§ 15-1501. Water withdrawals; permit.

1. Except as otherwise provided in this title, no person who is engaged in, or proposing to engage in, the operation of a water withdrawal system with a capacity of greater than or equal to the threshold volume, shall have any power to do the following until such person has first obtained a permit or permit modification from the department pursuant to this title:

a. To make a water withdrawal from an existing or new source or an increased water withdrawal from an existing permitted source;

b. To take or condemn lands for the protection of any existing sources of public water supply; or for the development or protection of any new or additional sources of public water supply;

c. To commence or undertake the construction of any works or projects in connection with the proposed withdrawal; or

d. To extend its supply or distribution mains into any new water service area or extension that has not been approved by the department or a predecessor commission; or

e. To make a significant change in the principal use of the water withdrawal system from that specified in the permit, or permit application.

2. All valid public water supply permits and approvals issued by the department or its predecessors shall remain in full force and effect for the purpose of satisfying the permit requirements of subdivision one of this section for existing water withdrawals from a source and in an amount authorized by such permit or approval. Until the department promulgates regulations pursuant to subdivision four of this section, nothing contained in subdivision one of this section concerning permits from the department shall be applicable to water withdrawals other than for a public water supply system.

3. Nothing contained in this title concerning permits from the department for water withdrawals shall be deemed to nullify the requirements of the State Sanitary Code applicable to drinking water supplies, including public water systems and bottled water facilities, in effect on February 15, 2012, as may be amended from time to time. No supplier of water shall make, install or construct, or allow to be made, installed or constructed, a public water supply system or any addition or deletion to or modification of a public water supply system until the plans and specifications therefor have been submitted to and approved by the commissioner of health or his or her designee as may be required by the state sanitary code.

4. The department shall promulgate regulations to implement a permitting program for water withdrawals equal to or greater than the threshold volume consistent with the requirements of this section which shall establish: (a) minimum standards for operation and new construction of water withdrawal systems; (b) monitoring, reporting and recordkeeping requirements; and (c) protections for present and future needs for sources of potable water supply. Such regulations may establish quantitative standards that maintain stream flows protective of aquatic life, consistent with the policy objectives of this article and any other conditions, limitations and restrictions that the department, in consultation with the department of health, determines are necessary to protect the environment and the public health, safety and welfare and to ensure the proper management of the waters of the state. The regulations may establish exemptions from permitting requirements in addition to those exemptions specified in this section.

5. The department is authorized to consolidate existing water supply permits for a public water supply system into one permit, and may require submission of an application for such permit where the department determines that such actions are necessary to protect the environment and the public health, safety and welfare and to ensure the proper management of the waters of the state.

6. Each person who is required under this section to obtain a permit shall annually, on a form prescribed by the department, report all

information requested by the department, including but not limited to water usage and water conservation measures undertaken during the reporting period. Information on water usage and water conservation measures shall be posted on the department's website.

7. The following water withdrawals are exempt from the permit requirements established by this section: (a) withdrawals used for fire suppression or public emergency purposes; (b) withdrawals that have received an approval from a compact basin commission which administers a program governing water withdrawals; (c) closed loop, standing column, or similar non-extractive geothermal heat pumps; (d) withdrawals for which a permit has been issued pursuant to the requirements of section 15-1527 of this title; (e) existing withdrawals for agricultural purposes provided the withdrawal has been registered with the department pursuant to the requirements of title sixteen of this article or reported to the department pursuant to the requirements of title thirty-three of this article on or before February fifteenth, two thousand twelve; and (f) withdrawals at remediation sites conducted pursuant to a federal or state court order or federal or state government agency agreement or order.

8. The department shall establish a water conservation and efficiency program with the goals of (a) ensuring improvement of the waters and water dependent natural resources, (b) protecting and restoring the hydrologic and ecosystem integrity of watersheds throughout the state, (c) retaining the quantity of surface water and groundwater in the state, (d) ensuring sustainable use of state waters, and (e) promoting the efficiency of use and reducing losses and waste of water.

9. The department shall issue an initial permit, subject to appropriate terms and conditions as required under this article, to any person not exempt from the permitting requirements of this section, for the maximum water withdrawal capacity reported to the department pursuant to the requirements of title sixteen or title thirty-three of this article on or before February fifteenth, two thousand twelve.