals or discharges of said diversion if such diversion is metered, or (B) that estimates the withdrawals or discharges in the absence of a meter. A person or municipality maintaining a diversion used exclusively for agricultural purposes may report estimated water use for the reporting period in subdivision (3) of this subsection.

(e) Information reported by a person or municipality for the purposes of subsection (c) or (d) of this section shall not be used by the Commissioner of Energy and Environmental Protection to order the payment of civil penalties pursuant to section 22a-6b and subsection (b) of section 22a-376 provided the person or municipality has filed a permit application pursuant to section 22a-368 on or before July 1, 2003. This subsection shall not apply to any information the commissioner can document independent of a submission pursuant to this section. Failure to report the information required in this section may result in civil penalties in accordance with section 22a-6b and subsection (b) of section 22a-376.

(f) The Water Planning Council shall appoint at least five persons who are required to register diversions pursuant to this section to a working group for the purpose of developing forms pursuant to subsection (b) of this section. Such members shall serve at the pleasure of the council.

(P.A. 01-202, S. 1, 2; P.A. 02-102, S. 5; P.A. 04-185, S. 2; P.A. 11-80, S. 1.)

History: P.A. 01-202 effective July 11, 2001; P.A. 02-202 added new Subsec. (a) re form for reporting operating data for diversions, redesignated existing Subsecs. (a) to (d) as Subsecs. (b) to (e), amended redesignated Subsecs. (b), (c) and (d) by replacing reporting requirement of "on or before July 1, 2002," with "not later than six months





Reporting Statute - 22a-368a(a)

Public Notice:

- DEEP shall publish a dated notice of:
 - the availability of forms for the reporting of operating data for diversions pursuant to this section, and
 - a deadline for submission of such forms. Such forms shall be developed pursuant to subsection (b) of this section.

Deadlines:

 Anyone maintaining a registered diversion shall report to DEEP within 6 months of the notice required in (a) and then annually thereafter by 1/30



Reporting Statute – 22a-368a(b)

Data:

- Reported data shall be on forms provided by DEEP developed in consultation with DPH, DoA, PURA and a working group
- Data shall not be anymore frequent than daily
- Engineering estimates are acceptable if no meter

Allowances:

- Agricultural diversions may estimate
- Exempts "electric generating facility utilizing fossil fuel" if:
 - diversion is used to comply with environmental law
 - they provide an estimate of future water use needed to comply



Reporting Statute – 22a-368a(f)

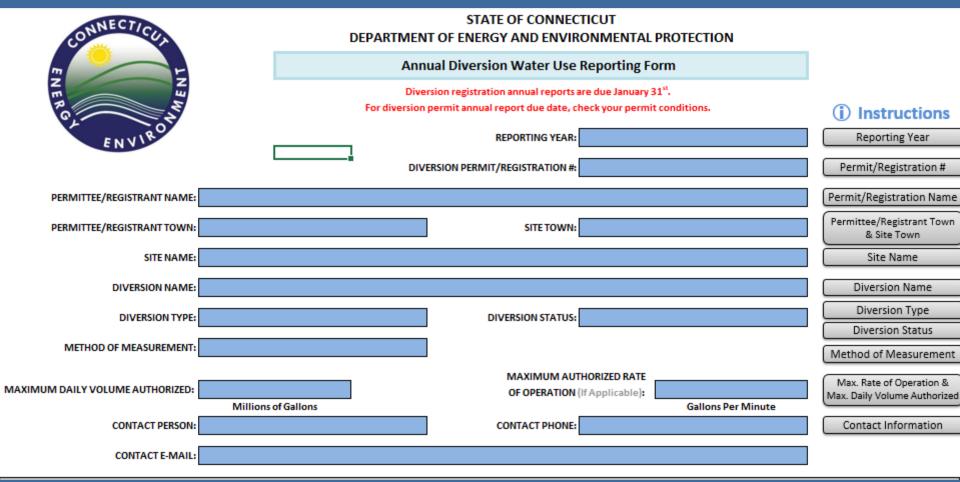
Work Group:

 The Water Planning Council shall appoint at least five registrants to a working group to develop forms in consultation with DPH, DoA and PURA

Registrant Type	Registrant	Municipality	Representative
Public Water	Manchester Water	Manchester	Patrick J. Kearney
	CT Water		David Radka
	Aquarion Water		Ken Skov
Agriculture	Prides Corner	Lebanon	Christian Joseph
Industrial	Kaman Aerospace	Windsor	Wojciech Krach
			George Steir
Power Generation	Genconn Middletown (NRG)	Middletown	Robert Spooner
Recreation/Irrigation	Avon Golf Club	Avon	Jonathan Charpinsky



New Form





New Form

MG Diverted: Enter the daily volume diverted in million gallons (MG) for each day of operation. Enter "0" for days the diversion was not operated. For flows measured or estimated less frequently than daily, average flows over the period estimated/measured should be reported for each day.

Devation: Enter the number of hours the diversion was operated each day. This value may be estimated. You may enter "24" if diversion is operated intermittently throughout the day, but

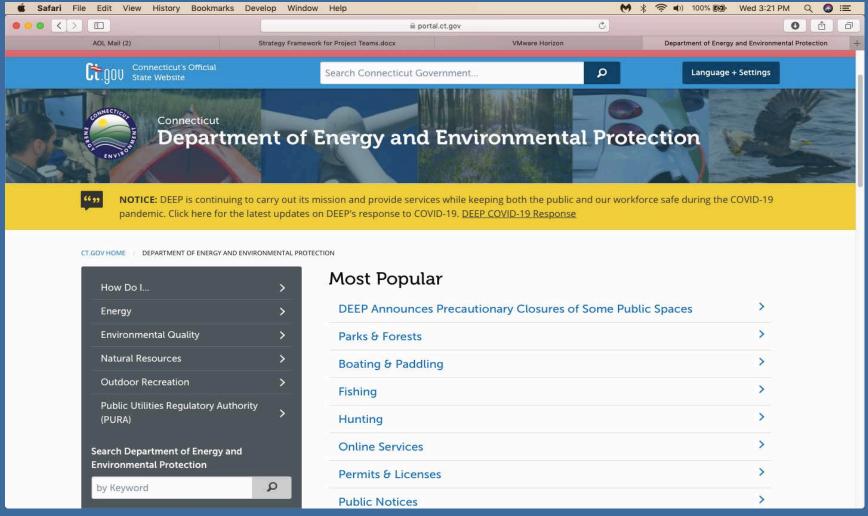
Duration: Enter the number of hours the diversion was operated each day. This value may be estimated. You may enter "24" if diversion is operated intermittently throughout the day, but please be as accurate as possible.

	Refer to the special and operating conditions (f your p	permit, as it may require additional data reporting beyond this form. 👚
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MON TH:	DN JANUARY		FEBRUARY		MARCH		APRIL		MAY		JUNE	
DAY	MG Diverted	Duration	MG Diverted	Duration	MG Diverted	Duration	MG Diverted	Duration	MG Diverted	Duration	MG Diverted	Duration
1												
2												
3												
4												
5												
6												
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30												
31												
TOTAL		0.00	0.000	0.00	0.000	0.00	0.000	0.00	0.000	0.00	0.000	0.00
MIN	0.000 0.000	0.00 0.00	0.000	0.00	0.000	0.00	0.000	0.00	0.000 0.000	0.00 0.00	0.000	0.00 0.00



Live Demonstration





Do I need to report my diversion if it was registered with a "0" capacity or withdrawal value because it was an unproductive well at time of registration or a non-consumptive impoundment-only registrations, or "in-line" reservoir, canal, or tunnel?

We recommend surrendering any <u>consumptive</u> diversion with a "0" capacity since activating any such registration would require a diversion permit. For impoundments or structures that pass water downstream within the same basin (such as blow-offs), a one-time submittal of a list of such "non-consumptive" diversions would suffice, since the status wouldn't change over time.



Can a single list of any inactive registrations be submitted in lieu of reporting forms with all "0"s? For example – a well or reservoir not currently in use, but planned for use in the future.

Yes, a single list of registered diversions that have not been used at all within the reporting year may be submitted annually in lieu of a full reporting form.



Should I report my registration if it was superseded by a permit because modifications were made to registered diversions after the 1983 registration process?

Reporting would be done pursuant to the superseding permit and not the incorporated registration(s), unless the permit has no reporting requirements, in which case reporting is done under the registration.



Can I estimate my withdrawal if I don't have a meter to measure flow?

Yes, engineering estimates of withdrawals or discharges may be permitted in the absence of a meter (22a-368(a)(b) CGS), however the Department must ensure the methodology is appropriate for the site. An early determination will facilitate data collection and reporting, so we encourage submission of estimation methods as soon as possible.

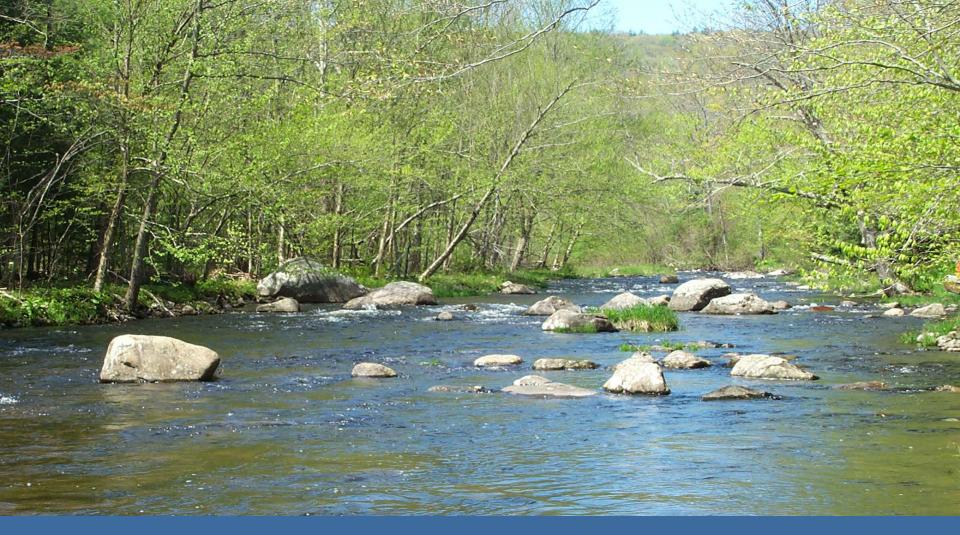


Can I modify the reporting form for unique circumstances (e.g. stream flow/ground water monitoring data)?

No. Now that the reporting forms will be "read" by computer for upload to database, a standard, unaltered form as downloaded from our website will need to be submitted. We will work with individuals that have modified the forms for permit reporting to develop an alternative.

For more FAQ's see our website at www.ct.gov/deep/waterdiversionreporting





Questions?



Thank You!

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