

Regulations of Connecticut State Agencies

TITLE 25. Water Resources, Flood & Erosion Control

Agency

Department of Health Services

Subject

**Establishment of Criteria and Performance Standards for Classification Water
Company Lands, and Department of Health Services Review of Disposition and Use
of Such Lands**

Inclusive Sections

CONTENTS

Sec. 25-37c-1.	Definitions
Sec. 25-37c-2.	Establishment of criteria for classification of water company owned land

**Establishment of Criteria and Performance Standards for Classification Water
Company Lands, and Department of Health Services Review of Disposition and Use
of Such Lands**

Sec. 25-37c-1. Definitions

(a) “Applicant” means a water company that proposes to sell, lease, assign or otherwise dispose of or change the use of any water company owned land, or any state department, institution or agency that proposes to sell, lease, assign or otherwise dispose of or change the use of any water company owned land acquired through condemnation.

(b) “Aquifer” means a subsurface water stratum of earth, sand, gravel, porous stone or other material.

(c) “Class 1 land” means all land owned by a water company which is either:

(1) Within two hundred and fifty feet of high water of a reservoir or one hundred feet of all water courses as defined in this section;

(2) within the areas along water courses which are covered by any of the critical components of a stream belt;

(3) land with slopes fifteen percent or greater without significant interception by wetlands, swales and natural depressions between the slopes and the water courses;

(4) within two hundred feet of ground water wells;

(5) an identified direct recharge area or outcrop of aquifer now in use or available for future use, or

(6) an area with shallow depth to bedrock, twenty inches or less, or poorly drained or very poorly drained soils as defined by the United States Soil Conservation Service that is contiguous to land described in subdivisions (3) or (4) of this subsection and that extends to the top of the slope above the receiving water course.

(d) “Class II land” means all land owned by a water company which is either

(1) on a public drinking supply watershed which is not included in Class 1 or

(2) completely off a public drinking supply watershed and which is within one hundred and fifty feet of a distribution reservoir or a first-order stream tributary to a distribution reservoir.

(e) “Class III land” means all land owned by a water company which is unimproved land off public drinking supply watersheds and beyond one hundred and fifty feet from a distribution reservoir or first order stream tributary to a distribution reservoir.

(f) “Commissioner” means the Commissioner of Health Services.

(g) “Contested case” means a proceeding in which the legal rights, duties or privileges of a party are required to be determined by the Commissioner after an opportunity for hearing or in which a hearing is in fact held.

(h) “Critical components of a stream belt” means

(1) the watercourse of a defined stream including banks, beds and water;

(2) land subject to stream overflow;

(3) associated wetlands, and

(4) shorelines of lakes and ponds associated with the stream.

Regulations of Connecticut State Agencies

TITLE 25. Water Resources, Flood & Erosion Control

§25-37c-1

Department of Health Services

- (i) “First-Order Stream” means a stream which directly enters a reservoir.
- (j) “Groundwater” means water residing in or flowing through an aquifer.
- (k) “Department of Health Services” means the Connecticut Department of Health Services, or any duly authorized representative thereof, including the Commissioner of Health Services.
- (l) “Intervenor” means each person admitted as a participant in a hearing in accordance with Section 25-37d-2 who is not a party.
- (m) “Party” means the applicant and each person or agency named or admitted as a party in accordance with Section 25-37d-2 who properly seeks and is entitled as of right to be admitted as a party.
- (n) “Person” means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency.
- (o) “Purity and adequacy of public drinking water supply” means the quality and quantity of public drinking water as determined by the Commissioner under subsection (d) of Section 25-32 of the General Statutes.
- (p) “Source of water or ice supply” includes all springs, streams, watercourses, brooks, rivers, lakes, ponds, wells, or underground waters from which water or ice is taken, and all springs, streams, watercourses, brooks, rivers, lakes, ponds, wells or underground waters tributary thereto and all lands drained thereby.
- (q) “Tract of land,” or “Parcel” means a discrete separate unit of land held by one owner or owners in common.
- (r) “Water company” means any water company as defined in Section 25-32a of the General Statutes.
- (s) “Watercourse” means any river, stream, brook, canal, reservoir, lake, pond, marsh, swamp, bog or other surface body of water.
- (t) “Watershed land” means land from which water drains into a public drinking water supply, including land lying underneath watercourses that are tributary to a public drinking water supply.
- (u) “Water supply maintenance and improvement” includes normal forest and timber harvesting and planting practices followed by water utilities.
- (v) “Well” means a structure designed to withdraw groundwater for a public drinking water supply.
- (w) “Direct recharge area” means the land surface immediately overlying the aquifer tapped by a well.
- (x) “Aquifer outcrop” means an area of ground surface that is intersected by an aquifer.
- (y) “Reservoir” means an impoundment of untreated surface water.
- (z) “Distribution reservoir” means a reservoir from which water is directly conveyed to treatment facilities which are connected to the water distribution system.

(Effective February 6, 1980)

Sec. 25-37c-2. Establishment of criteria for classification of water company owned land

The criteria for determining the proper identification and classification of the three classes of water company owned lands set forth in Section 25-37e of the General Statutes are as follows:

(a) Class I land includes all land owned by a water company which is either:

(1) within two hundred and fifty feet of high water of a reservoir or one hundred feet of all watercourses as defined in agency regulations adopted pursuant to Sec. 25-37c-1 of the General Statutes;

(2) within the areas along watercourses which are covered by any of the critical components of a stream belt;

(3) land with slopes fifteen percent (15%) or greater without significant interception by wetlands, swales and natural depressions between the slopes and the watercourses;

(4) within two hundred feet of groundwater wells;

(5) an identified direct recharge area or outcrop of aquifer now in use or available for future use; or

(6) an area with shallow depth to bedrock, twenty inches or less, or poorly drained or very poorly drained soils as defined by the United States Soil Conservation Service that is contiguous to land described in subdivisions (3) or (4) of this subsection and that extends to the top of the slope above the receiving watercourse.

(b) Class II land includes all land owned by a water company which is either

(1) on a public drinking supply watershed which is not included in Class I or

(2) completely off a public drinking supply watershed and which is within one hundred and fifty feet of a distribution reservoir or a first-order stream tributary to a distribution reservoir.

The Class II land defined above is characterized by the following criteria:

(1) Category 1. Inland which is either:

i. Not classified in Class I with slopes fifteen percent (15%) or greater *with* significant interception by wetlands, swales and natural depressions between the slopes and the watercourses; or

ii. land from which surface runoff directly enters an identified aquifer recharge or outcrop area supplying used or future wells; or

iii. an area with shallow to bedrock, twenty (20) inches or less, poorly drained, and very poorly drained soils.

iv. on watersheds for future reservoirs which would fall into category 1 if the watershed were used for drinking water supply.

(2) Category 2. Land which is either:

i. i. Not classified in Category 1 with slopes less than fifteen percent (15%) *without* significant interception by wetlands, swales, and natural depressions, between the slopes and the watercourses; or

ii. ii. on watersheds for future reservoirs which would fall into Category 2 if the watershed

Regulations of Connecticut State Agencies

TITLE 25. Water Resources, Flood & Erosion Control

§25-37c-2

Department of Health Services

were used for drinking water supply.

(3) Category 3. Land which is either:

i. Not listed in Categories 1 or 2 with slopes less than fifteen percent (15%) *with* significant interception by wetlands, swales, and natural depressions between the slopes and the watercourses; or

ii. on watersheds for future reservoir(s) which would fall into Category 3 if the watershed were used for drinking water supply.

(4) Category 4. Land which is:

i. Completely off public drinking supply watersheds and which is within 150' of a distribution reservoir or a firstorder stream tributary to a distribution reservoir.

(c) Class III land includes all land owned by a water company which is:

(1) Unimproved land off public drinking water supply watersheds and beyond 150' from a distribution reservoir or first-order stream tributary to a distribution reservoir.

(Effective February 6, 1980)

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